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**(Re)constructing the African notion of girls' readiness for marriage:  
insights from rural Malawi**

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## **PLAGIARISM DECLARATION**

I declare that this is my original work. The ideas drawn from the work(s) of others have been acknowledged or cited fully. I understand that copying the works of others and presenting them as mine is wrong. This thesis has not been submitted in the past, nor is it being submitted at any other institution.

Signed by candidate

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## Abstract

This ethnographic study is concerned with examining how communities in Chauma of Dedza district in Malawi construct “*girls’ readiness for marriage*” as the immediate lens through which child marriage can be understood. The social label of *girls’ readiness for marriage* refers to the complex constructions of notions of girlhood and girls’ sexuality, conscious and subconscious, that define the maturity of girls to enter marital arrangements. The choice of exploring the social construction of “girls’ readiness for marriage” is odd, as it may be mistakenly assumed obvious and unnecessary. However, this choice places emphasis on the process itself – that of ‘becoming ready for marriage’, one of the ways of understanding marriage decisions for young girls. And yet, this phenomenon has not received much scholarly attention in recent times. In this study, I adopt a social constructionist perspective to question and challenge how communities have constructed and reproduced notions of girls’ readiness for marriage. The study argues that girls’ readiness for marriage is a complex construction that is informed by interrelated and yet, exclusive, conceptualisations. It is crystallised by multiple, intertwined, politicised and, sometimes, contradictory, motifs, created by girls themselves and by other actors around them. These constructions are multiple layered and centrally revolve on the formulation and maintenance of traditions. The first layer in these constructions is a dyad of pull forces that shape and influence girls’ readiness for marriage. One part of these largely constitutes customary and religious traditions, which not only define girls who are ready for marriage, but also influence the acceptance of girls’ maturity for marriage. The other part comprises the symbiotic relationship between traditions and the power of traditional authorities. Perched at the fulcrum of maintaining the institution of chiefship are gendered and sexuality-based traditions, which are used to legitimise the exercise of chiefly powers over their subordinates. As this form of power is being exercised, girls’ readiness for marriage is shaped. Foregrounded by the pull of social forces of traditions and the political economy of chieftaincies, is a second layer, where girls’ readiness for marriage is conceptualised in other distinctive ways. These include physical and mental maturity, sexual maturity, perceived loss of innocence (pregnancy and dating), ability to perform gendered household chores and commencement of menstruation. In these constructions, despite its popularity amongst development and human rights discourses, the chronological age of 18 is not considered as a fundamental marker for girls’ readiness for marriage. The study therefore stresses that activists, development practitioners and governments working on child marriages should be conscious of local contextual conceptualisations of girls’ readiness for marriage before developing policies and programmes that aim at eradicating child marriages. The facets of the context-specific nature of girls’ readiness for marriage are missing in the conceptualisation of the main childhood scholars, yet they emerge as important aspects in this study. The study points to the need for these facets to be incorporated into the core elements of programmes to create a more holistic framework of analysis. Through girls’ readiness for marriage, this thesis also highlights many other aspects; it challenges several other assumptions around gender, sexuality, religion, universality of childhood and on power of chiefships.

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Finally, to God above, may all the glory be to you, you are indeed the YAHWE!

## Abbreviations

AU	African Union
ACRWC	African Charter on the Rights and Welfare of the Child
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CSO	Civil Society Organisation
UNCRC	United Nations Convention on the Rights of the Child
FGD	Focus Group Discussions
KII	Key Informant Interviews
MDHS	Malawi Demographic Health Survey
NGO	Non Governmental Organisation
OAU	Organisation of African Unity
SADC	Southern African Development Community
TA	Traditional Authority
UNICEF	United Nations International Children's Emergency Fund
UNFPA	United Nations Population Fund
WHO	World Health Organisation

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# Chapter 1| The moral panic

## 1.1. The problem

Globally, every year, 15 million girls are married before they turn 18 and it is estimated that between 2011 and 2020 more than 140 million girls will become child brides...And each number wears the face of a child (Machel & Gharagozloo-Pakkala, 2015)

This study examines the social construction of girls' readiness for marriage as immediate lens through which child marriage<sup>1</sup> can be understood. I ascribe the term "girls' readiness for marriage" to refer to girls' maturity for marriage. In anthropological and sociological discourses, this social label has received limited attention, as it has mostly been attached to research on the transition of girlhood to womanhood (cf Batisai, 2013; Carstens, 1982; Jules-Rosette, 1980; Munthali & Zulu, 2007; Rigby, 1967; Talakinu, 2018). This omission is explained as arising from the long history of limited sociological attention to children and childhood, as the focus has tended to be on adults and adulthood (Holloway & Valentine, 2000; Qvortrup, 1987).

And yet, in legal and policy debates, girls' readiness for marriage has become an important yardstick, with 18 years as the minimum age to categorise girls who fit into this label (African Union, 1990; UNICEF, 1989). This measurement has allowed the quantification of girls into the category of "child brides" or "child marriage victims". Recent estimates show that approximately one-third of all girls in the developing world marry before the age of 18, the majority of whom are in South Asia<sup>2</sup> and sub-Saharan

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<sup>1</sup> The definition of child marriage as an issue remains contentious, with other schools of thought preferring to label it "early" and "forced" marriage. Some scholars prefer the latter for its descriptive precision, which underscores the fact that often times, girls agree to marry early because they lack education, resources and other opportunities in their lives (Green, 2014:2) The use of the term, child marriage, has, however, gained support amongst development practitioners and applied researchers, and has operationally been defined as the formal or informal union in which one or both spouses are under 18. (cf. Beattie et al., 2015; Stith, 2014; UNFPA, 2012:10; UNICEF, 2005:1).

<sup>2</sup> Recent statistics demonstrate that South Asia has the highest decline in prevalence rates from 49% to 30%. (See statistics available at <https://www.unicef.org/stories/child-marriage-around-world>. Accessed on 30 June 2020).

Africa (cf UNICEF, 2014 & UNICEF, 2020). Even though a downward trend<sup>3</sup> has been observed in some contexts, the numbers of girls who marry by this yardstick continue to sour, and concerns about child marriage as a violation of girls' rights have been raised.<sup>4</sup> Similarly, as the quote by prominent child rights activists above suggests, it is the pairing of marriages with children that is unsettling. Therefore, a plethora of global scholarship and policy debates, which heavily problematise child marriage as a development crisis, exists. These prequalify child marriage as a “problem” in need of redress by 2030.<sup>5</sup>

Globally, the tendency to problematise aspects of childhood is rather unusual. In the United States, Harari and Vinovskis (1993:25) report that teenage pregnancy only received negative attention a few decades ago, before which it was not an issue of concern. These researchers concluded that this shift was a result of a manipulation of myriad factors – social, demographic and political – that all worked to elevate the status of teenage pregnancy as a problem in need of redress. In the African context, Sloth-Nielsen (2012:2) posits that children in pre-modern African contexts contributed to both the means of production and reproduction; as such, childhood during this era was not “a protected period of physical and psycho-social development” as is constructed in the Western contexts. This means that, during this period, African children and childhood were somewhat free of scrutiny, as children were allowed to perform what are considered adult duties in Western contexts. However, this is not to say that Western childhoods have always been as protected, as historical accounts suggest otherwise (Ariès, 1962a; Heywood, 1988).

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<sup>3</sup> A recent statistical analysis of 31 countries shows some downward trend in some parts of the world. However, there was no evidence of reduced occurrences in Chad, Malawi, Tanzania, Zimbabwe, and Namibia (see Koski, A., Clark, S. & Nandi, A. 2017. Has child marriage declined in sub-Saharan Africa? An analysis of trends in 31 countries. *Population and Development Review*. 43(1):7-29.

<sup>4</sup> Girls not Brides, a network of civil society organisations (CSOs) emerged out of these concerns. Today the network has over 1 000 members, who continue to advocate for the elimination of child marriages. (See <https://www.girlsnotbrides.org/about-girls-not-brides/>).

<sup>5</sup> The seriousness of the issue is also captured in the articulation of the Sustainable Development Goals. Eradication of child marriage is one of the specific targets for the measurement of SDG 5.

The protection of African childhoods hinges on the domestication process of international law. Honwana and De Boeck (2005:3), in their analysis of children and youth in Africa, point out that it is through international law and related concepts of child rights that children have been portrayed as being in need of protection.<sup>6</sup> Indeed the United Nations Convention on the Rights of the Child (1989) and the African Charter on the Rights and Welfare of the Child (1990) have been widely adopted and domesticated by African states. This is not to imply that the domestication of international law was a smooth sailing process, as dictatorial regimes that mushroomed in post-colonial Africa merely adopted the child rights instruments as public relations stunts. Chirwa and Kaime (2008) report that it was only after the advent of multiparty democracy that child rights began to be realised in Malawi, as the previous one-party regime paid no attention to child rights. Nonetheless, this study weighs in on such discourses.

The academic and policy debates on child marriage have also specifically isolated the “girl child” as a unit meriting special analysis. This is because of the intersectional manifestation of gender and sexuality, where more girls are found in child marriages than boys. Thus, girlhood, a subset concept of childhood, albeit specific to the girl child, has taken centre stage in the development discourse. Despite the stark contextual differences, Jasodhara Bagchi’s narration of Indian girlhood provides comparable accounts that echo experiences of girls in most African countries. Bagchi (1993:2214) asserts that evidence presented in history and literature of girls suffering provides a clear rationale behind studying this social category in depth. Writing on Bengali girls in India, Bagchi bemoans that, of all major items listed as social practices that colonial masters in the 19<sup>th</sup> century considered as “barbaric treatment” meted out by Indian men on their womenfolk, the girl child emerged as a “chief victim”. These included female infanticide, child marriage, the

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<sup>6</sup> In many countries including Malawi, legislative efforts are now widely available to prevent marriages of children. In 2013, the World Policy Analysis Center mapped minimum age of marriage laws for girls. These were found in all the countries in sub-Saharan Africa, and 93% of these countries had 18 years as the minimum age. (See <https://www.worldpolicycenter.org/policies/what-is-the-minimum-age-of-marriage-for-girls/what-is-the-minimum-age-of-marriage-for-girls>). And yet, despite these efforts, high levels of child marriages still persist.

consequential suffering of child widows and the *suttee* – the immolation of young, nubile widows on the husband’s pyre (Ibid.). And yet, neither boys nor men were subjected to similar treatments. Thus, girls’ sexuality provided colonialists with a moral justification for the British rule in India.

As in India, similar observations have been documented elsewhere where the British ruled. In these countries, colonialists were concerned with the treatment of a girl child. Admittedly Eurocentric in its sources of data,<sup>7</sup> Emmet Mittlebeeler, a then visiting professor of the University College of Rhodesia and Nyasaland, provides insights into the colonial perspectives of African customs and Western law, including perspectives of child marriages in Rhodesia, the present day Zambia and Zimbabwe. In his account, Mittlebeeler documents how colonialists laboured in saving African girls and women from unconsented marriages. Through the various ordinances that evolved since 1901, colonial administrators ensured that girls entering marriage contracts, whether at point of marriage registration or marriage solemnisation, as per prevailing requirement, consented to the unions. For example, in the 1912 ordinance, colonial administrators in Rhodesia decreed that forcing a girl into a marriage without her consent was liable to a penalty of a maximum of fifty pounds or imprisonment up to six months (Mittlebeeler, 1976:71).

Similarly, in her historicised accounts of the emergence of girlhood in Nigeria in her book, *Making modern girls: a history of girlhood, labour, and social development in colonial Lagos*, Abosode George argues that the modern child was made in the era of imperial liberalisation.<sup>8</sup> She posits that colonial governments took an interest in marginalised populations, including children, during the interwar period, an era that she considers “the age of imperial liberalism in Africa”. She writes: “[F]iltered through the frameworks of imperial liberalism and the emergent field of social work, the African child became articulated as a sign of vulnerability, African pathology and the paradoxical

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<sup>7</sup> Mittlebeeler himself admits to this observation in his book as the content of his analysis is based on interviews with Europeans who served in colonial Rhodesia.

<sup>8</sup> During this era, colonialists believed themselves to have liberated Africans from several ills, such as slave trade, child marriage, etc.

possibility of Africa development” (George, 2014:63). Again, both Mittlebeeler and George show how girls’ sexuality has been a fortress to political power and provide often-ignored insights into the influence of imperial liberalisation on African childhood and girlhood.

In addition to the observations articulated in the foregoing sections, the field of child marriage is also affected by huge research gaps. Most scholarship on child marriages focuses on the demographic trends as a way of measuring progress and impact for its elimination (Koski, Clark & Nandi, 2017, UNFPA, 2012, UNICEF, 2014). Although limited to providing statistics, these studies recommend the need to use data to guide effective and efficient programming on eradicating child marriages. For instance, *Marrying too young*, a UNFPA report (2012), provides global trends and deduces future projections of child marriage, and also begs for in-depth research on the issue. Some researchers in the field have echoed these calls. They underscore the importance of further research in the field as a prerequisite to “additional investment that could catalyse change” (Greene, 2014:2) and have suggested attention to the “depth” and “severity” (Nguyen & Wodon, 2012:2).

Further, the majority of evidence on child marriage has been generated in South Asia. Even so, most of it focuses on depicting patterns and correlations of child marriages with other variables, such as teenage pregnancy, education, and fertility (cf Beattie *et al.*, 2015, Jensen & Thornton, 2003). In sub-Saharan Africa, very few in-depth studies have been undertaken to understand the issue beyond the statistical associations. Such studies are new, and have focused on a few countries. For example, Petroni *et al.*’s (2017) comparative study in Kenya, Senegal, Uganda, and Zambia,<sup>9</sup> was recently conducted to contribute to a greater understanding of the drivers of child marriage in these contexts (Petroni *et al.*, 2017). These researchers report that inadequate investments in girls’ education by parents is a result of inequitable gender norms that prioritise women’s roles as wives, mothers and household carers (Ibid.:6). However, even these studies have

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<sup>9</sup> Three of these countries are in East Africa, and only Zambia is in Southern Africa.

neither explored the conceptualisation of girls' readiness for marriage to reveal how girls marry nor have they examined key social forces that pull and determine the conceptualisation of girls' readiness for marriage.

To date, scanty sociological research has been conducted, specifically in Malawi, to understand the construction of girls' readiness for marriage; within its realms, the issue of child marriage continues to thrive. Again, no sociological research has been instigated to explore the construction of childhood in the context of child marriage in the country. It is the absence of children in the sociological research agenda that has compelled researchers interested in children as competent beings in their own right to begin to study the various attributes of childhood (Holloway & Valentine, 2000:764). These researchers are also interested in ways in which childhood is socially constructed by societies in different ways, in different times and places. Thus, this research also contributes to making African childhood experiences visible in sociological scholarship.

This study emerges out of several debates in academic literature. First, are polarised debates on childhood. On one hand are those that conceive children and childhood as universal. This means that children and childhood experiences are deemed similar, irrespective of gender, colour, race, or creed. These are dominated by children and women's rights instruments, where universalistic notions of childhood reign supreme (African Union, 1990; United Nations General Assembly, 1959; United Nations General Assembly, 1989). On the other, are those who advance that children and childhood are relative and context-specific (George, 2014; James, Jenks & Prout, 1998; Kaime, 2009b; Zelizer, 1994). In these schools of thought, children and childhood evolve over time and are bound to differ from place to place. This study is positioned in the latter, as it reveals and emphasises particularistic notions of children and childhood.

Second, are debates on the sociological conceptualisation of childhood. Proponents of the "new school of childhood" claim a sociological paradigm shift from the way childhood was understood in presociological times, that is, before the emergence of the the new school (James & Prout, 2015; Jenks Chris, 2005; Qvortrup, 1987). They therefore dismiss

the possibility that contemporary childhoods can be understood within development psychology or socialisation parameters. The other side consists of scholars who dismiss the claimed sociological paradigm shift as a myth (Ryan, 2008). Contrary to the latter, findings of this study show that the construction of girls' readiness for marriage is an amalgamation of what has been termed sociological childhoods and presociological childhoods.

Third, is scholarship on the emergence and maintenance of traditions and traditional authority. These debates are important, as traditions and traditional authority are often evoked to justify a wide range of African social phenomena. Two main strands exist. First, are earlier debates that maintain that, what we call "African traditions" (both cultural and religious) and native power embodied in traditional authority, are far from the old traditions that existed on the continent (Chanock, 1985; Mamdani, 1996; Ranger, 1983). These scholars ascribe to the idea that traditions and traditional authority are alien or, to use Eric Hobsbawm's (1977) term, "invented". Thus, this scholarship has been instrumental in examining colonial influence on the social fabric of African societies by maintaining that colonialism is the force behind what came to be known as African customs and traditions, including the political institution of traditional authority or chieftaincy. However, a new wave of scholarship no longer finds these explanations theoretically sound in present times. In these new discourses, the renewed strength of chieftaincies, for example, is not legitimised by the state, as earlier debates suggest (cf Chanock, 1985; Mamdani, 1996), but that it is a product of the changing global economy (Comaroff & Comaroff, 2018; Geschiere, 2018). Thus, this study, as presented in Chapters 5 and 6 also contributes to debates on the politics of traditions, as, in constructing girls' readiness for marriage, traditions (both customary and religious) and powers vested in the institution of traditional authority are constantly invoked.

Finally, are concerns over children and young people's sexuality. Nolwazi Mkhwanazi (2012), a South African scholar, writes that adult concerns over girls' or young women's behaviour in Black communities have largely been centred around their sexuality and pregnancy. Writing on South African girls, Mkhwanazi brings to light negative and

problematized images of girls that elders have always had, as a result of exercising their sexuality. As early as the 1900s, elders were concerned with preserving girls' purity, whereby girls were not expected to become pregnant before the payment or negotiation of bride wealth (Mkhwanazi, 2012:75). This was coupled with apprehensions over illegitimate children – those born out of wedlock – an issue that also characterised girls' sexuality. Such representations of young girls' sexuality, Mkhwanazi observed, continued during the era of HIV, where their sexuality was said to “drive” the epidemic, in as much as girls were seen as more vulnerable. These observations demonstrate that the policing of girls' sexuality has been a long-standing feature in African societies and, therefore, an important dimension in understanding the nature of girls' sexuality on the African continent.

This study therefore challenges the Eurocentric<sup>10</sup> conceptualisation of girls' readiness for marriage through which child marriages are presently understood. Contrary to present academic and policy debates that conceptualise girls' readiness for marriage by age of birth, this thesis, rather, argues that girls' readiness for marriage is a complex construction comprised of multiple, intertwined, politicised and, sometimes, contradictory, motifs, created by girls themselves and by other actors around them. These constructions are multiple layered and centrally revolve on the formulation and maintenance of traditions. The first layer in these constructions are the double-edged pull forces that shape and influence girls' readiness for marriage. One part constitutes customary and religious traditions, which define girls who are ready for marriage and also influence the acceptance of girls' maturity for marriage. The other part comprises an intersection between traditions and the political economy of chieftancies. In this relationship, the institution of traditional authority is maintained by gendered and sexuality-based traditions that are used to legitimise the exercise of chiefly powers, while simultaneously shaping girls' readiness for marriage.

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<sup>10</sup> The term, Eurocentric, is loosely used to capture Western, American and European views.

As the second layer, this study also advances the proposition that girls' readiness for marriage is shaped by intricate gendered values and beliefs of how the world should be lived in and of a particular way of perceiving the world. In these perceptions, girls who can satisfy their men sexually, perform household duties, possess big butts and 'pointed' breasts are conceptualised as ready for marriage. Constructions of girls' readiness for marriage are also entrenched in ideas and beliefs around child innocence. Girls who begin their menses and those who fall pregnant lose their "innocent gaze" and are conceptualised as women ready for marriage. Thus, this thesis challenges hypothesised and ring-fenced notions of childhood that strictly theorise it as social, tribal, minority, and social structural. Perspectives offered by this thesis are important as they constitute alternative ways of understanding African childhoods. The study aim, objective and research questions are the subject of the next section.

## **1.2 Research aim**

The aim of this study is to examine the construction of girls' readiness for marriage, in order to develop a framework of thinking that aids our understanding of child marriages. This is important as it contributes to analytical gaps in sociological discourses. Furthermore, the framework is useful for policy makers and development experts in the field.

## **1.3 Research objectives and questions**

The overall objective of this study is to **explore the social constructions of girls' readiness for marriage in Malawi**. To address this objective, the following are the research questions for this study:

1. *How is the social construction of girls' readiness for marriage reflected in the laws of Malawi?* The aim of this research question is to investigate whether and how the social constructions of girls' readiness for marriage are incorporated in laws in order to establish the congruency between legal frameworks and people's lived realities.

2. *What pull social forces influence the conceptualisation of girls' readiness for marriage?* This research question aims to identify and examine social parameters that shape and influence girlhood and the conceptualisation of girls' readiness for marriage in order to demonstrate the key social forces that are important in understanding African childhoods. It unravels the power dynamics generated by these forces and shows how girls deploy and negotiate such dynamics.
3. *How is girls' readiness for marriage conceptualised in Chauma?* This research question seeks to understand how girls' readiness for marriage is constructed by girls and those around them. It unravels the specific ways in which girls' readiness for marriage is constructed in Chauma. It cements the questioning of the relevance of age as a measure of maturity in African contexts.

#### **1.4 Significance of the study**

This study has substantial contributions on how girls' readiness for marriage as lens through which child marriages can be understood. International development discourses prioritise the enforcement of 18 years as remedial towards the eradication of child marriages. These efforts undermine and ignore particularistic constructions of readiness for marriage through which child marriages could be addressed. Academic scholarship has discussed child marriage and its correlation with education, poverty, fertility and other attributes. However, studies on child marriages still lack in-depth analyses of how girls marry. It is against this backdrop that it is important to understand obscured and taken-for-granted meanings of how society constructs readiness for the marriage. This will inform policy makers on key pull social forces that govern the proliferation of child marriages and offer alternative ways of understanding the issue. Findings of this study also enhance our understanding of girlhood and sexuality post-colonially. It also fills the academic knowledge gap on theorising childhood in African contexts.

## **1.5 Contribution to scholarship**

The social construction of girls' readiness for marriage is shaped by complex and convoluted forces. These include the social, political, historical and moral forces (Qvortrup, 2009). However, strongly emerging from this study is a missing force of traditions that is dismissed and omitted by other key theorists in the field (James, Jenks & Prout, 1998). These forces are fundamental, as they render childhood particularistic and context-specific, thereby differing from the Eurocentric political economy of understanding childhoods (Zelizer, 1994), at the same time highlighting the danger of conflating Africa as one region. Also strongly emerging are physiological and socialisation conceptions of childhoods. Thus, these forces should be incorporated into the core elements of conceptualising sociological childhoods.

This study fills key literature gaps on gender and African sexuality in the conversations about colonialism, where scholars have paid little attention to the gendered effects of traditional authority on girls' sexuality during the colonial period and post-colonially. While this study acknowledges classic work that tackled traditional authority (Mamdani, 1996), they mainly focus on showing how the traditional authority served the colonial agenda with little regard to the gendered dimensions of power invested in these structures.

The study also provides a nuanced understanding of child marriages in Africa. It acknowledges recent and pioneering studies in the region that have shed more light on the issue (Petroni *et al.*, 2017). However, these have mostly focused on East Africa and Zambia. This study focuses on Chauma in Malawi. The novelty of this study lies in its offering of an alternative framework through which child marriage could be understood.

## **1.6 Organisation of the study**

The current chapter has introduced the study.

**Chapter 2** discusses (a) the conceptual framework and (b) methodology underpinning this study. It creates a framework through which girls' readiness for marriage can be

explained. In the first part of the chapter, I discuss how childhood is theorised and discuss my rationale behind the selection of the socially constructed child as an analytical tool of choice. The section also highlights how the study is supported by post-structural theory, particularly as it relates to its conceptualisation of power and subject formation. This is important as it allows the isolation of manifestations of power and typology of objectives that are prevalent in power dynamics that operate to shape girlhood and girls' readiness for marriage. It then proceeds to discuss other concepts that are key for this study. These include dominant discourses on customs and traditions, traditional authority, pricing childhood and sexuality. I contend that these elements, read together, provide a coherent framework for this study. I therefore introduce my framework for constructing girls' readiness for marriage. The second part of the chapter discusses the research methodology, where I argue that my methodology was the best to guide the nature of the inquiry.

**Chapter 3** reviews literature on childhood, girlhood and marriages and explores a historical perspective of the study. It demonstrates that the construction, girls' readiness for marriage, is perched between polarised constructions of childhood and adulthood. The chapter also emphasises the need for understanding African marriages as a process and not once-off events. It argues that present conceptualisations of girlhood have evolved over time, and are a product of historical forces prevalent in different historical moments. At present, these conceptualisations are compounded by global configurations that have reshaped the social fabric and thus modified the present conceptualisation of girls' readiness for marriage.

**Chapter 4: *Ukwati ulibe saizi: Marriage has no age*** addresses the first objective of this study and challenges the presently dominant construction of girls' readiness for marriage in age terms. It demonstrates that the current marriage yardstick of 18 years is a Western construction and, as such, problematic in its universalised application in African contexts. It is against this backdrop that Chapters 5, 6 and 7 build on to demonstrate that the

construction of readiness for marriage relies on subject positions,<sup>11</sup> where formulation and maintenance of traditions and chieftaincies shape girls' readiness for marriage and influence their marriage finalisation.

**Chapter 5: Pricing girlhood and girls' sexuality** explores the conceptualisation of a child through initiation ceremonies traditions and examines the price attached to girlhood and girls' sexuality. It argues that girlhood and girls' sexuality are fundamentally shaped by traditions (both customary and religious), the most important underlying factor that explains the "traditional" construction of girlhood and sexuality in African contexts, even though the pricing of girlhood and girls' sexuality appears in economic terms. Of novelty in these findings is the intersection between Islamic religion and customary traditions for mothers, a relationship that dislodges widely held beliefs of Islam in negative terms. However, this relationship cannot be glossed over as positive, as it is surrounded by other interests within the Islamic religion.

**Chapter 6: The political economy of traditional authority and girls' sexuality** extends the discussion on the "traditional" price tag for girls' sexuality in Chapter 5 to demonstrate the implications of Mamdani's "Decentralised Despotism", that is, the introduction of native power – traditional authority – on girls' sexuality. It provides an additional layer through which the "traditionalisation" of African societies is abused. The chapter argues that it is the formulation and maintenance of power vested in traditional authority structures that shape girlhood and girls' sexuality. More importantly, the chapter argues that it is the interplay of the political economy of traditional authority and girls' sexuality that shapes and influences girls' readiness for marriage. Thus together, Chapters 5 and 6 comprise a dyad of pull forces – traditions and traditional authority – that influence girlhood and girls' sexuality.

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<sup>11</sup> Subject positions in this context refers to girls' positioning in society as a product of relationships of power . See Section 2.1.2 on subject formation.

**Chapter 7: Can she pull an oxcart? *Kodi ngolo atha kukoka?*** builds on challenged Eurocentric conceptualisation of girls' readiness for marriage depicted in Chapter 4, and pull forces that shape girlhood and girls' sexuality depicted in Chapters 5 and 6 to offer other ways in which girls' readiness for marriage is constructed. It argues that the notion of maturity that is embedded in the figuration of girls' readiness for marriage is a complex construction that crystallises multiple, intertwined, politicised and, sometimes, contradictory, motifs, created by girls themselves and by other actors around them.

**Chapter 8** summarises the study focus and findings of the study. It concludes and also offers future considerations for policy makers and development practitioners on child marriage.

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## **Chapter 2| Girls' readiness for marriage: theoretical and methodological grounding**

This chapter outlines the theoretical framing for the analysis of girls' readiness for marriage and proposes a prism through which the concept could be better understood. It also discusses methodological aspects that underpin the study. The chapter is thus divided into two sections.

The first section begins by briefly discussing the ontological positioning of this study within social constructionism and poststructuralism. It then highlights the sociological theorisation of childhood as a means of understanding contemporary childhoods. Following that, it turns to deliberate the ways in which (feminist) poststructuralism supports this research by discussing power and subject formation. Key analytical concepts for the study are then presented, wherein customs and traditions, pricing and valuing of childhoods and sexuality are flagged.

The second section of the chapter describes the study methodology. It is a "coherent set of ideas about the philosophy, methods and data that underlie the research process and the production of knowledge" (McCall, 2005:1774). It also describes the research activities, and reflects on experiences that may have enabled or hindered the research process and the production of knowledge.

### **2.1. Ontological positioning**

A central question for this study is how the subject, the girl who is ready for marriage, is constructed. Such questioning demands the debunking of humanistic views of subject formation, a fundamental theoretical and analytical element shared by both social constructionism and poststructuralism (Berger & Luckmann, 1991; Foucault, 1982; Qvortrup, 2009). Social constructionism, on one hand, both labours with the empirical variety of knowledge in human society and also in the actual process through which such knowledge is created and maintained (Berger & Luckmann, 1991:15). On the other hand,

it is interested in the concrete application of formed constructs and their impact on creating reality and consequences thereof (James, Jenks & Prout, 1998:28). Thus, the quest of social constructionism is a balance of two worlds: one that attempts to understand how reality is socially created, the other with an appreciation of how such construction influences the everyday lives of social beings. Such theorisation implies that (re)constructing girls' readiness for marriage not only demands the assessment of how the concept becomes, is transmitted or maintained, but also how it impacts the everyday lives of girls.

The question of how the "girls become" is also fundamental for (feminist) poststructural theory, where perspectives on power and subject formation are central. In this perspective, subject formation is a paradox, as the same processes that make one a subject are also a means through which one becomes an agent (Foucault, 1982). Agency in critical feminist poststructuralism is not understood as resistance (Mahmood, 2005), a position that allows the identification of other forms of agency whose meanings are not covered in the subversion and resignation of hegemonic discourses. These perspectives enhance our understanding of how the pull factors, which shape girlhood and girls' sexuality, work. They also assist in understanding how women and girls negotiate power dynamics as they emerge from these key pull forces.

### **2.1.1 Sociological theorisation of childhood**

The conceptualisation of childhood underpins the focus of this study, as girls' readiness for marriage is a manifestation of the concept of childhood.<sup>12</sup> Childhood as a concept was coined by Jean-Jacques Rousseau (1712-1778) in the eighteenth century (Honig, 2009:65), but it was only in the twentieth century that the concept became widely

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<sup>12</sup> In this study, childhood is used as an umbrella term which encompasses girlhood as its subset. Girls' readiness for marriage is understood as a representation of girlhood, a gendered subset of childhood. Other scholars have also analysed aspects of girlhood using the childhood prism. See George, A.A. 2014. *Making modern girls: a history of girlhood, labor, and social development in colonial Lagos*. Ohio University Press.

accepted (Qvortrup, 2005:3). Earlier conceptualisations of childhood are tied to socialisation and development theorists, where children were understood as being in a process of becoming adults.<sup>13</sup> In sociology, it was not until the late twentieth century that the concept received special interest, as the birth of the social school of childhood<sup>14</sup> provided a new twist. Jens Qvortrup (2009), a leading scholar of the field emphasises that this was the first time that sociological and anthropological research understood childhood with the twin concepts of structure and agency; the idea that social change (childhood) is a product of an interplay of structural factors or is, rather, a product of human interventions. These two pillars have preoccupied some of the best minds of this school of thought to date.

Honig (2009), in “How is the child constituted in childhood studies”, clarifies the essence of the new social study of childhood. He alludes that in this school, the question of “a child is a methodological question”(Honig, 2009:69). That is to say, it is concerned with how childhood should be studied. Central to this question is approaching childhood as a social construct, where children are also viewed as social actors rather than passive recipients. This means that childhood(s) is constituted by elements of the same society that it inhabits, and children are far from being “creatures” that simply absorb what they are given. These ideas are best expounded by Qvortrup (2009), who, in “Childhood as a structural form”, provides some useful insights.

Qvortrup (2009) argues that childhood is a structural term and, as such, it is not understood as a period that is bound to end. Instead childhood is understood as permanent, with no beginning or end, but a perpetual social space that remains even though the children that it receives come and go through generations (Qvortrup, 2005:26). In this permanency, childhood is understood as a generational segment, just like adulthood or

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<sup>13</sup> Jenks (1982) views Talcott Parsons’ theory of socialisation and Jean Piaget’s theory of cognitive development as classic examples of this wave of scholarship.

<sup>14</sup> The proponents of this school of thought posit that this is not to say that earlier sociologists (e.g Talcott Parsons) paid no attention to childhood, but that they did not view children as possessing agency, and childhood had no place in the social structure. (See Qvortrup, 2009:22.)

old age. This suggests that in the new social study of childhood, of interest are not individual children, but the category to which they belong. As he summarises: “It asks you to think in terms not of child development but rather of development of childhood”(Qvortrup, 2009:23). The difference between development of the child and child development, he explains, is that the latter is typical of developmental psychology, where childhood is a movement towards a desirable state, the essence of the socialisation process. The former is composed of structural parameters – political, social, cultural and technological – and, as such, childhood at any given point is a product – a social construction – of the interactions between the prevailing parameters – structural forces (Ibid.:25). His articulation of the structural forces therefore suggests that, within their interactions, stronger parameters are bound to dominate the constructions of childhood. With the understanding of childhood as a generational segment, these forces do not just affect childhood, but all the other generational units, except with varying intensities due to their different positioning in society (Ibid.:27).

In the above perspective, Qvortrup raises two important elements crucial for the conceptualisation of childhood: identification of structural forces and the positioning of childhood in society. These imply that understanding childhood should entail the knowledge of existing parameters that are central to its shaping, but also the position that childhoods occupy in society. These articulations are useful, as they allow the isolation of pertinent structural forces that shape childhood in particular contexts. In conceptualising readiness for marriage as a manifestation of childhood, Chapter 5 isolates traditions as structural forces that shape girls’ readiness for marriage. However, these structural perspectives of childhood, as articulated by Qvortrup, are grounded in the dismissal of individual dispositions that may be useful in constructing childhood. It is also based on the assumption that no other forces may be important in constructing childhoods, an idea that he shares with James, Jenks and Prout (1998), other key theorists of the new social study of childhood. As I will momentarily show, such perspectives may not work in other contexts.

In their contribution toward the conceptualisation of childhood, James, Jenks and Prout (1998) in *Theorising childhood* embark on a project that also provides a framework to understand contemporary childhoods. In this endeavour, they undertake two projects. First, they identify a quadrant classification of a child: the social structural child, the minority child, the tribal child, and the socially constructed child, as new sociological ways of classifying children. Second, they integrate four sociological dichotomies; (i) structure and agency (ii) identity and difference, (iii) continuity and change and (iv) local and global; into the childhood dichotomies. Here, I discuss the first project and return to discuss the latter in subsequent sections.

James, Jenks and Prout (1998) posit that the social structural child is one that emerges from the social structure of its time. Thus, the cultural, social and economic characteristics of a certain period determine how childhood is conceptualised (James, Jenks & Prout, 1998:32). On the other hand, the minority child ascribes children as a peculiar group, who are deprived of some freedoms and, as such, in need of being heard (Ibid.:31). Thus, the term “minority” is not to say that children are fewer in number, but rather is a term used to denote a moral classification. These two are conceptualised as binaries to the tribal child and socially constructed child.

On the other end of the continuum are the tribal and the socially constructed child. In these new discourses, the children’s worlds in the tribal child paradigm are recognised as real worlds just like those of adults, and childhood is understood as an independent space with its own social facts, such as, folklore, rituals, rules and normative restraints (James, Jenks & Prout, 1998:29). The onus, in this perspective, is, therefore, on researchers to uncover this world. In close existence to the tribal child is the socially constructed child.

The socially constructed child projects three distinct features. James, Jenks and Prout (1998) explain that

to describe childhood or indeed any social phenomenon, as socially constructed is to suspend beliefs in or a willing reception of its taken for granted meanings...such knowledge of the child and its life worlds

depends on the predispositions of a consciousness constituted in relation to our social, political, historical and moral context. Social constructionism stresses the issue of plurality, and far from this model recommending a unitary form, it foregrounds diverse constructions. (James, Jenks & Prout, 1998:27).

Thus, three elements can be highlighted. First, the acceptance that childhood may be constructed in ways that challenge our intelligibilities. For social constructionists, the call is not to dismiss such constructions, but rather, to recognise them as important elements in creating reality. Second, social constructionism underpins four forces that are central for the construction of childhood: social, political, historical and moral. This means that childhood, as a concept, is entangled in complex motifs that exist in society. For instance, the historical force has been exemplified in some studies, which have shown how conceptions of childhood have evolved over time. Abosede George (2014), in *Making modern girls: a history of girlhood, labour, and social development in colonial Lagos*, to which I return in Chapter 3 of this thesis, affirms the historical force in constructing childhood. By examining girl hawkers, George shows how colonial histories are important for gendered ideologies of childhood. Thus, George's books illustrate how society transforms beliefs, attitudes and concepts of childhood over time.

The third element is the notion that social constructionism welcomes the plurality of childhoods, and, as such, dismisses the notion of "universal" childhood. This implies that childhoods are understood as context-specific, and, as such, bound to differ from place to place. However, other scholars have cautioned against the very notion of multiple childhoods as advanced by social constructionists. Ishita Pande (2013) reiterates that other childhoods are incapable of exercising analytical weight except as local examples. Pande cautions that a "blind embrace" of multiple childhoods comes with the danger of cultural relativism that might justify cruelty, and, instead, proposes postcolonial feminist scholarship to address issues of ahistoricity and dangers of cultural relativism (Pande, 2013). To circumvent such occurrences, the socially constructed child should, therefore, be understood in reflection to the history of its context.

A theoretically controversial element that guides the isolation of the four sociological ways of understanding children above is the elimination of what James, Jenks and Prout (1998) call the “presociological child”. These are: the evil child, the innocent child, the immanent child, the naturally developing child and the unconscious child. In their description of these, they consider them as “the dustbin of history”(James, Jenks & Prout, 1998:9), meaning that they are considered as old and asociological ways through which children were understood. In fact, in their articulation of the contemporary ways of understanding childhood, they dismiss these by citing that they may only be “felt traces” (James, Jenks & Prout, 1998:26). By describing other ways of constructing childhood as “traces”, they largely undermine the possibility that contemporary childhoods may still be constructed in these ways. By implication, applying the new sociological way of understanding children on girls’ readiness for marriage would mean discarding any constructions that fall within these asociological childhood parameters. However, this is a tricky exercise and I will return to elaborate further on this point.

Of essence is also James, Jenks and Prout’s (1998) response to the methodological question of understanding childhood in the new social study of childhood. Thus, as their second endeavour, these authors, in theorising contemporary childhoods, integrated sociological dichotomies into the childhood dichotomies discussed above. In this regard, they advance four core sociological dichotomies, which, they argue, shape questions asked, and interpretations offered, by social scientists on childhood. These are (i) structure and agency,<sup>15</sup> (ii) identity and difference,<sup>16</sup> (iii) continuity and change,<sup>17</sup> and (iv) local and global (James, Jenks & Prout, 1998:200-216). These dichotomies imply that, when applied to the discourses of the child discussed earlier, additional elements of how a child or childhood should be viewed become visible.

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<sup>15</sup> The structural account posits that the individual is relatively passive in his making as a social being, as structure (a set of objective and external conditions) dictates the conduct of a human being). The agency account looks at the free will of individuals as active agents in generating the social.

<sup>16</sup> Establishing identity with, and difference from, is considered as a continuous issue of self and status.

<sup>17</sup> Continuity and change dichotomy trades on discourses that views childhood as continuity or as changing phenomena.

To reiterate, James, Jenks and Prout's (1998) contribution to the new social study of childhood is useful on two main fronts. The first relates to the first project, where they identify the quadrant for understanding contemporary childhoods. Within the realms of the socially constructed child, it provides a framework through which girls' readiness for marriage can be understood. Utilising this framework, as this study shows, it is possible to demonstrate the multiplicity of the construction of girls' readiness for marriage, to isolate forces that underpin these constructions, and to depict the plurality of girls' readiness for marriage. The second is the application of the sociological dichotomies into the quadrant classifications of childhoods. In conceptualising girls' readiness for marriage, these dichotomies become useful in how the concept of readiness for marriage is framed.

In my conceptualisation of girls' readiness for marriage, I adopt, albeit with limitations that I will expound in subsequent sections, the methodological perspective proposed by James, Jenks and Prout (1998) of the socially constructed child as a way of examining girls' readiness for marriage. This is because such theorisation allows for the re-evaluation, deconstruction and reformulation of childhood and girlhood as social realities. Thus, the paradigm permits a return to the concept of girls' readiness for marriage, the suspension of views that currently cloud our intelligibilities and the (re)examination of different or alternative ways in which girls' readiness for marriage is conceptualised. Such a process is fundamental, as it allows not only the understanding of girls' readiness for marriage, but also a broader comprehension of girlhood and girls' sexuality. It is only when we can understand how girls' readiness for marriage is conceptualised in particular African contexts that we can certainly claim to meaningfully understand child marriage in the region, and perhaps, in similar settings.

More so, application of the sociological dichotomies on the socially constructed child elevates several analytical tools. First, the child belongs to the social structure but in no sense of fixity. This non-rigidity renders a socially constructed child committed to radical relativism, a fundamental analytical tool for this paradigm. However, achieving such relativism demands epistemological distinctiveness. As James, Jenks and Prout expound:

It involves the coupled epistemological practices of returning to the phenomenon itself, and then showing how it is constituted or variously established in everyday life. Thus, within the socially constructed child mode of discourse, there is no essential child but always one that is built up through constitutive practices, in either a stronger or weaker sense. (James, Jenks & Prout, 1998:212)

Resultantly, the social construction of girls' readiness for marriage entails the suspension of what we think we know and (re)construction of how it is presently established. A stronger sense of constructing such a child is in a way that considers it "a product of its time and material conditions" – historicism; and the weaker sense would be in the role that "dominant modes of speech" construct a child-discourse theory (James, Jenks & Prout, 1998:213). Either way, such a child is thus local and particularistic rather than global, and temporal rather than fixed. However, as mentioned earlier, I adopt this perspective with two main caveats that are theoretically fundamental for understanding contemporary childhoods.

The first caveat relates to the relationship between the socially constructed child and culture. James, Jenks and Prout observe the existence of what they call an "intense" relationship between social constructionism and culture and how the approach is useful for cultural studies. They posit:

What is infanticide in contemporary non-western societies? Is it an immoral and criminal act or an economic necessity? Such questioning demonstrates social constructionism's intense relationship with cultural relativism and how the approach lends itself to a cultural studies style of analysis (James, Jenks & Prout, 1998:27).

Therefore, the socially constructed child perspective simply acknowledges a possible relationship between the two, but does not directly integrate culture or traditions as part and parcel of this perspective in understanding childhood. Instead, they place this aspect as part of the tribal and the social structural child. However, as Chapter 5 and 6 show, there is a fine line, if it exists at all, between the social conceptualisation of childhood and cultural beliefs or traditions. Specifically, this study shows the different ways through

which cultural beliefs or traditions influence and maintain the social construction of childhood and girls' readiness for marriage, thereby rendering the two as intertwined parameters. Thus, unlike James, Jenks and Prout, I integrate cultural beliefs or traditions as indispensable elements in exploring the social construction of girls' readiness for marriage, one of the essential parameters that Qvortrup (2009) also underscores. At the same time, as I will also show in section 2.1.4, I understand these cultural parameters or traditions as always in formation and not fixed.

The second caveat relates to James, Jenks and Prout's dismissal of "precolonial childhoods". I foreground this caveat in the critique that has been levelled against the new social study of childhood. Patrick Ryan (2008), in his review essay "How is the new social study of childhood? The myth of a paradigm shift", examines the substance of the new social study of childhood. First, he argues that the so-called epistemological break, or a paradigm shift that these theorists claim by providing new ways of understanding children and childhood are a myth. By drawing on the Foucaultian and Kuhn's interpretations of how to establish the creation of new episteme or paradigm shift, he argues that the new sociology of childhood is just a part of the modern discourses on personhood (individual agency and construction of social categories), which oppose the orthodox socialisation and development theories of childhood.

Ryan (2008) begins by singling out three tenets of what constitutes the new social study of childhood. First, is the idea that childhood must be studied as a political and cultural construction, a move away from attempts that construct childhood as natural. Second, is the view that children are understood as active subjects of their world, and not just as mere products of their environment. Third, is a claim that the new social studies of childhood make the move away from adult-childhood dualism.

Ryan then advances that "a field that purports to see children as actively participating in the construction of their own childhood cannot possibly transcend modern dualism" (Ryan, 2008:556). Thus, Ryan's critique centres on the third element of what constitutes the new social study of childhood, by underscoring that modern dualism simply opens the

possibility of exploring childhood, and not necessarily to suggest the simplistic boxing of the concept as these paradigm shift scholars claim. Over and above this, Ryan also faults the new social studies of childhood in that, even though they claim to have achieved a paradigm shift, their categorisation of sociological childhoods does not reflect the three elements that constitute this new school of thought. He therefore reconfigures the four-fold typology of childhood presented by James, Jenks and Prout to produce the political child (replacing the tribal child), the authentic child (replacing the minority child), the conditioned child (replacing the socially constructed child) and the developing child (replacing the social structural child). Therefore, by reconfiguring these categories of modern studies on childhood, he makes two central claims: (1) that the presociological versus the sociological distinction does not fit the political child, the type that encompasses the social actor theory that the new paradigm shift claims and (2) that the paradigm shift is questionable, as the reconfigured childhoods portray the relationship between competing theories of childhood, that is, what has been termed asociological and sociological theories, above.

However, Ryan's reorganisation of the four dimensions of childhood as presented by James, Jenks and Prout is based on a different rationale advanced by the three authors, which makes the comparisons somewhat problematic. His reorganised quadrants are based on two main areas. First, they are arranged based on the two central tenets of the new social school of childhood, that is: (a) that childhood should be viewed as political-cultural construct and (b) children should be viewed as active subjects of their environments. Second, they are organised by lines of thought which are seen as opposite to the first two areas. On the other hand, James, Jenks, and Prout organise their childhood dichotomies based on analytical characteristics of the identified schools of childhood. This difference suggests that the interests of the authors on these two sides are different, thereby rendering Ryan's critique problematic, as his attempt to gauge the new school of childhood is based on a faulty premise.

In addition, to an extent, I also find Ryan's critique as containing more historical undertones that aim to elevate the relevance of history in the study of childhood. Right

from the outset, Ryan, a historian himself, places emphasis on the relevance of the review for historians, that of providing “an alternative history of ideas about children”(Ryan, 2008:555), while reducing the new school of childhood by sociologists as a fantasy. And yet, James, Jenks and Prout purely labelled their endeavour as sociological, one that looks at childhood beyond as empirical phenomenon to one that is in need of analysis (James, Jenks & Prout, 1998:208). What is at stake here, I think, is whether the proposed sociological dichotomies make a difference in analysing childhoods, rather than debating if the epistemological shift occurred in the first place.

Despite the identified areas of conflict between Ryan (2008) and James, Jenks and Prout (1998), I find one element of Ryan’s critique useful in our understanding of contemporary childhoods. This is where he points to an existing interaction between what James, Jenks and Prout labelled presociological and sociological theories of childhood. Unlike James, Jenks and Prout (1998), who dismiss elements of presociological childhoods as a “dustbin” of history, I converge with Ryan to contribute that contemporary childhoods cannot be simple fitted into the quadrant framework of childhood.

This is because, I advance, the strict application of James, Jenks and Prout’s (1998) sociological childhoods in constructing girls’ readiness for marriage would mean discarding other conceptualisations of girlhood and girls’ sexuality. For example, as I demonstrate in Chapter 7, the conceptualisation of girls’ readiness for marriage also includes physiological and socialisation facets that define girlhood and girls’ maturity. Clearly, these conceptualisations divert from how childhood is conceptualised in this new paradigm, as they belong to the asociological child. Thus, the manifestation of these asociological ways presents a theoretical difficulty of the strict adherence to the identified classifications of childhood as proposed by the three theorists, as it challenges the new sociological way of understanding childhoods.

To put it succinctly, in my conceptualisation of girls’ readiness for marriage, I read it as a social construction, a product of multiple parameters, where structural parameters freely interact with the physiological and socialisation parameters. However, the extent to which

structural parameters shape girls' readiness for marriage depends on the positionality of childhood in society. This positionality is determined by power, the subject of the next section.

### **2.1.2. Poststructuralism: Power and subject formation**

Questions of power and subject formation are fundamental to this study, as they aid in understanding how structural factors that shape girlhood and girls' sexuality work. They are also central in understanding how girls and women negotiate these dynamics. I therefore analyse power to understand the institution of traditional authority and marriage negotiation traditions. The lens through which power and subject formation have been conceptualised in modern times has largely been inspired by the work of Michel Foucault, whose perspectives on these two concepts are also important to my work. Foucault's interest in the notion of power arises from his project to understand how humans become subjects.<sup>18</sup> His quest was, therefore, one of expanding notions of power beyond what is considered legitimate; and state power to include other forms that would enable us to understand how humans become subjects or the "objectivising of the subject" (Foucault, 1982:777).

In his definition, Foucault unpacks the concept of power as one that not only defines relationships between partners, but also as a way in which certain actions modify others. In this regard, he crystallises the existence of power beyond mere relationships to the application of action without which the concept of power is regarded as non-existent. He stresses:

It is a total structure of actions brought to bear upon possible actions; it incites, it induces, it seduces, it makes easier or more difficult; in the extreme it constrains or forbids absolutely; it is nevertheless always a way

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<sup>18</sup> Foucault's work focused on three modes of objectification. These are: 1. Objectivizing the speaking object, 2. Objectivizing the subject in divided practices and 3. The way the human being turns himself into a subject.

of acting upon an acting subject or acting subjects by virtue of their acting or being capable of action. A set of actions upon other actions (Foucault, 1982:789).

Foucault views power not as a static concept, but rather as one with the potential to unlock multiple positive or negative, restraining or facilitating possibilities upon subjects. However, significant to the power relationships are two elements that are indispensable. First, “that the other (the one over whom power is exercised) be thoroughly recognised and maintained to the very end as a person who acts” and second, “that, faced with a relationship of power, a whole field of responses, reactions, results, and possible inventions may open up”(Foucault, 1982:789). By this, Foucault suggests that it is the maintenance of “the other” that ignites the existence of power. However, he is also quick to point out that power does not necessarily imply consensus, as it is not a function of consent (Foucault, 1982:789).

Implicitly, Foucault’s perspective of power is one that adopts a standpoint that centres on analysing “antagonism strategies” as a means through which power is understood. In this view, resistance is seen as a “chemical analyst” for unearthing power relations, locating their position, point of application and methods used (Ibid.:790). By equating resistance to a chemical analyst, he infers that resistance should not be seen as an end goal, but rather as a point at which opportunities to identify dynamics of power relations are presented. He, therefore, posits that, to understand power, one should investigate the forms of resistance. It is this perspective of acknowledging the existence of resistance as a starting point to analysing power that Foucault shares with most structural feminists who tend to analyse power within the resistance frame. However, he differs from such feminists in that he does not view such struggles as being an attack on institutions of power, group, elite or class, but rather as a technique of a form of power (Foucault,1982:780).

Fundamental to subject formation is what Foucault calls the “paradox of subjectivation”, in which he argues that the same processes and conditions that make one a subject, are also the means through which one becomes an agent. He, therefore, identifies two forms of a subject: first, it is where one is a subject, given that one is dependent and controlled

by the other. Second, it is a self-afflicted type, where one is “tied to his own identity by a conscious or self knowledge”(Foucault, 1982:781). In these two types, he sees the possibility that subjection is an external product, just as it can be an internal product.

In addition to power afflicted or exercised at the individual level through subject formation, Foucault also pays attention to the existence of power in institutions. However, he cautions against the analysis of power found in institutions and instead suggests that one must analyse institutions from the standpoint of power relations, rather than vice versa, even though he notes that they are embodied (Foucault, 1982:781).<sup>19</sup> In this regard, he proposes that attempts to analyse power relations should first establish five critical areas.

The first is “the system of differentiations which permits one to act upon the actions of others” (Foucault, 1982:792). This differential, he argues, is a product of the law or traditions of status and privilege. These include economic differences in the appropriation of riches and goods, shifts in the processes of production, linguistic or cultural differences, and differences in know-how and competence. He posits that, in every relationship of power, these differentials (which are both conditions and results of power) are utilised and, thus, ultimately determine the power dynamics in particular relationships.

The second area to establish is the typology of objectives pursued by those who act upon the actions of the others. Here, he isolates five possible objectives, including “maintenance of privileges, accumulation of profits, the bringing into operation of statutory authority, and the exercise of a function or of a trade” (Foucault, 1982:792). An

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<sup>19</sup> He argues that the earlier is a risk in that first, “the fact that an important part of the mechanisms put into operation by an institution are designed to ensure its own preservation brings with it the risk of deciphering functions which are essentially reproductive, especially in power relations between institutions. Second, in analysing power relations from the standpoint of institutions, one lays oneself open to seeking the explanation and the origin of the former in the latter, that is to say, finally, to explain power to power. Finally, insofar as institutions act essentially by bringing into play two elements, explicit or tacit regulations and an apparatus, one risks giving to one or the other an exaggerated privilege in the relations of power and hence to see in the latter only modulations of the law and of coercion.”

appreciation of power dynamics in this way suggests that its exercise is never a neutral agenda, and as such, it is vital to understand the motives behind the power exercised.

Foucault identifies the means of bringing power relations into being as a third area. In this, he clarifies that it may be governed by rules, which may be explicit or may not be, fixed or modifiable. By this, he suggests that rules governing power relations are not rigid, and, as such, may change over time or in accordance to specific circumstances. Fourth, forms of institutionalisation are considered as a pertinent area. Noting a variety of institutions, he suggests that these may be a combination of different elements, including “traditional pre-dispositions, legal structures, phenomena relating to custom or to fashion” (Foucault, 1982:792).

Finally, Foucault isolates what he calls “the degrees of rationalization” as a critical area to consider when analysing power relations. This is where he argues that “the exercise of power is not a naked fact, an institutional right, nor is it a structure which holds out or is smashed: it is elaborated, transformed, organized; it endows itself with processes which are more or less adjusted to the situation” (Foucault, 1982:792).

The implication of Foucault’s perspective on power to this study is that, when analysing aspects of power that shape the constructs of girls’ readiness or marriage, one should move beyond the relationships between girls and parents or clan heads, to include actions that modify girls’ readiness for marriage. These actions are central for the systems of differentiation – traditional authority and clan heads – that separate girls as subjects from the those that exert power. Within these systems of differentiation, fundamental is also the isolation of the typology of objectives that drive traditional authorities to exert power over girls’ sexuality. Thus, I find Foucault’s conceptualisation of power and subject formation useful for this study on three accounts.

First, is the recognition that power is beyond the relationship between partners, but that it also includes the way certain actions modify the behaviour of others. This standpoint extends an analytical lens in identifying notions of power within certain actions. As

Chapter 5 demonstrates, the push for traditions (cultural and religious) is central to the conceptualisation of girls' readiness for marriage. Second, is his idea of subject formation, that subjectivation should be viewed with a double lens: either the possibility of being self-afflicted or being afflicted by another in control. Such binaries allow the recognition that individuals are not coerced into all actions, but that they may be responsible for creating their own subjectivities. In conceptualising girls' readiness for marriage as a subject, Chapter 7 shows not only how society constructs girls' readiness for marriage, but also how girls themselves, through "mimesis processes" (Wulf, 2011), create their own subjectivity. Third, is his standpoint that power in institutions must be analysed from the standpoint of power relations through five benchmarks. Amongst the five benchmarks, three are particularly useful: (i) "the system of differentiations which permits one to act upon the actions of others; and (ii) the nature of objectives pursued by those who act upon the actions of others (iii) the means of bringing power into being" (Foucault, 1982:792).<sup>20</sup> Chapter 6 demonstrates the usefulness of this viewpoint in analysing power that is embedded in the institution of traditional authority, as it shows how the invocation of gendered and sexuality-based power, which resides in these structures, is central to its maintenance while simultaneously shaping girlhood, girls' sexuality and girls' readiness for marriage.

While I find Foucault's perspective on power useful on a number of fronts as presented above, I raise three reservations in relation to the work on girls' readiness for marriage. First, I find his distinction in analysing power in institutions (power relations within the institution versus power of the institutions) thinly drawn. His perspective forces one to ignore the very structure that one is attempting to analyse, as the focus is only in power relationships within those institutions. While it is important to analyse power dynamics within institutions, it is also important to assess the power of the institutions themselves, as such an approach would allow a comprehensive understanding of power in some settings. As this study demonstrates in Chapter 6, it is critical that we understand not only

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<sup>20</sup> Political scientists have dubbed this the "political economy". Even though I have used this term in this study, I have not deeply engaged with this theory.

power relations between chiefs and the subjects, but also power embedded in the institution of traditional authority itself, that legitimises the conceptualisation of girlhood, girls' sexuality and girls' readiness for marriage in particular ways.

Second, and related to the above, Foucault does not offer further guidance on how the critical five areas of analysing power relations can be applied. This renders the application of the areas unsystematic, as adoption of the areas is subject to individual interpretation. However, the usefulness of the conceptual tools in unpacking the operations of power cannot be dismissed. For example, as Chapters 5 and 6 demonstrate, the system of differentiation concept is useful in isolating traditional structures and traditions that permit the rulers to dominate their subjects and influence the conceptualisation of girlhood and girls' sexuality. Similarly, the objective typology analysis allows the pinpointing of maintenance of privileges that drive the subjectivation of female sexuality.

Third, Foucault's categorisation of resistance as a form of power is contradictory to his stance on the refusal to analyse internal rationality, that is, personal considerations, to understand power dynamics. While he does not perceive resistance as a product of internal rationality, I maintain that one cannot consider resistance without having personal consideration in the first place. His refusal to analyse power from the perspective of internal rationality is troubling, as it is through the questioning of internal rationality that we can begin to make sense of actions undertaken amidst deep-rooted patriarchal systems and structures.

The application of Foucault's benchmarks on power in institutions is visible in the history of traditional authority-chiefships,<sup>21</sup> where the (re)establishment and transformation of the institution and the motives thereof created differentials between the rulers (the chiefs) and their subjects (the natives) (Chiweza, 2007; Comaroff & Comaroff, 2018; Grischow,

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<sup>21</sup> I use the term, chiefships, as a mere vernacular term, and not to imply that they are less equal to Western or European establishments of monarchs.

2006; Lentz, 2006; Mamdani, 1996). The section below locates the emergence of the institution of traditional authority in Africa.

### **Traditional authority: The emergence**

The emergence of traditional authority in Africa is useful for this study, as it locates the origins of gendered and sexuality-based power that shape the conceptualisation of girlhood, girls' sexuality and girls' readiness for marriage. One theoretical position on the emergence of traditional authority on the African continent locates it centrally as an aftermath of colonialism.<sup>22</sup> Drawing on Gramsci, Habermas and Eley, Mahmood Mamdani (1996), in his influential book *Citizens and subject*, argues that, at the helm of this ideological construct was the "native question" – a question of how the African continent could be ruled by a few numbers of Europeans. The answer to this puzzle in many Southern and West African British colonies, including Nyasaland (the present-day Malawi), was the (in)famous indirect rule,<sup>23</sup> where leaders of "tribes"<sup>24</sup> were either selected or imposed, where they did not exist, to rule over other natives, a move that Mamdani considers central to the decentralised exercise of power called, "decentralised despotism" (Mamdani, 1996:18). Even though his work makes little or no reference to either Terence Ranger or Eric Hobsbawm, scholars who are known for the concept of 'invented traditions', Mamdani suggests that traditional authority or chieftaincies were actually invented,<sup>25</sup> implying that the structures were adapted from their native forms. In this regard, chiefships became generalisable ventures that merged pre-colonial traditional variants, like those by right of descent or kin-groups or ritual power, with commoner chiefs, who represented colonial ambitions. In this new dispensation, the exercise of

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<sup>22</sup> The other two theoretical positions are (a) that chieftaincy existed in pre-colonial Africa prior to the white settler influence and (b) that modernist projects of power were absent and therefore did not impose such traditions. Ethiopia is one country that typifies this approach.

<sup>23</sup> Mamdani asserts that, in South Africa, this is what was termed "institutional segregation", and the French called it "association" (1996:8).

<sup>24</sup> The use of the word "tribe" has been placed in inverted commas given its contestations. Archie Mafeje for one, in his article "African social cultural formations", argues that the term has to be carefully used, as it emerged out of a fight for political space within the straightjacket of a unitary state.

<sup>25</sup> See section 2.1.4 on key concepts where I provide other perspectives of this concept.

power by chiefs was derived from customary law,<sup>26</sup> one part of the dual legal systems that were established with the idea of regulating non-market aspects of the colonial legacy – land, family and community affairs (Mamdani, 1996:17).

In effect, customary law converted chiefships into a special category, as it gave chiefs the powers, not only to govern persons under their jurisdiction, but also gave them the authority to create, pass and implement rules. Thus, as Mamdani sums, powers of chiefs were a fusion of all moments of power: judicial, legislative, executive, and administrative (Mamdani, 1996:23). This means that chiefships became highly privileged positions, which commanded unsurmountable powers over their subordinates. However, Mamdani's interest in chieftaincies during the colonial period is one that aims at depicting how the structures as sources of customary power were important for the colonial political agenda. His analysis, therefore, focuses on how chiefships were important in maintaining customs, but also in serving colonial capitalist interests in land, family and community affairs. The gap in this analysis is that it does not detail the gendered implications of the established customary power.

Jeff Grischow (2006), in his historiography of Northern Ghana between 1899 and 1957, carries Mamdani's idea further and argues that the concept of traditional authority emerged as a result of attempts by the colonial officials to preserve the African social structures while simultaneously using the process to extract resources – raw materials and labour – for the colonial economy (Grischow, 2006:2). In this literature, the emergence of traditional authority was an attempt to create strife at the possible emergence of civil society.<sup>27</sup> Similarly, Ifi Amadiume, writing in the Nigerian context, complicates the debate further and takes it in a different direction from that of Mamdani and Grischow. While concurring that customary local authority was a colonial creation, she proceeds to

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<sup>26</sup> It must be noted that although it was referred to as customary law, in most cases, it was unwritten (see Mamdani, 1996:32).

<sup>27</sup> It must be noted that this was against a backdrop where development produced a vibrant educated African elite, which colluded with the colonial interests of maintaining control over trade, labour and state power.

argue that its establishment in Igboland was detrimental to female power; it destroyed an autonomous female organisation that co-existed for centuries alongside autonomous forms of male organisation. For Mamdani, Grischow, and Amadiume, therefore, the present-day forms of traditional authority or chiefs are more or less a manifestation of the colonial agenda in its most evident form. I find these radical and yet candid perspectives on the establishment of traditional authority useful as they acknowledge the potential influence of “Western establishments” on the social fabric that defines present-day Malawi.

However, Grischow differs from Mamdani on the imposition of indirect rule by colonial administrators by arguing that indirect rule was not simply received at first glance, but that it was a product of negotiations that took place between the local rulers and the colonial officials (Grischow, 2006:87). In this regard, he desists from the simplistic portrayal of the establishment of the colonial empires as one endeavour that colonial administrators mastered with no struggle. For example, he notes that, in the context of Northern Ghana, in the absence of clear traditional allegiance, the colonial administrators negotiated with chiefs and family heads on who would follow whom before assigning boundaries. In more complicated instances, like that of Talensi district, they opted for joint administration of traditional authority (Grischow, 2006:93 - 95). Grischow’s views are not to say that colonial projects of power were absent and, therefore, traditional authorities were not invented, but highlight that, in as much the traditional authorities could have been invented, the possibility of negotiation for the process should certainly not be ignored.

By extension to these constellations of traditional authority, it is no surprise that the extent to which the colonial agenda was successful in preserving African traditions,<sup>28</sup> as was claimed by the indirect rule proponents, has been challenged. For instance, Carola Lentz’s study in North-Western Ghana found that local Africans struggled to adapt to the colonial

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<sup>28</sup> I discuss traditions as a concept under section 2.1.4.

idea of African community that was established through the imposition of tribal territories and the appointment of chiefs. As the chiefs were considered invented, Africans struggled amongst themselves on issues of ethnicity and power based on pre-colonial power structures,<sup>29</sup> thereby undermining the colonial project established in the first place (Lentz, 2006). Similarly, Sara Berry's<sup>30</sup> study of British West Africa argues that the colonial project was not entirely successful, as it was challenged by four main factors: (a) inadequate financing; (b) contradictions in the colonial project; (c) dynamics of African societies; and (d) conflicting claims on tradition (Berry, 2000). Both these studies elevate the discussion on the establishment of traditional power by colonialists to the importance of assessing the efficiency of the colonial agenda and, at the same time, challenging European discourse on the successes of the colonial system.

Lentz, Grischow and Berry's antagonistic perspectives above are important as they illuminate that the colonial agenda as pivotal in establishing traditional authorities may not have been as successful as Mamdani would like us to believe. However, considered together with Mamdani, all the above scholars provide an excellent framework for explaining the emergence of traditional power structures that shape girls' readiness for marriage. Mamdani, Grischow and Amadiume's perspectives on the establishment of traditional authorities are particularly useful in understanding the origins of tradition authority and how they wielded power. By understanding how traditional authority came into being in the first place also allows us to question how these structures have been transformed and are maintained post-colonially and in the present day. Such questioning ultimately permits us to understand why traditional power remains critical in the construction of girlhood, girls' sexuality and girls' readiness for marriage, as the case of Chauma exemplifies. More so, the analyses by Lentz and Berry open up another horizon of thought on how colonial influence might have affected African traditions in other ways.

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<sup>29</sup> These included patri-clan affiliations, ritual fields of power and authority of strong men.

<sup>30</sup> Sara Berry. *No condition is permanent: the social dynamics of agrarian change in sub-Saharan Africa*. Madison: University of Wisconsin Press, 1993. 24-30.

The above scholarship on the emergence of traditional authority is important for this study, as it allows a deeper understanding on how native power structures came into being. However, my interest differs from that of both Grischow, who is primarily concerned with the colonial intention, its policy and effect on development (both as a mere idea and practically), and Mamdani, who's project was one of demonstrating how power was organised in colonial times and, in particular, how the bifurcated state transformed post-independence South Africa. My interest rather is (i) to stretch the applicability of the concept of Mamdani's decentralised despotism in Malawi, (ii) to explore the continuation or transformation of decentralised despotism and (iii) to explore how the establishment of decentralised despotism affected gendered dynamics in Malawi. These perspectives are crucial, as they aid in our appreciation of how the colonial agenda influenced girlhood, girls' sexuality and girls' readiness for marriage. However, as power is not static (Foucault, 1982), the institution of traditional authority should also be understood as in constant transformation. I highlight this element next.

### **Traditional authority: Metamorphosis and (re)configuration**

Understanding the institution of tradition authority as one that has undergone change is useful for this study, as it is essential in drawing how different historical phases may have impacted girlhood and girls' sexuality in peculiar ways. While earlier historical theorisation on the establishment of traditional authority is useful on many fronts, as outlined above, present discourses, particularly those that emerged in the 1990s, divert from this theorisation. Contemporary debates, dubbed "politics of tradition", suggest that present forms of traditional authority can no longer be justified by interrogating binary oppositions of the state and its citizens. In these new discourses, chiefships are regarded as a product of the changing global economy,<sup>31</sup> a force that has affected the institution in interesting and telling ways (Comaroff & Comaroff, 2018).

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<sup>31</sup> It can also be argued that, even in colonial times, chiefs were part of the global economy, given their role in mobilising labour for colonial interests.

Jean and John Comaroff (2018), in their recent editorial publication, *The politics of customs*, examine African chieftaincy since the 1990s or “the post Cold-War moment” to borrow Charles Piot (2010) terminology, to ponder why chiefships have reasserted themselves more strongly in present times. They write:

They arise out of a changing global economy, the political effects of which include the greater or lesser decentering of the state and outsourcing of many of its functions; the deregulation of markets, and with it, the circumventing of national administrations by corporations, INGOs and donor and development agencies; the pluralisation of sovereignties, jurisdictions and modes of legitimisation; the privatization of private life and empowerment of parochial authorities, communities, cultures, identities; forces, these that play out diversely in their encounter with microecologies (Comaroff & Comaroff, 2018:19).

Thus, the Comaroffs suggest the present modes of chiefships, or “neotraditionalism”, as Peter Geschiere (2018:49) opines, are simply a product of complex changes in the global economy, thereby placing more emphasis on the economic factors than on the colonial past. These include the adoption of Structural Adjustment Policies (SAPs) in the 1990s, with their inherent emphasis on privatisation of government functions and decentralisation of state power, which gave chiefships a new face. Thus, a common way in which these contemporary forms of chiefships have been portrayed is “the resurgence, the revival or renaissance as a mode of governance, whose primal generic form lies in the customary” (Chiweza, 2007; Comaroff & Comaroff, 2018:7). Present forms of chiefships, therefore, are simply a rebound, a reincarnation so to say, of their former self. However, this has been perceived a “half-truth” of analysing chiefships in their current forms. This is because, on the other side of the coin, it is suggested that chiefships, in their precolonial<sup>32</sup> forms never left in the first place, but that their “durability is not to do with staying the same” (Comaroff & Comaroff, 2018:9; Geschiere, 2018).

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<sup>32</sup> The use of the term, precolonial, to describe chiefships is to depict the forms in which the institutions existed precisely before foreign influence.

In their analysis of present chiefships, the Comaroffs interpret the emergence of neotraditionalism as dependent on three axes: (1) the ability of those in power to mobilise the customary as a fungible political force that enables them to control assets, territories and people; (2) the “devolution of the functions of the state, and with it, dispersal of resources especially where it is accompanied by an active corporate and NGO presence”; and (3) the “sedimentation of local communities of engagement around an indigenous authority, positioned to claim recognition and rights – material, social, spiritual, territorial – by virtue of inalienable cultural difference” (Comaroff & Comaroff, 2018:19). One striking similarity is observable between neotraditionalism claims and earlier scholarship on the establishment of traditional authority, that is, those in power, whether the state or chiefs, have been able to use the customary to their advantage and with different agendas.

Notwithstanding, in as far as these new waves of ideas on chiefships are concerned, I find them useful for this study in two ways. First, they allow us to assess the progression of the institution from the “nationalist state” modalities to their present forms. Second, they allow us to explain the chiefship legitimacy grounding in post-colonial or nationalistic state eras. However, these views, as this study shows, oversimplify the effects of colonialism, in as far as its creation of decentralised despotism is concerned. In this regard, not only can the present legitimacies in traditional authority or chiefships in study be explained by these new forces, but also by undeniable ‘customary’ commands that continue to exist.

My use of the terms, traditional authority or chieftaincy, in this study, therefore, is not one without parameters. It is one that recognises that the institution may have been invented and, as such, worked to serve the political colonial agenda; one that recognises the possible transformation that the office has undergone over the years; one that acknowledges that powers invested in this office may sometimes be used for individual gain and not community gain; one that concedes its multiple and conflicting sources of legitimacy. In this definition, I include all traditional authorities in their hereditary and appointed forms, both government recognised and unrecognised, so long as they are recognised by their subordinates and play a role in the legitimisation of marriages.

The discussions to this point have centered on determining how social constructionism and poststructural theory are fundamental in explaining the conceptualisation of girls' readiness for marriage. Specifically, these have focused on theorising sociological childhoods, power and subject formation. However, related to the question of subject formation is an understanding of agency. A critical feminist poststructuralism articulation of agency is one that is useful for this study, as it provides an interesting perspective of understanding actions by girls and women.

### **2.1.3 Feminist poststructuralism: Agency**

The paradox of subjectivation is precisely that the subject who resists such norms is itself embedded, if not produced, by such norms. Although this constitutive constraint does not foreclose the possibility of agency, it does locate agency as a reiterative or rearticulatory practice, immanent to power, and not a relation of external opposition to power (Butler, 2013:155).

The concept of agency is key in explaining actions of girls who navigate the hegemonic masculinised marriage negotiations to proceed and marry without being chained by the system. Drawing on Judith Butler's poststructural feminist theory that questions the emancipatory model of agency, Saba Mahmood (2005) critiques humanist conceptions of agency and subject formation. In her exploratory account of the women's mosque movement that flourished around hegemonic patriarchal tendencies at the core of the Islamic tradition, Mahmood dismisses the coupling of the analytical notion of agency with the politically prescriptive project of feminism. In her argument, Mahmood contends that politically prescriptive projects of feminism place emphasis on operations of power that subvert and resignify the hegemonic discourses of gender and sexuality. In other words, Mahmood departs from feminist discourses that tend to interpret women's resistance as a preferred form of agency required to redefine predominant patriarchal structured societies.

Thus, Mahmood critiques the emancipatory model of agency as reductionist, in that it clouds the identification of other modalities of agency whose meaning and effect may not be covered within the subversion and resignification of hegemonic discourses. Instead,

through ethnographic examples, Mahmood depicts how reading agency in the women mosque movement as resistance can be problematic. In her analysis, she shows how terms and concepts deployed by the women in navigating the male kin authority unleashes analytical questions that cannot be accommodated within the reading frame of agency as resistance. Her questioning of the limited scope of agency through the resistance frame allowed her to explore different modalities of agency. In this regard, she identifies suffering and survival as the two antitheses of agency that are often unexplored within the “agency as resistance” frame. Mahmood juxtaposes the lives of two women; one who belonged to the mosque movement, and the other, a so-called “secular Muslim” in highlighting how the two women distinctively navigated the pressures of being unmarried in a society whose view of heterosexual marriage is somehow an uncompromisable norm (Mahmood, 2005:175).

The implication of the Mahmoodian theorisation of agency is that agency that is performed outside the confines of hegemonic patriarchal structures should be encouraged. In this study, agency interpreted with the “non-resistance frame” allows us to interpret girls’ and women’s agency in Chauma in navigating hegemonic masculinised marriage negotiations or choosing marriage options. These are read, therefore, not as mere stunts of resistance to the patriarchal structures, but as ways through which forms of reasoning, networks of relations, concepts and practices are part and parcel of the adoption of individual agency by these women and girls. Thus, the survival modality is a more relevant frame in comprehending girls’ navigation of the marriage negotiation process through elopement in Chauma. By considering elopement of these girls, a survival modality of agency allows us to locate their actions as mechanisms for their wellbeing and not merely as forms of resistance against the patriarchal structure, as the resistance frame would presuppose. Such formulations allow us to situate individual agency within the social fabric that one operates in. Thus, in doing so, one desists from viewing agency merely as an individual act, one that is free from the social aspects surrounding the individual, as other scholars who have viewed children’s agency tend to interpret the concept (see Klocker, 2007; Bhana, 2009).

Nonetheless, Mahmood's dismissal of resistance as agency in feminism has been critiqued in that it limits prospects for a way forward in feminism. Sindre Bangstad (2011) in his article "Saba Mahmood and Anthropological Feminism After Virtue", writes that, while there is certainly need to rethink the feminist analytical and prescriptive frame, Mahmood's theorisation of other forms of agency renders the feminist perspectives void. My take, though, is that Mahmood's categories of agency need to be adopted with caution, as they were framed within particular contexts and, as such, require some critical examinations. Therefore, I depart from the Mahmoodian exploration of agency in that I do not identify suffering as a different modality of agency, but rather as an element that may be visible in one's attempt to demonstrate the survival modality of agency. For instance, girls' poverty or, indeed, that of their families in Chauma, which can be read as suffering if we are to adopt the Mahmoodian exploration of the notion of suffering, has been observed as a key feature that substantially corners girls into elopement. Poverty, in this case, is an enabling factor for elopement and, thus, not necessarily a different modality of agency. The act of eloping here is what can be seen as the survival modality of agency.

A critical application of the Mahmoodian categorisation of agency also allows the expansion of the modalities of agency, to include "self-gratification", where survival or suffering modes of agency are inadequate in explaining girls' and women's actions. For example, while the girls' elopement in Chauma can be read within the Mahmoodian survival modality of agency, this scope is inadequate to explain the practices of girls who eloped, not because they were eloping for survival, but rather because they wanted to satisfy their own personal needs, be it economically or emotionally, that is, for love.

In the above section, I have shown how a critical feminist poststructural reading of agency is important for this study in that it aids our understanding of girls' and women's actions in negotiating power. This discussion adds to my earlier positioning of girls' readiness for marriage in social constructionism and poststructural theory. In the next section, I proceed to articulate other relevant key concepts and scholarship that are important in understanding girls' readiness for marriage.

#### **2.1.4. Other key analytical concepts**

(Re)constructing the concept of girls' readiness for marriage is no easy sociological task, and as such, it is critical to isolate some key concepts and other conceptually relevant scholarship that I find useful in explaining girls' readiness for marriage. These include customs and traditions, the price and value of childhood, and African and child sexualities. These are discussed in the next sections.

##### **Customs and traditions**

Understanding traditions is important, as they are often invoked to justify a wide range of African social phenomena, including girls' readiness for marriage. African customs and morals, in particular, are largely invoked by illusive ideas that they are "traditional", that is to say, reference is made to the past as their point of emergence. Thus, justification for action is that things are done in a particular way, because that is how they have always been done – cultural continuity. And yet, such claims may be faulty, as what may be claimed, or appear, as traditional may be recent and, therefore, invented (Hobsbawm, 1977; Hobsbawm, 1983).

In his work on the emergence of 19<sup>th</sup>-century inventions in Europe, Eric Hobsbawm elevates the conceptualisation of traditions in that he suggests that some traditions are not necessarily old but were rather invented,<sup>33</sup> implying that they are a product of internal or external interventions and not necessarily a continuation from the past. Thus invented traditions mean "a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically imply continuity of the past" (Hobsbawm, 1983:1). By this definition, evoking the past is not just a typical feature of "old traditions"

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<sup>33</sup> The first paper on invented traditions was presented at the *Past and Present Society Annual Conference* in 1977 and subsequently published in 1983.

but also important is the repetitive nature that makes traditions traditional. However, these traditions are contrasted from what are called customs.

In distinguishing traditions from customs, Hobsbawm asserts that the common characteristics of all forms of traditions is the aspect of invariance, that is to say, they are unchangeable. This feature, he argues, separates traditions from customs, where the latter do not “preclude innovation and change” and can never be rigid. What custom does, Hobsbawm insists, is that it gives the sanction of precedent (Hobsbawm, 1983:2). This conceptualisation of traditions and customs differs from other scholars. David Gross (1992), in *The past in ruins*, disagrees that traditions are invariant, and writes that traditions actually do change, as no social act is ever taken precisely as given. What is correct to say, he adds, is that traditions are usually adapted. In differentiating traditions from customs, Gross (1992) advances that customs do not often carry prescriptive power as traditions do. Even though these two authors differ on the invariant nature of traditions and in their distinction of customs and traditions, a point of convergence is that both Hobsbawm and Gross agree that there is a fine line that separates traditions from customs, precisely because of the interchangeability of the two. This suggests that separation of customs and traditions is rather a complex task that may not always be necessary, a reflection point that I take into account in my articulation of these two concepts.

Historian, Guy Beiner (2001), joins Gross in interrogating Hobsbawm’s conceptualisation of the invariable nature of traditions. Like Gross, he observes that, since traditions are practices, which can not be passed intactly as if one is passing a parcel, it is tricky to suggest that traditions do not change. Instead, he also writes of adaptability as a feature that characterises traditions. This, he continues, is a force behind the modification of traditions that occurs as traditions maintain their relevance and vitality (Beiner, 2001:3). These observations, too, suggest that Hobsbawm’s differentiation of customs and traditions based on invariability is tricky.

In addition, Beiner (2001) finds the notion of Hobsbawm’s “invented traditions” unsettling, as it assumes that some traditions disappeared at the advent of modernity. By

tapping into Gross's perspective of traditions, which gives more weight to the connection of traditions with the past, he argues that invention sometimes is a subjective interpretation of writings by historians (Beiner, 2001:4). By this, he means that historians, at many times, are at liberty to document what they like, in the process omitting other traditions, which historians may believe are not worth documenting. For instance, while colonialisation certainly influenced the African social fabric in ways that negatively impacted prevailing traditions, it did not eliminate all the prevailing precolonial traditions. This implies that not all traditions were invented by colonialism, as others may have survived in their primordial<sup>34</sup> nature, that is, from the precolonial era.

The above different opinions and observations on traditions provoke a careful interpretation of traditions and customs. In this study, I do not labour to separate concepts of customs and traditions as different; as such, the terms are sometimes used interchangeably. This is because I believe that it is not crucial for the question that this study answers. Rather, more often, I use the term, traditions, as an umbrella term that captures two elements: (i) secular customs and traditions that I call customs and (ii) religious customs and traditions that I broadly refer as religious traditions. This separation is important for this study, as it allows the identification of pull forces that conceptualise girlhood and girls' sexuality as they appear in secular and religious settings. This distinction also captures the composition of the people of the study site.

In addition, my use of the term traditions, is not to imply that they are static. By this, I mean that I adopt it with the understanding that other traditions may be old but that they were adapted for them to prevail in contemporary times, while also recognising that some traditions may not have changed since their precolonial times. I show this understanding, as in both Chapters 5 and 6, I demonstrate how traditions have transformed over the years. At the same time, I depict how some traditions have been maintained, while others have

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<sup>34</sup> My use of the term, primordial, is an attempt to capture the form of traditions that existed prior to foreign influences. It is in no way used to imply that such traditions were backward, archaic or less important.

emerged – invented – especially those understood by study participants as new. As I discuss contemporary traditions in Chauma, it is also important to broadly engage with scholarship that speaks to the emergence of African traditions. I turn to briefly highlight these developments.

### **The emergency of African traditions**

It is important to locate the origins of African traditions, as such historical accounts are a pointer to how contemporary traditions that shape girls' readiness for marriage emerged. Scholarship on traditions in Africa has often been discussed in relation to the emergence of traditional authorities, discussed earlier. However, though interlinked, these form distinct threads that are useful in understanding the conceptualisation of girls' readiness for marriage.

The emergence of what came to be known as customs and traditions in late 19<sup>th</sup>-century Africa has largely been attributed to the colonial experience on the continent. The process of inventing African traditions coincided with a similar process in Europe, where ecclesiastical, educational, military, republican, monarchical and other traditions were being invented (Ranger, 1983). However, Terence Ranger, a British historian who worked extensively in the present Zimbabwe, ascribes the emergence of traditions in Africa as more of the effect of what was happening in Europe, and not necessarily the cause of those occurrences (Ranger, 1983:211). Thus, the invention of traditions in Africa was more or less that of a replica, or was grounded in the practice of Europe's own emerging traditions.

Influential scholars thus regard the creation of African tradition as an ideological construct, of which the result was the existence of multiple traditions, with those created by the colonialists being preferred by the colonial authorities (Chanock, 1985; Mamdani, 1996:22; Ranger, 1983:249). These were mostly European-invented traditions on governance and religion, as these were the typical areas in which colonial customs clashed with those of the Africans. For instance, Western concepts, such as the state, were

incompatible with the African way of organising political and social life; homicide was labelled as the “barbaric” African way; and African marriages were considered sinful and unstable (Mittlebeeler, 1976:3). Thus, their purpose was not to serve the Africans on whom they were imposed, but rather, were meant to support the colonial agenda. Europeans, therefore, drew on these invented governance and religious traditions to legitimise their authority and build their confidence, thereby acting as agents of change (Ranger, 1983:220).

The colonial way of gaining power was, therefore, through the codification and promulgation of these traditions; a product of which came to be known as “customary law”. Rather than considering customary law as rules that were handed down from the pre-colonial period, Martin Chanock, in his account of customs and laws in Malawi and Zambia, argues that customary law must be understood as a colonial product (Chanock, 1985:145). This assertion suggests that what came to be known as customary law is not customary in the ordinary sense, but a colonial formulation. For instance, while the 19<sup>th</sup>-century competitive dynamism had given many opportunities to young men to be economically, socially and politically independent, colonisation replaced this with a dependency by elders, where they were allowed to control land allocation, marriage transactions and political office (Ranger, 1983:249). Thus, pre-colonial traditions that Africans were accustomed to were transformed and, at times, unrecognised (Chanock, 1985) as Europeans altered what was a flexible custom into hard prescription (Ranger, 1983:212).

In addition, the formulated traditions were a double-edged sword. On the one hand, they were used by Europeans to leverage their control over ordinary Africans – “the natives”. And yet, on the other hand, there were Africans who manipulated or “appealed to tradition” as a means of asserting their power over others, or those who aspired to increase their control (Ranger, 1983:254). The latter, Ranger categorises in four key ways. In one group were the elders, who, as a way of defending their dominance of the rural means of production against young men, invoked tradition to justify their leadership. The others were men, who were interested in increasing the role of women in production without

their loss of control over women as their economic assets. Chiefs and many other ruling aristocracies, including leaders of ethnic or social groups, invoked traditions to their subjects, as a way of maintaining or extending their control. To ensure that the immigrants remained without political or economic rights, indigenous groups appealed to tradition to dominate amongst these groups (Ranger, 1983:254). This categorisation suggests that the concept of tradition is never neutral, it is often invoked to assert power over others. As this study demonstrates, while these traditions were created largely for a colonialist agenda, they were also gendered and sexuality-based.

Ranger's isolation of specific manipulations, which has no conceptual term, but I shall call "traditional convenience", is useful for this study, as it reminds us that traditions, both secular and religious, are subject to manipulation and, as such, when they are invoked, one should always be conscious that they might be used to maintain or extend power. In this regard, understanding traditions in this way provides a useful lens in reflecting how, in present times, traditions have been invoked in a way that also shapes girls' readiness for marriage. However, Ranger's categorisation is one-sided, as he does not consider the possibility that women may also manipulate the traditions to their advantage and not merely react<sup>35</sup> to them, as he suggests. As this study shows in Chapter 5, while traditions have been generally manipulated to the disadvantage of women, women have also exercised agency for traditions to work in their own ways.

The above section broadly locates the emergence of tradition in the colonialisation discourses, implying that contemporary traditions that shape girls' readiness for marriage should be understood against a historical background that shaped or led to their emergence. While traditions are important in explaining aspects of the African social fabric, such as those of childhood, it is also important to understand how childhoods are

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<sup>35</sup> Ranger asserts that women's reaction to the manipulation of traditions that affected them was possibly in two ways; turning to missionary Christianity and its notions of female rights and duties or seeking counter propositions within their culture. Ranger, T. 1983. *The invention of tradition in colonial Africa*. Cambridge: Cambridge University Press.

priced and valued. However, I highlight the pricing and valuing of childhood, especially in the Western contexts.<sup>36</sup> This element I discuss next.

### **The pricing and valuing of childhood**

Understanding how childhoods are priced and valued is important for this study, as it shows how childhood is also shaped by perceptions and beliefs of their worth. Key work in this regard is that of Viviana Zelizer, who, in *Pricing the priceless child*, draws on Gary Becker's perspective on sociological economics to dismiss that human behaviour is solely driven by rational utility maximisation, as the Marxist economic paradigm maintains (Zelizer, 1994:17). Instead, she focuses on the interaction between the economic (price) and non-economic factors (values – personal or moral) as competing and yet complementary factors in shaping childhood. Zelizer, therefore, assesses the specific contribution of cultural factors (values), as counter to economic, occupational and family structure factors in redefining the value of children. By so doing, she argues that the missing link in the “commercialisation effect” of childhood (where price shapes values) is “sacralisation” – “process by which value shapes price – investing it with social religious or sentimental<sup>37</sup> meanings” (Zelizer, 1994:21).

Zelizer traces the shifting in value of children in America between 1870 and 1930. She notes how children were economically useful in the 18<sup>th</sup> century, when children were a source of labour for the agrarian economy. A shift was observed by mid-18<sup>th</sup> century, when children's concerns of urban middle-class Americans led to increased interest in educating children (Zelizer, 1994:5). However, as rapid industrialisation took a grip of America by the 19<sup>th</sup> century, children, for the working-class families, increasingly became economically useful as they provided labour for the sprouting industries. With

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<sup>36</sup> I depict the pricing and valuing of childhood in the West so as to compare how childhood, embedded in girls' readiness for marriage, is priced and valued in contemporary times. I dwell on the Western contexts, due to the limited availability of similar theorisation in the African contexts.

<sup>37</sup> Zelizer isolates different sentimental values or emotions, such as pain, distress, love and smiles, throughout her book.

compulsory education and child-labour legislation, by the 1930s, the state of children (both middle-class and working-class) had reached a point where they were economically non-productive and yet sentimentally priceless. At this point, child labour was transformed into a taboo, as childhood was governed by sanctity and emotions (Zelizer, 1994:6). However, as the children became valued emotionally and yet economically useless, their price increased. To understand this increase, Zelizer begins her venture by demonstrating how the death of a child evoked more emotions than the death of an adult. Here she demonstrates the sacralisation of child life and how child mortality emerged as a national priority. Americans moved to preventing child deaths through the reorganising of child spaces and time, where they created indoor and outdoor playrooms (Zelizer, 1994:52). As they succeeded in reducing child deaths, they turned to child labour.

Therefore, Zelizer shifted to looking at the long battle on child labour. In this battle the wage-earning child was opposed to moral value of an economically useless but emotionally priceless child (Zelizer, 1994:57). On one side of the battle, reformers viewed child labour as the commercialisation of children, and, as such, regarded child labour as illegitimate and undesirable (1994:70). The view here was that, instead of protecting children, they were used as labourers. On the other hand, proponents of child labour considered its opposition as a threat to sound upbringing of children and to the survival of the working-class families. Between these battles was the difficulty in drawing a line between unacceptable forms versus good forms of child labour (1994:73).

In addition, Zelizer also analyses key institutions that became more involved with the price (economic) and value (sentimental) of children. These were the life insurance industry, court law and social welfare organisations. The child insurance industries are said to have made much money out of the sentimentalisation of children. They designed investments in which, upon the wrongful death of a child, parents were paid money for their loss of the loved one (1994:118).<sup>38</sup> Courts were often faced with a challenge of

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<sup>38</sup> Here, we see the commercialisation efforts from making money through child labour to making money through insurances. Zelizer notes that the rise in child insurance policies during this time cannot just be

assessing the value of a dead child in the form of accidental death insurance. She notes that 19<sup>th</sup>-century decisions on compensations on death of children relied on economic guidelines, where cash was estimated in line with perceived lost labour and services (1994:139). In the 20<sup>th</sup> century, the challenge became more complex with the rising sentimental value of children. Courts awarded low compensations for children and argued for their economic worthlessness, as was the case of the \$1 child (1994:147).<sup>3940</sup> Finally, Zelizer also analyses social welfare institutions. She writes that, in the 19<sup>th</sup> century, foster parents took in useful children with the hope that they would provide them with labour in the home and on farms. During this time, babies were unmarketable, as they were considered a liability, and baby farms accepted as little as \$10 for the unwanted babies. With the sentimentalisation of childhood at the turn of the century, when child labour became a taboo, baby farms took over. The revolutionised notions of the new child meant that people searched for love and not labour.<sup>41</sup> To be sure, as the sacralisation of childhood occurred, its competing effect was the commercialisation effect. Thus, though

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explained as clever solicitations or consumerism, but that it was also the adoption of the middle-class way of mourning (Zelizer, V.A. 1994. *Pricing the priceless child: the changing social value of children*. Princeton University Press. Here she sees that the sentimentalisation of childhood had become a shared value of both classes and, as such, the sacred child became mourned intensely.

<sup>39</sup> This was a prolonged case of a five-year-old Melville Graham, who was killed by a trolley car. The case started in 1896 with the father suing the Traction company, but it continued until 1900 due to court appeals that deemed the initial \$5000 compensation given by the jury as absurd. In its second appeal, the judge ruled that the child was worth no less than a dollar, and this led to a third appeal. Eventually the case was thrown out of court with no compensation (ibid.).

<sup>40</sup> In these cases, unlike the 19<sup>th</sup> century where price determined value, the meagre payments meant that value of the child (strictly sentimental child) determined price of the child (compensation). However, by the 20<sup>th</sup> century, courts began to give awards for wrongful deaths. These were paid based not on the economic worth of the child, but on the sentimental value of children. Parents who lost children were awarded for the pain and suffering caused by the death of a child – “parental pain and anguish or for the loss of companionship and society”. And yet, in these cases, the cost of raising a child was dismissed as a rationale for the award (ibid.). The recognition of the cost of raising a child by courts came about in the 1960s, when Judge Talbot Smith came up with the “lost investment theory”. He argued that children at death, just as manufacturing plants or industrial machines, should be valued based on maintenance and service (ibid.). These would include expenses for cloths, food, housing, medicines, for nurturing and so forth.

<sup>41</sup> For instance, she notes how the baby market in the 20<sup>th</sup> century was driven by baby looks and smiles where it fetched as high as \$10,000 against the \$10 of the 19<sup>th</sup> century (ibid.). The useless child was now commonly found in institutional care – orphanages and other institutions. In her conclusion, she asserts that, even though childhood shifted from economically useful to economically useless, the economic role of a child never disappeared (ibid.).

the economically useless became the order of the day, childhood transformed into another commercial enterprise.

The implication of Zelizer's pricing and valuing of childhood is that it places history at the centre of understanding girls' readiness for marriage. In so doing, it acknowledges that our understanding of girls' readiness for marriage in modern times may have changed over time. I therefore find Zelizer's work useful for this study on two main counts. First, she sets in motion defying that the valuation of childhood can only be understood in economic terms. Her sacralisation process portrays how sentimental values shape the pricing of childhood. While acknowledging that her analysis was based on Western contexts, the valorisation of childhood as it occurred may not work in African contexts. This is because she omits traditions as part of the process that shape childhood. In Chapter 5, this study shows how traditional values independently shape the price of childhood and girls' sexuality through myriad gendered sexuality payments. Second, is Zelizer's conceptualisation of the sacralisation effect. As noted earlier, Zelizer posits that the sacralisation process becomes possible through investments of social, religious or sentimental meanings. In her analysis, Zelizer clearly demonstrates the sentimental and social valuation of children, as she talks of how pain, grief, and love shape the value of an economically worthless child. However, she does not clearly show how religion is part of the sacralisation process. In this study, I demonstrate how this occurs under the Islamic religion.

While the pricing and valuing of childhood is useful in understanding girls' readiness for marriage in that it compels the questioning of how girls sexuality is priced, also important is the scholarship on African sexualities. I discuss this next.

### **The African sexualities: Does children's sexuality exist?**

A brief discussion on African sexualities is befitting, as girls' readiness for marriage is also perched in these broad discourses. However, discourses on sex, especially as they relate to children's sexuality, raise acute moral anxiety and confusion. It is, therefore, no

surprise that a maze of meanings exists on what constitutes sexuality. Amidst these difficulties, what seems more clear amongst sociologists is the denial of a reductionist perspective – one that views sexuality as ordained entirely by nature – to asserting that it is socially organised and sustained by a myriad of languages, all of “which seek to tell us what sex is, what it ought to be—and what it could be” (Weeks, 2002:6). Thus, the way sexuality is understood varies from place to place.

Extending the above position, Sylvia Tamale (2011), a Ugandan African scholar, attempts to dissect African sexualities and provides a broad definition, which includes an array of complex elements, which go beyond procreation to include personal/interpersonal relations, sexual beliefs and values. Tamale posits that a significant part of African sexuality, other than biological ascriptions, is socially constructed through legal, cultural and religious forces that are driven by the politico-economic agenda (Tamale, 2011:2). She further argues that Africans’ experience of sexuality is heavily influenced by society and culture and that it is “through religion, culture and law that African sexuality is given meaning” (Ibid.). Thus, Tamale gives the reader an impression that the triple forces of control (law, religion and custom) always work in complementarity to each other.

The implication of Tamale’s understanding of African sexualities is that attempts to understand them should take into account how the three forces – law, religion and custom – work to shape African sexualities. In this study, I adopt this perspective in Chapter 4 to show how the legal frameworks, both international and local, have shaped girls’ readiness for marriage. Tamale’s ideas are also visible in Chapter 5, where I demonstrate how girls’ readiness for marriage is shaped by traditions, both customary and religious. However, while I agree that the three forces work together to shape sexualities, the type of sexuality that they produce is not always the same. In Chapter 4 and Chapter 5 of this study, I show how different forces shape girls’ readiness for marriage in their own peculiar ways.

The issue of sexuality is complex when it borders with childhood and, as such, children’s sexualities remain a contentious issue of debate. It is the concept of “childhood innocence” that plays a critical role in how societies perceive and respond to children’s

sexuality. “Non-existent” or “immature” are often terms used to describe children’s sexuality. Nyanzi (2011:495) notes that views of children as sexually innocent continue to inform scholarly work and policies that work to police the sexualisation of children by constructing them largely in negative terms. As a result, sexuality is viewed as being exclusive to adults, and childrens’ sexuality is denied (Robinson, 2008:116). This denial is also reflected in the dominant research on children’s sexualities.

Mkhwanazi (2006), in her comparison of research emerging from the 1980s to 2003 from the United State of America, the United Kingdom and South Africa on the representation of girls’ sexuality, converges into three schools of research. Based on the analysis of research on teenage pregnancies during this period, the “official school”, the “revisionist school” and the “feminist school” were the dominant trends (Mkhwanazi, 2006). The official school negatively framed teenage pregnancies based on Euro-American<sup>42</sup> assumptions of childhood applied in African contexts. And yet, the Euro-American ideals, as observed, are not universal. The revisionist school was built on the premise that the occurrence of teenage pregnancies is a social construct. In this school of thought, researchers observe that teenage pregnancies only began receiving attention over the last few decades, before which they were considered normal. In addition, this school argues against placing social, political, economic and cultural variations as peripheral attributes that explain teenage pregnancies. Thus, the homogenous view on the occurrence of teenage pregnancy is critiqued. The feminist school focuses on explaining the inability of women (and girls) to adopt safe reproductive health tendencies due to fears of gender-based violence. In this school, it is noted that girls are perceived as naïve and powerless, thereby ignoring subtle ways in which power and agency may be exercised.

Drawing on Moore (1994), Bhabha (2012), Bourdieu and Nice (1977), Mkwanzazi expands these schools to offer an alternative approach in understanding teenage pregnancies. In this approach, she seeks to understand how representations of teenage

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<sup>42</sup> The term is used to capture middle-class values and perspectives, and not to say that they only occur in Europe and America.

pregnancies are underpinned by particular perceptions of the world and how the world should be lived in. By navigating how mothers successfully managed teenage pregnancies by supporting their daughters, Mkhwanazi concludes, amongst other issues, that it allowed women to make and maintain a particular way of being in the world and revealed how women dealt with the teenage pregnancy crisis at family and social levels. However, Mkhwanazi limits her conclusion on the role of mothers to teenage pregnancy management in instances where paternity is denied. And yet, teenage pregnancy management is an important endeavour, not only for mothers, but fathers and the community at large, even where paternity issues do not arise. In these instances, as shown in Chapter 7, it becomes a means of maintaining not only how children should live in the world, but also how children ought to grow in family setups. Thus, Mkhwanazi's alternative approach is useful for this study, as it allows us to explain why representations of teenage pregnancy are also interpreted as readiness for marriage.

This section has illuminated how African sexualities are shaped by customs, law and religion. These perspectives are important, as they provide systematic lenses of understanding girls' readiness for marriage. The section has also highlighted that childhood sexualities are often denied, as sexuality is considered an adult expression. Understanding these dynamics is fundamental, as they assist in demonstrating how negative conceptualisations of childhood sexualities contribute to creating the label of girls who are ready for marriage even when they are not necessarily ready.

In conclusion, discussions in the above sections have been useful in creating a conceptual framework for understanding girls' readiness for marriage. In Figure 1.1 below, I summarise how the conceptual framework expounded in the above sections have been useful in conceptualising girls' readiness for marriage. This is not to say that it represents the only way through which readiness for marriage can be understood, but certainly can be drawn upon in understanding girls' readiness for marriage in similar context.

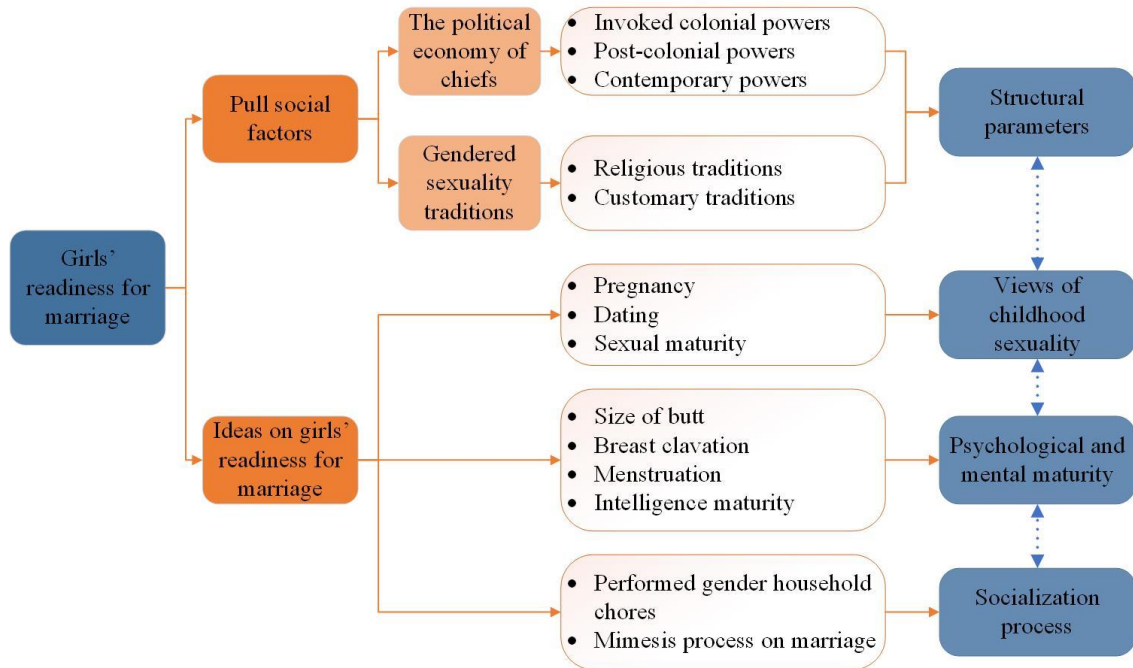


Fig. 1.1 Framework for constructing girls' readiness for marriage

## 2.2. Study design and methodology

As local representations of girls' readiness for marriage were fundamental concerns for my study, this study adopted a mixed method ethnographically inclined approach, as the ways people construct and make meaning of their world are highly variable and locally specific (LeCompte & Schensul, 2013; Marvasti, 2004: 40). There is an interesting dynamic to ethnography that offers additional justification for its choice in this study: "Ethnographic researchers learn through systematic observation in the field by interviewing and carefully recording what they see, hear and observe people doing while all learning meanings that people attribute to what people do"(LeCompte & Schensul, 2013:16). Maxwell (2012:30) echoes this view and highlights that a qualitative design – a paradigm that includes ethnography – draws its strength from its focus on specific situations or people and that it emphasises descriptions rather than numbers. The observations by LeCompte, Schensul and Maxwell above are summed up by Charmaz (2014:25), who highlights the flexibility of qualitative researchers over quantitative

researchers as an attribute that allows a follow-up of leads that emerge. An ethnographic approach was thus deemed fitting given that the study required “returning to the concept” – suspending held meanings and beliefs – and reconstituting the concept of girls’ readiness for marriage from the community perspective.

I chose to immerse myself in the study while not only recording what I was told through interviews and formal group interactions, but also what I saw and heard from participating in community events, such as weddings and market days, and informal conversations with girls and community members. Thus, a systematic recording of these three facets offered an in-depth combination of data to understand how communities of Chauma construct girls’ readiness for marriage. Although full immersion is impractical even in the strictest ethnographic studies (Marvasti, 2004), I dedicated at least six months to observing, building relationships with local communities, and collecting data. Over the course of this period, I drove to the Chauma villages every morning and drove in the evenings. On eight different occasions (ranging in duration of three days to one week), I stayed within the communities while I observed everyday life, participated in community activities and followed up on conversations that I had picked during interviews and groups discussions. My approach has therefore delivered conclusions that are less likely to have been found when using non-ethnographic research methods. What appears to be less useful in constructing modern childhoods, such as traditions and powers vested in traditional structures, are, in practice, more powerful than discourses available elsewhere, and thus undoubtedly shift the way African childhood must be understood. The section below outlines the study design and methodology in greater detail.

### **2.2.1. Selection of study site**

In 2015, initial contact with the Dedza district was made through the District Monitoring and Evaluation Office, a government office responsible for research at district level in Malawi. I presented my intention to conduct research in the district and discussed the objectives of my study. I was advised that my research best fitted into the work of the Ministry of Gender, Children, Disability, and Social Welfare. I was, therefore, introduced

to the District Social Welfare Office, where further deliberations on the Dedza landscape and the feasibility of conducting my study were held. At this office, I was provided with approval to conduct my study in the district, commencing the last quarter of 2015,<sup>43</sup> as the office believed that it was also in their interest to better understand the issue of child marriage. Next, I was introduced to the District Community Development Officer, who became my entry point into the district communities and later on, my research assistant.

Through the District Community Development Officer,<sup>44</sup> I was provided with the Dedza profile and the existing Traditional Authorities (TAs) in the district. Discussions were also held on the existing Non-Governmental Organisations (NGOs) operating in the district. Based on these discussions, TA Chauma<sup>45</sup> was first selected for the almost non-existent or few NGOs that were implementing child marriage interventions during the study period. As Chauma's scenario was different from other areas in the district,<sup>46</sup> the site presented a higher opportunity of soliciting "indigenous"<sup>47</sup> (undisturbed) narratives on girls' sexuality and child marriage. Second, Chauma was selected for its high prevalence of child marriages (MDHS, 2010). Statistics show that rural women marry earlier than their urban counterparts (National Statistical Office & ICF, 2017:57). Thus, Chauma, given its rural and remote location, provided a rich site, where the occurrence of child marriage was not a rare scenario. Third, the presence of matrilineal marriages, one of the most predominant traditional marriage systems in Malawi, rendered Chauma an attractive study site. Researching in the area thus provided an opportunity to research into one of the biggest marriage systems in Malawi, thereby providing a solid ground for

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<sup>43</sup> Due to the inaccessibility of the study site because of rains during this season, I did not commence the actual data collection till 2016. Primary data collection was therefore done between January and September 2016.

<sup>44</sup> At the time of the study, the district community development officer had just commenced his Master's degree studies.

<sup>45</sup> It should be noted that TA Chauma is a rural community.

<sup>46</sup> For example, in TA Kachindamoto, one of the other areas in the same district, the top chief herself is concerned with eliminating child marriages. She has so far been made an Ambassador by many INGOS and has attended numerous international meetings to influence other chiefs in ending child marriages.

<sup>47</sup> By referring to the research site as "undisturbed", I do not imply that narratives that emerged from it were free from any external influence. Rather, the term is used to distinguish the research site from others, where known interventions on child marriages were actively taking place.

understanding child marriages in the country. It is for these three reasons that the study site was selected.

### 2.2.2. Study site

Dedza district is 85 kilometres south of Lilongwe, the capital city of Malawi. The Chewa is the most dominant tribe, followed by the Yao. Oral history suggests that the Chewa people were the first to occupy the area. They migrated from Uluba, in the present Democratic Republic of Congo, between the 14<sup>th</sup> and 16<sup>th</sup> centuries and settled in various places in Malawi (Phiri, 1997:22-23). There are 20 896 inhabitants, organised in 310 villages, under 24 group village headmen in the area (Malawi National Statistics Office, 2008). TA Chauma<sup>48</sup> is one of the eight government-recognised high-level traditional leaders – *mfumu yayikulu* – in Dedza district. The area borders Tambala and Kaphuka Traditional Authorities. Figure 2.2 below, is a map of Dedza district.



**Figure 2.2: Map of Dedza district ( District Social Economic Profile, 2013)**

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<sup>48</sup> TA Chauma is used to denote both the office holder of the chieftaincy in the area of Chauma, and the place itself.

Despite the mushrooming and a strong presence of other political parties in the country, most inhabitants of Chauma affiliate themselves to the Malawi Congress Party (MCP), the party that led the country from attainment of independence in 1964 and ruled the country until 1994<sup>49</sup>. The propaganda of the MCP centrally claimed ownership of all women<sup>50</sup> and viewed them as subjects in need of utmost protection, as publicly claimed by its first republican president, Dr Hastings Kamuzu Banda. Even though the participation of women in politics during Banda's regime has been greatly criticised as overly simplistic,<sup>51</sup> women enjoyed protection from the state by virtue of being Banda's preferred people. The Yao section of Chauma associates itself with the United Democratic Front (UDF), a party that took over political leadership from the MCP at the dawn of multipartyism in 1994. Though their party manifestos did not specify any particular issues on marriage, existing marriage regimes implemented during the reign of both political parties allowed girls to marry at the age of twenty-one under statutory marriages, while customary law set no specific age requirement. This trend continued until the release of a Law Commission report that reviewed laws on marriages in Malawi and recommended the consolidation of the statutory and customary marriage laws (Malawi Law Commission, 2006). This was eventually effected in 2017, when the then president, Peter Mutharika, signed the constitutional amendment into law (Kapalamula, 2017), thereby defining 18 years as the accepted age of marriage for both girls and boys.

Inhabitants of Chauma belong to three major religious groups: Christianity, Islam and the ancestral *Nyau* cult<sup>52</sup>. Amongst the Christians, Presbyterian, Baptist, and Roman Catholic

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<sup>49</sup> In 2020, the Malawi Congress Party, through a contested electoral process, has moved back as the governing party for the Republic of Malawi.

<sup>50</sup> Kamuzu Banda fondly referred to them as his *mbumba*, a term that is used to denote people who belong to a particular clan amongst the Chewa people.

<sup>51</sup> The participation of women in politics during this era was mostly through singing praise songs for the state president and rally dancing whilst wearing party uniforms. This perspective of women as subjects may have changed with the rise of Dr Joyce Banda as the President of Malawi following the death of Prof. Bingu wa Mutharika in 2012.

<sup>52</sup> Percentage distribution of these categories is not available at TA level. However, the Malawi Population and Housing Census (2018) reports that, out of the 395,882 total population for Dedza district; 71.7 % are Christians, 9.3% belong to Islam, 6.6% are of traditional faith, 6.5% have no religion and 5.9% belong to other denominations.

are the most common denominations, albeit amidst the existence of various other Pentecostal churches. Amongst the Chewa, the secret cult of *Nyau* remains a powerful feature and forms part of a greater recognised religious sect in the area. It is grounded in ancestral beliefs and the existence of their own god, *Chisumphu* (van Breugel, 2001). However, as maintained by my research informants, Islam is mostly practiced amongst the Yao.

Most people in Chauma marry within their tribe, which means the Chewa usually marry Chewa and the Yao do likewise. This is because historically, intermarriages were discouraged as cousin-to-cousin marriages were preferred (Phiri, 1983). Local chiefs maintain that few intermarriages between the two tribes have been observed in the area (Interview with Traditional Authority Chauma, Sept. 2006). I confirmed this trend during my field study, as I interviewed at least two young couples who reflected these descriptions. Historically, both the Chewa and Yao have tended to portray matrilineal tendencies<sup>53</sup> (Mtika & Doctor, 2002:75). Amongst the Chewa, changes in their matrilineal practices have been observed (Phiri, 1983; Mair, 1951) and are partly attributed to the participation of other tribes in the uniquely Chewa secret cult of the *Nyau*, the influence of which diluted the old Chewa traditions.

In addition, five other factors, mostly external, have been highlighted to explain the changes in matrilineal practices. Firstly, is the increase in virilocal marriages through *Chitengwa*, a practice that reverses marriage residence arrangements in matrilineal societies. So, instead of a husband joining his wife at her homestead, the wife moves to join her husband in his village. Secondly, slave trade influence, especially that of bringing in new inhabitants, might have left a mark on the Chewa social fabric. The influence of patrilineal groups, particularly the Ngoni, who settled amongst the Chewa following their conquest of the Chewa, is the third factor. The fourth, were the missionaries preaching

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<sup>53</sup> Matrilineal societies tend to portray distinct identifying features. These may include: family residence typically in wife's locality, children allegiance is to maternal relations and eldest brother to the wife plays a primary role in the sister's family. See Mtika and Doctor (2002:73). However, this is not to downplay patriarchy, as these arrangements also demonstrate that it remains a potent platform.

that the husband is the head of the family, an element that was contrary to Chewa tradition, as the Clan head amongst the Chewa is the head of a household. Finally, there was the colonial administration introduction of a hut tax, a move that forced men to seek employment outside their villages, thereby destabilising Chewa matrilineal marriages (Phiri, 1983). In totality, these factors transformed traditional Chewa marriages in unanticipated ways, elements of which linger to the present day. These features project Chauma as a suitable site for this study, as it presents an opportunity to study a contemporary society that has undergone documented changes.

In Chauma, communities categorise their households in three socio-economic groups: namely, hanging in, stepping up and stepping out;<sup>54</sup> 44.9 % of the population are described as hanging in, 16.2 % are stepping up and 38.9 %, stepping out (Concern Universal, 2016). Residence in grass-thatched houses has been used as an indicator to measure the socio-economic status of local inhabitants. Table 2.1, below, describes the existing household categories in the area.

**Table 2.1: The socio-economic description of TA Chauma inhabitants**

<b>Hanging in</b>	<b>Stepping up</b>	<b>Stepping out</b>
Their yields last until May, that is, before the next harvesting season.	Food finishes in October	They eat well, they can buy fertiliser
Poor clothing	Have better clothes	Have better clothes
Poorly thatched houses	Well thatched houses covered with plastic	Have iron-sheet-roofed houses
Have no livestock	Keep small livestock	Keep different types of livestock, including cattle

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<sup>54</sup> This was revealed in a participatory rural appraisal conducted by Concern Worldwide in TA Chauma. Even though the study is not available online for readers to appreciate the basis of the prototypes provided, its contents have been rendered “credible” given its wide usage as a reference document by the Dedza District Council. Concern Worldwide, currently rebranded as United Purpose, is an international Non-Governmental Organisation that has been operational in Malawi since 1988. The organisation currently works in 14 districts across Central and Northern Regions of Malawi. See <https://united-purpose.org/malawi>.

Have few and poor kitchen utensils	Have better kitchen utensils	They own bicycles.
Their children do not go to school.	They send their children to school but do not continue with schooling.	Can send their children to school, and they finish up to secondary level.
Have no or small pieces of land	Have small-to-medium land holdings	Have large land holdings

The above categorisation suggests that the majority of Chauma inhabitants largely struggle to make ends meet, as over a quarter of the population fall within the hanging in category. With these economic hardships, one would assume that these people would face challenges in honouring monetary or any other fines imposed on them. On the contrary, as this study shows, such a status quo does not hinder them in honouring fines imposed on them. As Chapter 6 shows, the existence of, and largely honoured, multiple gendered sexuality payments attest to this.

As Malawi is an agriculture-based economy, the main source of income for many households is the sale of their own farm produce. Since 1995, communities in Chauma have been experiencing a significant decline in harvests (Concern Universal, 2016). This has been attributed to changes in climatic conditions, exacerbated by unreliable rainfall and drought in the area. The decline in harvest has left the majority of households food insecure. Two-thirds of the sampled communities experience food insecurity for nine months of each year<sup>55</sup> (Interview with Local leaders, Chauma). Villagers in Chauma also depend on casual labour, small businesses (such as selling of firewood, beer brewing, running small-scale grocery businesses, selling of doughnuts and banana fritters), as well by taking part in Village and Savings Loans (VSLs) initiatives. A synopsis of villagers leading and participating in small-scale businesses and VSLs shows that women dominate in such endeavours. This historical, political, social, religious, and economic contextual background foregrounds the construction of girls' readiness for marriage.

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<sup>55</sup> This is estimated from July to March of every year.

### **2.2.3. Selection of study participants and sampling**

With the assistance of the District Community Development Officer,<sup>56</sup> a meeting was held with TA Chauma, where discussions on which villages were to be studied were held. A list of all villages was compiled, from which 20 villages were purposively selected. This sampling method was chosen, as it allows selection of a sample that one is interested in (Silverman & Marvasti, 2008:166). Thus, the villages were selected on the basis of their proximity to the centre of the Traditional Authority; ten villages were from the periphery and the other ten were close to the centre. It is from these villages that individual study participants were drawn through snowball sampling. Here, the inclusion of participants mostly depended on recommendations gathered through key informant interviews (KIIs) or through references received from other sources. Study participants for group discussions were randomly selected based on individual volunteerism. Both processes allowed the selection of study participants who were interested and possessed in-depth knowledge of the study area and the study subject.

### **2.2.4. Tools for data collection**

As mentioned earlier, a mixed methods, qualitative design was chosen for this study. This entailed the utilisation of a variety of data collection methods that allow data gathering from a variety of sources. The use of different methods aids corroborative intentions (Silverman & Marvasti, 2008:157), as they allow one “to gather a broader spectrum of evidence and perspectives to enhance the credibility and trustworthiness of analysis for corroborative intentions” (Saldana, 2011:31). Primary data collection methods included individual interviews, key informant interviews, archives, focus group discussions and observation. Primary data was collected<sup>57</sup> in the local Chichewa language, and recorded

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<sup>56</sup> As my research assistant, I trained the District Community Development Officer in data collection that allowed him to collect data through observations and informal conversations while I conducted interviews. He also assisted with note-taking during focus group discussions. Together, we drove to the field site about 7am and returned by 6pm every day of data collection.

<sup>57</sup> As earlier indicated, primary data was collected between January and September 2016.

and transcribed into English<sup>58</sup> within 24hrs of data collection, thereby allowing revisions to the interview protocol as issues developed. Data were also collected from secondary data sources that included published and unpublished reports.

## **Interviews**

This study utilised two types of interviews: semi structured in-depth interviews and key informant interviews. Interviews were generally opted for so as to elicit participants' perceptions (Silverman & Marvasti, 2008:69), to garner individuals feelings, values and attitudes about personal experiences and the social world around them (Saldana, 2011:32). They also allowed the asking of major questions and, at the same time, leaving room for sequence altering and probing of additional information (Fielding, 1993:136). These elements permitted the collection of rich data from research participants.

A set of twenty individual semi-structured in-depth interviews with married and unmarried, schoolgoing and school dropout girls were conducted. Collecting data from the girls themselves allowed an understanding of the girls' sexuality from their own vantage point, thereby agreeing with observations that, if girlhood is to be understood and girls' lives changed for the better, perspectives from girls themselves should inform research that concerns them (Moletsane, 2007:160). In addition, a total of eight unstructured interviews were also held with couples (married girls and their partners) under the age of 18. These interviews were complemented with those of their parents, where possible. In all, these interviews allowed me to solicit first-hand information from the so-called "child marriage victims".

KIIs were conducted with community gatekeepers (religious leaders, chiefs of different hierarchies and community cultural/religious counsellors) and government officials

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<sup>58</sup> I personally transcribed all the data from Chichewa into English. This was important for minimising data loss that may occur through interpretation. For words and terms that could not be easily translated from Chichewa into English, original Chichewa words have been used to ensure consistency in their use.

(teachers, Head Teachers, Primary Education Advisors, Health Surveillance Assistants and Community Development Officers). A total of nineteen KIIs were completed. These interviews were helpful in building a general image of the study topic and were useful for the identification of couples who were married and below the age of 18.

### **Archives**

Data were also collected from digital archives, case depositories in magistrate courts and other libraries. This pertained particularly to colonial records of Nyasaland, the present day Malawi. Memos of the district office during this period were retrieved. Of particular interest was information on the institution of traditional authority, a key institution that is examined in this study for its role in shaping girls' readiness for marriage.

### **Observations**

In this study, I also spent time in the study community, familiarising myself with the people, their daily activities and their culture through observation. I also participated in their community activities, such as weddings and irrigation. Field notes from these observations were recorded in my research journal that I maintained throughout the data collection period. My goal was "to capture people's naturalistic actions, reactions, and interactions, and to infer their ways of thinking and feeling" (Saldana, 2011:46). Observing the research participants and their activities in their localities also allowed the establishment of a rapport between the researcher and the research participants. In addition, it allowed the collection of data that could not be done during one-to-one interviews or any other methods used. The observations also presented an opportunity to confirm interview data and, in some instances, they elicited important questions that were followed up during interviews.

### **Focus group discussions**

Focus group discussions (FGDs) were held with various groups: girls, women and men. They were chosen because of their "naturalistic nature" – closeness of everyday

conversations – and their tendency to accommodate a wide range of communicative processes<sup>59</sup> (Wilkinson, 2004:180). Such elements allow open and comprehensive discussions of a study topic. A total of ten FGDs were held with girls only and sixteen<sup>60</sup> with community parent (men and women) groups. The FGDs were conducted with a maximum of eight participants per group.<sup>61</sup> The number of participants was controlled to allow easier group management and rich conversations. For the FGDs with parents, some were conducted with either men or women only, with the idea of soliciting views from specific sex groups, while others were mixed groups. This is important, as marriages mean different things to men and women. These FGDs took an average of one hour per discussion, all of which were conducted in participants' villages. As a general pattern, FGDs commenced with broader discussions of interest to the communities, which allowed study participants to open up for the more personal discussions. Table 2.2 below summarises the data collection exercise outlined above.

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<sup>59</sup> These include storytelling, boasting, persuasion, challenging, disagreements, joking, teasing, and arguing.

<sup>60</sup> The sixteen FGDs included four with male only participants, four with females only participants and four with mixed male and female participants.

<sup>61</sup> A total of 208 girls, men and women participated in this study through FGDs.

**Table 2.2: Summary of study sample**

<b>Data collection technique</b>	<b>Specific groups</b>	<b>Quantity</b>
<i>Focus Group Discussions</i>	FGDs with parents/community members	16
	FGDs with girls	10
<i>Key Informant Interviews</i>	Community gate keepers <sup>62</sup>	12
	Others <sup>63</sup>	7
<i>Semi-structured Interviews</i>	In-depth interviews with girls	20
	Interviews with young couples and their parents	8

### **2.2.5. Data analysis**

The transcribed data were entered into the NVIVO data analysis software (Bazeley & Richards, 2000; Tesch, 1990), where coding followed grounded theory precepts (Charmaz, 2014). This method was chosen because of its explorative nature and suitability for analysing qualitative data. Specifically, data interpretation began with open coding, in which data were clustered within instances. This allowed the placement of data into major themes, out of which smaller themes later emerged. This was then followed with axial coding (across instances coding). Following the refinement of the themes, they were grouped into empirical chapters as reported in this study (Tesch, 1990). In interpreting these data, I kept a constant engagement with the conceptual framework

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<sup>62</sup> Gate keepers in this context include religious leaders, chiefs of different hierarchies and community cultural/religious counsellors.

<sup>63</sup> This category represents interviews with teachers, Head Teachers, Primary Education Advisors, Health Surveillance Assistants and Community Development Officers.

presented earlier in this chapter. This engagement was fundamental, as it allowed a focused analysis of study findings.

### **2.2.6. Researcher positionality**

Qualitative research requires critical self-scrutiny, as a researcher cannot be neutral or objective regarding the knowledge that one is generating (Mason, 2017:7). This means that one needs to continuously reflect on their role in the research process with the same intensity as they reflect on or analyse the evidence generated. Prior to and during this study, I participated in events and activities that enabled me to immerse myself in processes that pointed to how children, both married and unmarried, are perceived. These included serving in child rights international organisations, attending conferences, and participating as a member of an expert committee for the development of a model law for the elimination of child marriages in Southern Africa. In addition, my relationship with Chauma must also be acknowledged, as it is such reflexivity that (dis)allowed the exploration and the production of meaning on girlhood (Gray, 2011)

I served as the regional programme manager for a programme on ending child marriages in Southern Africa under Plan International. In this portfolio, I supervised a programme that was implemented at the African Union (AU) level and in four Southern African countries: Malawi, Zambia, Zimbabwe, and Mozambique. The AU component allowed me to participate in a number of conferences and meetings on child marriage, including the launch of the AU campaign to eliminate child marriages in Africa. Following the launch of the campaign, I interacted with key persons driving the agenda to end child marriage on the continent. For example, I interacted and supported a number of child marriage interventions for the office of the AU Goodwill Ambassador for Child Marriage. Thus, this role afforded me the opportunity to interact with different child rights experts on the continent. It also shaped the way I understood the conceptualisation of girls' readiness for marriage on the continent.

In the same capacity as mentioned above, I also served as a member of an expert committee for the development of a model law on child marriages. Driven by the United Nations Population Fund and Plan International, the process saw the development of a model law that aimed to serve as a blueprint for countries that were in the process of reviewing their legal frameworks aimed at curbing child marriage. This role opened up my horizon to interact with child rights lawyers and other civil society organisations. They conceptualised and pushed 18 years of age as the minimum age for marriage in the SADC region through the Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, as adopted by the Plenary Assembly of the Southern African Development Community Parliamentary Forum (SADC-PF) on 3rd June 2016. It also made me ponder whether placing regulatory mechanisms through the law was the panacea for eradicating child marriage in the region. I held this inquisitive perspective even as I began this study.

I later served in an advisory role on child rights governance in East and Southern Africa for Save the Children Sweden. Here, I expanded the scope of my knowledge of child rights beyond Southern African countries to include the East African countries of Rwanda and Ethiopia. Prior to these experiences, I also served as consultant for the adolescent and youth programme for the United Nations Population Fund, a position that afforded me the opportunity to design and support girl-specific interventions, some of which aimed at curbing child marriage. Thus, representation of child marriage in these powerful international organisations also shaped the way I viewed the conceptualisation of girls' readiness for marriage.

As the above attests, child marriage or girls' sexuality is a topic that is very close to my heart. My immersion in this study, thus, is one that was well informed of the study topic and influenced by many interactions I have had over the years. As a researcher, I was, therefore, challenged with how to tackle the research question like "an outsider" – to suspend my biases on the topic that I had worked on and had held for almost a decade. To that end, I began my research by asking what "others" – those not familiar with the ontological positioning of this study – may regard as obvious when it comes to asking

“How is girls’ readiness for marriage conceptualised?” As a sociologist, my idea was to give meaning to the concept of girls’ readiness for marriage from the perspective of girls and their communities, as a lens through which child marriages could be understood. My ultimate hope was that, by undertaking such a project at community level, it would allow the development of a tailor-made framework for understanding child marriage applicable to the Malawian context and possibly replicable in other similar contexts.

In addition to the above, my relationship with Chauma may have influenced the study in other ways. As a Malawian-born and raised *Chichewa* native speaker, I blended quite easily with the local population, as I conversed with ease in the local language spoken by Chauma inhabitants. This means that I personally had an adequate capacity to capture field data that became available in both formal and informal conversations. This is important, as data collection “does not begin and end with interview” (Robinson & Tolley, 2005:72). Further, even though I do not personally (nor did any of my family members) hail from Chauma, my social status as a married Malawian woman positively leveraged my position as a researcher. My discussions with married study participants became easier as participants opened up on discussions around sexuality that may have been otherwise inaccessible. This may be due to the respectability that marriage accords in African contexts (see Batisai, 2013; Jones, 2009). However, this is not to claim that I was totally perceived as an “insider”, as an ethnographic researcher’s – skin tone and other attributes – often results in unexpected (mis)placements amongst study populations (Crang & Cook, 2011:7).

My recollection of one particular incident stands out as a (mis)placement or the “insider” or “outsider conundrum that researchers often encounter. An incident was brought to my attention by one of the girls whose home I had visited a few times. She enlightened me that some community members had queried my persistent presence in Chauma villages. It emerged that my presence in the community was somewhat a poignant reminder of “satanic agents” who were believed to be recruiting local people into the “satanic cult”. Thus, even though many community members were cordial towards me, for some, I was

still a suspect – an “outsider”. I reckoned that the rapport that I had built with my research participants and the community leadership was central for the success of my study.

One of the ways in which I strengthened rapport with my research community was through providing motivational talks on education to girls. The community gate keepers, particularly school teachers and hospital personnel, with whom I had interacted, found my presence an opportunity for role modelling. My lean body stature convinced many people that I was young and seemingly accomplished – a researcher from a “university abroad”. I was therefore invited and gave motivational talks to girls in a number of villages. Hence, my new status as a motivational speaker became my tool of (re)negotiating spaces for conversations and access to the communities.

Thus, in this study, my research positionality was both that of an “insider” – having worked in the field for a considerably long period and my being a Malawian woman – and that of an “outsider” – having suspended my fondly held perspectives on child marriage and the community perceptions of my being. I believe that this dual researcher positionality has been beneficial on many fronts. It has enriched the findings of this study, given my rich experience in the field and the many interactions that I had with a variety community members on various topics. At the same time, by suspending my own beliefs on the study topic, it challenged my views and pushed me to articulate the conceptualisation of girls’ readiness for marriage in rather unconventional and novel ways.

### **2.2.7. Limitations of the study**

This is a qualitative study and, as such, was bound to possess inbuilt research design limitations and other challenges. The first limitation pertains to the generalisability of study findings. As the study was conducted in Chauma and, as such, particularly context-specific, findings of this study cannot be carelessly generalised to other contexts. However, the context presented a rich scenario through which girls’ readiness for marriage was better understood. Secondly, I did not interview girls who were undergoing

any initiation ceremony during the study period. This could have further enriched the discussions on preparations of girls for womanhood. However, rich representations of initiation ceremonies were provided by female initiation counsellors (*anankungwi*) and adult female research participants who were initiated as young girls. This approach has also proven useful in collecting rich sexuality data in similar studies (Talakinu, 2018).

### **2.2.8. Ethics appraisal**

As this study entailed interviewing minors, I upheld core values of ethical principles required in undertaking research with children. As Greig and Taylor (1999) note, the involvement of children as research subjects greatly increases the unpredictability factor of ethical dilemmas. As such, they posit that researchers ought to be extremely cautious when dealing with children as research subjects. To that end, several processes were undertaken in an effort to adhere to research ethics. These pertain to ethical clearance, study consent, confidentiality and anonymity, reliability, and credibility. These have been outlined as below.

#### **Ethical clearance**

Prior to embarking on the study, ethical clearance was obtained from the University of Cape Town through its Ethics Committee. This study satisfied all the required ethical clearance conditions applicable to the Faculty of Humanities at the University of Cape Town.

#### **Informed consent**

While there are variations in tackling ethical dilemmas pertaining to research on, with and for children, three critical fields have been agreed upon: (a) the need to gain access to children (whether directly or by proxy); (b) the importance of seeking informed consent; and (c) the adhering to ethical principles of autonomy, beneficence and justice (Greig & Taylor, 1999:149). In this study, specific efforts were implemented to ensure

that children as research participants were protected from potential danger while allowing them to exercise their right to express their opinions on issues that affect them.

Research consent was obtained from all the research participants. I identified risks and benefits to the children to be involved in this study and provided a written description of study participant rights. Such information was made readily available through the consent forms and read out to participants in the local language where required. Spousal consent was obtained for married girls who participated in this study. For the unmarried girls, informed parental consent was obtained. In addition, informed consent was obtained from the girls themselves and all study participants of this study.

### **Confidentiality and anonymity**

I had anticipated that conducting such broad research on sexuality would be challenging, especially given the conservative nature of the Malawian society. It was no wonder that most study participants agreed to participate in this study on the basis that their identities remained confidential and that data collected be used purely for research purposes. The need for confidentiality is emphasised in social research, as Hennink, Hutter and Bailey (2011:63) reiterate, “researchers should protect the identity of the research participants and that all personal data should be kept confidential at all times”. I have therefore used offices to describe persons who held certain positions, pseudonyms to describe study participants and general descriptions to describe certain persons.

### **Reliability**

Reliability of this study has been ensured through the collection of data from multiple sources. As alluded to earlier, data were collected through interviews (key informant interviews and individual in-depth interviews), focus group discussions and observations from different sources in Chauma. This was further triangulated with the collection of data from archives and secondary sources as articulated in the earlier sections.

## **Credibility, confirmability, dependability and transferability of data**

Data for this study were recorded and transcribed, and a clear copy of these transcriptions is available. In addition, as discussed earlier, data were systematically analysed to get a sense of emerging themes. This makes the interview data credible, confirmable and dependable. However, as noted earlier in section 2.2.7, the context-specific nature of this study may result in different results should the study be replicated in a different context.

## **2.3. Conclusion**

This chapter was divided into two sections; the first section presented the ontological positioning of this study, and the second was the study methodology for conceptualising girls' readiness for marriage.

The first part perched girls' readiness for marriage in social constructionism, where theorisation of childhood as a product of its society is central. In this regard, the articulation of structural parameters by the new social studies of childhood are considered key in shaping girls' readiness for marriage. However, unlike theorists of the new social study of childhood, the social construction of girls' readiness for marriage is also seen as a product of the developmental and socialisation processes.

The structural parameters that shape girls' readiness for marriage are moved by existing power dynamics. This is where poststructuralist reading of power becomes key in explaining how power invested in the institution of traditional authority and clan heads shape girls' readiness for marriage. In these power dynamics, critical feminist poststructuralist reading of women's and girls' agency outside the resistance frame is considered. To that end, actions of women and girls in highly patriarchal structures are not read as resistance but as other modes of agency.

Furthermore, the section also demonstrated that girls' readiness for marriage is also shaped by the price and value placed on children. In these, the considerations are not merely economic, but also largely non-economic. But, unlike Western contexts, where

non-economic pricing and valuing of children is largely exhibited in terms of emotions, girls' readiness for marriage is valued using traditions. However, these traditions are not read as invariable, but rather as adaptable.

Lastly, the first section also flagged the views of childhood sexuality, where children are considered as asexual. The negative representation of children's sexuality is useful in explaining circumstances where children, who exhibit their sexuality in the form of dating or premarital pregnancy, are no longer considered children, but now become classified as ready for marriage. This element, considered together with the other parameters presented in this section, built a framework for conceptualising girls' readiness for marriage.

The second section of the chapter outlined the study methodology, where a mixed methods, ethnographic design utilised in the study was explained. This entailed the utilisation of interviews, FGDs, observation, and archives and other secondary methods. This methodology was deemed fit for the study topic, as it allowed the collection of information from multiple sources and, as such, allowed cross examination of data collected. Having presented the ontological positioning and methodology for the study, in the next chapter, I move on to review literature relevant for the study. The selected literature focuses on discussion on childhood, girlhood and marriage, as these are important in understanding how girls' readiness for marriage is conceptualised.

### **Chapter 3| Childhood, girlhood and marriage**

This thesis examines the conceptualisation of girls' readiness for marriage. This is important because it permits us to understand the different ways and key pull factors that work to identify a particular group of girls as mature and fit for marriage. Understanding these notions of girlhood is an important endeavour, as it paves the way to alternative ways of understanding child marriages. At the crux of understanding the conceptualisation of girls' readiness for marriage, is childhood, with girlhood as its subset. At the fore is also the institution of marriage, as girls' readiness for marriage occurs within this institution. In reflection on these areas, this chapter is, therefore, organised in two main sections.

The first section reviews literature on the construction of girlhood and transition into womanhood. It examines how girls' readiness for marriage has been constructed and highlights the missing gaps in these constructions. It also provides a brief historical account of how the conception of childhood, a broader category that encompasses girlhood, has evolved over time. It demonstrates that constructing girls' readiness for marriage is a complicated task, as the concept is embedded in the binary constructions of childhood and adulthood.

The second section focuses on literature on marriage. A brief historical account of marriage is presented, followed by a discussion of African marriage prestations. A synopsis of marriages in Malawi is also presented. It demonstrates that the institution of marriage has changed over time, and that a turning point for African marriages occurred with the advent of European imperialism. It portrays the uniqueness of African marriages by highlighting the utility of marriage prestations, ways through which girlhood and girls' sexuality have been priced and valued on the continent. The chapter, therefore, concludes that an in-depth understanding of girls' readiness for marriage requires an understanding of key structural parameters that shape the transition from childhood to adulthood, and those that define African marriages.

### 3.1.1 Girlhood and constructing readiness for marriage

Terminology of girl and girlhood, the subsets of children and childhood, respectively, are fundamental aspects of this study. This is because girls' readiness for marriage is a gendered social label that is experienced by girls as part of their girlhood. The term "girl" has been theorised in different ways and, as such, its use potentially conveys an array of meanings. Second-wave feminists advance the use of the term "young women" as an attempt to capture maturity as an additional experience that young girls lack (Aapola *et al.*, 2005). The term is also used to separate females from the conflated homogenised notions of gender that fall under "youth" (Fine, 1988). Among these are also conceptualisations that refer to female children as girls, an attempt to separate them from the broader category of children (Dictionary & Idioms, 1989). For feminist academics, conceptualisations of girls are neither static nor linear, as they are socially constructed through cultural norms and practices that are "produced and reproduced by individuals and collectives in particular historical and political moments" (Griffin, 2004:29). As a result, different experiences of girlhood are created in particular contexts and are bound to change at any historical moment.

In traditional developmental perspectives, girlhood has been typically subsumed under childhood. Like the concept of childhood, proponents of "girlhood studies" have argued that universal and normative application of the term can obscure the identity of features that reflect other important elements, such as race, class, sexuality and ability. Jessica Willis, in her article, "Sexual subjectivity: Semiotic analysis of girlhood, sex and sexuality in the film Juno", aptly asserts that constructs of girlhood are multiple and complex, and, consequently, any singularised notion of girls or girlhood is not only ineffectual but also potentially dangerous (Willis, 2008:241). Ntombela and Mashiya's (2009) study can be singled out as one study that showed the many faces of girlhood. These researchers investigated whether the social construction of the realities of femininity, as well as girlhood, changed across two generations of women in South Africa. Through their documented case studies of women from two generations (mothers and daughters categorised as different generations), it was learnt that girls are not a

uniform group and that there is no universal girlhood but only subjective experiences. These findings refute perspectives that view girlhood as a normative template, as such standpoints have the potential of “building resistance to alternative conceptualizations and inclusions” (Brown, 2011:108). In examining girls’ readiness for marriage as a form of girlhood, these ideas are fundamental, as they clarify our insights regarding the multiple possibilities on how girls’ readiness for marriage is socially constructed.

The transition from girlhood (childhood) to womanhood is at the centre of this study. However, this transition is marred by the controversy that surrounds the concept of womanhood. Caroline Smart (1992), in her analysis of historical essays on marriage, motherhood and sexuality, posits that the category of woman(hood), like girlhood discussed above, is constantly subjected to different constructions interwoven in complex ways. She writes: “[W]oman is not a singular unit that has existed unchanged throughout history as some discourses might proclaim, but rather, each discourse brings its own woman into being” (Smart, 1992:7). Virginia Morrow (2011) agrees with Carol Smart’s assertion on the way that constructions of girlhood and womanhood change over time. In highlighting the changing characteristics of societies’ viewpoints regarding the acceptable qualities required of females to enter motherhood, she writes, “in the 19<sup>th</sup> century, it was not only normal but also expected for women to marry and have their babies young”(Morrow, 2011:5). And yet, she advances, “in Western developed countries (and increasingly globally), teenage parents are dominantly being viewed as a ‘social problem’ whose sexuality needs to be controlled” (Morrow, 2011:5). The same observations have emerged in the Global South, where teenage pregnancies have been problematised because of the role they play in deterring development. For example, Mkhwanazi (2012) shows how teenage pregnancy, a once “normal” phenomenon in South Africa, has evolved to become a bone of political and developmental contention. Amongst government officials and the black elite, the pervasive nature of teenage pregnancy in the country is interpreted as a sign of a deteriorating society, of moral decay, deviance and delinquency. Thus, the shifting perspectives imply that constructions of girlhood and womanhood, just like childhood, are not static.

As girls' readiness for marriage is not discussed independently in most recent literature, the social constructions of the transition of girlhood into womanhood are important pointers for the comprehension of this social label. In much scholarly literature, girls' readiness for marriage has been discussed in relation to the development of a child – commencement of pubescence (cf. Batisai , 2013; Jules-Rosette, 1980; Pasura *et al.*, 2012; Talakinu, 2018; Uskul, 2004). Ursula Pasura *et al.* (2012) conducted a study in six Caribbean countries, namely, Anguilla, Barbados, Dominica, Grenada, Montserrat, and St Kitts and Nevis, which provides useful insights into how Caribbean girls graduate into adulthood. While adopting a mixed-methods qualitative and quantitative approach, they examine the competing meanings of childhood and the social construction of child sexual abuse. They report that some men view the time that girls start menstruating as signifying the end of childhood and the beginning of an adult life. However, the study does not state whether the conceptualisation of readiness for marriage is embodied in this transition or if it is a completely different conceptualisation. The researchers also report that some men in the study conceptualised motherhood and childhood as “states that cannot coexist for teenage mothers” (Pasura *et al.*, 2012:2009). This means that a teenage girl with a baby is seen to have forfeited her being as a “child” by having a “child”-baby. These male perspectives are important, as they point to two fundamental issues: firstly, the idea that conceptualisations of the end of childhood may or may not be synonymous with readiness for marriage, and secondly, the vexing relationship between childhood and expressions of sexuality. In the latter, childhood sexuality is denied. These issues are the crux of this thesis.

Recent studies on menarche as a transition of girlhood to womanhood focus on the “experience” and do not expound on the meaning. Ayse Uskul's (2004) contribution on the social and cultural construction of menarche and how girls experience it in relation to the larger meaning of the event is captivating. In her study of women drawn from 53 countries (eight of which were African countries),<sup>64</sup> she found that the majority of women

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<sup>64</sup> African countries represented in this sample were Ethiopia, South Africa, Nigeria, Kenya, Zambia, Morocco, Benin and Sierra Leone.

viewed menarche as a personal experience better kept to oneself than shared. For some of these women, the meanings of menarche were not derived from larger cultural meanings. In Central Asia, for example, she reports that the commencement of menarche is celebrated. This is because it is considered valuable as it means that a girl is now capable of conceiving and getting married (Uskul, 2004:17). And yet, women from this region who participated in study, did not view menarche as a positive event.<sup>65</sup> Uskul's study also revealed that for some women, rituals, secrecy and rules and regulations surrounded their menarche experiences. For instance, menstruating girls in some regions are not allowed to partake in religious practices, such as fasting and praying or entering holy places, such as mosques and churches. Other girls are barred from participating in some activities, such as swimming (Spain, Brazil, India, Italy). These experiences led her to the conclusion that personal menarche experiences depended on cultural, religious and social environments. Thus Uskul's study shows how structural parameters are important in shaping experiences of childhood. However, while Uskul's study provides insights into the transition process of childhood into adulthood through menarche, her study reveals rather broad strokes of menarche, given that only one or two respondents were drawn from each country to represent their entire nation. In addition, Uskul's study does not extend to exploring the cultural value of menarche in sufficient detail to reveal the cultural nuances important for the conceptualisation of girls' readiness for marriage.

In sub-Saharan Africa, most existing studies that discuss the transition of girlhood to womanhood through the commencement of menstruation focus on its impact on girls' schooling. In a comparative case study of Northern Tanzania of older girls aged 16 to 19 years, Marni Sommer (2009) focuses on girls' experiences of menstruation, puberty and schooling. She found that girls' experiences of menarche in Tanzania were mostly those of fear, shame and confusion. She concluded that this was due to lack of proper information and support on menarche in modern Tanzania. A similar study conducted by Linda Mason et al. (2013) in Siaya County in rural western Kenya drew similar

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<sup>65</sup> These women perceived their commencement of menarche negatively as they feared childhood innocence and feared becoming women.

conclusions to those presented in Tanzania, labeling menarche as a negative experience for most girls. In both these studies, the researchers' interest lay in explaining menarche experiences. However, unlike Sommer's study, Mason et al. (2013) also discuss menarche in relation to maturity. These researchers report that most girls and those around them viewed commencement of menstruation as a sign of sexual maturity, while a few girls were confused about the meaning of their commencement of menarche, as they considered themselves neither adults nor children. For a few others, menarche is also a sign of maturity for marriage. The different interpretations of the commencement of menarche in this study are interesting, as they also point to the complexity of conceptualising girls' readiness for marriage. However, like other studies discussed above, the notion of maturity for marriage is not further explored.

However, a few recent studies in sub-Saharan African have gone beyond the discussion on the experiences of menstruation or its linkage to education to interrogate the socially constructed meaning of menstruation. Batisai's (2013) ethnographic study traced the lives of Shona elderly women to understand the discourses of femininity that shaped girlhood in Zimbabwe. She found that menstruation did not just mark the beginning of womanhood, but that the timing of the occurrence of the first menstruation assigned meaning to the traits of particular girls. Girls whose menstruation occurred in summer (around September and October) were labelled as naughty, mischievous and promiscuous, unlike those who experienced menstruation between June and August (Batisai, 2013:103). She, therefore, concluded that menstruation did not only separate girls from women, but that it also separated "good girls" from "bad girls". The reading of menstruation beyond the confines of commencement of puberty is captivating, as it paves the way for the interrogation of other aspects that may be intrinsically linked with menstruation. However, this study, like the other studies discussed earlier, did not interrogate further the relationship between the commencement of menstruation and readiness for marriage.

Traditions are at the centre of the transition of girlhood to womanhood. In this regard, puberty rites and initiation ceremonies have also characterised the transition of girlhood

to womanhood (including influencing readiness for marriage) in most Southern African contexts. These have been described as cross-generational forms of knowledge transfer through the preparation for sexual, familial and other aspects of life of its initiates (Batisai, 2013:103; Ngoma, 1963:11).<sup>66</sup> Studies show that the practice of these rites remains high in sub-Saharan Africa. In a big study that examined the link between changing age at marriage and premarital sexual behavior using DHS data collected between 1994 and 2004, it was concluded that the occurrence of sexual initiation ceremonies had not pervasively shifted as previously thought (Mensch, Grant & Blanc, 2006). Out of the 27 countries, the rites and ceremonies have significantly declined in 13, increased in 4 and not changed in 10 (Ibid.:701). These findings reveal the continued importance of traditions in the form of initiation and puberty rites in sub-Saharan Africa.

Peter Carstens (1982) ascribes puberty rites and initiation ceremonies amongst the Xhosa and Nama of Southern Africa as a result of the European influence in these societies. Amongst the Nama, girls' initiation ceremonies were conducted at the onset of menstruation, completion of which was regarded as readiness for marriage. These initiation ceremonies were observed to be absent amongst the Xhosa, who instead had initiation ceremonies for boys. Xhosa girls' initiation ceremonies had either disappeared or were incorporated into marriage initiation ceremonies. Drawing on Judith Brown's (1963) assertions regarding the occurrence of initiation ceremonies,<sup>67</sup> he concluded that Nama girls' initiation ceremonies continued because of the powerful role that women held in this society as managers of households. He came to the same conclusion regarding Xhosa boys' initiation ceremonies, where men continued to dominate in many spheres of this society. For Carstens, even in the face of changing sex roles, domestic power is reflected in initiation ceremonies, and the powerful side is visible in the availability of

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<sup>66</sup> Quoted in: Jules-Rosette, B. 1980. Changing aspects of women's initiation in Southern Africa: an exploratory study. *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*. 13(3):339-405.

<sup>67</sup> Female initiation rites are said to occur in those societies in which the young girl does not leave the domestic unit of her parents after marriage and they occur where women make notable a contribution to subsistence activities. See Brown, Judith K. 1963. "A cross-cultural study of female initiation rites. *American Anthropologist*. 65:849.

initiation ceremonies. Here, we see the link between initiation ceremonies and the notions of power, where initiation ceremonies are not simply a sign of maturity from childhood to adulthood, but are also a power ground for domestic politics. The nature of these domestic politics in Chauma is discussed in Chapters 5 and 6.

Writing on changing aspects of women's initiation in Southern Africa, Jules-Rosette (1980) provides insights into the Bemba and Shona's preparation of girls for marriage and womanhood. Amongst the Bemba of Zambia, she reports that the *chisungu* is the girls' puberty rite and a major form of initiation, though she observes a time reduction in its length in recent years.<sup>68</sup> In this rite, typical means of imparting knowledge involve songs, dances and mimes, from which a girl learns how to protect herself from the "magical dangers" that the Bemba people believe besiege this premarital stage.<sup>69</sup> Summarising the significance of the rite, Benneta Jules-Rosette writes:

The major objectives of the *chisungu* include: **1.** Marking the young woman's maturity through tests and ordeals that confirm her right to bear a child...**3.** Teaching the young women the "secret language of marriage" that is acceptable etiquette of marital interactions...**7.** Separating the initiate from children who have not been initiated (Jules-Rosette, 1980:393).

In the above articulations, three aspects are clear about the meaning of the *chisungu* initiation ceremony. Firstly, it marks the maturity of the initiates, where girls are considered fit to start bearing children. Secondly, the initiates are taught their expected conduct in marriage. This means that girls who undergo these rites are marked as being ready for marriage. Thirdly, it separates initiates from children. In this regard, girls who undergo the rites are placed in a different grouping from those who have not, as completion of the rites transforms them into the adult category. In these meanings, the

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<sup>68</sup> Jules-Rosette (1980:394) reports that, in Kasama and other areas of Zambia, the rite has been reduced from three months to about a minimum of three days.

<sup>69</sup> In fact, the Bemba people believe that a girl who has not gone through the *chisungu* is "just a piece of rubbish" (see Jules-Rosette, B. 1980. Changing aspects of women's initiation in Southern Africa: an exploratory study. *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*. 13(3):339-405.

notion of girls' readiness for marriage is not an independent construction; rather it is attached to the transition from childhood to adulthood.

Recent studies on *chisungu* in Zambia have validated the above seemingly old practice. A study that adopted an African feminist perspective in its analysis found that *chisungu* ceremonies persist amongst the Chikunda of Zambia (Talakinu, 2018). The researcher observed that girls who had undergone these initiation ceremonies were perceived as more desirable and marriageable than those who did not. The study also found that such girls gained social respectability by being perceived as "complete women", having been taught the essentials of womanhood, such as labia minora elongation (Talakinu, 2018:116). These local meanings and perceptions are important for this study, as they point to the need to pay attention to locally produced meanings that depict maturity or readiness for marriage. As Talakinu's study shows, at the core of these ceremonies, are traditions that shape girls' readiness for marriage.

Jules-Rosette (1980) writes that, unlike the Bemba, Shona people did not have specific puberty rites, but practised initiation ceremonies that were more connected to marriage. In these, a young girl was expected to take over the responsibility of her family home before marriage and by the age of fifteen, she had the capacity to run the entire household. In addition, young women were examined as a requirement of a virgin marriage – *ciziwizo* (Jules-Rosette, 1980:395). These findings amongst the Shona people depict that girls' readiness for marriage is also conceptualised through the ability to perform gendered roles in the household. Here we see the importance of the socialisation process in shaping girls' readiness for marriage.

Jules-Rosette (1980) compares the transition of these Shona rites and initiation practices to the emergence of a revitalised form of girls' preparation for marriage – the *mushecho* rite. This rite is not tied to the commencement of menarche and is practiced by the indigenous church – *Vapostori*.<sup>70</sup> In this rite, young women select eligible marriage

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<sup>70</sup> Other scholars refer to it as *Vapostori* (cf. Dube, 2019).

partners of their choice at the successful completion of the rite. It centrally involves the checking of virginity, an important aspect of the *ciziwizo*, suggesting the transfer of traditional rites to modern institutions, such as churches.<sup>71</sup> The existence of these “new” forms of initiation rites for girls led her to conclude that they do not reflect a decrease or reduced relevance of initiation ceremonies in Southern Africa. Rather, it is a reassertion of the importance of women in a changing environment. These arguments are valid, as Chapters 5 and 6 of the current study also show how girls’ rites and traditions are maintained in modern Malawi. However, Jules-Rosette’s arguments generalise women as a singular category, as she does not specifically attribute the presence of rites to a reassertion of the importance of girls as a distinct category. In addition, Jules-Rosette assumes that the current trend is only visible in institutions, such as the church, but does not explore how this manifests in other religions, for instance, Islam. This study contributes to filling this research gap.

Rites, which are not attached to girls’ menstruation, such as the *mushecho*, have also been observed in other parts of Southern Africa. From the outset, Peter Rigby (1967), in his study of the Gogo in Tanzania, dismisses the idea that “puberty rituals” and “rituals which initiate children into adult status” – maturation rites – are synonymous. Drawing on Richards’ (1956) conclusion based on her brief study of puberty rituals among Bantu-speaking people, he asserts that rites called “maturation rites” are dissociated from puberty. Amongst the Gogo, rituals at puberty are held only for girls, whilst initiation rites are held for both sexes. Different from girls’ puberty rites, girls’ initiation occurs when a girl is between eight and eleven years old, and the initiation does not signify her immediate marriageability. These ceremonies consist of clitoridectomy and secret teachings and instructions. While completion of these ceremonies points to “maturity” for girls, these girls are not considered as “women”. It is only the onset of menstruation that validates girls’ readiness for marriage (Rigby, 1967:436). The different meanings

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<sup>71</sup> This trend has also been observed in other parts of Southern Africa. See Phiri, I.A. 1997. *Women, Presbyterianism and patriarchy: religious experience of Chewa women in central Malawi*. Blantyre: CLAIM.

attached to initiation ceremonies and rites amongst the Gogo of Tanzania or amongst the Shona suggest that initiation ceremonies do not always carry the same meanings. However, they present an opportunity to understand how tradition impacts on girls' readiness for marriage.

The literature reviewed above shows that conceptualising girl's readiness for marriage is complex, as the term hovers between the parameters of what is described as childhood (girlhood) and adulthood (womanhood). Literature shows that knowledge of the conceptualisation of girls' readiness for marriage is largely limited to the development of the child – commencement of menarche and its associated traditions on puberty rites and initiation ceremonies. A few also point to the socialisation processes – girls' ability to run a household. These constructs are produced and reproduced by girls and those around them. However, they are limited to anthropological, psychological and public health scholarship. In addition, most of these studies neither examined girls' readiness for marriage constructs in greater detail nor provided additional layers through which these constructs can be understood.

Furthermore, the current literature on the commencement of menstruation often discusses the experience rather than its relation to readiness for marriage. These are principally in relation to girls' schooling outcomes. Also, existing literature on puberty and initiation rites demonstrates that their meanings do not universally imply readiness for marriage. This is because, in some contexts, they are merely a mark of maturity but not precisely that of marriage. Nonetheless, the literature points to fundamental ways of understanding African girlhood and sexualities. They allow for the isolation of processes useful for the construction of girls' readiness for marriage and for the recognition of the politics that may underlie these processes. As girls' readiness for marriage is a manifestation of girlhood and, as such, cannot be conceptualised outside the confines of childhood, the next section places childhood in a historical context., tracing how childhood has evolved over time.

### 3.1.2 A brief historical account: Childhood

This section offers a synoptic overview of the global history of childhood based largely on the works of Western scholars of childhood: Ariès, Zelizer and Haywood. This scholarship is balanced with some existing historical literature on African childhoods: George and Sloth-Nielsen. The purpose of this section is to provide accounts that demonstrate that the notion of childhood, as it is known today, is a product of historical structural parameters. This scholarship shows how childhood has evolved over time, from unprotected periods when children were economically productive citizens in premodern times to protected stages as they became in the 20<sup>th</sup> century to date. For African childhoods, the role of colonisation and the advent of child rights instruments unsettle the taken-for-granted meanings of childhood and girls' readiness for marriage as they occur in contemporary times. These historical accounts are important for this study, as they show that girls' readiness for marriage, as it is constructed today, is also a product of the history of its contexts.

In examining the historical accounts of childhood, the United States of America, England and France are used to illustrate Eurocentric experiences of childhood. Therefore I heavily rely on accounts by Ariès (1962a), Zelizer (1994)<sup>72</sup> and Heywood (1988) to explain the situation of childhood in these contexts. My analysis of African childhoods relies on Sloth-Nielsen (2012) and George (2014), who both provide rich historical accounts of African childhoods. These accounts have been categorised in three phases: pre-modern to 19<sup>th</sup> century, 20<sup>th</sup> century, and modern childhoods.<sup>73</sup> They are expounded in the three sections that follow.

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<sup>72</sup> As Zelizer provides both a historicised version of childhood in the United States of America and of the pricing and valuing of the child, her text has been used on multiple occasions. For instance, I have also engaged with her in Chapter 2, as I discussed the price and value of childhood.

<sup>73</sup> The historical periods for the evolvement of childhood presented in this section are for the purposes of projecting the process. As will be noted, some historical periods cannot be presented as separate from the others, and some countries championed the changes earlier than others. Such are challenges for a consolidated effort to historicise phenomena that occurred with context-specificity.

## **Pre-modern: 19<sup>th</sup>-century childhood**

The nature of childhood during pre-modern times is reflective of the means of production and survival. In the West, the emergence of childhood has been predominantly linked to the emergence of factors of profound economic, occupational and family structures (Ariès, 1962a; Heywood, 1988; Zelizer, 1994). In his pioneer study on France and England, Ariès<sup>74</sup> argues the absence of the concept of childhood during the Middle Ages, as children were “natural companions” (Ariès, 1962a:411) of adults. This means that, as children became independent, they played and worked with adults without any or much distinction between adulthood and childhood. However, Ariès writes that it was the introduction of schooling and the growing importance of family from the 15<sup>th</sup> century onwards that created childhood as a separate category (Ariès, 1962a:411). The introduction of schools secluded children from adults as they became more institutionalised in order to achieve effective education. Parents also felt more responsible for their children, as religion taught them that they were spiritual guardians of their children.

Based on the analysis of histological literature in France, historian Colin Heywood (1988) writes of childhood in 19<sup>th</sup>-century France, where child employment both in towns and farms was an acceptable way of living. Comprising mostly children of the peasants and working-class, both girl and boy children worked in factories and on farms as assistants, shepherds and shepherdesses and in many other adult roles (Heywood, 1988:2). However, this culturally accepted phenomenon was challenged around the 1820s and 1830s, when the middle-class raised concerns over working conditions for children and, thus, the middle-class ideology that children could remain home and attend school came into being (Heywood, 1988:4).

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<sup>74</sup> Ariès traced the emergence of childhood through paintings and diaries of four centuries, the history of games and the development of schools and their curricula.

As discussed in Chapter 2, related accounts have been written on childhood in the United States of America. Zelizer (1994) suggests that, during this period, American children had a cash connotation in the economy and their market value was an acceptable cultural value (1994:10). This means that children's value was equated to the economic profit to which they could contribute as a result of their participation in the labour market. With a battle that lasted over fifty years from the 1870s, Zelizer observes that this stance was challenged partly by child labour reformers, who saw child labour as an impediment to children's sentimental value (1994:57). As illustrated by all three scholars above, childhood in the pre-modern West was not a protected category, as children were engaged in child labour with no questioning, for a certain period in time.

The picture in Africa was not different. Even though academic literature on the nature of childhood in Africa in pre-modern times is scanty,<sup>75</sup> literature suggests that, in the absence of the Industrial Revolution that shaped childhood in the West, childhood in pre-modern Africa was shaped by agricultural subsistence production. Children contributed to the means of production and reproduction alongside adults; they took care of raising siblings, and they tended livestock and crops (Sloth-Nielsen, 2012). This means that, just as in the West, childhood in pre-modern Africa was also far from being a protected category as it is in modern times. In fact, some scholars even dismiss the need for protective frameworks during this period on the grounds that there was simply no need (Bennett, 1993). However, this "carefree nature" of childhood did not survive in the 20<sup>th</sup> century, as the once-useful child began to be transformed into another version of personhood. This version of childhood is the subject of the next sub-section.

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<sup>75</sup> Even historians, who were writing as late as 2014, recognise that scholarly interest in childhood, as a historical artifact, is a recent development. It was only in the 21<sup>st</sup> century that historians took interest in researching African childhoods. This partly explains the missing narratives in this field (See George, 2014:13).

## Shifting childhood: 20<sup>th</sup>-century children (1901-1988)

Literature suggests that the transformation of childhood occurred roughly at the same time in the West as in Africa. While the shift occurred earlier in the 19<sup>th</sup> century in France as previously noted (Heywood, 1988), childhood in the USA had also begun to evolve, but more drastically so during the 20<sup>th</sup> century. During this period, compulsory education and child labour laws separated children from adults, and made childhood a sacred domain. Child labour laws set an age limit for children in the labour market. Between 1879 and 1909, there was an upward trend, as many states set an age limit for employment. A total of 44 states are reported to have had laws by this time, a significant rise from the initial seven<sup>76</sup> (Zelizer, 1994:76). Three decades into the century, the economically useful child that existed in pre-colonial America became a rare occurrence and culturally exceptional.

In Africa,<sup>77</sup> the advent of imperialism<sup>78</sup> in the late 19<sup>th</sup> century was a dawn that shaped African childhoods. It is argued that children were the first category that became the universal subject during colonialism (George, 2014:6). George notes that children's issues were first raised in Lagos colony, the present Nigeria in 1877,<sup>79</sup> when legislative measures were taken by the colonial government to protect child slaves from labour and moral exploitation (2014:3). The ordinance particularised children as colonial subjects and also separated enslaved children from enslaved adults through its various demands on child registration.<sup>80</sup> Even though the ordinance is said to have faded two decades later, it re-emerged in the mid-20<sup>th</sup> century under the new developmentalist colonial state, which viewed children as vulnerable and in need of protection.

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<sup>76</sup> The initial age limit was set at 10 years; it was raised to 12 and later on to 14. In the 1920s this was further raised to 16 following lobbying activities from child labour opponents (See Zelizer, 1994:67).

<sup>77</sup> The views presented here do not in any way consider the developments in Africa as universal, but rather the intention is to present a broader picture of the shift in childhood on the continent.

<sup>78</sup> See footnote 10.

<sup>79</sup> In 1877, the colony of Lagos passed the Alien Children Registration Ordinance to protect child slaves.

<sup>80</sup> Under this ordinance, children that entered Lagos colony were to be registered within 48 hours. Any change of guardianship, relocation or change in address had to be approved by the state (George, 2014:5)

The ideological change of the colonial masters beginning in the 1920s has been labelled as imperial liberalism (George, 2014:63). This is because, during this period, colonialist governments set out to actively involve the subjects,<sup>81</sup> and, as such, previously non-normative subjects, such as women and children, generated an agenda for an emergent field of social work. The interest of the colonialists in African children gained force particularly after World War I, when the League of Nations Advisory Committee that included child welfare, passed the first declaration for children's rights in 1924. In this declaration, children were constructed as vulnerable and in need of care.<sup>82</sup> Discussions on how these tenets could be applied to the African child gained ground and were particularly supported by non-governmental organisations.<sup>83</sup> It is during this period that the African child came to be better known, as vulnerable, and African childhood became a point of concern.

Another wave of discussions of children's rights during the colonial period followed thirty-three years later when the United Nations General Assembly adopted a ten-principled Declaration of the Rights of the Child of 1959.<sup>84</sup> Unlike the first declaration where commitments were framed as duties owed to the child, provisions of the second embodied principles formulated as rights for children (Mandlate, 2012:50). Remarkably, the 1959 declaration was also unique, as, unlike its predecessor, it took responsibility for children and placed their protection in the hands of voluntary organisations, and local and

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<sup>81</sup> This is a reflection of what Mahmood Mamdani has called the "native question" – how a vast majority of Africans could be ruled by a few white imperialists (See Mamdani, 1996).

<sup>82</sup> Also known as the Declaration of Geneva, the five-point declaration pinpointed that: "The child must be given the means requisite for its normal development, both materially and spiritually" (Article 1). "The child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succored" (Article 2). "The child must be the first to receive relief in times of distress" (Article 3). "The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation" (Article 4). "The child must be brought up in the consciousness that its talents must be devoted to the service of fellow men" (Article 5).

<sup>83</sup> For example, Eglantyne Jebb, the founder of Save the Children International, organised a conference to discuss the applicability of the declaration to the African child (See George, 2014:68)

<sup>84</sup> Other traces of children's rights were also articulated in the International Labor Organization Minimum Age (Industry) 1919 and International Convention for the Suppression of Traffic in Women and Children (1921).

national governments (United Nations General Assembly, 1959). However, the declaration has been criticised for its articulation of specific duties, such as those of mothers, as stereotypical and discriminatory (Kaime, 2009a:136).

Literature suggests that colonial construction of African childhoods mirrored colonial interests on the African continent. In her analysis of the juvenile sector through the Enugu Reformatory Centre for boys, George (2014) writes that the reformation of African delinquent boys focused on productive skill sets that were useful to the colonial economy. This was important for the colonialists as it was envisaged that "...African juvenile offenders could develop into model modern colonial subjects" (2014:86). In the same book, George also analyses the colonial influence on girlhood. She posits that the colonialists viewed working-class girls, like girl hawkers, as being in sexual danger. These perceptions were carried forward in the 1943 Children and Young Persons Ordinance and its subsidiary regulations on street trading that technically prohibited girls from hawking as it rendered them susceptible to forming sexual relations with men. This "salvation gaze" was, however, not fully inclusive, as colonial welfare officials based it on only the relatively restricted number of girls that they had encountered and yet generalised this as a girlhood experience for all (George, 2014:113). Moreover, for the working-class, hawking was an apprenticeship; it was through hawking that girls learnt how to be traders.

The colonial influence on African childhoods was also crafted with the assistance of elite Africans. In Lagos colony, these were Western-educated elite women, whose interests lay in Westernising the "backward" Africa. These Western-educated Lagosian women embarked on a project of preserving and popularising the Western notion of "modern womanhood" (George, 2014:7). An entry point for this project was Western-style education, where working class girls were to be socialised into Western womanhood. In this project, the vision also "entailed delaying ages at which girls entered both the institution of marriage and the urban workforce" (Ibid:7). Thus, the colonial salvation gaze on working-class girls was a shared interest of both colonial administrators and elite Westernised African women.

The colonial influence on African childhood presented above has been best summarised by Sloth-Nielsen (2012), who isolates four influences. Firstly, the colonial period created certain expectations of childhood. However, these childhood expectations were based on colonial perspectives of the ideal African child. Secondly, it led to the distinction of children from adults. This occurred through the different legal frameworks introduced by the colonial masters. Thirdly, the African childhood of this period was marked with a “welfarist leaning”, as it focused on aspects of childhood that were thought might bring havoc to the public order. Thus, the focus of African childhoods was on children who were deemed as needing social welfare. Fourthly, it brought in the idea of state intervention for the protection of children but without consideration of indigenous options (Sloth-Nielsen, 2012:5-6).

The above discussions are important for this study, as to understand contemporary conceptualisation of girls’ readiness for marriage, one also has to appreciate how historical forces have shaped the notions of childhoods. Thus, for the African child, the discussions compel us to question how imperialism specifically impacted on girls’ readiness for marriage. For instance, such questioning allows us to examine how colonial established powers vested in the institution of traditional authority were central in shaping girlhood and girls’ sexuality. As I demonstrate in Chapter 6, colonial powers vested in traditional authorities were not only political, but were gendered and sexuality-based. The next sub-section takes the conversation forward to examine how childhood was conceptualised from 1989 and onwards.

### **Modern childhoods (1989 onwards)**

This subsection traces the modern conceptualisation of childhood and girls’ readiness for marriage. It specifically highlights the role of international child rights instruments in defining acceptable parameters. These discussions are important, as they help us understand the origins of the pervasive existence of chronological age that defines childhood and readiness for marriage.

Current definitions and understanding of childhood are based on normative standards as set by international human rights instruments. These have resulted in the insertion of African children in the global and universal class. As highlighted earlier, the first of these was the Declaration of the Rights of Children, a mechanism that provided the tenets of subsequent children's rights instruments (Kaime, 2009a:122). Next was the 1959 Declaration of the Rights of the Child. Since both declarations were legally non-binding, 1989 was a landmark year, as it transformed perspectives on childhood as it is known today.

Even though the earlier child rights declarations were drafted for children, they did not pre-set the definition of a child *per se*. For instance, both the 1924 and 1959 declarations, at best, provided for the protection of children but did not specify who would qualify as a child. Similarly, a legal scholar observes that, despite their contributions, the instruments failed to comprehensively address child rights, as children were objects rather than subjects of the law (Van Bueren, 1995). Thus, the UN General Assembly adoption of the Convention on the Rights of the Child in 1989 was an attempt to rectify some of these observations. Over the years, the CRC principles have been augmented by the adoption of three Optional Protocols that further clarify particular issues. These are the Optional Protocol to the CRC on the involvement of children in armed conflict<sup>85</sup>, the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography<sup>86</sup> and Optional Protocol to the Convention on the Rights of the Child on a communications procedure<sup>87</sup>.

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<sup>85</sup> Optional Protocol to the CRC on the involvement of children in armed conflict accessible at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>. Accessed Nov 22, 2018.

<sup>86</sup> Optional Protocol to the CRC on the sale of children, child prostitution and child pornography is available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>. Accessed Nov 22, 2018.

<sup>87</sup> Optional Protocol to the Convention on the Rights of the Child on a communications procedure accessible at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPICCRC.aspx>. Accessed 12 July, 2019.

In 40 of its 54 substantive articles, the CRC provides for specific human rights for children, including civil, political, economic, social, health and cultural rights. Amongst these, articles on non-discrimination, the child's best interest, survival and development and participation are regarded as general principles,<sup>88</sup> implying that any intervention for children must be assessed within these parameters (Kaime, 2009a:125). However, contemporary rights enshrined in the CRC are based on the norms and values of industrialised Western societies, as their genesis was moulded by cultural and historically specific events (Kaime, 2009b:79). These claims have been augmented by observations that African childhoods were hardly at the core of the development of the CRC (An-Na'im, 1990:346-353).

However, unlike the earlier human rights instruments, the CRC sets a clear definition of persons who qualify as children.<sup>89</sup> In its definition, a child is any human being under the age of eighteen<sup>90</sup> (United Nations General Assembly, 1989). Based on this definition, the parameters of childhood are set to dwell entirely on the age of a human being (Armstrong *et al.*, 1995:337), and any other conceivable inclusionary or exclusionary parameters become irrelevant. This definition produces children and childhood as universal and homogenous concepts, as countries that ratify the CRC are expected to adopt and domesticate such provisions within their local contexts, unless they ratify it with reservations. And yet the sociology of childhood argues that childhood is socially

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<sup>88</sup> See Articles 2, 3, and 6 of the CRC (<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. Accessed November 22, 2018).

<sup>89</sup> It should be noted that the first draft of the convention did not have any definition of a child. In its Article one, it merely stated that "Every child, without any exception whatsoever, shall be entitled to the rights set forth in this Convention, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family". See the Polish draft <https://www.ohchr.org/Documents/Publications/LegislativeHistorycrc1en.pdf>.

<sup>90</sup> This definition is extended to include an aspect where the age of majority is reached earlier. This suggests that age of 18 can be rebutted where the legal majority is younger. However, the CRC Committee, an oversight committee of the Convention, has shown little tolerance to countries that have decided to set a lower age to define a child. For example, the age of 16 set by Namibia was not welcomed. (See Archard, D. & Tobin, J. 2019. *Article 1: The definition of a child*. Oxford: Oxford University Press.)

constructed and, as such, context-specific (James & Prout, 2015; James, Jenks & Prout, 1998). This is one of the points of concern for this thesis.

Even though the CRC coherently defines a child, it does not explicitly articulate readiness for marriage, or child marriages for that matter. These have been interpreted to fall within specific Articles: 24, 28, and 37<sup>91</sup> (World Policy Analysis Center, 2018) or Article 19 (Committee on the Elimination of Discrimination against Women & Committee on the Rights of the Child, 2014). In these articles, child marriage is implicitly interpreted as a harmful practice that impedes the fulfilment of other rights of the child.

The CRC's articulation of some of its provisions is also problematic. For example, while it is clear on the role of the state and that of parents, it articulates contradictory positions on these two. For instance, while Article 4 provides states with protective duties regarding children's rights, Article 5 expects states to respect the responsibility of parents and others over their children as provided for by custom. By expounding parental responsibility in line with custom, a battleground between state duties and the customary responsibility of parents for their children is drawn. This dilemma becomes more visible in the issue of child marriages, where states are encouraged to take an active role in protecting children from early marriages by setting the minimum age of marriage, while at the same time, parents and others use custom and traditions to define the age for readiness for marriage. Chapters 4 and 5 of this thesis offer further exploration of this matter.

Another important human rights instrument to consider in defining girls' readiness for marriage is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In this, an explicit articulation on the prohibition of child marriages is found. It states: "The betrothal and the marriage of a child shall have no legal effect,

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<sup>91</sup> Article 24: "States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children." Article 28: "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity." Article 37: "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse."

and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory” (United Nations General Assembly, 1979: Article 16 [12]). Here, unlike the CRC, the CEDAW unreservedly nullifies any marriages where a party is a child but unfortunately does not endeavour to define the minimum age of marriage. Thus, a gap in the articulation of readiness for marriage is visible as the responsibility to offset this gap is left with states.

In a bid to fuse the interpretation of the CRC and CEDAW and to provide authoritative guidance on child marriages and other harmful practices, Joint UN General Comment Number 31 was developed.<sup>92</sup> It earmarks 18 years as the minimum age for marriage, thereby fusing the legal definition of a child stipulated in the CRC with readiness for marriage provided by the CEDAW. Even though general comments are non-binding by design, by setting the age of marriage, the Joint CRC/CEDAW General Comment sets a homogenous parameter for readiness for marriage across the globe, as the guidance encourages the adoption of legal and policy frameworks that mimic this guidance.

However, the General Comment also stipulates that states must ensure that measures undertaken to address harmful cultural practices are appropriate, have direct relevance, and are intended for the achievement of results. This suggests that, while it sets the homogenous parameters in defining readiness for marriage, the framers of the general comment recognised the need for states to adopt culturally relevant recommendations that resonate with their local contexts. Moreover, yet, as will be shown in Chapter 4, the reality on the ground is different, as the present construction of the minimum age of marriage in Malawian legal instruments fails to demonstrate this cultural relevance.

This section has demonstrated that, while the CRC sets age as a homogenous benchmark in defining childhood, it does not explicitly refer to readiness for marriage. Instead, it is interpreted as an issue embedded within some of the CRC provisions. Unlike the CRC,

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<sup>92</sup> CEDAW/C/GC/31-CRC/C/GC/18 (<https://uniteforreproprights.org/resources/joint-gr-gc-no-31-cedaw-no-18-crc-harmful-practices>. Accessed on November 22, 2018.)

the issue of readiness for marriage is articulated in the CEDAW, but the instrument omits the definition of a child. These two gaps find a point of convergence through a joint General Comment,<sup>93</sup> where a combined usage of the CRC definition of age and the CEDAW's articulation of readiness for marriage are merged. As a product of this merger, a homogeneous definition of readiness for marriage is created, where the image of childhood and girls' readiness for marriage is a fixed notion. Thus, through international law, the Western notion of girls' readiness for marriage is set as a global standard.

The historical perspective of childhood and girls' readiness for marriage presented in the above sections is important to this study, as it demonstrates how modern childhoods have been shaped by different historical forces. The literature suggests that modern African childhoods were largely influenced by the advent of imperialism. These were manifested in colonial perspectives of childhood and the introduction of global child rights instruments. This implies that attempts to understand any notions of African childhoods as this study aims to do, should do so by including the comprehension of historical forces that shaped the continent and its social fabric. At the core of this study, is, therefore, an attempt to understand how girls' readiness for marriage has been shaped by these historical forces. As the above analysis points to how modern childhoods have been shaped by global notions of childhood, central of which is the definition of maturity by age, in the next section, I briefly discuss the relevance of the notion of age as a marker of maturity in African contexts.

### **Age as marker of maturity**

This section briefly discusses the notion of age as a marker of maturity. This synopsis is important, as it allows us to question the use of age in conceptualising girls' readiness for

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<sup>93</sup> See General comment CEDAW/C/GC/31-CRC/C/GC/18 (<https://uniteforreprorights.org/resources/joint-gr-gc-no-31-cedaw-no-18-crc-harmful-practices>. Accessed on November 22, 2018.)

marriage. The use of “age at birth” or “age in years”<sup>94</sup> in the Western contexts has a long history. Ariès (1962) traced its usage back to the Byzantine Empire of the 6<sup>th</sup> century, but alluded that the evidence dated its use from the 15<sup>th</sup> to the 16<sup>th</sup> century, where the use of age was found in portraits and families’ historical documents (Ariès, 1962a:16). During this time, age was portrayed exactly and authentically as a clear sign of individualism. This world view about appropriate age was strengthened when religious and civic reformers imposed it in documentary form. By the 19<sup>th</sup> century, age had become a primary coordinate in countries, such as the USA, and was inserted for the first time in the census of 1850 (Edelstein, 2016:123). In the 20<sup>th</sup> century, the importance of age further grew as it was attached to many identification processes, such as the social security card and the school. But for Africa, age was still an obscure notion (Ariès, 1962a:10).

The obscurity of age in Africa that Ariès pointed at has been documented within the continent. Sloth-Nielsen (2012) suggests that this obscurity of age even dates back to precolonial Africa, where the absence of a fixed point, such as date of birth, to mark a reckoning of the time needed for the completion of childhood was observed. In these cases, maturation from childhood to adulthood varied from culture to culture, as it depended on the completion of certain processes or the outcomes of some occurrences (2012:2). Similar observations were made in colonial Africa, where the use of age to describe maturity was foreign-driven or non-existent. For instance, amongst the Ashanti of Ghana, the age of 16 was simply assigned to girls without actual knowledge of their age at the time of their nubility ceremonies, so as to align the ceremonies and the colonial law that defined maturity by this age (Fortes, 1984:110). And yet, the people constructed maturity according to bodily developments. Similarly, in high-density townships of Zimbabwe, attaining social adulthood amongst Shona boys is measured by marriage and formation of independent households rather than by age (Jones, 2009).

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<sup>94</sup> This is also referred to as chronological age (see Eckert, P. 1998. “Age as a sociolinguistic variable”. In Coulmas Florian (ed). *The handbook of sociolinguistics*. Blackwell Publishing.

Even in the 21<sup>st</sup> century, the use of age in most parts of the Global South have been questioned. In a recent study that examined emic experiences of transitioning to womanhood in rural Mpumalanga of South Africa, Sennott and Mojola (2017) concluded that emic markers, such as respectability, were far more important than Western models of understanding transition to adulthood. Likewise, the irrelevance of age has been highlighted in some parts of rural India. Patel (1999), in his paper prepared for the Seminar on Social Categories in Population Health, presents the irrelevancy of chronological age in India on at least two accounts. One of his encounters was during his study in Rajasthan, where maturation was decided by social achievements, such as childbirth. Men or women with more children were considered older than those with fewer or without children. His other encounter was in a village 18km from Rajasthan, where he collected data between 1995 and 1996. In this community, women, men, boys and girls could not make sense of his enquiry of their age. Most of them, he reports, were amused and often laughed at the question (Patel, 1999:4). Thus, in the context of India, as that of South Africa, the use of age in defining maturity is questioned.

Other studies in the Global South have demonstrated that age cannot be used unilaterally to measure maturity. In an exploratory study about the social construction of age in the context of English as a foreign language amongst English-speaking Mexicans, it demonstrated that the social construction of age is interwoven with other subject positions (Andrew, 2010). This conclusion was drawn since, irrespective of the fact that age discourses in Mexico are drawn from prevalent discourses in Western society, important differences were observed in the construction of age in Mexican contexts. The social construction of age is drawn from cultural dialogues at one's disposal, and include gender and ethnicity. Thus, maturation in these contexts does not simply portray individual progress in a life trajectory, but also progress in relation to society's norms, thereby suggesting that these contexts use a different age system to that of the West.

The above discussions are useful for this study, as they provide reflection points on how girls' readiness for marriage may be conceptualised. In the following sections, I now shift to examine the historical context of marriages, as girls' readiness for marriage also falls

within the parameters of marriage. Understanding these historical contexts allows us to appreciate how girls' readiness for marriage was assessed in the past. I will begin by presenting a brief history of marriages and then move on to discuss African marriages, in particular.

### 3.2.1 Marriages: A brief historical account

This section offers a brief overview of the history of marriage. For Western contexts, it suggests that, historically, marriages were not about the love bond between the couple but that it catered for the requirements and promotion of a larger group. In that regard, age was of little relevance, as much thought was placed on how marriages were to serve communal or familial economic or political interests. This scenario lasted until the 18<sup>th</sup> century. A similar situation existed in Africa, where, until the mid-20<sup>th</sup> century, marriages were arranged because they served familial and community interest. This history is important for this study, as it allows us to appreciate how readiness was conceptualised in earlier times.

The institution of marriage has undergone drastic changes over the years, where individual partner selection has prevailed over parental or familial arranged marriages. In her book, *Marriage, a history: from obedience to intimacy, or how love conquered marriage*, Stephanie Coontz (2006), a renowned historian on marriages and family life, provides a rich and comprehensive recent historical analysis of marriage. She notes that all forms of marriage,<sup>95</sup> including its intrinsic values and the way marriages are determined, are changing around the world. Coontz observes that such changes are manifesting in different forms and in accordance to specific contexts. For instance, in Singapore, the government launched a campaign to convince people to marry early, for

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<sup>95</sup> Defining the concept of marriage has often been problematic to scholars. Coontz observes that there is no definition that is universally accepted, throughout history, except amongst the Na people of China. She further observes that the institution of marriage has universally served as a social institution of organizing social and personal life. See Coontz, S. 2006. *Marriage, a history: how love conquered marriage*. Penguin.

Africa the dawn of the 21<sup>st</sup> century has been characterised by the campaign to raise the minimum age of marriage (Coontz, 2006:3).

In Europe and North America, Coontz observes that, for many years, marriages were historically not about the love bond between the couple but that it catered for the requirements and promotion of a larger group. Marriages were, therefore, arranged or entered into so as to serve different family or community interests, with little or no regard for the couple's feelings. Only in the 18<sup>th</sup> century, did people begin to look at the institution of marriage differently, where love began to be seen as a basis for marriage, and where young people could be allowed to choose their own partners. In her analysis, this amounted to the "sentimentalisation" of the love-based marriage in the 19<sup>th</sup> century and the "sexualization" of the love-based marriage in the 20<sup>th</sup> century (Coontz, 2006:5). Coontz's observations are enlightening, as they point to important milestones in the evolution of Western marriages into their current, seemingly modern, nature.

In as far back as historical sources can project on the African continent, marriages were traditionally arranged, as partner selection and marital consent in most African marriages were responsibilities largely handled by kinsmen and parents. For example, in the large part of Southern Africa, parental or kin partner selection were no strange occurrences. Amongst the Tswana chieftom of Southern Africa, Comaroff (1980b) reports that the selection of a marriage partner was not by default, but rather that it was a decision made by one's social relations and politico-administrative group. Ngubane (1981) documents similar occurrences amongst the Zulu, where marriages were far from being personal choices. Accounts of these tendencies have also been observed in other parts of Africa. Amongst the Igbo people of Nigeria, it is documented that parents of a prospective groom would initiate the marriage process by compiling a list of prospective brides whose backgrounds had been checked. Once the bride had been chosen, the man's parents would commence the bride price payment discussions, mostly with no or very little information for the boy and the girl (Okonjo, 1992). Okonjo (1992) reports that parental or kin involvement in partner selection was beneficial to the existence of families in five specific ways. To begin with, the partner selection ensured that the prospective bride was

adaptable; the fact that Igbo marriages were patrilineal and virilocal necessitated the need of vetting the new wife as she would spend much more of her time with the mother-in-law and her people, than she would with her husband. Secondly, parental and/or kin selection ensured that older members of the families provided guidance in ensuring that the prospective bride was not related to the prospective groom in any way, thereby preventing incest, quite a detestable sin amongst the Igbo people. Thirdly, it was important among the Igbo people for their children not to marry into families with whom they had long-standing feuds, thereby preventing their offspring from marrying into hostile villages. Caste and class was yet another important factor in considering partner selection, with other tribes marrying into the Oru (the slaves' descendants) seen as socially unacceptable and demeaning. Finally, assessing the prospective marriage mate's family regarding any history of delinquent behaviour was very important, as it would determine any social ranking amongst the Igbo people (Okonjo, 1992:345-346). Thus, in Igbo society, the group importance, that is doing what is right for one's family, ancestors and descendants, preceded individual interests, self-desires and wishes. These large tendencies of parental or kin partner selection aid our understanding of girls, readiness for marriage, as, during that time, readiness or maturity for marriage was not an individual conceptualisation, but rather one that depended on familial and communal satisfaction.

Available literature suggests that changes in African marriages began to occur during the first half of the 20<sup>th</sup> century, where the institution of marriage in sub-Saharan Africa is recorded to have seen sweeping changes, with one notable change observed being that of partner selection becoming a matter of personal choice rather than family decisions (Bledsoe, 2000:118). In a study conducted in Malawi, anthropologist Lucy Mair (1951) reported the shift, where selection of a spouse was increasingly becoming a personal choice, a modification of the marriage practices for a society where such decisions were traditionally led by kinsmen. Evidence from West Africa, and Nigeria in particular, also suggests that Africans were increasingly selecting marriage partners based on individual preference in the name of love (Okonjo, 1992; Smith, 2011). A study among the Igbo west of the river Niger by Okonjo (1992:344) reports that, of the 250 women interviewed, the majority (55.2%) indicated that their husbands were chosen by their parents and fewer

(44.8%) reported having chosen for themselves. An in-depth analysis of this study reveals that respondents, who had their marriages arranged, fell within an older age group of 45 years and above. This suggests that younger Igbo women were more likely to choose their own spouses than the older generation. These changes suggest that conceptualising readiness for marriage was no longer a call reserved for kin or clan heads, but that parties to marriage, males and females, began to have an understanding of their own readiness for marriage.

Changes in partner selection in African marriages have largely been attributed to modernisation. Daniel Smith (2011), in his work on kinship in contemporary Nigeria amongst the Igbo people, noted with concern that the most troubling legacy of the modernisation paradigm is what he called the "Eurocentric unilinealism", an assumption that the European trajectory is the normal and superior path for any advancing society (2011:32). In his analysis, Smith reports that, at face value, marriages among the Igbo people of Nigeria seem to be changing in ways similar to those of the Western societies. He further asserts that the modern marriages of the Igbo people are different from those of their parents; with the vast majority of young people choosing their spouses; the notion of arranged marriages is unfathomable to many young people (Smith, 2011:35).

While differentiating between modern Igbo marriages and those of the past, Smith considers, concisely put, that young modern couples see marriage as a life project with both partners having agency, while, in earlier times, marriage was embedded in the structures of extended families (Ibid.:35). In the case of one of his respondents, Smith reports the statement:

For me and my wife our marriage is our business, whilst in my parents' time everything was scrutinized by the extended family. If they had any little problem, everyone might become involved. We try to keep things within the married house. If we have any problem we handle it ourselves and maybe pray over it, but we don't go running to the elders broadcasting our problems here and there (Smith, 2011:35-36).

These narratives by Smith's respondents demonstrate that contemporary views of marriages differ from the past, where individual choices are becoming the order of the day, as more children exercise agency in their marriage decisions. However, Smith warns that these trends should not be exaggerated, noting that, even in the most modern marriages, ties to kin and community remain paramount and that the "project of marriage and childbearing remains a social project, strongly embedded in the relationships and values of extended family system" (Smith, 2011:36). Here, we see that agency of children, who marry, works hand in hand with power and traditions of family systems. This implies that, in an effort to understand girls' readiness for marriage, the role of family systems in conceptualising girls' readiness for marriage must not be ignored. However, these modernist claims must also be understood in the context of the colonial history of the continent, that of European imperialism.

European imperialism in Africa is pivotal in understanding notions of African marriages, as it transformed the institution from its precolonial mode. Writing in West African contexts, Erdmute Alber and Astrid Bochow (2011), in *Changes in African families: a review of anthropological and sociological approaches toward family and kinship in Africa*, provides a unique and yet enriching analysis of African marriage. The two authors ably trace the journey of African marriages from the colonial days, as they note how the introduction of colonial laws and the influence of white settlers led to substantial changes in African marriages (Alber & Bochow, 2011:5). In their examination, they note that African family structures continue to change, with a combination of new and old forms of family organisation visible in different forms. Of the new forms, one variant is that of a rise in urban areas of two-generation families with fewer members, while the second variant comprises a new type of extended family, which allows for larger number of village kin (Alber & Bochow 2011:1). Alber and Bochow also note that, not only has there been such continual changes in family structures, but also in anthropological and sociological theoretical perspectives that have been utilised in understanding family

formation structures and marriages in Africa.<sup>96</sup> Alber and Bochow's observations are not unique to the West African context, as they have also been documented in Southern Africa.

Martin Chanock's (1985), in *Law, custom and order: the colonial experience in Zambia and Malawi*, provides a rich and yet intriguing narration of the colonial influence on marriages in Southern Africa. Based on his analysis of official government documents of the colonial period for Zambia and Malawi, Chanock offers useful insights into the European settlers' perceptions of marriages in Africa and also clarifies the effect of such perceptions on the nature of marriage laws that prevailed henceforth. Chanock (1985) asserts that European settlers in Africa, whether missionaries or colonial administrators, viewed African marriage as being in need of correction of some kind. He writes that the Europeans viewed African marriages as "a less noble conception... that African unions involved no true companionship or real affection" and were thus in need of a change (Chanock, 1985:151). He argues that the colonial administrators' interest in African marriages was generated by the role that marriages played in supporting the colonial administration.

Firstly, Chanock posits that African marriages provided colonial masters with the opportunity to collect tax in an organised way. This is because the system of taxation in both Zambia and Malawi required men to pay poll tax and tax for their wives in their huts. Men who had more wives, had to pay a "plural" tax for every wife that came after the first (1985:172). The collection of tax in this way was enabled by imposed marriage registration. Under district regulations, marriages were required to be registered within their first six months, failure of which was a punishable offence. In this marriage registration process, a tax receipt was viewed as evidence of marriage. Secondly, Chanock

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<sup>96</sup> Alber and Boschow highlight the journey of African marriages and families, beginning with the colonial period and its influence of white settlers and missionaries, the "golden age" of the 1940s–950s permeated with structural functionalist lens, the 1960s with a modernisation perspective, the rise of neo-Marxism that "inspired women and gender and studies" in the 1970s and 1980s, the new kinship studies in the 1990s, and finally, the globalisation studies (2011: 3).

suggests that the colonial administrations were interested in preserving African customary marriage because it was important for the maintenance of stability in the regime. On the other hand, the missionary settlers' interest was in maintaining the marriage standards of the West, and, as such, strove to establish monogamous and indissoluble marriage institutions in Africa. Whilst quoting Hasting, he reports that, during the 1910 World Missionary Conference, some tolerance was expressed for polygamy in India and China, but none for Africa. Europeans likened polygamous African marriages to "murder" or "slavery" and stressed that it "must at all cost be ended" (Chanock, 1985:146). Chanock's contribution is important, as it offers insights into how African marriages have been shaped by Western influence. This is important in understanding child marriage, as the historical precedent may have influenced possible conceptualisations of girls' readiness for marriage. Whilst Chanock's book offers the much-needed knowledge of the white settler's influence on African marriages, it must be acknowledged that the unavailability of dense literature on the topic during this period prevents comparison of Chanock's writings with other sources. More so, since scanty literature exists that historically explores African marriages post-colonially.<sup>97</sup>

Having discussed marriages in a historical context, I now turn to a brief discussion on the marriage prestations traditions. These discussions are important, as scholarly literature suggest that African marriages have been largely characterised by prestations.

### **3.2.2 African marriage prestations**

The purpose of this section is to provide a brief synopsis of African marriage prestations or payments as traditions. This discussion is crucial, as it points to gendered ways in which girlhood and girls sexuality have been priced in different contexts. Fundamentally, these discussions are pointers to how girls' readiness for marriage is shaped by economic structural parameters.

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<sup>97</sup> Scholarly interest in marriages seems to have deteriorated post-colonially. Alber and Bochow (2011) suggest that this is because family and marriage studies in the post-colonial era focused on the family.

Literature suggests that marriage payments constitute one of the most important characteristics of African marriages. Scholars agree that there are two types of marriage payments typical of African societies. These are bridewealth and betrothal payments. While the two are regarded as distinct categories, it has also been noted that considerable variations are evident even within the categories. For instance, the value of bridewealth and what constitutes it varies across Africa, comprising 38 head of cattle by the Mursi of Ethiopia (Turton, 1980:70) to 15 heifers or fewer amongst the Giriama of Kenya (Parkin, 1980: 200) to 2 to 6 head of cattle amongst the Tshidi of Botswana (Comaroff, 1980b:166). The variations in these amounts partly depends on the use of the received goods offered as payment.<sup>98</sup>

Krige (1981), in her comparative analysis of marriage and social structure amongst the Bantu, emphasises the importance of bridewealth not only in its value, but also in the medium in which it is paid. She writes that the medium of these payments influences the marriage character and has structural implications. In this case, the amounts requested depend on the type of goods (whether they are capital or are simply consumer goods and whether they are readily available or scarce), the use of the received payments within a marriage cycle, or the contributing to one's elevation of class (whether the wealth brings prestige) (1981:2). Krige's study is important, as it points to a variety of mediums that are used as marriage payments in different societies. However, these mediums of payment have evolved over time.

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<sup>98</sup> The responsibility of marriage payments does not rest solely on the groom, but also includes his lineage or kinsmen. For example, among the Lovedu people, marriage parties do not only include the bride and bridegroom, but also the groom's mother, whose legal right to the bride is the basis of the marriage, as well as the groom's sister, whose bridewealth was used to acquire the wife and who, therefore, has an interest in the daughter of her brother's house as a possible bride to her own son (Krige, E.J. 1981. *A comparative analysis of marriage and social structure among the southern Bantu*. Krige, E.J. & John L. Comaroff, J.L. *Essays on African marriage in Southern Africa*. Cape Town. 1-28). Similar observations were made amongst the Nguni ( Xhosa, Zulu, Swazi and others), where the payment of bridewealth also affects the affiliation of children born out of a marriage. Krige wrote: "[I]f bridewealth from one house is used for acquiring a son of a second house, the bride concerned will be attached to, cook for, the house that bride wealth came from, children of the marriage being affiliated to this house and not to their biological father" (Ibid.). At this level, the marriage is a contract involving two houses between which bridewealth has been passed.

In Southern Africa, the variation of marriage payments has been attributed to the introduction of the cash economy. Writing on the politics of marriage amongst the Toka of Zambia, Geisler (1992) notes that, whilst the Toka people in the 1880s made marriage payments consisting of hoes, the system of payment shifted to providing field labour over stipulated periods of time. Furthermore, she reports that, by the turn of the century, beads started to feature as a form of bride payment and attributes the shift to more substantial payments of bride price (Geisler, 1992:440). While the practice of bride payment is no new phenomenon in West Africa, Burnham (1987) similarly notes with interest that cash bridewealth has replaced the traditional forms of payment amongst the Gbaya, Maka and Mkako in Cameroon (1987:44). Even though Geisler attributed such a shift amongst the Toka people to the adoption of patriliney, such a trend has been mostly attributed to the penetration of capitalism, with the introduction of cash economies prompting adjustments in all transactions, including marriages. In some parts of Southern Africa, the adjustments have led to large and inevitably increasing marriage costs (cf. Hunter, 2016; Pauli, 2016; Pauli & Dawids, 2017; van Dijk, 2017).

Marriage payments are known to serve several purposes. Other scholars have argued that these payments have been understood in accordance with individuals' theoretical inclination. Two such scholars stand out: John Comaroff (1980) and Julia Ekong (1992). Comaroff (1980a) isolates three such inclinations: (a) structural functionalist, (b) structuralist and (c) Marxist. Like Comaroff, Ekong (1992), in her theoretical overview of "Bridewealth, women and reproduction in sub-Saharan Africa", asserts that, in dealing with women in the context of bride payments, anthropologists understand these payments as (i) jural models of descent, (ii) models of reciprocity and (iii) the lineage mode of production model. The jural models of descent or structural functionalists would typically argue that marriage payments serve a structural purpose, "a means of regulating sexual access to women and of legalizing marriage and clearly defining the affiliation of children to specific descent groups" (Ekong, 1992:9). And yet, the models of reciprocity of alliance theorists or structuralists view women as transactional goods – "pawns or

exchange objects exchanged by men to ratify their alliances”.<sup>99</sup> In the lineage mode of production model of Marxist anthropologists, Ekong postulates the exploitation of young men by elders within a lineage system or kinship through the control of the means of reproduction (women), with women being treated in these models “as having little say in the public sphere... women are desired solely as wives for the reproduction of those units” (Ekong, 1992:10). While these models explain marriage prestations, as I will show momentarily, they are largely utilised to understand prestations in communities where bridewealth is the norm, with little attention on how marriage prestations might work in matrilineal communities that do not necessarily practice bridewealth payments, such as those of Chauma.

Several scholarly articles suggest that marriage payments are critical to African marriages as mediums through which different rights are transferred, but also as an important element signifying the “solidness” of a marriage. Ngubane (1981) noted that, amongst the Zulu, the bridewealth payment was important for the fertility of the bride. She writes that the *lobola* paid for a woman allows the man to take her reproductive powers, while the father of the bride supports this power transfer by performing rituals that guarantee the fertility of his daughter (1981:84). These observations were also made by Krige (1981) on Zulu marriages, as the right to the offspring given to Zulu men and their families by virtue of marriage payments lasts forever (Krige, 1981:5). In this case, payment of the bride price equally implies affiliation to an agnatic lineage.

Recent scholarship on Zulu marriages validates the relevance of bridewealth in contemporary times. A study that investigated the linkages between marriage and bridewealth on *isiZulu*-speaking people in the eThekweni region (Durban, KwaZulu-Natal) of South Africa reveal that the majority of the participants (36 out of 40) highly rated (8-10)<sup>100</sup> the importance of *ilobolo* for Zulu marriages (Posel & Rudwick, 2014:61).

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<sup>99</sup> Ekong, 1992:10.

<sup>100</sup> This was measured on a Likert scale that ranged from 1 (not important) to 10 (very important) (see Posel & Rudwick, 2014:61).

The researchers report that study participants considered *ilobolo* as a fundamental precondition for recognising unions, even though the payments have become more commercialised (Ibid.:62). The study further found that bridewealth has transformed into individualised transactions, with fathers less likely to contribute to payments than was a norm in the 1980s (Posel & Rudwick, 2014:63). Other changes in bridewealth payments amongst the Zulu of KwaZulu-Natal have also been observed by other scholars, who note that, amongst other issues, *ilobolo* payments have become less processual and more event-like (White, 2016). Either way, these studies point to the continued relevance of marriage payments in Africa.

Parson (1980) notes that marriage payments serve as a system of exchange, but also that they furthermore provide channels of communication (1980:197). In his writings, Parsons referred to the “dual” nature of the payments, in that they convey messages (symbolic), as well as having a political and economic character. The distinct symbolic nature of the payments was well captured by Radcliff Brown as early as 1950. He noted that cattle that are offered in marriage payments play a role that no other goods would, namely that of “mediating relations between the living and the dead”(1950:54).

Some scholars have suggested that bride payment was important for the stability of marriages in Africa. Chanock (1985) reports that even colonial administrators noted the importance of bride payment for African marriages. Narrating the Zambian experience, he asserts that the issue of marriages was discussed in colonial terms, and colonial masters urged elders and chiefs to ensure that *lobola* payments were adhered to as a means of curtailing divorce requests. This was the case since the colonial administrators observed that, where a woman is paid for through *lobola*, a woman could not on any ground secure a divorce (Chanock, 1985:173). Chanock, Parson, Ngubane and Krige’s studies all point to the different ways in which girls’ sexuality is priced and valued through the marriage prestations. This is important, as these payments are also definitive moments, since their acceptance suggests an agreement that a girl is ready for marriage. This implies that, in African contexts, understanding girls’ readiness for marriage also entails understanding economic parameters that exist in different societies.

Marriage prestations have been heavily criticised by feminist scholars of the sociology of families, as they argue that payment of bride price has been used to justify the subordination and abuse of women. Epprecht (1996) historiography of women of Lesotho illustrates that, in the pre-colonial era, the custom of *bohali* or bride price was a cornerstone of Basotho women's subordination to their men. In the Sesotho custom, an average of 10 to 20 head of cattle were paid to the family of the bride by the family or patron of the groom. The payment of the *bohali* "secured legal rights over both the wife and offspring, guaranteed that children belonged to the husband and his family or patron regardless of paternity" (Epprecht, 1996:192). Even in the event of death, the payment of *bohali* ensured that the widow was inherited by the husband's eldest brother (*ho kenela*); if she died, her younger sister could be demanded to take her place, and men could take as many wives as they pleased as long as they settled their *bohali* payments (Epprecht, 1996:192).

The payment of bride price has also been criticised where it incites violence against women. For instance, the practice of *ukuthwala* in South Africa, a custom that involves the abduction of the "bride-to-be" as a way of opening bride price negotiation between families, has been heavily criticised by feminists. In this culture, three variations of the custom have been identified. However, critics have argued that it is the type of *ukuthwala* according to which a girl is taken by force to a man's family to open marriage negotiations, that is characterised by intimidation and several other human rights abuses (Mwambene & Sloth-Nielsen, 2011:7; Ovens & Van der Watt, 2012:12). Traditionalists have maintained that *ukuthwala* is an acceptable custom despite the fact that several accounts have been heard of older men marrying young girls and subjecting them to rape and abuse. In that regard, other scholars proposed the importance of distinguishing variants of the practice and maintaining positive variants for purposes of preserving culture (Mwambene & Sloth-Nielsen, 2011:22).

And yet, some sociological scholarly literature suggests that African women have not necessarily been helpless as portrayed above but that they have always had access to power. Ifi Amadiume (2015), in her famous book, *Male daughters, female husbands:*

*gender and sex in an African society*, alerted African women to the way their images were being shaped by Western theorists. She argues that Western women, whilst referencing their own history, believed that women were universally regarded as inferior, which led them to criticise “other people’s” customs, such as arranged marriages and polygamy, as being exploitative (2015:15). Amadiume’s ideas compel us to rise above emancipatory tactics that the above feminist discourses incite, to begin to identify other ways, through which women and girls apply other modes of agency as they navigate the marriage prestations terrains.

The above literature reviewed is important, as it allows an appreciation of the distinct features that define African marriages. Understanding marriage prestations are important, as they provide a window through which girls’ readiness for marriage can be understood. This is because they depict ways in which girlhood and girls’ sexuality are priced and valued, an element that shapes how communities define readiness for marriage. However, the literature on marriage payments limits us, as it only allows us to appreciate payments regarding marriages where they exist. In communities that do not necessarily pay bridewealth, it is largely assumed that payments are not that important. This area has therefore received limited attention. This study fills this gap by offering insights into an area of study that does not necessarily pay bridewealth, and yet has several gendered sexuality payments for girls, including those around marriages. Chapter 5 of this study explores how the pricing and valuing of girlhood and girls’ sexuality shape girls’ readiness for marriage, and Chapter 6 explores how some of these payments serve modern societies and its community leadership, while simultaneously shaping girls’ readiness for marriage. As I wrap up discussions on marriages, I would like to provide a brief context synopsis of marriages in Malawi and how readiness for marriage seem to have been understood. This discussion is important, as it highlights the terrain in which girls, who are ready for marriage, marry.

### 3.2.3 Marriages and girls' readiness for marriage in Malawi: a synopsis

Before concluding, let us look, if only briefly, on marriages in Malawi. Customary marriages, the most prevalent forms of marriage in Malawi, are aligned in accordance to matrilineal as well as patrilineal descent systems. The central and southern parts of the country, where the majority of the population lives, are dominated by matrilineal cultures, with patrilineal cultures more typically noticeable in the north and in some south-western parts of the country (Berge *et al.*, 2014:61-62). Evidence suggests that the two marriage systems have been studied for a relatively long time (Mair, 1951; Mitchell, 1952; Phiri, 1983; Mandala, 1984; Mtika & Doctor, 2002; Mwambene 2012; Berge *et al.*, 2014), with marriage, wealth flows and land tenure systems as the foci of most attention. Like all other marriage systems in sub-Saharan Africa, the two provide distinct features of marriage as a process, and its by-products.

Whilst the matrilineal system affiliates the offspring to the clan of the mother, the children in the patrilineal system are affiliated to their father's side in as far as the bridewealth was fully settled (Mwambene, 2012:127). In fact, comparisons of the two have often portrayed systematic discrimination between male and female offspring. For instance, while land is passed to male heirs in patrilineal land-holding systems, the opposite is true in the matrilineal system (Berge *et al.*, 2014:41) And yet, some studies suggest that, where the two marriage systems exist simultaneously, a homogenous marriage system emerges. Mair (1951), in her research in Dedza district, notes that, despite being a district with a mixed population, a more homogeneous custom appeared to have evolved, in which the marriage system of the matrilineal Chewa, where a husband resides at a wife's home village, was adopted (1951:104-106).

Prior to marriage, girls in Malawi engage in courtship relationships commonly known as *zibwenzi* (Tavory & Poulin, 2012:216). The origins of *zibwenzi* can be traced to pre-colonial gender relations. For instance, Mandala (1984) reports that, during the 19<sup>th</sup> century, the Mang'anja ethnic group of Malawi, largely matrilineal, practiced a marriage system of bride services called *chikamwini* (1984:139), in which young single men were

obliged to provide labour to the family of a hoped-for wife for at least one agricultural season before being allowed to start his own household. This was a way of demonstrating the sincerity of a man's intentions of marrying a prospective bride. In most matrilineal tribes, girls were betrothed before puberty. This was very typical in the predominantly matrilineal tribes of the Chewa, Lomwe and Yao. However, with changes in the marriage system, interviews with Cewa<sup>101</sup> school-going girls revealed that it is no longer allowed for girls to be betrothed before puberty (Mair, 1951:107).

Literature on how girls' readiness for marriage has been understood in Malawi is skimpy, since, as in other parts of Africa, traces of it are found in scholarship that discusses the transition from girlhood to womanhood. In a recent study, though representing a Western gaze, Jessica Johnson's (2018) study in Chiradzulu is concerned with the conduct of female initiation ceremonies as a simultaneous means of preparing girls for marriage and advancing marital delay. She concludes that, far from the prospects of extinction, they form an important aspect of the social fabric, as both youth and adults find the traditions valuable.

Alister Munthali and Eliya Zulu (2007), in their article, "The timing and role of initiation rites in preparing young people for adolescence and responsible sexual and reproductive health", offer insights into the initiation ceremonies. While noting that initiation ceremonies are not universally practiced in Malawi, they narrate the initiation process to unfold in the way that,

...as soon as it is known that a girl has started her first menstruation, elderly women come together to provide counselling to the girl on how she should carry herself when menstruating, how she should carry herself to be obedient and respect elders since she is no longer a child but an adult, and the need for her to avoid sex since she can get pregnant (Munthali & Zulu, 2007:159).

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<sup>101</sup> The old literature uses Cewa, whilst current literature uses Chewa. Both denote the same people described in Chapter 2.

The description above suggests that traditions in the form of puberty rites or initiation ceremonies in some parts of Malawi are conducted to draw the line between childhood and adulthood. These rites serve as information-sharing avenues on girlhood and hygiene, but, unlike Johnson (2018), the two authors (Munthali & Zulu, 2007) report that initiation ceremonies are not explicitly on preparing the girls for marriage.

An elaborate study on Chewa girls' initiation ceremonies by Molly Longwe (2006) reports that initiation ceremonies are a means through which girls become adult members of the Chewa society. She emphasises that initiation ceremonies are ways through which girls are transformed into responsible women who are ready to bear children (Longwe, 2006:96), but she does not conclude on the the implication of the ceremonies in shaping for girls' readiness for marriage. While these studies remain largely inconclusive on the role that initiation ceremonies play in defining girls' readiness for marriage, they point to the relevance of traditions in influencing girlhood. This means that further exploration of traditions is required to understand how these traditions shape girls' readiness for marriage. This is the knowledge gap that this study also fills.

### **3.2.3 Conclusion**

This chapter has demonstrated that the conceptualisation of girls' readiness for marriage is a complex process, as it falls at the intersection of two polarised concepts – childhood (girlhood) and adulthood (womanhood). The first section of the chapter discussed girlhood as a transition period from childhood to womanhood. It demonstrated that, in available literature, girls' readiness for marriage is a concept that has received limited attention in recent times and has often been discussed in relation to pubescence (commencement of menarche) and its associated traditions (puberty and initiation ceremonies). However, neither the commencement of menstruation nor the completion of initiation ceremonies or rites has been universality interpreted to mean readiness for marriage. In addition, the focus of discussions on girls' menstruation has been in the context of girls' schooling, while those of initiation ceremonies have disregarded the role of traditional authorities in these traditions. The section also discussed the concept of childhood in historical context. It showed that in pre-modern times, childhood was not a

protected experience as it is today. In Africa, the colonial influence and international human rights instruments have hugely shaped African childhood and girls' readiness for marriage.

The second section of the chapter discussed the concept of marriage. It demonstrated that the institution has undergone a lot of changes. Scholarly literature has documented the changes in partner selection (from parental/kin to personal choices) at length. The section also shows how African marriages were shaped by European imperialism. In this discussion, it showed how marriages became an item of state control. Finally, the section also demonstrated that African marriages are characterised by prestations. These are pointers that show how girlhood and girls' sexuality is priced and valued. Understanding these payments is important, as their acceptance demonstrates a point at which girls are considered ready for marriage. However, much of the literature that attempts to understand these payments focuses on patrilineal societies, as prestations in other scenarios are not given much consideration. These payments as traditions are also analysed without much consideration on how traditional authorities as top local level leadership shape girlhood and girls' sexuality. These gaps and those identified above are some of the areas to which this study contributes.

In summary, the chapter concludes that a holistic comprehension of girls' readiness for marriage necessitates the examination of key structural parameters that shape the transition from childhood to adulthood as well as those that define African marriages. Having reviewed these important literatures, I proceed in the next chapter to examine the first research question for this study: how the social construction of girls' readiness for marriage is reflected in the laws and policies in Malawi. This question is important, as it begins to reveal the incongruity between the conceptualisation of girls' readiness for marriage in legal frameworks with those produced and reproduced by girls and those around them.

## Chapter 4| *Ukwati ulibe saizi: Marriage has no age*

This chapter addresses the first research question on how girls' readiness for marriage is reflected in the laws of Malawi. The idea behind this is to begin to examine the congruency between the legal constructions of girls' readiness for marriage, on the one hand, and the conceptualisation of girls' readiness for marriage by local community members, on the other. Such an examination is necessitated by proposals that advance the review, repeal or development of legal frameworks as one way of addressing the moral panic on child marriages (Girls not Brides, 2018; International Center for Research on Women, 2013). As a fundamental tenet of this process, countries are encouraged to set 18 years as the minimum age of marriage for both girls and boys, thereby defining the notion of readiness for marriage. This examination, however, is crucial because it determines the extent to which laws and programmatic interventions can be useful tools for the protection of girls from child marriages.

Situated in the binary opposition between universality (Bell, Nathan & Peleg, 2001) and relativity (Kaime, 2009a; Kaime, 2009b; Ncube, 1998; Obermeyer, 1995; Songca, 2012) of children's rights, the chapter navigates how international legal frameworks, particularly those regarding the concept of "age of marriage", have impacted on domestic jurisdiction in the Malawian context. It questions the homogeneous application of the age at birth to define readiness for marriage and provide a basis for the consideration of local constructions on girls' readiness for marriage. The chapter argues that the universal and homogenous application of Western constructions of girlhood and readiness for marriage as articulated in international<sup>102</sup> human rights instruments blurs the understanding of girls' readiness for marriage in Malawi.

The chapter begins by tracing the provision of children's rights in African continental instruments. It then proceeds to examine how girls' readiness for marriage is constructed

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<sup>102</sup> The term, international, is used here to refer to instruments which are not Malawian. To that effect, it captures both international and regional human rights instruments.

in the Malawian legal framework. Ethnographic evidence<sup>103</sup> from the fieldwork is then presented, where a tension emerges between the legal construction on readiness for marriage and the community construction of girls' readiness for marriage.

#### **4.1. Childhood and readiness for marriage: African child rights instruments**

It has been argued that the twentieth century was a period through which Western conceptions of childhood were exported to the Global South (Kaime, 2009b:80). In this era, international human rights instruments, as discussed in Chapter 3, shaped the conceptualisation of childhood and readiness for marriage on the African continent. This began with the development of an African child rights instrument, the Declaration on the Rights and Welfare of the African Child, the first of its kind designed with a focus on African children.<sup>104</sup> Adopted in 1979, the twelve-point declaration pledged to take forward ideals set by the 1959 UN Declaration, while at the same time guaranteeing to “preserve and develop African arts, language and culture, and stimulate the interest and appreciation of African children” (Organisation of African Unity, 1979:para 10). In this declaration, the purview of Africa was not necessarily one of a homogenous continent, as it clearly stipulated that its mission was also to appreciate African children's cultural heritages in their specific contexts (Ibid.:para 10).

However, while the Declaration on the Rights and Welfare of the African Child viewed children's rights and African cultural values as complementary, at the same time, it also stated that recognition of cultural values should not be regarded as overriding issues regarding the protection of children's rights.<sup>105</sup> In other words, the declaration placed paramount importance on the protection of children's rights against the cultural relevance

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<sup>103</sup> My presentation of ethnographic evidence in this chapter is merely that of depicting the difference in opinion on age at birth as a marker for readiness for marriage. The specific ways in which girls' readiness for marriage is shaped and constructed are presented from Chapter 5 to Chapter 7.

<sup>104</sup> Declaration on the Rights and Welfare of the African Child.

[http://archive.au.int/collect/auassemb/import/English/AHG%20St%204%20\(XVI\)%20\\_E.pdf](http://archive.au.int/collect/auassemb/import/English/AHG%20St%204%20(XVI)%20_E.pdf) (accessed on November 22, 2018).

<sup>105</sup> African Children's Declaration, para 2.

of African childhoods. This means that the cultural specificity of African childhoods was recognised but still remained subject to certain conditions. In addition, the Declaration on the Rights and Welfare of the African Child did not predefine the concept of a child on the continent, leaving the conceptualisation to different member states of the Organization of the African Union<sup>106</sup>. Likewise, the declaration did not prescribe an age for marriage, even though as early as in 1979, at the period of its adoption, it took cognizance of the presence of child marriages on the continent<sup>107</sup>. The non-prescriptive nature of the concept of the African child in this declaration was taken forward in a second subsequent instrument, the African Charter on the Rights and Welfare of the child (ACRWC).

Adopted in 1990, the ACRWC is one of the significant human rights instruments that prescribe children's rights on the African continent in present times. In its preamble, it recalls the Declaration on the Rights and Welfare of the African Child presented above and pledges to undertake appropriate measures to promote and protect the rights and welfare of the African child. At the same time, the ACRWC also reaffirms adherence to the principles of the rights and welfare of the child contained in different conventions and other instruments and refers explicitly to the CRC.<sup>108</sup> By attempting to fulfil obligations from both the international and continental instruments, the ACRWC thus aims to strike a balance between international law and regional human rights instruments.

Notwithstanding, unlike the Declaration on the Rights and Welfare of the African Child, the ACRWC provides a yardstick for recognising persons covered under it. In its definition, persons covered are those considered as children, and where a child means anyone below the age of 18.<sup>109</sup> By predefining a child by age, the ACRWC presents a

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<sup>106</sup> This is what is called African Union today.

<sup>107</sup> Para 3, ACRC, <http://www.achpr.org/instruments/child/#a21> (accessed on November 22, 2018). It provided that "Member States should thoroughly examine cultural legacies and practice that are harmful to normal growth and development of the child such as child marriage and female circumcision and should take legal and educational measures to abolish them."

<sup>108</sup> See Preamble of the ACRWC.

<sup>109</sup> See Article 2 of the ACRWC. I use the terms, age, chronological age, age at birth and age in years, interchangeably all to mean the minimum age limit set by these human rights instruments.

homogenous definition of children and childhood on the African continent. However, this definition is not defined by African standards, but rather adopted from the UNCRC, thereby reinforcing the global universal definition of children and childhood. Thus, the vision of the cultural relativity of African childhoods that was set in the Declaration on the Rights and Welfare of the African child becomes questionable, as the African instrument becomes aligned to the expectations of global instruments.

However, unlike the CRC, the ACRWC explicitly addresses the issue of harmful practices, including child marriage. In its Article 21, it first apportions responsibility to states to ensure that appropriate measures are undertaken to protect children from harmful social and cultural practices.<sup>110</sup> In this regard, it isolates two types of harmful practices: (i) those that are detrimental to the health and wellbeing of a child and (ii) those that discriminate against a child in terms of sex or other status. In these provisions, the idea of state control on the African social fabric observed in Chapter 3 resurfaces. Secondly, it outrightly prohibits child marriage and betrothal of children and calls upon states to specify 18 years as the minimum age of marriage.<sup>111</sup> In these provisions, the ACRWC moves ahead of the CRC to predetermine the acceptable age for marriage in African contexts. Here, it is assumed that readiness for marriage on the African continent is marked by chronological age, is homogenous, and that no mosaic patterns are expected. However, such a move contradicts earlier ambitions of the ACRWC and the Declaration on the Rights and Welfare of the African Child where African childhood was to be understood according to the lived experiences of African children.<sup>112</sup>

Thirdly, another critical continental-based human rights instrument that has shaped African childhoods is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.<sup>113</sup> In its definition, women are “all persons of the

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<sup>110</sup> See Article 21 (1) ACRWC.

<sup>111</sup> See Article 21 (2) ACRWC

<sup>112</sup> Para 3.

<sup>113</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. <http://www.achpr.org/instruments/women-protocol/#6>. Adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo 11 July 2003 (Accessed on November 22, 2018).

female gender, including girls”. Therefore, in its application, it is envisaged that girls, too, are the beneficiaries of rights enshrined in this instrument. Of particular importance in the protocol are also provisions related to harmful cultural practices and the pre-definition of marriage age. In its Article 5, the Protocol prohibits the perpetuation of harmful cultural practices that endanger women on the continent. Article 6 proceeds to set a minimum age for marriage, for women in particular, as eighteen. Here, the homogenous articulation of readiness for marriage on the African continent is once again set with age as its only benchmark.

Of late, sub-regional initiatives on presetting the conceptualisation of girls’ readiness for marriage have also emerged. At its 39<sup>th</sup> Plenary Assembly, the Southern African Development Community Parliamentary Forum (SADC-PF) adopted the Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage.<sup>114</sup> The initiative has been hailed as progressive, as it provides the first of its kind of a model law that protects girls from child marriage in Africa. However, two points are critical to note. First, the model law explicitly states its desire in “creating a robust and uniform legal framework relating to the prohibition and prevention of child marriage”(SADC Parliamentary Forum, 2016:5). Thus, as other frameworks discussed earlier, the law views childhood in Southern Africa as universal and homogenous. Secondly, it predetermines 18 years as an acceptable minimum age for marriage within the SADC region. The rationale provided for this decision, the model law clarifies, is based on the fact that it agrees with the requirements of setting this particular age by regional and international treaties (SADC Parliamentary Forum, 2016:14). Thus, the basis for this predefined marker of maturity for Southern African children, including girls, is not based on experiences of childhood or girlhood in Southern Africa, but rather on regional and global templates

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<sup>114</sup> SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, adopted on 3<sup>rd</sup> June 2016. [http://www.sadcpf.org/index.php?option=com\\_docman&Itemid=149](http://www.sadcpf.org/index.php?option=com_docman&Itemid=149) (Accessed on November 22, 2018).

discussed in the earlier sections. And yet, chronological age<sup>115</sup> is a rather arbitrary indicator in a complex composite of factors that define maturity (Eckert, 1998).

Even though the African instruments discussed above incorporate the chronological age of 18 to mark maturity for childhood and marriage, the legislative history of the CRC<sup>116</sup> suggests that the inclusion of age in the CRC was necessitated by the desire for clarity rather than that of determining rigid maturity. As earlier hinted, the text of the first draft of the CRC as submitted by Poland did not prescribe any definition of a child. The inclusion of the text on the definition of the child only appeared in revised Polish draft of 1979. This was a result of several submissions to the first draft that recommended a clear definition of the term “child”. For example, France called for “a restrictive definition” of the child by arguing that it was important to have a clear understanding; Austria submitted that the draft was incomplete without the definition of a child.<sup>117</sup> Contrary to these positions, only the International Committee of the Red Cross saw the omission as wise in that it would allow a universalistic application of the CRC irrespective of local peculiarities (Office of the United Nations High Commissioner for Human Rights, 2007). Nonetheless, the fourth working group session of the drafters of the CRC adopted the definition of a child as 18, even though other delegates indicated that they did not think that, at 18, a person would still be a child (Ibid, 2007:305).

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<sup>115</sup> This is not to say that the definition of children as any persons below 18 was reached without consultations, as the drafting of the CRC was based on consensus (where one delegation’s objection to a text meant that a text could not be adopted). See article by one of the participating drafters, Cynthia Price Cohen in her article, “The role of the United States in the Drafting of the CRC”. Accessible at <https://jjustice.org/wp-content/uploads/History-of-CRC.pdf>. What is important to note is that this age bracket was based on definitions that were deemed correct for particular contexts. For example, in its submission as a reaction to the draft convention on the rights of the child, Finland sought to clarify in its definition of children who were no longer minors that such child (a) has full legal capacity; or (b) has become emancipated in all matters relating to his or her person; or (c) has the right to determine his or her own residence; or (d) has the capacity to enter into certain contractual relationships; or (e) has the capacity to dispose of certain parts of his or her property. See E/CN.4/1987/WG.1/WP.10 <http://hr-travaux.law.virginia.edu/document/crc/ecn41987wg1wp10/nid-710>.

<sup>116</sup> The UNCRC is highlighted in these contexts, as the African instruments largely mirrored the UN CRC definition of a child.

<sup>117</sup> E/CN.4/1324/Add.1., as quoted in the Office of the United Nations High Commissioner for Human Rights. 2007. *Legislative History of the Convention on the rights of the child*. Geneva.

The above section examined how childhood and girls' readiness for marriage have been set in regional child rights instruments on the African continent. Drawing from the global UN instruments, such as the CRC, a chronological age of 18 years has been prescribed as both the determining factor for childhood as well as readiness for marriage. In these conceptualisations, the lived realities of African children, as central in determining their childhood, is lost or vaguely captured, to say the least, since the homogenous and universal global conceptualisation of childhood and girls' readiness for marriage take precedence. As the next section shall demonstrate, these regional instruments, coupled with international frameworks discussed earlier, have been instrumental in shaping the legal construction of girls' readiness for marriage in Malawi.

#### **4.2 Constructing girls' readiness for marriage: Malawi legal frameworks**

Malawi is party to all the international and regional instruments described in the sections above and in Chapter 3.<sup>118</sup> As to how these agreements may be applicable in the Malawian context, the Republican Constitution of Malawi unequivocally outlines the status of international law within the domestic legal system. It provides that ratified international agreements be considered as part of the domestic law and where agreements were entered post-1994,<sup>119</sup> they are required to be domesticated by an Act of Parliament.<sup>120</sup> However, it is clear that all international agreements entered into before the 1994 Constitution or after the Constitution are binding on Malawi, but only in cases where they do not conflict with any domestic legislation (Nkhata, 2014:38).

The development and adoption of the 1994 Constitution in Malawi has been described as a hasty adventure, as it was drafted and adopted within a short period (Kanyongolo, 1998).

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<sup>118</sup> Malawi assented to the CRC in 1991, CEDAW in 1987, ACRWC in 1999, Protocol to the African Charter on Human and People's Rights on the rights of Women, in 2005.

<sup>119</sup> The law recognises the period of post-1994 as prior to this period, Malawi's constitution reflected different values; those of the one-party state that existed since independence(1964).

<sup>120</sup> Section 211 (1) stipulates: "Any international agreement entered into after the commencement of this Constitution shall form part of the law of the Republic if so provided by or under an Act of Parliament. (2) Binding international agreements entered into force before the commencement of this Constitution shall continue to bind the Republic unless otherwise provided by an Act of Parliament."

As a result, numerous reforms were undertaken, aimed at aligning both the law and the policy within the dictates of the constitution (Nkhata, 2014:40). To that effect, the 2015 marriage law amendments reflected this process.

Prior to the 2015 marriage law amendment, marriages in Malawi were described under three categories. The first regime were the statutory marriages, which were recognised under the Marriage Act. This Act was first passed in 1902 as the Marriage Ordinance and came into effect in 1903. In this Act, the capacity to marry was acceptable where parties were at least 21 years of age, and if underage, consent had to be obtained from the parents or a minister of religion, a judge of the High Court or a District Commissioner.<sup>121</sup> This means that girls' readiness for marriage in this piece of legislation was set at the chronological age of 21. However, it has been noted that the provisions of this Act were designed and drafted with the Caucasian British girl in mind, as its purpose was to regulate Caucasian British people working in the colonial administration (Malawi Law Commission, 2006:10).

Marriage by repute or permanent cohabitation forms the second regime.<sup>122</sup> However, proving the validity and existence of such marriages have been a problem, and judgements in various cases tried according to these laws have illustrated this point.<sup>123</sup> The third regime is one that recognised the validity of customary marriages contracted under customary law. These included marriages that were celebrated under customary rites, but also those celebrated under Christian rites.<sup>124</sup> As customary law varies in accordance with different customs of different localities (Mwambene, 2005), there was no single customary law in Malawi. It is important to note that readiness for marriage under customary law was not prescribed by chronological age; rather, it was based on

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<sup>121</sup> See section 11 of the Act.

<sup>122</sup> The regimes have been expounded in no order of importance.

<sup>123</sup> In *Khembo v Khembo*, the court refused to recognise the cohabitation that had taken place, as a marriage. On the contrary, in *Gertrude Lunguzi et al. v Sera Lunguzi and Lucy Mauluka* the Court accepted that the co-respondent and the deceased had cohabited as wife and husband for eleven years.

<sup>124</sup> The African Marriage (Christian Rites) Registration in its section 3 considers any marriage celebrated under it as customary irrespective of its registration being under Christian rites.

customary attributes. This means that earlier marriage laws that were applicable to local Malawians took cognisance of distinctive local ways in which childhood and girlhood were experienced. This is an element that resurfaces in the current study; as later sections of this chapter and other subsequent chapters demonstrate, readiness for marriage in Chauma is barely constructed by age.

In a call to unify the different marriage regimes above and to align marriage laws to the current constitution for the promotion of gender equality policies, a Special Law Commission was constituted in 2001. Its purpose was to evaluate marriage and divorce laws and recommend the way forward. As one of its key recommendations, the commission recommended the amalgamation of the above three marriage regimes. It reported:

The Commission, therefore, recommends that there must be one law in Malawi that consolidates statutory and customary laws on marriage and divorce. This entails the repeal of the statutory laws on marriage and divorce; namely: the Marriage Act, the African Marriage (Christian Rites) Registration Act, the Asiatics (Marriage, Divorce and Succession) Act, the Divorce Act, the Married Women (Maintenance) Act, and the Maintenance Orders (Enforcement) Act; and those aspects of customary laws on marriage and divorce governing the rights and obligations of the parties, maintenance, custody of children and divorce (Malawi Law Commission, 2006:20).

The implicit effect of creating a single piece of legislation, was that various previously existing laws on marriage and divorce were repealed. The 2015 *Marriage, Divorce and Family Relations Act* thus replaced all marriage-related legislation that existed before then. I will return to discuss how the new marriage law constructs readiness for marriage, by examining how it defines maturity for marriage.

Other than the unification of the marriage regimes depicted above, of specific interest was also the commission's recommendation on the capacity of parties to enter into marriages or markers for readiness for marriage. The commission recommended that parties, of either sex, should only be allowed to marry at the age of 18. In its justification, the commission provided five reasons for this recommendation. Firstly, it reported that the

age of 18 was set with a view to changing a previous recommendation from the Commission on the Technical Review of the Constitution, which proposed to raise the age of marriage from 15 years to 16 years old. The commission therefore argued that this was too low and therefore opted for a higher age of marriage. Secondly, it argued that such a recommendation was in line with the UNCRC, as the UNCRC defines a child as anyone below 18 years. Thus, by mirroring the global definition of childhood, 18 years was recommended as the marker for readiness for marriage. Thirdly, the committee cited reproductive health reasons, such as obstetric fistula, sexually transmitted infections and cervical cancer that often occur in girls who give birth before maturity, to make a case as to why marriage before 18 was undesirable. Fourthly, the committee argued that early marriages arrest development, and as such, no one should be allowed to marry below 18. Finally, the committee reported that human beings below the age of 18 have immature cognitive development and are as such unfit to be in a marriage (Malawi Law Commission, 2006:24-26).

Two points can be raised regarding these recommendations. First, the recommendation for the elevation of marriage age to 18, a “straight 18”, to borrow Rhian Keyse's (2016) reference to it, was to allow alignment to the global UNCRC, an instrument that has also influenced the framing of African childhoods in the regional instruments examined earlier on. This means that the global conceptualisation of childhood was deemed far more important than the actual experiences of local childhoods. Secondly, even though the commission claimed to have undertaken extensive consultations, the justifications provided above reflect more technical recommendations than the views of local Malawians. The citing of reproductive health challenges faced by young mothers exemplifies this point. In fact, even the commission itself asserted that it did not take into account views of some communities. For example, the commission, in its report, alludes to the fact that it did not take into consideration the ideas of the Asiatic community, who had contested the marriage age of 18, arguing that the age was rather too high for Muslim girls. Thus, the framing of girls’ readiness for marriage by the Special Commission recommendations eschewed context-specific constructions of girlhood so as to align Malawian laws with international child rights standards.

Furthermore, noting the lack of consistency in the age of marriage under Malawian law, the commission also made recommendations for the amendment of the age of marriage in the Constitution,<sup>125</sup> a recommendation that recognised the supremacy of the Constitution. In this regard, two recommendations were made: (i) that subsection (7) of section 22 of the Constitution be amended so that children aged below the age of 18 years must be prohibited from entering into marriage and (ii) subsection (5) of section 23 of the Constitution should be amended so that the threshold on the minimum age for child should be raised from 16 years of age to 18. Just like the recommendations for the new marriage Act drafted by the special law commission, the alignment to the CRC was used as a justification for the constitutional amendments, reiterating the universal construction of childhood and girls' readiness for marriage.

In addition, in as far as the recommendations for amending the constitution were concerned, another justification presented was that the age of 18 years would allow Malawi to bring its constitution into alignment with the ACRWC,<sup>126</sup> particularly regarding the prohibition of, and protection of children from, child marriages. By referring to the ACRWC, the amendment of the above two provisions in the constitution can be seen as an adoption of the African childhood and readiness for marriage.<sup>127</sup> However, the fact that the conceptualisation of childhood and readiness for marriage in the ACRWC itself mirrored the UNCRC, means it can still be argued here that the definition of the child and readiness for marriage, whether in the new marriage Act or according to the constitution, is a global definition. However, the adoption of such universalistic notions of girls' readiness for marriage comes with inbuilt problems that speak to the possible discrepancies between universal constructions and context-specific cases. This is because the deterministic approach that these perspectives adopt view

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<sup>125</sup> Subsection (7) of section 22 of the Constitution permitted marriages of persons aged between fifteen and eighteen years so long as there is parental consent.

<sup>126</sup> Earlier recommendations presented on the capacity to marry did not make reference to this instrument.

<sup>127</sup> Here, I do not wish to mislead the reader that there is one African childhood. Like many other childhoods, it occurs in different forms and facets.

maturity as an event that all girls attain at exact same moment universally. It also assumes that notions of girlhood, like those of readiness for marriage, are universally applicable.

The legal approaches above deny the recognition of girls' readiness for marriage as a socially constructed concept. James, Jenks and Prout (1998) interpret notions of contemporary childhood using four sociological dichotomies; structure and agency, identity and difference, continuity and change, and local and global. Girls' readiness for marriage as a socially constructed concept understood with these sociological dichotomies would imply that particularistic notions of girls' readiness for marriage would carry more weight in comparison to universalistic notions. This means that the legal framers would pay attention to Malawian constructs that define readiness for marriage. It would also mean that local constructions would be considered far more important than global ones, suggesting that the idea would not simply be that of aligning the conceptualisation of girls' readiness for marriage to global standards. It would also recognise that the constructs of girls' readiness for marriage can not be prescriptive as they are bound to change. However, the recommendations advanced for the adoption of chronological age that define girls' maturity for marriage suggest that girls' readiness for marriage was viewed as a static concept, where girls and those around them are perceived as incapable of creating and interpreting their own reality.

The current *Marriage, Divorce and Family Relations Act (2015)* therefore adopted these rigid conceptualisation of girls' readiness for marriage. In its articulation of one's capacity to marry, it specifies two issues: (i) that anyone who is below 18 is not eligible for marriage and (ii) anyone who is not of "sound mind" should not be allowed to marry. Through these provisions, chronological age and mental capability are singled out as the yardsticks that depict readiness for marriage, thereby recognising recommendation 2 and recommendation 5 of the special law commission report discussed earlier. Thus, the choice of this chronological age to signal readiness for marriage is made in order to align Malawian laws with international human rights instruments. As we can see, the law, as one of the triple forces that shape African sexualities (Tamale, 2011), dictates the construction of girls' readiness for marriage in Malawian legal frameworks. In so doing,

the idea that childhoods can be, and are, experienced differently, is shelved. By restricting the conceptualisation of readiness for marriage by age, the legal construction overlooks and glosses over other critical ways through which readiness for marriage is constructed, particularly at community level. In addition, pull factors that are central to the conceptualisation of girls' readiness for marriage are ignored, setting ground for the incongruity between the legal constructions and the local conceptualisation of defining readiness for marriage. However, a key question remains: How relevant is the prescribed age of marriage in Chauma? In the next section, I introduce ethnographic accounts, with which I argue that age of a girl child is not a marker for readiness for marriage, nor it is a determinant for marriage decisions.

#### **4.3 Marriage has no age – *Ukwati ulibe saizi***

In the previous section, I argued that the legal construction of girls' readiness for marriage in Malawi is shaped by international human rights instruments and, as such, do not reflect community constructions of girls' readiness for marriage. To be sure of this claim, this section aims to determine whether age is or is not a marker of maturity for marriage for local communities. To that effect, I present field data, which speak to my conversations with study participants as they ponder on the appropriate age for marriage. Study findings reveal that the age of a girl child is neither a marker for readiness for marriage nor is it a determinant for marriage decisions. In my discussions with men,<sup>128</sup> I found that most of them could neither remember the age of their spouses at marriage nor did they consider the importance of age at marriage. The excerpt below demonstrates the quagmire:

**Participant 2:** Most of us cannot really remember the exact age they were, we have forgotten. In the past age was not important at all. For me, I cannot remember, as the parents of my wife did not tell me when she was born. They were just excited that I came to ask for a hand in marriage for their daughter.

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<sup>128</sup> Most of the narratives I use in this section are of men. This decision is a conscious one, as it reflects the power dynamics in marital decisions between couples in Chauma. In these highly hegemonic patriarchal contexts, men ask women for their hand in marriage and not vice versa.

**Participant 3:** For the woman that I am with, I cannot even tell how old she is. I never asked her the year of birth. But maybe if it were my first wife who passed on. For this current wife, we just decided to be together, we met when I already had children, and she also had children. (Participants, FGD with married men)

The narratives above reveal two main issues pertaining to the age question regarding marriage. Firstly, they raise the view that concerns over the age of marriage are relatively new in the area, as a participant above indicates that, in the past, age was not important. This scenario differs from the West (e.g., USA), where age as a marker of maturity has a long history (Ariès, 1962b), unlike in Africa, where the concept is relatively new. These findings concur with earlier studies in the Global South, which question the universalistic application of age in determining maturity. For example, amongst the Ashanti of Ghana, the age of 16 was simply assigned to girls at the time of their nubility ceremonies without actual knowledge of their age, so as to align the ceremonies and the colonial law that defined maturity by this age (Fortes, 1984:110). In a recent study that examined emic experiences of transitioning to womanhood in Mpumalanga, South Africa, it was concluded that emic markers, such as respectability, were more important than Western models of understanding transition to adulthood (Sennott & Mojola, 2017). Experiences in Rajasthan, India showed that women, men, boys and girls, when questioned about their age, could not make sense out of the concept (Patel, 1999). Thus, the above findings reaffirm that maturity in the Global South is constructed differently.

Secondly, the narratives above show that most men were oblivious to the age of their wives at marriage. Out of the eight participants in the FGDs above, only two men could clearly articulate the age of their wives at marriage. When compared to other discussions which I held with other groups, such as those of women, these narratives were recurrent, as most women in this study could also not recall their ages as the point of marriage. A vivid summary of the age question came in my discussions with men, where one man dismisses the discussion on age at marriage, and aptly retorts: “Marriage has no age, it is a shoe that has a size! (*ukwati ulibe saizi, nsapato ndoyomwe imakhala ndi saizi*)” (Participant, FGD with men). Using the shoe size as an analogy to explain his views on

age as an indication of girls' readiness for marriage, the participant, just as in the narratives above, clarifies that marriage has no age in the context of Chauma.

This general lack of interest in the age in years of a person in the Malawian context may be explained by the delayed establishment of a functional national birth registration system, a situation that renders most Malawians born before the enactment and implementation of the National Registration Act unaware of their date of birth.<sup>129</sup> Given that the universal implementation of the National Registration Act only commenced in 2012,<sup>130</sup> it is perhaps not very surprising that most people who participated in this study were not aware of their own ages or those of their wives.

However, I do not wish to claim that none of the study participants recalled their age or that of their spouses. Nuanced narratives were found, in which a few participants could at least recall the age of their spouses, as the excerpt below suggests:

**Facilitator:** At what age was your wife when you married her?

**Participant 4:** I married my wife when she was 18. I was 21 when I married her.

**Participant 5:** For me, she never told me how old she was. I was 22 years old.

**Participant 6:** She was 19. By the time we were getting married, she was born in 1980 something (scratches his head as he tried to remember)

**Participant 7:** I got married in 1983; she told me that she was 21 years by then.

**Participant 8:** I married her at 22, but by that time she already had a child from her previous relationship.

**Participant 9:** She was 17. But to say the truth, in the old days, there wasn't an issue about age. No one cared how old the bride was, as long as people agree that the two can marry. She agreed to marry me, that is all that mattered. But these days girls should not marry when they are less than 18 years old. (Participant, FGD with married men)

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<sup>129</sup> The National Registration Act was enacted only in 2010.

<sup>130</sup> Malawi celebrated the commencement of the universal and compulsory registration of children in 2012. See UNICEF article [https://www.unicef.org/infobycountry/malawi\\_62129.html](https://www.unicef.org/infobycountry/malawi_62129.html) (accessed on November 26, 2018). However, the Act came into force in 2015.

As in the above narratives, what is clear is that, even in rare scenarios where participants could remember the age of their spouses at the time that they were married, they did not consider age as a critical pointer for girls' readiness for marriage. Instead, what study participants considered important in these decisions is partly the willingness of the two parties to marry. Here, it is clear again that age at marriage is not an important attribute in the construction of girls' readiness for marriage. As the aim of this chapter is simply to begin to establish the incongruency between the legal constructions and the community constructions of girls' readiness for marriage, the actual ways in which girls' readiness for marriage is shaped and constructed run across from the next chapter until Chapter 7. However, the question then becomes, where has the interest for girls to marry at 18 years – as one of above participants suggests – come from?

While, in similar contexts, e.g., India, the interest in age came through multiple approaches that responded to changes in the conceptualisation of childhood (Bunting & Merry, 2007), in Malawi, the current emergence of the age question can be explained by current efforts by government, non-government organisations and others, who are advocating for the implementation of a set age for marriage. For example, in one of the neighbouring chiefdoms of Chauma, a senior local chief is known to have nullified over 330 child marriages as she is reported to have formulated by-laws that prohibit marriages of children under 18 in her area of jurisdiction.<sup>131</sup> The idea that girls should not marry below 18 may be a result of interactions with community members of the neighbouring chiefdom. Another possible explanation for the emergence of age in marriage concerns may be the “politicisation” of the age of marriage, developments that popularised the age-of-marriage discourse. This may be the case, as African sexualities are not apolitical and private, but are influenced by political forces.

In Malawi, it has been reported that feminist activists used the minimum age of marriage as a tool to shame the president into assenting to the *Marriage, Divorce and Family*

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<sup>131</sup> See article on [https://www.unicef.org/malawi/media\\_16920.html](https://www.unicef.org/malawi/media_16920.html) (accessed on November 26, 2018).

*Relations Act*.<sup>132</sup> Such claims may be validated by President Peter Mutharika's high profile ambassadorial role for the UN Women HeforShe Campaign, where, as a women's rights ambassador, he had committed to ending child marriages in the country. By using age at marriage as a biopolitical weapon to solicit presidential attention to the long-standing marriage bill, the profile on the discussions of age in the country was raised. In addition, while the activists may have used the minimum age of marriage to lure the president into assenting to the bill, the president himself utilised the process as an opportunity to reinforce his political ambitions. At the period of assessment of the Marriage, Divorce and Family Relations Bill (2015), President Peter Mutharika made political remarks in respect of it. He asserted: "As a listening government, I am going to decide what is good for the people of Malawi and act accordingly" (Times, 2015). By tying the bill to the nature of his government as one that pays attention to the needs of Malawians, President Mutharika turned the bill into a politicised agenda, thereby further popularising the notion of a suitable age for marriage. Thus, the politicisation of the assent process of the *Marriage, Divorce and Family Relations Act* is also a possible explanation as to why age at marriage is an emerging discourse amongst community members. However, the question remains: If age of marriage is a new phenomenon, how is readiness for marriage constructed? What underpins these constructions? These are the questions to which subsequent chapters of this thesis respond.

The findings discussed in this section suggest three central issues. First, they begin to illustrate the incongruence between the construction of girls' readiness within legal frameworks and in community constructions. As earlier sections have demonstrated, the construction of the legal age for marriage in Malawi is 18 years of age, a characteristic that mirrors the UNCRC and other international human rights frameworks. This has been clearly articulated in different legal frameworks, ranging from the Republican Constitution of Malawi to the recent *Marriage, Divorce and Family Relations Act* (2015). However, even though the law frames girls' readiness for marriage in this way, study

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<sup>132</sup> Reported in *Nyasa Times*. <https://www.nyasatimes.com/one-crazy-law-muckraking-on-malawi-marriage-divorce-and-family-relations-bill> (Accessed on November 28, 2018).

findings reveal that the age question is not an important denominator in constructing girls' readiness for marriage. In this study, participants indicated that the age of their spouses (girls' whom they had considered ready for marriage) did not influence their marriage decisions.

As the legal age perspective is inadequate to understanding girls' readiness for marriage in the local communities, these findings suggest the need to understand African sexualities in a broader context. This is because the ideas and experiences of African sexualities are not only shaped and defined by the law, but also by other issues, such as colonialism, globalisation, patriarchy, gender, class, religion, age and culture (Tamale, 2011). As this chapter has shown, the law is but one facet for the construction of girls' readiness for marriage. In Chapters 5 and 6, I will demonstrate how the other forces that Tamale isolates, such as patriarchy, gender, religion and traditions, continually evolve to shape girls' sexuality, and readiness for marriage, in particular.

Secondly, these findings challenge the concept of the universalism of child rights and its related concepts. Universalism, particularly in its radical form, holds that culture is irrelevant to the validity of moral rights and rules embodied in human rights (Bell, Nathan & Peleg, 2001).<sup>133</sup> In this school of thought, human (child) rights ought to be applied across cultures. The conceptualisation of girls' readiness for marriage as 18 years in Malawian legal instruments is an example of this line of thinking. This is because the basis for setting the minimum age of marriage as 18 was done in line with the universal conceptualisation of girlhood pervasive in international and regional child rights instruments. As I have argued against this throughout this chapter, I reject such facile universalism. However, this is not the same as rejecting the relevance of the law, but

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<sup>133</sup> The universality of human rights is one concept elucidated in the Universal Declaration of Human Rights, where human rights are proclaimed as a common standard for all peoples. See the preamble of the UDHR (1948) [https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf) (Accessed on Nov 27 2018).

rather an acknowledgement that the claim for absolute universality of human rights is a fallacy. As Obermeyer notes:

It is increasingly recognised that while absolute universals cannot be found, it is possible, indeed desirable, to seek common denominators across cultures, which can be used to develop contextually relevant notions of [children's] rights (Obermeyer, 1995:368).

Thus, while the age of 18 is derived from “good” intentions and aims to enable the fulfilment of girl’s rights, findings of this study show that the homogenous and universal application of marriage age is incongruent to life experiences and lived realities. These findings lean towards the relativist school of thought, where the cultural variability of human nature permits and requires significant consideration for cross-cultural variations in human rights (Donnelly, 1984; Kaime, 2005; Ncube, 1998). In conceptualising readiness for marriage in the Malawian contexts, this means taking into account cultural-specific constructions applicable to these particular contexts. Nonetheless, it has also been observed that, if rights rested solely on culturally determined attributes, then there could be no point of having human rights in the first place.<sup>134</sup> This moves us to consider a school of thought that inhabits the space between the dichotomous poles of universalism and relativism.

One such approach is where multi-disciplinary approaches are advocated to resolve circumstances whereby the universal application of the law has been problematic in resolving social problems. Rushiella Songca (2012), in “Theorizing children’s rights as a multi and interdisciplinary field of study in South Africa”, attempts to clarify such a quagmire. Noting the legal challenges in addressing other social problems for children in the context of HIV and AIDS, she advocates the use of multi- and interdisciplinary approaches to understanding and interpreting human rights for children. However, the feasibility of this approach in understanding girls’ readiness for marriage poses one key

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<sup>134</sup> Ibid.:404.

challenge: Songca's proposed framework does not see the law as capable of encompassing other social dimensions that define social ills but rather sees the law serving in collaboration with other disciplines to solve social ills. I find this problematic, as such a position perpetuates the universalistic nature of concepts that may be inapplicable in certain contexts. For example, in the conceptualisation of girls' readiness for marriage by age, discussed in this chapter, this would entail maintaining the legal framing of girls' readiness for marriage with a disregard of the reality on the ground. Instead, the framework proposes reliance on other disciplines to resolve such problematic constructions. Thus Songca's approach provides a partial acceptance of the relativism of human rights and at the same time denies the incorporation of cultural-specific elements in legal frameworks.

Noting the dissonance between international child rights instruments and experiences of local populations, socio-legal researchers advocate for the consideration of both the legal constructions of childhood and the lived realities of African childhoods. For instance, based on his socio-legal research in Malawi, Kaime (2009b) cross-examined the relationship between childhood and children's rights as beneficiaries of the African Charter. Despite the study's limited scope, given its concentration on only the Lomwes of Southern Malawi, he ably contends that any framework that purports to protect the rights of African children must at least reflect African ideas on childhood. He asserts:

In advocating for the normative prescriptions of the African Children's Charter, it is critical that advocates and policy makers do constructively engage with the African perception of childhood" (Kaime, 2009b:91).

In this case, Kaime's argument is different from that of Songca's above, as it does not intend to perpetuate the notion of the universalism of child rights, but rather recognises the role of social forces in constructing African childhoods. This must not be interpreted to mean that African girlhoods are homogenous, but rather to project that they are context-specific. What defines readiness for marriage in Malawi may indeed be different to that of other parts of Africa. This perspective settles the debate on universalism and relativism of child rights concepts, such as readiness for marriage, with considerations from

universalism and relativism taken on board. This is a perspective supported by this chapter.

Thirdly, these findings question the relevance of programmes that rely entirely on addressing the moral panic about child marriages by solely depending on the interpretation of the legal age of marriage. This is because, as demonstrated in earlier narratives by study participants, chronological age is not a typical attribute in constructing girls' readiness for marriage amongst girls and those around them. This means that interventions that are driven by the chronological age discourse may not be impacting on behavioural change, as what drives readiness for marriage emerges from a different age-defining system. It would, therefore, be more meaningful if the focus of interventions would be a recognition of these differences. This is an area that subsequent chapters of this thesis expound on in greater detail. However, this study did not assess the impact of child marriage programmes in Malawi that are driven by the age-of-marriage discourse. This is an area for possible future research, as such a study would further validate the findings of this study.

#### **4.4. Conclusion**

This chapter aimed to examine the conceptualisation of a child and readiness for marriage within legal frameworks compared to the views held by girls and those around them. The chapter reveals that the legal construction of childhood and girls' readiness for marriage in Malawi rests on the adoption and application of homogeneous and universal global definitions provided by international instruments. In this regard, the legal conceptualisation of girls' readiness for marriage presents a foreign concept, as it dwells on Western-constructed notions of childhood reflected in international frameworks. Also, the chapter revealed that the legal construction of age at marriage is incongruent to lived realities, as the girls and those around them do not see age at marriage as an important marker of their readiness for marriage. It reasserts that chronological age is nothing but a rough indicator in a composite of other factors (Eckert, 1998).

The binary construction of girls' readiness for marriage, that is, the contested importance of age at birth in marriage decisions and the legal construction of girls' readiness for marriage, presents a legal quandary. In these constructions, the universality and relativity of children's rights become visible. However, the adoption of a combination of both socio-legal and international law perspectives in setting specific legal definitions of readiness for marriage that respond to the needs in the Global South, is of key significance. What is also more important is that the findings reconfirm the stance that African sexualities can not be tackled as homogenous.

As age is not a critical construction for girls' readiness for marriage amongst girls and those around them, this chapter laid the foundation for subsequent chapters in this thesis. The non-importance of age in African contexts is a call for exploring other constructions that justify girls' readiness for marriage. In the next chapters, I present the way that girls' readiness for marriage is socially constructed. I begin by demonstrating how girlhood, girls' sexuality, and girls' readiness for marriage in particular, are largely influenced by traditions. This is a topic for the next chapter.

## **Chapter 5| Pricing childhood and girls' sexuality**

As the previous chapter has demonstrated that girls' readiness for marriage is hardly conceptualised by age at birth, this chapter begins to explore how girls' readiness for marriage is constructed. It examines how girls' readiness for marriage is shaped and influenced by traditions regarding childhood and girls' sexuality. To that end, the chapter critiques Zelizer (1994) theorisation of childhood, precisely for her omission of traditions as key pull factors that shape African childhoods. Instead, it draws on Tamale (2017) to frame the conceptualisation of African childhood sexualities.

The chapter argues that although the pricing of girlhood and girls' sexuality are expressed in economic terms, they are fundamentally shaped by complex gendered traditions, both customary and religious, this being the single most important underlying factor that explains the "traditional" construction of girlhood and sexuality in African contexts. In this regard, the chapter isolates childhood and girl-related traditions that price and value girlhood, thereby demonstrating the unique ways in which girlhood is priced and valued in these contexts.

The chapter has four main sections. The first begins by examining traditions and the conceptualisation of children as a broad category in Chauma. It then extends this discussion to explore the relevance of traditional conceptualisation of children in the case of girls. The section proceeds to examine how these traditions regarding girls become a discursive tool for alienating "junior chiefs" from "senior" chiefs. The second section examines the pricing of girlhood and sexuality. It isolates three instances in which girlhood and its sexuality are shaped by traditions. These are instances where girlhood and girls' sexuality are valued for their maintenance of the customary and religious traditions that surround the marriage process. The final section examines how the pricing of girlhood has impacted the marriage market. The chapter is then concluded.

## 5.1 Childhood and maintenance of traditions

As social constructionism maintains that children and notions of childhood are not universal (Qvortrup, 2005), I isolate a particular essentialist description of children in Chauma. The description relates to the construction of childhood and girlhood by means of customs and traditions. To this end, I subdivide this section into three. First, I present the conceptualisation of a child in traditional terms as a broad category. Secondly, I examine the application of this traditional conceptualisation toward girlhood by focusing on girls' maturity as defined through initiation ceremonies. Thirdly, I present the importance of girls' initiation ceremonies in delineating traditional structures. I argue that understanding these traditional dimensions is important, as they form a foundation layer on which girls' readiness for marriage is constructed.

### 5.1.1 “*Aliyense osameta ndi mwana basi.*” – “Whoever is not initiated is a child.”

In Chauma, study participants frame their interpretation of who is categorised as a child by mirroring the relevance of their traditions. In their narratives, they describe a child as any person who has not undergone the prescribed “rites of passage”, in Gennep’s term, or *chinamwali*. Conversely, they frame the completion of initiation ceremonies as maturity. Maziko, one of the key informants in the area, reports that at the completion of an initiation, children who undergo such ceremonies become adults and are deemed capable of entering into marriages. He explained: “By the time they get to 13 years, as long as they went through an initiation ceremony, the community regards them as mature. If they decide to marry this is not questionable. The trend is very common for both boys and girls. It does not matter whether they are small or big” (Maziko, Head Teacher, Chauma). In these narratives, the measure of maturity is not in age or body volume, but instead in the completion of the initiation ceremonies. These claims were confirmed by female study participants, who further emphasised the traditional relevance of such ceremonies. They noted:

**Participant 1:** In our traditions, we believe that one may have her/his child, but still be regarded as a child. For example, those who are not initiated are children, no matter how grown up you think you may be.

**Facilitator:** Can you say that I am a child?

**Participant 1:** Yes, because you have never gone ‘Ku dabwe’ or ‘kuliunde’ [all laugh].

**Participant 2:** Yes, according to our cultural traditions you are still a child.

**Participant 3:** Osameta ndi mwana – if not initiated, then that one is a child. (Participants, Focus Group Discussion, female Traditional Counsellors, Chauma area).

The fore-wording of traditions in defining a child is remarkable, and it is within such constructions that initiation ceremonies as traditions are rendered unquestionable. By invoking tradition, study participants are confident that their current conceptualisation of children is justified. These views were also widely shared by men, with reference to traditions embodied in initiation ceremonies being isolated as a key factor in shaping beliefs about children of either sex. As participants in a male focus group discussion explained:

**Participant:** Everyone who has not gone for initiation is still a child. If you have not gone for Jando or Mzondo, you are a child.

**Facilitator:** Please explain to me.

**Participant:** According to our cultural traditions, someone who has not gone to Jando is regarded as a child just because they haven’t gone there.

**Facilitator:** I see. Is a girl who has gone to Mzondo regarded as a child?

**All Participants:** Nooooo. She is no longer a child. She is an adult.

(Participant, Focus Group Discussion, men, Chauma area)

The above conceptualisation of children and their maturity, framed in the light of traditions, collaborates earlier research in Malawi, where scholars have demonstrated the

importance of customs and traditions as part of the Chewa and Yao social fabric (Longwe, 2006; Munthali & Zulu, 2007; Phiri, 1997; Phiri, Kings 1983; van Breugel, 2001). For instance, through her ethnographic study amongst the Chewa, Longwe (2006) reports on the religious, social and educational significance of such ceremonies. In alignment with Longwe's findings, but based on in-depth interviews with both in- and out-of-school children amongst the Chewa, Yao and Tumbuka peoples, Munthali and Zulu (2007) went a step further to conclude that these initiation ceremonies provide a platform that can be used for disseminating adolescent sexual and reproductive health information amongst young people. Their conclusion was reached by noting an almost unshakable attitude that communities have towards these ceremonies. Thus, these studies support the idea that maturity in Malawian settings is set on different benchmarks – by the completion of traditions.

The findings in the above section single out two critical elements. First, that one cannot attain maturity unless approved by traditions. Here, we see that completion of childhood is defined by the completion of certain processes. In this regard, these findings suggest the existence of strong traditional values that shape and define maturity as distinct from childhood. Second, that the term “tradition” is invoked to justify the way children are defined, implying that the traditions have not changed since time immemorial. However, as I will demonstrate in section 5.1.2, the reality is different. In the next two sections, I extend the discussion on initiation ceremonies to demonstrate how they shape girls' readiness for marriage, in particular.

### **5.1.2 Initiation ceremonies and girls' sexuality**

In Chauma, the onset of menstruation is a milestone around which initiation ceremonies for girls are validated. The commencement of menstruation imposes two requirements. Though menstruation is hidden from the male gaze, one requirement is that the village

headman<sup>135</sup> is informed of her coming-of-age. I discuss this element in greater detail in the next chapter. The second requirement is that girls who commence menstruation undergo counselling. Quite commonly, for both religious and secular Chewa and Yao of Chauma, this counselling occurs in the form of initiation ceremonies. In their narratives, study participants point to the existence of both traditional (*chinamwali*) and religious (*chilangizo*) initiation ceremonies, according with an earlier analysis of available forms of initiation ceremonies in Malawi (Phiri, 1997). All study participants emphasised that it is the completion of these initiation ceremonies that determine girls' complete transition into adulthood. As mentioned in the previous section, marriage decisions made by these girls, irrespective of age, are not a point of scrutiny, since the community accepts initiates as adults and therefore sees them as capable of making mature decisions. At this point, traditions embodied in initiation ceremonies become central in sanctioning girls' maturity and readiness for marriage.

Even though study participants continually invoked traditions to justify their separation of childhood from adulthood, as demonstrated in section 5.1.1, the existing initiation ceremonies have been adapted from their original form. Studies have shown that the present versions of *chinamwali* in Malawi have undergone some transformational changes (Longwe, 2006; Phiri, 1997). During the pre-colonial era, the Chewa placed much emphasis on initiation ceremonies for women, in which a four-stage process characterised the transition to womanhood. Related to the commencement of menstruation was the first initiation ceremony, called *chinamwali*, where the councillors (*anankungwi*) advised girls to "accept the status of womanhood and leave behind childhood" (Phiri, 1997:34).<sup>136</sup> Other sects of Chewa call this initiation ceremony *chikule* (Longwe, 2006). For this ceremony, a time was set aside for all girls who had reached

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<sup>135</sup> The framing of the term in Malawian laws has always assumed that the bearers of these offices are men. To date, few women occupy these positions.

<sup>136</sup> The second initiation ceremony was performed when the mature girl had found a partner for marriage. Here emphasis was on sexually pleasing the husband. The third initiation was conducted for the newlyweds on how to conduct themselves as a married couple. *Chisamba* was the final one and was conducted during first pregnancy (Phiri, I.A. 1997. *Women, Presbyterianism and patriarchy: Religious experience of Chewa women in central Malawi*. Blantyre: CLAIM.

puberty to be secluded for instruction, and sexual rites were performed between the initiates and unknown men called *fisi*.<sup>137</sup> However, the dynamics of *chinamwali* were modified under the influence of the Dutch Reformed Mission Church (DRMC) missionaries who came amongst the Chewa at the beginning of the 20<sup>th</sup> Century.

The DRMC missionaries opened stations in Mlanda (1902) and Mphunzi (1903), both in the present Dedza district. In 1903, a communication was made that all intending to be baptised in the church were not to attend *chinamwali*, as the ceremony was incongruent with church teachings<sup>138</sup>. However, the move failed to impress and attract female Chewa potential converts, since, as the present study has demonstrated, a girl needs to undergo *chinamwali* to become an acceptable member of the society. By 1930, a decision was made to establish a parallel structure called *chilangizo*, a church version of *chinamwali*,<sup>139</sup> which became an alternative for children of church converts. Thus, the church had adapted the old Chewa tradition of *chinamwali*, while pruning elements that they considered inappropriate. These included reporting to the village headman about commencement of menstruation, the *fisi* traditions, beliefs in taboos, Nyau dancing and alcohol consumption at the last day of the ceremony (Phiri, 1997:59). Thus, the presence of both *chinamwali* and *chilangizo* as initiation ceremonies for girls in the present Chauma is a reflection of these historical accounts. However, as Chapter 6 will demonstrate, some elements that had been removed by the missionaries, for example reporting to the village headman, either resurfaced or did not disappear completely and have been used to advance the politics of traditional authorities.

The modification of *chinamwali* amongst the Chewa of Dedza must also be understood in a broader context, as the changes also occurred amongst other groups of Chewa. Suffice it to mention that it took a more extended period than suggested above. For example, amongst the Chewa of Lilongwe who were influenced by the Baptist missionaries, it

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<sup>137</sup> Ibid.:35.

<sup>138</sup> Nkhoma Presbytery minutes 15<sup>th</sup> to 16<sup>th</sup> December 1903 (CC S5 15/6/11/8).

<sup>139</sup> Nkhoma Presbytery minutes 1931, 4.

wasn't until the mid-20<sup>th</sup> century (1972) that the church accepted *chinamwali* by coming up with their version of *chilangizo* (Longwe, 2006). Unlike the DRMC, the Baptist version focused on creating a cadre of African women who were taught the church's preferred way of counselling. It is important to note that, even within these religious instructions, such women were encouraged to advise girls to stop playing with children as they had now become adults.<sup>140</sup> This suggests that, irrespective of their nature, secular or religious, *chinamwali* ceremonies separated girl children from mature women. This broader perspective in the modification of *chinamwali* also in retrospect aids our understanding of the nature of changes that the traditions have undergone.

Notwithstanding the transformation of the original forms of initiation ceremonies, study participants persistently referred to them as traditional. This aspect is interesting as it means that these traditions are understood as long-standing and yet they are a mere reflection of their old self. The use of the term 'traditional' in this case therefore presents a discursive tool, where traditions are evoked to obscure some cultural elements of a society. For example, in the next section, I show how the initiation ceremonies are important especially for the role that they play in local "traditional" structures. At the same time, the influence that these traditions have on the construction of girls' maturity and readiness for marriage must not be disregarded, as both scenarios posit underlying elements in understanding African sexualities. As we see that customs shape girls' maturity and readiness for marriage, the universalistic approach of understanding girls' readiness for marriage as chronological age of 18 is challenged. This is because readiness for marriage as driven by these traditions is not set by age of the girls, but their ability to complete and therefore absorb and practice the contents of initiation ceremonies. In the next section, I continue with this discussion to show how the girls' initiation ceremonies are interlinked with higher initiation ceremonies; those of chiefs.

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<sup>140</sup> Ibid.:81.

### 5.1.3. Girls' initiation ceremonies and traditions for chiefs

The linking of girls' initiation ceremonies and initiation ceremonies for chiefs are important discussions, as they reveal the complexity of the girls' initiation ceremonies in serving other customs. In Chauma, study participants report that chiefs are required to undergo a special initiation ceremony called *mkangali*. This initiation ceremony is important, as it separates "junior" chiefs from "senior or experienced chiefs". One traditional leader explains: "For us as local leaders; we have our initiation; those who have not attended this ceremony are still children" (Traditional Authority Chauma, Chauma). Similar descriptions were also captured from narratives of traditional counsellors, and traditions were also invoked to justify the occurrence of these initiation ceremonies. They explain:

**Participant:** According to the Chewa traditions, even those that you may see as established local leaders, within the chieftaincy, some of them are regarded as children. For example, *mkangali* chiefs, *mafumu a nkangali*, and those who have not undergone *mkangali* ceremonies, *mafumu oti sanamete nkangalali*, are different. Those who didn't get initiated are even shunned on some things that they are considered children.

**Facilitator:** So, do you mean for a person to grow, they are required to be initiated for them to be accepted as a grown up? –*amayenera amete?*

All participants : Eeeeeee [yes!].

[Participants, FGD, male traditional counsellors]

The narratives above suggest that, not only are chiefs who have not been initiated in *mkangali* ceremonies considered children, they are also considered unfit to be invited to join in some critical discussions amongst their peers. Study participants reveal that the specific importance of the *mkangali* initiation ceremony is that the chiefs who undergo this ceremony attain the highest level of magical protection for their people (Key Informant, Chauma). This important distinction amongst this cadre of local leaders is facilitated by girls who have recently commenced their menstruation.

For the *mkangali* ceremony to occur, study participants explain, it is critical that a group of girls who have just commenced menstruation are available to be initiated on this occasion. In this case, the lead initiate for *mkangali* ceremonies is usually the chief's niece (Longwe, 2006:44). During these initiation ceremonies, the girls play a role in a series of magical functions that are critical to the chiefs' attainment of seniority amongst their peers (see Longwe, 2006; van Breugel, 2001). Here, the twinning of the commencement of girls' menstruation with the highest traditions for chiefs is interesting. This is because through the *mkangali* ceremonies, girls' sexuality occupies a different space, where the commencement of menstruation is not just a sign of maturity or readiness for marriage, but is important for sustaining high-level traditions, while simultaneously magically protecting local communities. Here, we see that girls' readiness for marriage is entangled in highest traditions of the land, at a point that the initiation ceremonies customs also become a discursive tool in maintaining other traditions.

The significance of customs in constructing girls' readiness for marriage portrayed in the above sections contributes to important discourses of understanding African sexualities. In *Exploring the contours of African sexualities: religion, law and power*, Sylvia Tamale (2017) advances tenets for understanding African sexualities. She dismisses popular beliefs that sexuality is exclusively driven by biology, to advance that a significant part of it is socially constructed. Tamale speaks of "African sexualities", and not sexuality, in recognition of the complex structures underpinning the construction of sexualities, as well as emphasising the pluralist articulations of sexuality on the African continent (Tamale, 2017:16). She approaches the topic of sexuality at the point of convergence of three tenets: the law, culture and religion. These three are not seen at face value, but rather as part of a long history and of colonial legacy on the African continent. Tamale's main interest lies in how the three facets intersect to construct the dominant hegemonic discourses of African sexualities. Her focus is on how the three – sin (religion), taboo (culture), and criminalisation (law) work to create heteronormativity of African sexualities, thereby excluding those who do not conform to the dominant modes of sexuality.

Findings demonstrated in the above three sections are important, as they portray how African sexualities are typically constructed. Tamale speaks of African sexualities and yet largely focuses on how “the forces” work against “other” sexualities, especially those that are labelled “un-African” or those that manifest in negative ways, such as prostitution. In this regard, her analysis lacks exploration of the ways these forces work to impact what can loosely be termed “regular sexualities”, such as those of children. The above findings thus build on Tamale’s perspective of African sexualities through providing ethnographic evidence that shows examples particularly of how African childhoods are shaped by traditions. Here, we see how the heteronormativity that the traditions create for childhood influence the notion of maturity and readiness for marriage. In this case, girls who complete initiation ceremonies, both religious and secular, not only become mature, but are also seen as ready for marriage. In addition, it becomes clear that childhood or, indeed its sexualities, is shaped by the value of the traditions that surround them. In the case of *mkangali* ceremonies, girls possess important customary roles that shape community perceptions of girlhood and their sexualities. The pairing of girls’ sexuality and *mkangali* ceremonies certainly suggests that girls’ maturity is highly priced. These aspects begin to point to the peculiarity of African girlhoods, whose trajectory to maturity and readiness for marriage is not marked by age at birth as argued in the earlier chapter, but are shaped by traditional values that surround these concepts. In the next section, I further emphasise the value of traditions to argue that it is largely the customary “sacralisation” rather than “commercialisation” that shapes girlhood and sexuality. Through this argument, I show that differently from arguments posited by key scholars, such as Zelizer (1994), one of the main missing links in the sacralisation process are customs that shape the value placed on girlhood.

## **5.2. Pricing the girl child**

An indepth understanding of girls’ readiness for marriage also requires an examination of marriage traditions that set a price and value on girlhood. In this section, I demonstrate how the maintenance of marriage traditions shape and influence girls’ readiness for marriage, as their receipt demonstrates an acceptance of girls’ maturity for marriage. This

section is divided into three. The first section demonstrates how the maintenance of marriage negotiation traditions led by clan heads shape girls' readiness for marriage, as their completion signals broader family acceptance of girls' maturity for marriage. The second section demonstrates how the maintenance of marriage payment traditions for mothers is also important for girls' readiness for marriage, as it shows the approval of marriage for girls by their mothers. The third section depicts how girls' readiness for marriage is shaped by the complex relationship between girlhood and religion.

Zelizer (1994) shows how the value placed on children has changed over time in the American context. She begins by locating her argument against Marxist economic paradigms by dismissing that human behaviour is solely driven by rational utility maximisation (Zelizer, 1994:17). Instead, she focuses on the interaction between the economic (price) and non-economic factors (values – personal or moral) as competing, yet complementary factors that shape human behaviour. Zelizer therefore assesses the specific contribution of cultural factors (values), as counter to economic, occupational and family structure factors in redefining the value of children in America. By so doing, she argues that the missing link in the “commercialisation effect” of childhood (where price shapes value) is “sacralisation” – a “process by which value shapes price – investing it with social religious or sentimental<sup>141</sup> meanings” (Zelizer, 1994:21). In her conclusion, Zelizer asserts that, even though childhood shifted from the economically useful to the economically useless, the economic role of a child never disappeared (1994:210). To be sure, the commercialisation effect competed with the sacralisation of childhood, even as the latter occurred. Thus, though the idea of childhood as an economically useless state became the order of the day, childhood was transformed into another commercial enterprise. In the next three subsections, I use Zelizer's conceptualisation of pricing childhoods to demonstrate how girlhood has been priced, and argue for the relevance of

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<sup>141</sup> Through her book, Zelizer isolates different sentimental values or emotions, such as pain, distress, love and smiles.

traditions as part of the sacralisation process that shape girls' readiness for marriage in Chauma.

### 5.2.1 Pricing girlhood and clan heads

Drums and songs chanted for the newly wedded couple can be heard from far. Men and women are often seen dancing, with others throwing paper money at the new couple as their way of expressing their happiness and applauding the gesture at hand. Thobwa – a common drink made from maize flour and sorghum, is shared amongst wedding guests. These features characterise the epitome of heterosexual nuptials in Chauma, the only recognised type of marriage in the area. (Field observations, October 2016).

The wedding celebrations described above are the tip of an iceberg, as underneath it are a series of traditions that characterise the marriage negotiation process. In this section, I demonstrate how marriage negotiation traditions – *kunfunsira mbeta* – price and value girlhood, and argue that their acceptance by the clan heads signal girls' maturity for marriage. In Chauma, study participants categorise heterosexual marriages in two major forms. First, are the customary, the most prevalent form of marriages in the area. These are the unions that are prescribed by the legality traditions (Government of Malawi, 2015). Second, are the religious unions, with the Christian and Islamic matrimonies (*nikah*) as the two dominant sub-categories. Irrespective of the marriage form opted for, study findings indicate the existence of an organised scheme of marriage negotiations.

When a man decides to marry or when he agrees with his bride on making their relationship “acceptable” to their kin, observance of marriage negotiation traditions become important. In these traditions, the groom informs his kin of his intention to marry (*ndapeza nsoti*) and a marriage negotiation team, which includes his *ankhoswe* is identified. From the bride's side, the leader of the clan, the maternal uncle of the bride (*mwini mbumba*) or the “big man”, to use Ifi Amadiume's term for powerful traditional men, leads the marriage negotiation process. In other cases, it is the brother of the bride (*achimwene*) who assumes this role. This is because, at clan level, the *mwini mbumba* is a symbol of authority (Mair, 1951; Mtika & Doctor, 2002; Phiri, 1983). From both sides

of the prospective marriage, a marriage counsellor (*ankhoswe*) is also identified, and for the bride's side, this is a role that is taken up by either the *mwini mbumba* or brother of the bride.

Upon setting of a marriage negotiation delegation, a message is sent to the consanguine of the bride, of the groom's kin's intention to initiate the first negotiation visit. It is this preliminary visit of the marriage negotiation team that unearths interesting insights into the marriage negotiation process. The maiden visit to the kin of the bride is made to the *mwini mbumba* or *achimwene*, where the groom's kin or the "wife takers", express their interest to marry into the bride's family. During this first visit, the groom's negotiation team is welcomed and their suggestions heard. However, during this visit, the consanguine of the bride, "the wife givers", do not outright accept the marriage proposal. Study participants report that, following this visit, the bride's kin is required, first, to confirm with the girl's parents their intention to marry off their daughter to the proposed wife takers,<sup>142</sup> and secondly, to verify the girl's intention to marry. Recounting the process, a male study participant expanded, he said: "A man proposes marriage to the girl, once they agree, he then approaches her brother to propose. It is now the brother who carries on with the process by informing parents and seek[ing] their approval" (Participant, FGD with men, Muyowe village). Another male participant expounded the thought and added: "It is only when the parents approve, that other marriage processes are continued. If the parents agree, that is when marriage negotiators further discuss the engagement date and people who need to know about the marriage are told. For example, the village headman has to be told" (Participant, FGD with men, Gubuza village). Experiences of married female study participants are in tandem with married men's accounts, as they shared similar roles played by their brothers and parents. Narrating her experience, a female participant explained that, for her, it was through her brother that marriage negotiations were initiated. She recounted:

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<sup>142</sup> This acceptance is also conveyed in terms of mother payment traditions. I discuss these in more detail in section 5.2.2.

We started our relationship when he proposed to me. We then agreed to marry, and he and his people approached my brother to propose. It is now my brother who carried on with the marriage process by informing parents. The parents agreed after being satisfied with him through their informal investigation of him and his family. It is not just about the man and his family; they also do their investigations of the girl and her family before deciding on asking a girl for marriage. Once the parents agreed the marriage negotiations were finalised and we were allowed to live together as a married couple (Participant, FGD with women, Muyowe village)].

In the above narratives, it is clear that men are positioned at the forefront of marriage negotiation traditions. However, what is less pronounced in these descriptions is that marriage negotiation traditions attract *chamlomo*, a customary price tag placed on girls' sexuality that transforms girlhood at the point of marriage into a valuable period for big men. *Chamlomo* transactions are similar to those described as payments and arrangements between the groom and the parents of the bride (Jones, 2009; Schlegel & Eloul, 1988:291). However, these are not the same as bridewealth, marriage payments common in patrilineal African marriages (Comaroff, 1980b; Himonga & Moore, 2015; Shope, 2006), as the Yao and Chewa people follow matrilineal marriage systems. The word *chamlomo* is ardently interpreted as meaning payment earned for being the mouthpiece of the family. Study participants were in consensus in pointing out that, as marriages are only negotiated by the male family figureheads, such as uncles (*amalume*) or/and brothers (*achimwene*), these are largely the exclusive beneficiaries of the *chamlomo* payments. I will shortly return to this point. However, it is important to mention that, unlike in other parts of Africa (Jones, 2009), in these negotiations, the *pater* (father), to use Malinowski's distinction of biological father from the non-genetic father, does not partake of nor benefit from these payments, as he has no cultural claim over the children born from his marriage. Once negotiated and received, *chamlomo* payments formalise the first step of the marriage process, while also signalling that a girl is mature for marriage.

As earlier mentioned, *chamlomo* payments are enjoyed by the male folk of the clan who are the recipients of the payments. All study participants indicated that women and girls do not take part in marriage negotiations nor do they benefit from this type of payment.

In their narratives, Halima and Hawa share their marriage negotiation experience and confirm that they did not participate in nor did they benefit from these payments. Halima, a 19-year-old divorcee, explains that for her marriage, she heard that the groom was charged some money but she did not benefit from the payment. She narrated: “These marriages are negotiated by men. For my earlier marriage, I heard that he was charged MK7,500,<sup>143</sup> but I reckon that he [husband] did not pay it all. He just paid part of it; I am not sure of how much is remaining as I was not part of the negotiations nor did I benefit from it (Halima, 19 years old, divorced). Hawa’s experience also illustrates similar predispositions and heightens the effect of the process on girls. The excerpt below highlights her experience:

**Interviewer:** Tell me about the man that your mother said is your fiancée.

**Hawa:** I do not even want to call him my fiancée. I did not agree with him marrying me. However, he paid money for my hand in marriage to my uncle.

**Interviewer:** Can you not refuse to marry him if you are saying that you did not want the marriage?

**Hawa:** (Sighs) Unless I find the MK19,500 to pay back the money that was paid for my hand in marriage.

**Interviewer:** You mean there is nothing that you can do about it?

**Hawa:** No.

(Hawa, 18-year-old, engaged to be married)]

Hawa's narrative not only shows her non-participation in the process but also the problematic circumstances that girls encounter as a result of these payments. In Hawa’s case, she feels obligated to marry the man, as she cannot pay back the money that her uncles have pocketed. In both Hawa and Halima’s cases, these findings suggest that by accepting the payments, the marriage negotiation traditions embodied in *chamlomo* signal girls’ maturity for marriage, as after the payments are received, girls are perceived as

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<sup>143</sup> At an exchange rate of MK720=\$1, this amount is approximately \$10.

ready for marriage. However, it should be mentioned that, by underscoring these marriage negotiation dynamics, the idea is not to reproduce the view of women and girls as a suffering sexuality, but rather to highlight how traditions set a price and commercialise girlhood. The non-participation of girls and women in marriage negotiations does not mean that the pricing of girls' sexuality always works to the disadvantage of women. In section 5.2.4, I demonstrate how girls negotiate these traditions in making their own marriage decisions.

Even though *chamlomo* are part of the marriage negotiation traditions, it is also important to understand them as traditions in their own right. This is because study participants understand these payments as traditions. Study participants unanimously explained that *chamlomo* transactions are undertaken as a tradition to compensate for the massive marriage negotiation task undertaken and that the payments are also considered as pre-payments for settling future marriage disagreements that may arise between the married couple. As some asserted:

At engagement stage, there is money that is paid to the *ankhoswe*. This is our tradition. It is called *chamlomo*. You see this money is paid for their services, for negotiating the marriage. You know in marriages, couples may argue, so the amount is also to cover for the time that the couple shall have problems so that the marriage counsellor can help easily (Participants, Focus Group Discussion, men only, Matipa Village).

In another discussion, a female participant echoed: "For a marriage to come into being, it has to be negotiated. *Chamlomo* gives power to the *ankhoswe* to support the couple in times of disagreements (Participants, Focus Group Discussion, women, Muyowe Village). Thus, these narratives suggest that *chamlomo* payments maintain the role of men, not just as forgers of relationships, but also as customary guardians over girls and women. However, these findings are in stark contrast to the situation in other Southern African countries, where recent studies show that women participate in marriage decisions, even though it is not clear if the bride herself is also part of this group. For example, a study on marriages, divorce and succession amongst the Xhosa, Zulu, Tswana, and Pedi of South Africa reports the inclusion of women in the marriage negotiations,

even though their participation in these negotiations is restricted (Himonga & Moore, 2015:87). Despite this difference, the price of girlhood is set by marriage negotiation traditions, where the place of men in these negotiations remains profound.

Another vivid picture of how the price of girlhood is determined by the customs is found in how *chamlomo* is negotiated. This is because at the centre of *chamlomo* prestations is in the belief of the value of purity in girls. First, these payments are demanded for any girl or woman who wishes to marry or remarry. This means that an opportunity for clan heads to claim *chamlomo* arises the moment a girl or a woman decides to marry. Secondly, different amounts of *chamlomo* are charged, where new brides attract bigger payments than remarrying women or mothers. One male participant, using a new and old car analogy, explained that *chamlomo* payment of new brides and those of women can be equated to buying cars, where one does not expect to pay much for an old car and pays much more for a new car. He explained: “If it is a girl who is getting married, we charge cleverly – *timatcharger mochenjelerako* – it has to be higher. It is just like buying cars, the cost of a new car can never be the same as the cost of a used car” [Participant, Focus Group Discussion, men, Matipa Village]. A female participant confirmed that *chamlomo* payments are lower for mothers, as women who have given birth before are considered to have had some sexual experience elsewhere. She noted: “If the marriage is for a woman who has already given birth before – *mchembere* – the *chamlomo* payments are lower” (Participant, Focus Group Discussion, women, Matipa Village). In these narratives, girls become more economically priced by *chamlomo* traditions because of the belief in sexual purity.

These findings align closely with other studies in Southern Africa, where the relevance of virginity is noted in negotiating higher marriage payments (Bhana, 2017). For instance, in both pre-colonial and present South Africa, premarital pregnancies are frowned upon, as they reduce the price of bridewealth, *ilobolo* and the celebration of virginity (Bhana, 2017:255). Paradoxically, while virginity is priced and valued, other studies amongst children in South Africa suggest that the loss of virginity is considered “cool” and it is a critical factor of acceptance in peer groups (Bray *et al.*, 2011). These contradictory

findings point to the challenge in constructing children's sexuality (Mkhwanazi, 2012), since what society imposes and what children actually want are not always in tandem. Chapter 6 further demonstrates the conflicting ideas in constructing girls' sexuality, where unbridled girls' sexuality is problematic and yet Chapter 7 demonstrates how the loss of purity, nonetheless, is interpreted as readiness for marriage.

On one hand, the above sections have demonstrated how girlhood is priced and commercialised through marriage negotiation traditions. It is certain that the request for and receipt of these payments by the male folk allocates a price tag to girlhood while simultaneously signaling the maturity of girls for marriage. On the other hand, the pricing of *chamlomo* payments is also driven by the belief in girls' sexual virginity, where acceptance of these payments also signal the implicit girls' maturity for marriage. The two scenarios are examples of how marriage negotiation traditions shape the value of girlhood, thereby demonstrating the missing link of the sacralisation effect on African childhoods. Conversely, while these traditions shape girlhood and girls' readiness for marriage, they are also maintained by girlhood and girls' readiness for marriage, as these form a basis for their practice. Once again, these findings show the irrelevance of age in constructing girls' readiness for marriage. In the next section, I discuss a second and new type of customary marriage payment that price and shape girlhood and girls' sexuality.

### **5.2.2 Pricing girlhood and “mother” payments**

Feminist scholarship interrogates the subordinate role that women occupy in many societies and tends to prescribe the “universal female subordination” hypothesis in understanding sexualities of African women and in responding to oppressive patriarchal and gerontocratic societies (Cutrufelli, 1983; Lamphere & Rosaldo, 1974). However, such conclusions obscure possibilities that women may not always hold subordinate positions (Amadiume, 2015). New evidence from Chauma suggests that, far from being mere subordinates, women are also becoming more recognised and celebrated through the invention of new traditions.

Paradoxically, these contrived new traditions are another example of how the customary price tag placed on girls' sexuality transforms girlhood into a valuable phenomenon. These traditions are called *chaliwombo* or *chamakemwana*. The word *chaliwombo* derives from the Chichewa word *liwombo*, which refers to the soft part of a baby's head (the anterior fontanelle). *Chamakemwana* translates as "that of the mother". Therefore *chamakemwana* payments, like *mombe youmai* payments amongst the patrilineal Shona of Zimbabwe ( Jones, 2009), are marriage payments that are paid to the mother of the bride and are designed for her sole benefit in her capacity as the mother of the bride. By accepting these payments, mothers accept the maturity of their children as ready for marriage.

The period of emergence of *chamakemwana* payments cannot be ascertained. None of the study participants could pinpoint the exact moment when these payments emerged, but recognised them as new traditions that are now widely practised amongst both the Chewa and Yao people of the area. As one male traditional counsellor explained:

Let me explain; in the past, amongst us, there was no *chamake mwana* payment. These days, there are sections amongst us, the Chewa, who demand this payment. When they say *chaliwombo*, it is the money given to the mother, and even the mother may charge this amount on her own to say, as parents, pay us so much. So, the marriage counsellors communicate how much this amount is to the groom's side. He is also the one who receives the payment and passes it to the mother (Interview with a male counsellor, Tchete Village).

In the above narrative, the study participant noted the existence of sections amongst the Chewa who have adopted *chaliwombo* as part of the marriage prestations, thereby implying its invention as a new marriage tradition. In customary marriages, these payments are negotiated together with *chamlomo* payments discussed earlier, where mothers communicate their desired amounts to the marriage negotiation team (see section 5.2.1). In their reflection on the significance of the *chamakemwana*, study participants reported that these transactions are made to mothers as compensation for bearing and raising the girl child to be a marriageable bride. In confirming that these payments are

solely designed for women as mothers, study participants pointed to the absence of similar payments for men:

**Participant:** For us amongst the Chewa, we do not have any payment specific for the father to thank him for raising the child well; maybe in the northern region that is where that happens. Here we do not do that. Here we have *chaliwombo*.

**Facilitator:** How about the father of the bride?

**Participant 1:** He gets *chaliwombo* or *chamake mwana*. (They all laugh.)

**Facilitator:** What is funny?

**Participant 2:** How can a man get *chamake mwana* as if he is a woman? (They all laugh.)

**Participant 3:** Actually, these payments thank mothers for a job well done. (Participants, Focus Group Discussion, male counsellors, Muyowe Village)

In these narratives, it is suggested that *chaliwombo* payments are not designed for men, but rather are critical payments that recognise and celebrate women for their role as mothers. However, this is not to say that the celebration of mothers in these societies is new, as in these communities, mothers have always been viewed as the “root of the lineage” –*tsinde* (Phiri, 1997:32). However, the image of mothers was changed by external forces, as women lost control of their sexuality as a result of the introduction of slavery, lost their real power due to the influence of patrilineal groups, and a Western perspective of womanhood was encouraged by Christianity and colonialism (Phiri, 1997:40-43).

Thus, the emergence of *chaliwombo* as a tradition can be explained by the infiltration of foreign cultures amongst the Chewa. Three patrilineal groups had settled amongst the Chewa by the nineteenth century: the Muslim Swahili traders in the 1840s, and the Chikunda and the Ngoni in the 1870s (Phiri, 1983:266). These groups were either assimilated into the Chewa cultural ways of life or had influence on Chewa culture, including the conduct of marriages. Owing to the settling in of the Ngoni after defeating the Chewa of Dedza (the district in which Chauma is located), the Chewa people of Dedza

introduced the practice of patrilineal aspects to marriage (Phiri, 1983:267). For example, some Chewa began adopting the payment of bridewealth (Semu, 2002:79), a drastic change from the bride service arrangement that existed amongst this group.

Over the years, bridewealth – *chiongo* – was converted to monetary terms (see also changes in other sexuality payments discussed in Chapter 5). However, with the coming in of the church, *chiongo* prestations were banned, as the church felt that its monetary overtones evoked the taint of selling human beings (Phiri, 1997:71). However, the church reversed this stance in 1962 and allowed the continuation of *chiongo* and bridewealth, which had both previously been banned (ibid, 1997). This study did not find evidence of the continued practice of *chiongo* nor even of its existence in the study area in the first place. Very few participants referred to it as a form of payment in other Chewa sub-sects.<sup>144</sup> The absence of mention of these payments in the responses of study participants can be attributed to several things. The implication is that this form of payment possibly no longer exists, or perhaps that it is still practised but to a minimal extent that could not be captured in this study. Furthermore, it is also possible that the payment has been renamed altogether as *chamakemwana*, implying that *chamakemwana* payments may not be precisely new as study participants believed, but that they are a modification of older marriage prestations.

In feminist academic discourses, the (re)invention of mother payments in Chauma is challenging, as it provides evidence against scholarship that perpetuates the notion of the powerless nature of modern African women (Cutrufelli, 1983). In addition, it opposes the stance that matriarchy vanished to a point of no return with the invasion of European imperialism (Amadiume, 2015; Oyěwùmí, 2005). Instead, it demonstrates that matriarchy, as the cornerstone of some African societies, still exists to some extent, or is somehow drifting back, as study findings point to the (re)emergent celebration of the powerful roles that women play in society. While observations on the demise of

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<sup>144</sup> See interview excerpt of a village headman, Muyowe Village, as he clarified *chaliwombo* payments.

matriarchy may have been accurate in the depiction of the complete loss of power by the Igbo women of Nigeria, as Ifi Amadiume demonstrates, or in revealing the genderless organising principle amongst the Yoruba society, as Oyeronke Oyewumi exemplifies, in the context of Chauma presented above, the reality is different. However, this return must be understood with caution, as these findings do not suggest a complete return of matriarchy. This is because, even though *chamlomo* payments are the only payments received by women, there are many other sexuality payments that are solely enjoyed by men, as demonstrated by *chamlomo* payments or as will be demonstrated in the next chapter. In addition, the presence of sexuality payments alone does not suggest the return of the whole system, as other power dynamics that manifest in these contexts also need to be analysed. Furthermore, this revival of matriarchy is marred by other complexities, as religious interests surround what may be seemingly beneficial for women as mothers. I discuss this element in section 5.2.3. However, it should be noted that the contradictory scenarios of Chauma and Nigeria presented above may be due to the multiplicity of womanhood as a category, where generalising occurrences based on one group may not be feasible, echoing Amadiume's sentiments on the dangers of classifying African women as a single category.

However, it is important not to lose sight of the fact that the (re)invention of *chamakemwana* payments provides another example of how traditions shape and price girlhood. Through these payments, it is clear that girlhood is priced and commercialised as mothers of brides are paid for a job well done in raising their girl children. By accepting these payments, mothers accept and confirm that their daughters are ready for marriage. Once again, we see that customary traditions become important in determining points at which girls are accepted as ready for marriage. This scenario is more interesting in other religious circles, where a complex relationship between girlhood and religious traditions emerges. In the next section, I further demonstrate the paradox of the way that the predominantly "oppressive" Islamic systems support mother payments traditions. As this paradox unfolds, we see that religion fortifies traditions that shape the pricing of girlhood.

### 5.2.3 Pricing girlhood and the religion nexus

In many villages of TA Chauma, churches and mosques stand boldly as the most outstanding architectural work in the area. Early mornings are filled with resounding noise of the Islamic *Fajr* prayer. On Fridays, Muslim men and women are seen donning their *thobes* and *hijabs* as they parade to attend their prayers at the nearby mosques. On Sundays, choruses can be heard from far and wide as Christians of different dominations sing praises to their God. On the other hand, sites of thick forests are also noticeable. These are the secluded meeting places for Nyau male members of the Chewa secret cult, who consider Nyau as their religion (Field notes, November, 2015).

Three forms of religion are practiced in Chauma. Two are the imported ‘messianic’ Christian and Islamic religions. Their emergence in Malawi forms a considerable part of a Protestant missionary history. Since 1875, a variety of missionaries evangelised the country, with the late entrants into the scene being Catholic priests in 1889 and a subsequent return in 1901 (Linden & Linden, 1974:2). As part of the imperialist agenda, these missionaries played two major roles: firstly, they contributed to the depiction of Africa as a continent of no or questionable morality, thereby contributing to the rationalisation of European expansion on the African continent. Secondly, they forced their European Christian ideological values on the population and denounced African cultures (Ekeh, 1997:24). The other religion is Nyau, predominantly practiced by the Chewa, a form of what is called “African Tradition Religion” (Magesa, 1997). However, the focus of this section is the Islamic religion, where *chamakemwana* payments have been incorporated as part of Islamic piety.

The previous section demonstrated how customs on marriage negotiation work to ensure the fulfilment of *chamakemwana* payments. But, in the case of the Chewa and Yao who practice Islam, a stark difference is observed. Amongst the Muslims, the process is handled differently, as Islamic piety becomes a cornerstone for the fulfilment of the payment obligations, thereby demonstrating how religion aids the adherence to *chamakemwana* traditions.

During this study, I encountered several women who shared their experiences of these peculiar payments. Salome's mother, a Chewa woman, offered an interesting perspective, as her daughter's wedding followed Islamic rituals despite their Chewa heritage. Her explanation of these payments is therefore based on her experiences as a Chewa, but also as a mother of a daughter in an inter-religious marriage. At the time of my visit, Salome's *nikah* (wedding) had taken place not more than three weeks before our meeting. Salome's mother explained that she received K3,000, an equivalent of approximately \$4,<sup>145</sup> for her daughter's hand in marriage as her *chaliwombo* payment. She laments that she has become the laughing stock of her community as she is ridiculed for receiving such a small amount of money from her daughter's wedding. In the excerpt below, she explains *chaliwombo* payments in detail:

**Interviewer:** Tell me about marriage payments that concern mothers.

**Mother:** As a mother, one also receives a payment that is special for mothers. This payment is not part of *chamlomo*. It is called *chaliwombo*. It is the parent, that is the mother, who dictates how much is to be charged. The parent charges in accordance to the hardships that she faced while giving birth and raising the child. For us, the Chewa, we communicate about the charge during engagement (*nthawi yodzatula ukhoswe*). But for the Muslims, that money is given at the actual wedding ceremony itself. You see there is a difference between the Islamic beliefs and our beliefs as the Chewa. For them, during the wedding, the bride announces how much the mother should be given. For my daughter's Islamic marriage, she asked them to give me MK3,000 during her wedding. Muslim women make fun of me, and they laugh at the little amount of money that I received. They say it was just too little. For me, I did not know anything, she [my daughter] just charged and I just saw the money coming.

(Interview with the mother of newly-wedded bride, Chauma)

In the narrative above, Salome's mother isolates the surprisingly different ways in which mother payments are sanctioned. Under the secular Chewa, the required payment is demanded during marriage negotiation traditions. In Islamic communities, the same

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<sup>145</sup> Calculated at the exchange rate of \$1=K720.

payment occurs during the *nikah*. Through her story, a surprising and unique intersectionality between mother payments and the Islamic religion is revealed. She explains that during her daughter's *nikah*, a meagre amount was demanded as her *chaliwombo* payment. This is because she was not aware of the Islamic forces that work to support *chaliwombo* payments.

Her description of the *nikah* procession matches accounts that sheikhs describe in this study. As practised by the Muslims, it is during the *nikah* that the bride asks for the payment for the mother. At this point, the mother should have communicated the amount in advance, a step that Salome's mother missed. Narrating on the *nikah* officiation process, Sheikh Jefule first explained that, when blessing the marriage, the *nikah* cannot be blessed if the mother has not charged her payment. Secondly, he asserted that, during the wedding ceremony, the amount of money that is charged belongs to the mother. He further explained that, before the wedding, the bride is supposed to meet her parents, and enquire regarding the required *chaliwombo* payment. Thirdly, he stressed that the benchmarking of the price to be paid for the bride specifically has to come from the mother, as the one who gave birth to her, and not from any other person. "It is the mother who determines the amount of money to be received, whether it is K20,000<sup>146</sup> or K40,000", Sheikh Jefule explained. Fourthly, Sheikh Jefule went on to indicate that the amount charged is fixed, that no discount can be given, and that it cannot be paid in instalments. "My fellow sheikhs here can testify", he challenged other focus group members. He continued to explain:

So when the couple comes for the wedding blessing, there is a slot where we expect the bride to be asked a question: "How much will you and your parents welcome the groom in your family?" That is when she [the bride] responds to say, "If the husband wants to be well received by my family, we need so much XX" (which is the amount that was charged by the mother). Whatever amount said has to be paid. That amount goes to the mother and no one else. Once that is done, we bless the wedding. Then

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<sup>146</sup> Equivalent of \$28. Exchange rate \$1=MK720.

after that, the celebrations go on. That is how we process a wedding as Muslims (Sheikh Jefule, 45, Chauma Area).

*Chamakemwana* payments in the Islamic setting as discussed above show a vexing relationship between religion and customary traditions. This is because it exemplifies how religion shapes what is supposed to be “private” pricing of girls’ sexuality, while simultaneously transforming *chamakemwana* into a religious tradition. Here, Islamic religion plays two major roles. Firstly, it is a force that provides a platform for the payments to be requested. This is through the allocation of a specific slot by the sheikh to allow the bride an opportunity to announce the demanded mother payments in a mosque, normally a male-dominated centre. Secondly, it is a force that sanctions these payments, as, without the payment, the sheikh does not proceed with blessing the marriage. These processes, in turn, transform and Islamise *chamakemwana* payments from being exclusively Chewa or Yao traditions into an Islamic tradition. Like *chamakemwana* customs discussed in the previous section, the receipt of these payments by mothers work to confirm maturity of girls for marriage.

The commercialisation of girls’ sexuality through the Islamic traditions of *chamakemwana* is more visible as larger sums of money are charged in comparison to similar types of payments collected by non-Muslims. In the case of Salome’s mother, it is clear that she did not understand how Islam reinforces the value of these payments. These findings suggest that the sacralisation of African childhoods, that is to say, where value determines price, is not merely a case of how the value of traditions shapes the price of girlhood, but also of how religion shapes the concept of girlhood. This intersectionality between religion and traditions is also an example of how these two forces work together to influence African sexualities (Tamale, 2017). In this case, contrary to views taken by key theorists (James, Jenks & Prout, 1998), religion is another missing push factor in depicting the way childhoods have been theorised in modern times. Nevertheless, the relationship between the two forces is skewed, with religion appearing as a stronger force than traditions as larger payments are received under Islamic forces than in secular contexts.

The above narratives of both Salome's mother and Sheikh Jefule also challenge the way the Islamic faith has been constructed in most feminist discourses. In these scholarships, the dominant view is that women are an oppressed category and that the Islamic religion treats women as second-class citizens (Wangila, 2013; Shaith, Hoel & Kagee, 2011; Bongstad, 2007; Ahmed, 1999, 2005). For example, Wangila (2013:113) pursues the ways in which restrictive Islamic measures, such as virginity at the time of marriage, female circumcision, denial of birth control and the institution of *pardah*, demean women's sexuality and autonomy. Similarly, other Islamic feminist scholars have focused on illuminating the marital experiences of Muslim women (Shaith, Hoel & Kagee, 2011), also on examination of Islamic polygamous marriages (Bangstad, 2007) or they have highlighted the experiences of Muslim women in the HIV discourse (Ahmed 1999, 2005). However, these findings suggest that the category of women as mothers is accorded different status, as their payments have been administered in a manner superior to the way other cases in different settings have been handled. In Islamic settings, a favourable environment is created, as mothers are allowed to demand higher payments, their demanded payments become non-negotiable, and they are provided with a specific slot during the officiating of the *nikah* specifically to ensure that they receive the demanded payments. Thus, the Islamic faith transforms the mother payments into the most prized sexuality payments, thereby compelling us to view women as mothers through a different lens, certainly not the one that labels women as disadvantaged or powerless. These actions obligate us to avoid generalisations about the subjugation of women in Islamic societies, thereby uniquely contributing to existing epistemological gaps in our understanding of the present impact of religion on gender relations and childhood.

However, the idea that the Islamic faith provides a platform for the fulfilment of mother payments present a complex paradox. One of the many critical responses that feminists may voice is that these payments only use women as "pawns in a grand patriarchal plan". If such assumptions can be discarded, what other analytical tools can be used to explain these payments? Other scholars have explained this phenomenon as "Islamic revival", defined as an attempt to reform Islam from an "abstract system of beliefs that has no direct bearing on the practicalities of daily lives of the people" (Mahmood, 2005:3). In this case,

Islam becomes a religion that responds to new traditions, such as mother payments, by ascribing ethical value to them as part of its ethical systems, thereby responding to the practical needs of the local people. This explanation concurs with recent studies, which find that Islam is continually adapting to make itself relevant to modern times. In an ethnographic study of the piety movement among Islamic women in Egypt, it has been demonstrated that Islam is continually revised to make itself relevant in modern times; women's mosque movements educate ordinary Muslims not only in Islamic conduct and virtues but also in practical, relevant concepts of modern life (Mahmood, 2005:4).

In summary, the above two sections have argued that girls' sexuality is uniquely shaped by customary and religious traditions presented as *chamakemwana* payments. Through the receipt of these payments, girls are endorsed as ready for marriage, as the payments depict the willingness of big men and mothers to marry off their children. The presence of traditions in shaping girls' readiness for marriage challenges Zelizer's (1994) conceptualisation of the sacralisation effect. For Zelizer, the sacralisation process becomes possible through investment in social, religious or sentimental meanings. She demonstrates how the sentimental and social valuation of children (how pain, grief, love) shapes the value of an economically worthless child. However, in this study, it is clear that girls' readiness for marriage is shaped by the maintenance of traditions, where customary and religious traditions on childhood maturity and marriage negotiation influence girls' readiness for marriage. Even though the economic price is set for girlhood and girls' sexuality through the various payments, the maintenance of traditions is more pronounced than its corresponding economic value placed on girlhood and girls' sexuality. Thus, these findings suggest that Zelizer's conceptualisation of the sacralisation effect omits an important dimension that defines African childhoods, that of traditions. A pertinent question, however, remains: How has the commercialisation of girls' sexuality impacted on the marriage market? This question is important, as it explains the present marriage dynamics in Chauma. I respond to this question next.

#### 5.2.4 Pricing of girlhood and the marriage market

Discussing how the pricing of girlhood impacts the marriage market is important as it shows how girls exercise their agency in deciding their own readiness for marriage. The pricing of girlhood and the resultant sexuality payments presented in the above sections impact the marriage market in three different ways. The changes include: (a) the distortion of expected marital residence for new couples, (b) reduced reliance on elders in marriage negotiation initiation and payments, and (c) increased occurrences of elopement amongst new couples thereby challenging the legitimacy of marriages. Reading these changes together with how traditions shape the pricing of girlhood discussed in earlier sections, a tension in understanding the importance of traditions in shaping contemporary girls' sexuality emerges. Does it mean that traditions have become irrelevant amongst young couples? Two cases succinctly illustrate this quandary.

The first is that of Nditheranji and her husband, Dickson. Following a lengthy period dating, Dickson invited Nditheranji to move in with him, to which Nditheranji gladly acceded, as she loved him very much and relocated to his village. By the time I met them, the two were living together and shared a daughter. Nditheranji explained that their union has not been officially approved as they have not made any marriage payments nor have they been officially engaged. Nditheranji explained that a recognised marriage is one where families of the two sides discuss and agree to the marriage, and this is followed by a traditional engagement ceremony – *kudyera unkhoswe*. For her union, none of these processes have happened as no marriage payments have been made. To that effect, their union has no marriage counsellors (*ankhoswe*). In the event of sickness or, worse still, death, Dickson's family would be fined for keeping Nditheranji without fulfilling the economic price tag for marriageable girls.

The second case is that of Shaibu Yuda and his wife, Rose. They decided to start living together before any marriage payments were made because they felt that they needed to be together at all costs. However, recognising the importance of the marriage processes, once he had accumulated some money for marriage payments, Shaibu wrote Rose's

village headman a letter, notifying him that Rose had moved in with him to his village of Chemdoka. Upon receipt of the letter, the village headman and her uncle came to confirm this development. They fined Shaibu higher marriage prestations as he did not follow the traditions in taking Rose as his wife. He says that he was charged K32,000 as the initial amount for taking the bride without proper authorisation. They also charged a non-negotiable K16,000 for the chief as his payment (*ntuwangala*). (These payments are discussed in the next chapter.) Then her uncle asked for K12,000 as *chamlomo*, half of which would be paid to her mother as *chamakemwana*. Shaibu explains that out of these demands, K6,000 was paid to the local leader, K4,000 for the mother and K4,000 for the marriage counsellors, all as part payments. In the meantime, Shaibu continues to live happily with his bride but hopes to finish off the payments once he accumulates some more money.

The two cases presented above illuminate how marriage payments have impacted the marriage institution. Firstly, it would appear that, amongst young people who cannot afford these payments, they adjust to simpler forms of unions. In both cases above, the couples decided to elope and started living together as married pairs. In Nditheranji and Dickson's case, the couple even reproduced within their union, suggesting the stability of their conjugal bond. The fact that both couples could live in their communities as married and yet not have fulfilled the required payments questions the validity of marriage traditions in the 21<sup>st</sup> century. These tendencies are a shift from marriage perceptions in the 20<sup>th</sup> century, where the legitimacy of marriages was appreciated in the compliance of formalities and procedures (Comaroff & Comaroff, 1981:33-35), even though non-compliance with marital procedures did not make such marriages invalid (Roberts, 1977: 258). However, these changes are not new, as scholars in Southern Africa have documented similar trends, where an increase in cohabitation (Posel et al., 2011; Mkhize, 2006; Townsend et al., 2006) and other forms of simpler marriage arrangements, such as "*Kutizira*"— elopement ( Jones, 2009) have been attributed to increases in marriage payments or adaptability of young people in the face of economic hardships.

The idea that couples are able to stay in unions without the widely accepted payments allows us to interrogate the concept of agency and subject formation. Foucault (1982), in his articulation of subject formation, posits that subjectivation should be viewed with a double lens in that it can be self-afflicted or afflicted by another in control. Related to subject formation is the reading of agency. Mahmood (2005) argues that reading agency as resistance blurs the identification of other modes of agency that appear in dominantly hegemonic patriarchal structures. In her analysis, she demonstrates this difficulty by showing how terms and concepts deployed by the women of the mosque movement in navigating the male kin authority unleashes analytical questions that cannot be accommodated within the reading frame of agency as resistance. Instead, she identifies suffering and survival as the two antitheses of agency that are often unexplored within the agency as resistance frame.

Using the Mahmoodian frame of agency, the decision of Nditheranji and Rose to enter and stay in unions irrespective of the availability of hegemonic masculinised marriage negotiation traditions cannot be read as resistance of hegemonic patriarchal structures. This is because the actions of the girls were not to resist the traditions, but that they used a form of reasoning to navigate how they could still be in union without undergoing the marriage negotiation traditions. Their actions were out of an understanding that they could not afford to make the required marriage payments. As a result of this reasoning, they decided to elope with their partners to live as married couples, thereby exercising survival agency. In so doing, their subjectivity is not coerced upon them, but rather is self-imposed. In this case, we see that girls' readiness for marriage is self-directed.

Shaibu and Rose's experience further demonstrates the absence of resistance and an exercise of a different mode of agency as they demonstrate that they recognise the importance of marriage negotiation traditions. Instead of completely defying these traditions, Shaibu and Rose used a form of reasoning and decided to save resources that would enable them to initiate the marriage negotiation traditions at their own convenient time. In this way, the two were able to stay married, while at the same time were respectful of the marriage negotiation traditions given that they were able to initiate

the marriage negotiation traditions later on upon the accumulation of the required resources. Such actions further depict how actions of girls in hegemonic patriarchy tendencies cannot always be read with a resistance lens of agency.

However, a critical application of the Mahmoodian categorisation of agency allows the expansion of the modalities of agency, as, calling agency exercised by these girls as entirely survival would also be incomplete. This is because at the core of exercising agency is the willingness to satisfy their own emotional needs. In both cases, the girls believed that they were in love and, as such, decided to elope to satisfy their own personal needs. This pursuit of their own happiness therefore suggests survival as a mode of agency exercised by these girls is not enough to explain these actions. Instead, the actions of the girls also depict self-gratification as a form of agency in itself.

Secondly, the two cases also illuminate how marriage payments have impacted the marriage institution in that, in both cases, the couple settles in the groom's village, thereby not only opting for unfavourable marriage arrangements but also disrupting the preferred *uxorilocal* residence of new couples amongst matrilineal groups. Thirdly, despite the non-completion of marriage payments, as in Shaibu's case, or complete non-payment of marriage prestations, as in Dickson's case, both men continued to enjoy their new marital statuses as married men having initiated their unions without assistance from their kin. These findings challenge power dynamics in the marriage negotiation process, where elders have traditionally played important roles in negotiating marriages (Himonga & Moore, 2015; Phiri, 1983). Such findings are consistent with other sociological studies that decry the increasing atomisation of family life as young people are now able to marry without the assistance and guidance of elders, who once controlled access to resources (Jones, 2009; Kaler, 2006:345). However, it is clear from these findings that the pricing of girlhood has destabilised the hegemonic marriage institution in Chauma, but at the same time, the role of these traditions in shaping girlhood remains paramount.

### 5.3 Conclusion

This chapter examined how girls' readiness for marriage is constructed within the parameters of traditions. Opposed to key theorists in the field (Zelizer, 1994; James, Jenks and Prout, 1998), it demonstrates the presence of the strong grip of traditions, both customary and religious, as key contributing pull forces that shape African childhood, and girlhood in particular.

Firstly, the chapter has demonstrated that it is only when a girl has met the demands expected by traditions that adhere to initiation ceremonies, that she begins to be perceived as mature and as such constructed as ready for marriage. The relevance of these traditions is drawn from customs that conceptualise childhood and adulthood, including those that separate "junior" from "senior" chiefs in African contexts.

Secondly, the chapter has also shown that girlhood and girls' sexuality are priced and shaped by customary and religious traditions, which, in turn, commercialise girlhood. The receipt of payments embedded in these traditions shape girls' readiness for marriage, precisely because they signal acceptance and approval of girls' maturity for marriage. Novel in these findings is the interplay between Islam and mother payments, a vexing relationship that transforms mother payments as mere customary traditions into religious traditions. These findings are interesting, as they provide evidence of how girls' sexuality propels the relevance of religion in modern times.

Understanding the role of both customary and religious traditions in the pricing of girlhood and girls' sexuality is important, as it reveals the pull forces that define African childhood and sexualities. The chapter therefore concludes that the construction of African sexualities, such as that of girls' readiness for marriage cannot be isolated from the discussions around the maintenance of traditions, thus emphasising the irrelevance of age in defining girls' readiness for marriage. In the next chapter, I take the discussion forward to demonstrate how chiefs, as "traditional" vehicles of local power also shape girls' sexualities and influence the construction of girls' readiness for marriage.

## **Chapter 6| The political economy of traditional authority and girls' sexuality**

In the previous chapter, I argued how African girlhood and sexualities are shaped by traditions. In this chapter, I take the discussion forward to examine how the exercise of powers vested in the institution of traditional authority, is fundamental in shaping girlhood and girls' sexuality. In this discussion, I pursue the relationship between traditions and power to demonstrate how chieftaincies contribute to shaping girls' readiness for marriage.

This chapter is situated within the debate on the politics of traditions and customs, where two dominant positions explain the emergence and roles of traditional authority. On one hand, are those who maintain that traditional authority or chieftaincy is a colonial invention, a binary opposition that dominated earlier scholarship on chiefships. Resultantly, present chieftaincy constellations are a colonial product (Chanock, 1985; Mamdani, 1996). On the other hand, there are scholars who maintain that precolonial chiefships never died in the first place, but that the nature of their sustained presence is embedded in their ability to continually transform. This new scholarship on the dynamics of chieftaincy centres on changing global configurations (Comaroff & Comaroff, 2018; Geschiere, 2018). The chapter demonstrates that the present institution of chieftaincy is an amalgamation of both colonial and precolonial roles of chiefs, coupled with some post-colonial tendencies.

In this chapter, I advance two arguments. First, I argue that it is the complex intersection of the political economy of chieftaincy and girls' sexuality that shapes and influences girls' readiness for marriage. While the British colonial administration in Malawi may not have purposely placed girls' sexuality at the centre of the politics of chieftaincies, through recalling the roles of colonial and post-colonial chiefs, girls' sexuality has become a space where chiefs invoke traditions to command and maintain their power base while simultaneously influencing girls' readiness for marriage. Thus, the chapter critiques and expands the conceptualisation of decentralised despotism for its lack of inclusion of

non-political power,<sup>147</sup> gendered and sexuality-based, in shaping the African social fabric. Second, it advances that sexuality payments payable to chiefs are not beneficial only for the chiefs but that they are also fundamental in maintaining social cohesion, the term “social-political commodification” is better suited to describe these new dynamics.

As a lens through which the maintenance of present-day chieftaincy can be understood, I explore three gendered sexuality prestations (gifts and money) that are demanded and payable to chiefs: at the onset of menstruation, at the occurrence of a premarital pregnancy and at marriage. In this regard, I examine “menstruation payments”, *chimbwinda*, and *ntuwangala* payments. The extent to which these payments are tolerated may be related to the social organisation of matrilineal systems. However, instead of considering these payments as kinship political economy (Comaroff, 1980b; Fortes, Radcliffe-Brown & Forde, 1950; Mtika & Doctor, 2002), this chapter examines such payments in the context of the political economy of traditional authority, as a structure for local power. I demonstrate that, by invoking traditions and “traditional power”, chiefs popularise and conscientise communities as to when girls are ready for marriage and whom to consider as ready for marriage.

The chapter begins by tracing the historical schema that informed the formation of traditional authority in Chauma and then shifts to discuss payments to chiefs at the commencement of girls’ menstruation. The chapter proceeds to examine *chimbwinda*, yet another form of gendered payment for chiefs. Finally, *ntuwangala* as marriage prestations in matrilineal Chauma are examined. The chapter ends with the conclusion.

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<sup>147</sup> I am aware that power can never be apolitical. Here, the term, non-political, is used strictly in the vernacular sense that conveys the idea that chiefships were designed to serve clear political interests of the colonialists, but that it also had parts of it that were not necessarily designed to be political, which I refer to as non-political.

## 6.1. Formulation and legitimation of traditional authority in Chauma

One of the questions that Mamdani (1996) seeks to explain is the extent to which customary power structures in Africa were shaped by colonisation or if, alternatively, they were a product of colonial revolt. Mamdani shows how the chiefships were deliberately constituted as part and parcel of the colonial political agenda. He draws attention to the way that the traditional authority structures were key to controlling market institutions, such as land and labour, particularly focusing on showing how powers vested in these structures worked on various compulsions, such as forced labour, forced crops, forced sales, forced contributions, and forced removals (Mamdani, 1996:23). However, the focus of his analysis rests on the political point of view; that is, how they worked to serve the political colonial agenda, including that of maintaining order. It is on this particular point that I critique Mamdani's perspective, as his analysis lacks the inclusion of implicit non-political power that was simultaneously vested in Native Authorities. This other power, I argue throughout this chapter, was gender- and sexuality-based, just as much it was political.<sup>148</sup>

In Malawi, chiefs (*a mfumu*, (pl. *mafumu*) are conceived as important exercisers of "public authority" at the local level (Hussein, 2010:3). Not surprisingly, in Chauma, different cadres of chiefs exist. The senior-most cadre is that of Traditional Authority (*Mfumu Yayikulu*) Chauma, a position that is currently occupied by a man in his late 60s. Below him is a retinue of other smaller chiefs, whose jurisdiction varies from leading group villages (group village headmen) or simply villages (village headmen). These local power structures form a hierarchy, of which the village headman reports to the group village headman, who in turn reports to the traditional authority, thereby forming a governance structure at the community level. There are a total of nine group village headmen and forty-four village headmen recognised by government (Dedza District Council, 2013).

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<sup>148</sup> This is not to claim that Mamdani did not isolate some instances where customary power affected, for example, women, but my point is that he does not analyse the exercise of this power as a gendered and a sexual agenda.

However, there are many more self-imposed chiefs in Chauma, whose impact I explain in section 6.4 of this chapter.

The establishment of the described hierarchy of chiefs above, or “decentralised despotism”, is traceable to the colonial period, where one’s good standing in colonial eyes was a criterion for appointment to the office of Traditional Authority (Cammack, Kanyongolo & O’neil, 2009). This establishment was formalised in 1912, through the passing of the 1912 *District Administration (Native) Ordinance* (DANO). The DANO not only created a new hierarchy of “traditional” authority, (in which the principal and village headmen were to report to the district resident), but it also specified the roles of the native authority: that of assisting the district resident in maintaining law and order, encouraging tax-paying, providing sanitation, controlling cattle movement and overseeing general welfare (Cammack, Kanyongolo & O’Neil, 2009:3). The role of chiefs was further consolidated through various reforms of the DANO (1924 and 1929), where the powers of the chiefs were extended to include the actual collection of taxes, hearing civil cases, issuance of licences and controlling afforestation (Hussein, 2017:3224). Additional consolidation of chiefly powers occurred between 1933 and 1953, through the introduction of the Native Authority and Native Court (*Nyasaland Protectorate Ordinance*, 1933). Through these legal enhancements, the principal headmen came to be known as native authorities, and a longer hierarchical line of traditional authority was established to include the lowest community organisation of the village (native authorities, sub-native authorities, group village headmen and village headmen). The native authorities could now make rules for the areas that they governed, establish a native treasury for financial administration, impose levies and fees to facilitate local development and provision of services to the community, arbitrate cases and, more importantly, allocate gardens and pasturage (cf. Cammack, Kanyongolo & O’Neil, 2009:3; Hussein, 2017; Vail, 1989). Thus, as a colonial establishment, chiefly powers during the British colonial administration in Nyasaland were legitimised by the state,

thereby making chiefs the most powerful individuals at a local level.<sup>149</sup> However, these powers were not just political, but were also gendered and sexuality based.

The legitimisation of chiefly power through state power in colonial times is a trend that continued, albeit in different forms, in post-independence Malawi (Cammack, Kanyongolo & O'Neil, 2009; Chiweza, 2007). Under the one-party post-independence rule in Malawi, chiefs were still recognised by the state, although their powers had been trimmed just before the end of the colonial era through the establishment of the District Councils. As the councils had taken over most of the chiefly powers except in those of tradition, chiefs' powers became highly politicised and were utilised to support the nationalist agenda during the Banda regime.<sup>150</sup> At the end of one-party rule and with the advent of democracy in 1994, chiefly roles continued to be politicised, but also took a new twist in the context of global economic forces and related ideologies.

In present-day Chauma, this study shows that the core of maintaining chiefly powers lies in the strategic placement of girls' sexuality as a cardinal factor for chiefly survival, both institutionally (as an office and its hierarchy) and individually (personal economic gains). Through girls' sexuality, the institution of chieftaincy is maintained in four main ways: (a) invoking traditions to legitimise command over their subordinates, (b) recalling colonial and post-colonial codified roles to exert influence over their subordinates, (c) creating social cohesion through sharing of chiefly proceeds, and (d) invoking precolonial traditional powers (or African Traditional Religion) to gain respect and legitimacy. As these dynamics unfold, girls' readiness for marriage is popularised, and community pointers of girls who are ready for marriage further emerge. In the next sections, I present these various ways through which the political economy of chieftaincy is being played out. It must be mentioned from the outset that the intention of the chapter is not to demonstrate the oppression of women and girls *per se*, but rather to isolate these (where

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<sup>149</sup> This is not to say that they were no chiefs before colonisation, but rather to describe what came to be described as the hierarchy of the institution of traditional authorities by the colonial masters.

<sup>150</sup> Ibid.

they appear) as a way of showing the present constellations of chieftaincies and how they may challenge some feminist scholarship.

## 6.2 The onset of menstruation and the politics of traditions

As demonstrated in the previous chapter, the commencement of menstruation (*kutha nsinkhu*) is a milestone that excites the commercialisation and the sacralisation of girlhood and girls' sexuality. Evidence from this study suggests that for traditional leaders, this milestone also warrants special payments to their office. In the absence of a term to describe these payments, I broadly refer to them as menstruation payments. As pointed out in the previous chapter, it is the role of the female traditional councillors (*Anankugwi*) to advise such girls on expected conduct following the beginning of their menstruation. These female traditional councillors are also required to inform the chief in the area about the commencement of girls' menstruation. As one girl recalled: "When I began my periods they advised the chief as required. I know for sure that a chicken and some money was paid as a way of informing him" (Interview with Regina, 15 years old, Muyowe village). Another girl concurred: "For me, elderly women of my clan offered their advice on how I could handle the transition. My mother also paid some money to the village headman to notify him of my menstruation" (Interview with Fatou, 14 years old, Chauma). A traditional counsellor explained: "Let us say that we live in a village, if a girl starts her menstruation, her mother notifies a traditional counsellor – *nankungwi*. She also gives the *nankungwi* money to notify the traditional leader that the girl has started her menstruation – *wagwa pansi, watha nsinkhu*" (Participant, Focus Group Discussion with male traditional counsellors). As the narrative suggests, the role of the *nankungwi* is that of a conduit between the girls' family and the chief, aimed at facilitating payments to the chief at the commencement of her menstruation. For converted Christian and Muslim families, such payments are made through elderly women in the family.

Expounding on the importance of notifying the local leader, a recently married girl explained that it is important because the chief is an authoritarian figure in the community, and that non-conformity to this practice could attract some penalties. She explains: "If a

girl begins to have menses, her parents inform the local leader so that he is aware of the development. The local leader has to be notified to avoid [her and the family] being summoned – *milandu*. When advising him, they pay money and a chicken” (Interview with Martha, newly married girl, Muyowe Village). Concurring with the above, one traditional counsellor further added that notifying the local leader is vital as it could also have repercussions at the point of a girl’s marriage. She explained: “The traditional leader is regarded as an elder who looks after the people. It is an offence not to inform him when a girl becomes of age. You see if the girl wants to get married, the traditional leader will question as to when the girl became of age: ‘*Amati chinawali chimenecho anadziwa ndani?*’ (Interview with female traditional counsellor, Muyowe village). Here, the study participant finds it offensive to bypass the traditional leader when such a milestone occurs.

The need for notification of chiefs at the commencement of menstruation narrated above is one of the examples of the gendered and sexuality-based power exercised by chiefs. This is because no similar notifications were found for pubescent boys. More interesting are the three ways through which chiefs are able to command this gendered and sexuality-based power. Previous studies amongst the Chewa demonstrate that informing the chief is important for three critical reasons: firstly, it is done so that the local leader can temporarily suspend his sexual life (as it was believed that continuing to have sex would result in sickness or possible death of the girl); secondly, it is done so as to enable the chief to prepare herbal medicines for the girl, and lastly, it serves to alert the chief to the fact that there is a new girl who will require an initiation ceremony (Makumbi, 1975:12). Another study conducted during the same period, but the findings of which were only made available at the turn of the millennium, concluded that the notification of the chief is important because the chief is a link between his subjects and the spirits of the dead, and his intercession through sexual abstinence during the period is important for assuring the girl’s fertility (van Breugel, 2001)<sup>151</sup>. By examining the *mdulo* complex – the

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<sup>151</sup> During the one-party era in Malawi, studying the Chewa culture was met with animosity, as the first president of Malawi was alleged to be from this “tribe”.

continuous fear that something might go wrong – van Breugel concluded that the belief in witchcraft influences what the Chewa believe to be right, important or wrong. In both these studies, one of the ways through which chiefs command this gendered and sexuality-focused power is through the invocation of mysterious traditions around girls' sexuality.

Historically, chiefly powers regarding custom and traditions have existed since pre-colonial Malawi, where chiefs' claim of having the power to communicate with ancestry guaranteed them respect (Chiweza, 2007:56). For example, in the past, the notification of chiefs through gifting at the commencement of menstruation seems also to have existed amongst other sects of the Chewa. As hinted at in Chapter 5, it was European imperialism, particularly the coming of missionaries, that influenced the removal of this element of power among the Chewa (Phiri, 1997:59). The presence of chiefly notifications in the present Chauma thus could imply a re-emergence of the old tradition. Nevertheless, it is also possible that, though the tradition disappeared from the European gaze, it continued to be practiced into present times, as has been the case with many other traditions in Africa (Oduyoye, 1995; Vera, 1993).

The second way through which chiefs command this gendered, and sexuality-focused power can be traced back to the colonial establishment of these authority structures. During the colonial period, chiefly powers based on custom and tradition became codified, with one of the chiefs' responsibilities being that of controlling the adherence to customs and traditions (Article 8(J), *Nyasaland Protectorate Ordinance*, 1933). This codification of chiefly powers strengthened the chiefs' grip over customs and traditions, meaning that the notification of a girl's commencement of menstruation could simply be justified as one of the customary responsibilities of chiefs, accorded them by the state. This codification of chiefs' powers did not disappear at independence, as the new *Chiefs Act* of Malawi maintained the role of chiefs as custodians of traditions (*Chiefs Act*, 1967). As this Act remains in place, the notification of the commencement of menstruation in the present day suggests the continuation of gendered and sexuality-based power that chiefs were given during the colonial period. Thus, by recalling a combination of their

pre-colonial, colonial and post-independence functionalities, present chiefs are re-establishing their powers over their subordinates, with girls' coming of age at the crux of these politics.

Other than claims of the mysterious protective traditional power or power derived from the codification of traditional authority, one more factor is critical for the maintenance of the role of traditional authority in present day Chauma. This is the communal sharing of sexuality payments. Study participants explained that payments and some goods received as part of the notification process are shared with the community at large. A traditional counsellor narrated:

**Interviewer:** How much do you pay to notify the chief?

**Participant 1:** There is no fixed rate, but it is money. For others it may be MK100 (0.14cents) or maybe MK200 (0.26cents).<sup>152</sup> The money is given to the chief. Then the chief shares the money with people in the village.

**Interviewer:** Is that money enough for the whole village?

**Participant 2:** Not really, it is given to those who can have, next time it happens the chief shares it with other people too. The idea is for everyone to have a share of it *aliyense adyepo* (Participants, Focus Group Discussions, traditional female counsellors).

The above findings show that the importance of notification is not necessarily represented by the amount received, but by the role that it plays in mobilising social capital. By sharing the menstruation proceeds with the community, chiefs create a shared understanding of social norms. However, in analysing institutional power, the objective of actions matter (Foucault, 1982). Here, we see that the act of sharing proceeds to create social norms also has an implicit objective to the institution; that of maintaining the privileges of the institution. To be sure, it is this way of handling menstruation payments that also connect chiefship powers to girls' readiness for marriage. In the above narratives,

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<sup>152</sup> Exchange rate of \$730=1 Malawi Kwacha (August 2018).

study participants indicated that these payments are shared with community members at a point that girls commence their menstruation. It is this act of sharing the menstruation proceeds that popularise to the community that a girl has attained maturity, thereby signalling to potential suitors her readiness for marriage. Through the menstruation payments, girls' readiness for marriage is flagged to the community at large.

The above findings also show that chiefs are mostly at liberty to charge any amount that they deem fit to constitute the so-called notification. Here, we see that chiefs use the power of the institution of traditional authority to create a system of differentiation between themselves and their subordinates, that enable them to demand payments. This is interesting, as it implies a possibility that chiefly authority may lead to abuse. The interest here, however, is that the abuse is gendered, as these payments are only charged for girls' sexuality. I will continue this thread in the next section.

To conclude this section, I have highlighted three ways in which present chiefs maintain their traditional authority through menstruation payments. These include invoking traditions (claims of protective mystery or protective power over their subordinates), using gender and sexuality-based codified powers offered by legal frameworks (colonial to post-independence) and creating shared norms through sharing of menstruation proceeds, thereby popularising girls' readiness for marriage. Having shown the different ways through which chieftaincies are maintained using menstruation payments, feminist narratives that suggest that sexuality payments merely commodify girls and women, do not adequately explain these payments. This is because findings reveal that menstruation payments are also useful in maintaining social cohesion amongst community members. This is the dilemma that I will also continue to show in further sections of this chapter. In the next section, I move to examine the role of chiefs in expressions of girls' sexuality.

### **6.3. Girls' sexuality: Communal goodies?**

This section examines yet another example of how gendered and sexuality-based power is exercised in the present Chauma, through the demand of sexuality payments that are

also central to the maintenance of traditional authority. For a better understanding of the dynamics at hand, the section first explores the notion of unbridled girls' sexuality as an entry point through which these payments become visible. The second section explores *chimbwinda*, a three-in-one tradition that further portrays the complex dynamics of unbridled girls' sexuality in relation to the exercise of customary power. These discussions are important, as they show how girls' readiness for marriage is shaped by social concerns on girls' expression of sexuality.

### **6.3.1 Unbridled girls' sexuality**

At the forefront of maintaining the institution of traditional authority is also the reaffirmation of chiefly duties in maintaining morality. The origin of this role is found in early colonial legislation in Malawi, where the role of the chief was clearly spelt out to include the power of regulating immoral behaviours. As codified and articulated, chiefs were given the responsibility of "prohibiting, regulating or requiring to be done any manner or thing which the native authority, by virtue of any native law or custom is not repugnant to morality" (*Nyasaland Protectorate Ordinance*, 1933). That is to say, the provision accorded chiefs powers to determine, based on their best judgement, which acts were contrary to customary expected moral behaviours. However, unlike the other chiefly provisions discussed earlier, the present *Chiefs Act* no longer contains this provision. And yet, despite its discontinuation, study findings indicate that present-day chiefs in Chauma find the issue of immorality a matter of their concern. As one-village headman noted: "It is worrisome when villagers are not getting married. For example, in my village, when I notice that certain girls who are mature are not married, I find it worrisome. This is because the unmarried girl may end up getting into affairs with married men and that is a big problem. Therefore, every problem that arises in that family, people blame it to the unmarried girls" (Participant, Focus Group Discussion with traditional leaders, Chauma traditional authority). In this narrative, unbridled sexuality of unmarried girls is considered a threat to social stability. Similarly, another agreed: "These days it is easy for married men to start affairs with younger girls. When girls are married, such problems are avoided" (Participant, Focus Group Discussion with traditional leaders, Tsoyo

village). Thus, marriage is seen to tame girls' sexuality for the general good, thereby firmly embedding this view that girls' sexuality continues to be on the agenda for those in power. These findings concur with other observations in the region. In Zambia, for example, the migration of rural young women to urban centres during colonial times became a bone of contention, as girls' sexuality was conceived as being problematic and a leading cause of unstable unions – “temporary marriages” – amongst the Toka (Geisler, 1992). Similarly, amongst the youths of Wentworth in KwaZulu-Natal in South Africa, girls' sexuality was found to be under perpetual surveillance and yet boys could get away with the same behaviours (Bhana & Anderson, 2013).

Notwithstanding, during this study, it became more evident that it is not just the traditional authorities who find girls' unrestrained sexuality problematic, but also that parents regard the curbing of girls' sexuality through marriage as instrumental in preserving familial dignity. One male study participant reflected that marrying off a girl child as soon as she is ready for marriage is a far lesser evil than watching one's daughter fall pregnant out of wedlock. He clarified:

As a father, you may advise your child to focus on schooling, that it is not a time that she should have relationships with men... then the mother asks you: ‘What if she becomes pregnant? The question becomes: What would be so heartbreaking for her, to be asked a hand in marriage or to fall pregnant out of wedlock? So the choice is either to find someone who asks her hand in marriage or have her pregnant. If you say, “No”, it is like you want the girl to get pregnant out of wedlock (Participant, FGD with men, Biwi James village).

In these accounts, the participant indicated that fathers agree to marry off their daughters as soon possible in their quest to avoid potential premarital pregnancies that may arise if girls' sexuality is not restrained. Narratives of female study participants also concur with those of the men, as they consider marriage as “less harmful” than a pregnancy out of wedlock. As FGD participants explained:

**Participant 1:** If a girl starts getting busy with men that is dangerous.

**Participant 2:** Yes, that is true, we find it better that such a girl should be married than for her to get pregnant while not married – *kutenga mimba ya pa tchire*.

(Participants, FGD, Women only)

The actual description of premarital pregnancy in the above narrative is interesting. The phrase, *kutenga mimba ya pa tchire*, is derogatory as it translates as “acquiring a pregnancy from the bush”. It is perhaps out of the desire to dissociate themselves from such inflammatory descriptions that parents support early marriages for their daughters. In the Southern African region, labelling the act of having a child out of wedlock is not uncommon. For instance, in Tanzania, having a child out of wedlock is frowned upon and as such is referred to as “having a child at home” – *amezalia nyumbani* (Wight *et al.*, 2006:991). Conversely, in South Africa, amongst the coloured people of the Fish Hoek community on the Cape Peninsula, a girl who delays falling pregnant reflects positively on her parents for fulfilling their role as parents (Kahn, 2008:140). Thus, premarital pregnancies disturb normative ways in which girlhood is perceived by societies.

The protection of girls’ sexuality as demonstrated above exposes deeper beliefs entrenched in African traditional religion. Some scholars have explained such tendencies as resulting from fear of the wrath of evil spirits (*mizimu yoyipa*) (Longwe, 2006, van Breugel, 2001). In her study amongst the Chewa of Lilongwe in Malawi, Longwe (2006) highlights the fear of the “wrath of evil spirits” believed to occur if an unmarried girl falls pregnant. Similarly, van Breugel’s (2001:172-173) study amongst the other groups of Chewa people in central Malawi shows that beliefs of sexual activity, sexual and menstrual fluids were considered mysterious and dangerous and contrary to tradition, calling down the wrath of angry spirits who could punish those concerned by withdrawing fertility or inflicting sickness, or even death. Other scholars have also explained the need to curb girls’ sexuality to guarantee continuation of lineage (Phiri, 1997). In her reflection on the positionality of women in matrilineal Chewa, Phiri concludes that restraining girls’ sexuality is significant as women were regarded as the root of perpetuation of the lineage (Phiri, 1997:32-35). Such a variety of explanations demonstrates the complexity of explaining girls’ sexuality in the African context.

The discussions in the above section are important for the study topic, as they show a complex nexus of how girls’ readiness for marriage is beyond the confines of age as a marker of marriage, to include social concerns around premarital pregnancies. Here, we

see that girls who begin to express their sexuality become a focus of concern, even for the local institutions of power. In the context of Chauma, this complexity becomes even more visible as one explores the linkage between premarital pregnancies and *chimbwinda*, a tradition that converts this problematised sexuality into payments for chiefs. I explore this tradition next.

### **6.3.2. The three-faced *chimbwinda***

*Chimbwinda* as a concept is complex, as study participants interchangeably used the concept to denote three elements. Firstly, it describes the act of conceiving outside of wedlock. Secondly, in the event of a premarital pregnancy of an uninitiated girl, it refers to a demand for a specific payment for chiefs. Thirdly, the term denotes the ritual of cleansing from evil spirits.

In the first instance, as discussed in section 6.2.1 above, pregnancy outside of wedlock (*chimbwinda*) is perceived as extremely dangerous, as such an occurrence is believed to unleash the wrath of evil ancestral spirits (*mizimu yoyipa*). *Chimbwinda* therefore becomes a nomenclature used to denounce the act of conceiving outside of marriage. The second element of *chimbwinda* is, in fact a reaction to the first, where chiefs exercise their gendered and sexuality-based power to demand payments at the occurrence of a premarital pregnancy. Two girls' narratives best describe the tradition. First is Halima, who explains that premarital pregnancies in her village are "criminalised" as one is required to pay a fine for such uncalled-for conduct. She narrated: "Becoming pregnant out of wedlock is a sin, it is called *chimbwinda*. I hear that one pays K30,000 to the chief" (Interview with Halima, 17 years, Muyowe village). Second is Hawa, a 16-year-old unmarried girl who summarised the perception of *chimbwinda* in the communities: "When a girl gets pregnant, she undergoes an initiation ceremony, it is called *chimbwinda*. It is a big thing here, as girls we fear this. It is like the pregnancy makes you dirty. At the end of it, the girl even wears new clothes to show that she is really cleansed" (Interview with Hawa, 16 years old, Matope villages). In these narratives, it is clear that girls view *chimbwinda* as a "sin" that is punishable by a payment to chiefs and through cleansing.

For community members, honouring *chimbwinda* payments signifies remorsefulness, an apologetic gesture to evil spirits (*mizimu yoyipa*). As one parent explained: “It is called *chimbwinda* because she was not initiated, if the girl was initiated it is not *chimbwinda* as the chief was already paid – *anadyera kale*. One is required to pay money to the chief as it is like you have wronged him by getting pregnant and yet he did not know that your child has grown” (Participant, Focus Group Discussion with male counsellors, Muyowe village). Two critical issues emerge from these narratives. First, is the reiteration that *chimbwinda* is a transgression of the chief’s authority. In these narratives, as also observed in Chapter 5 and in earlier sections, the chiefs are believed to be representatives of spirits, the only ones with powers to protect their communities from angry evil spirits. Thus, through invoking mysterious spiritual powers, chiefly powers are maintained, while at the same time, through these payments, economically gaining as individuals. The second is on the connection between *chimbwinda* and girls’ initiation ceremonies. Here, we see that where a girl is initiated, premarital pregnancy is not labelled as *chimbwinda*, again suggesting that normalcy in the form of closer adherence to customs, can be sanctioned by traditions. In this regard, the relevance of initiation ceremonies as a tradition resurfaces once again. I will discuss this element further in section 6.3.3.

Furthermore, additional to being perceived as traditionally fundamental, chiefs utilise *chimbwinda* (payments) to create shared social norms. In this case, reference is made to the third face of *chimbwinda* – the ritual, where proceeds received as *chimbwinda* payments are shared as part of the *chimbwinda* ritual. Male study participants narrated:

**Facilitator:** How much is *chimbwinda*?

**Participant 1:** From the girl's side two goats, from the boy's side two goats. Also, a basket of maize flour from each side – *dengu la ufa*. One of the goats and one maize basket is taken to a special place, where the whole goat gets slaughtered and roasted without salt, even the corn flour is used to cook *nsima* for the occasion.

**Facilitator:** What does the chief do with all the food?

**Participant 2:** The people eat them!

**Participant 3:** The whole village is invited to eat this food.

(Participants, Focus Group Discussion with male counsellors, Muyowe village)

As the above narratives suggest, custom demands that food prepared to mark the *chimbwinda* ritual is cooked without salt, thereby enforcing the embedded taboos regarding premarital pregnancies. In these narratives, the taboo nature of the premarital pregnancies is acknowledged by consuming food without salt, as the absence of salt in the food signifies a deeper level of remorsefulness. Further, the narratives also suggest that the whole village consumes the food. As in the case of menstruation payments previously examined, this communal sharing of the chief's received *chimbwinda* proceeds reinforces the general acceptance of *chimbwinda* as a matter of taboo. Thus, it is through the sharing of *chimbwinda* that chiefs bolster and promote approval of the importance of taming girls' sexuality through marriage. The sharing of these proceeds is also another example that disrupts the conventional commodification discourses of girls' sexuality discussed in the earlier section of this chapter.

The present *chimbwinda* (payments) is a transformation of the old tradition. A similar humiliating initiation ceremony existed between 900 and 1889, but during that time, the practice involved verbal abuse, wearing of a necklace made of dogs' intestines, and parading in the community (Phiri, 1997:36). The choice of dog's intestines signified grand disgust, as amongst the Chewa, a dog is regarded as repugnant. However, the present tradition is different from the one described above, as the condemnation is more of a ritual including the offering of payments to chiefs. However, the tradition suggests that premarital pregnancies continue to be condemned amongst the Chewa. These findings contradict recent findings by Chintsanya (2015:143), who concluded that premarital births are tolerated in matrilineal systems in Malawi. Chintsanya's conclusions were based on the fact that children born of a premarital pregnancy in matrilineal societies, enjoy acceptance because of association with the mother's lineage. Nevertheless, Chintsanya did not discuss the existing punitive measures, such as *chimbwinda*, that show that premarital pregnancies are still frowned upon in some matrilineal societies. This omission could explain the contradictory findings, since the

privilege of mothers' lineage alone does not offer sufficient grounds for concluding that premarital pregnancies are tolerated.

*Chimbwinda* discussions above provide insights into how girls' readiness for marriage is conceptualised. Unlike earlier sections where girls' readiness for marriage is popularised through formal, accepted ways, such as menstruation payments, *chimbwinda* demonstrate that girls' readiness for marriage is also detected in some disruptive ways. Through *chimbwinda* rituals, girls' readiness for marriage is revealed, as it is through the ritual that disruptive premarital pregnancies are cleared. Through the sharing of *chimbwinda* proceeds, communities play a role in clearing premarital pregnancies, as, after the ritual, such girls are perceived in a different light, free of evil spirits and ready for marriage. Once again, we see how traditions shape girls' readiness for marriage. However, at the core of these traditions is the role of chiefs, where legitimacy to exercise their power is based on the intersection between traditions and girls' sexuality, suggesting the gendered and sexuality-based that this authority is. In the next section, I move to explore and highlight the link between *chimbwinda* and girls' initiation ceremonies.

### **6.3.3. *Chimbwinda* and girls' initiation ceremonies**

As in the case of menstruation payments discussed earlier, study findings also reveal an interconnection between *chimbwinda* (payments) and girls' initiation ceremonies. As mentioned earlier, premarital pregnancy for a traditionally initiated girl is not necessarily labelled as *chimbwinda*, even though such a pregnancy is equally frowned upon. What is clear is that chiefs demand higher *chimbwinda* payments for traditionally uninitiated girls, as *chimbwinda* offers them a welcome opportunity to exercise their political power, fuelled by gender-based authority, to reinforce the importance of adhering to traditions, thereby redirecting group behaviours along desired lines. As women participants asserted:

**Participant 1:** Paying for *chimbwinda* is more expensive than paying for initiation of a child when she is young.

**Participant 2:** Parents want to make sure that their girl children undergo this process. If a girl child is not initiated, and they happen to fall pregnant, the parents have to pay

to the chief; they pay *ufa* maize millie and a goat. It is called *chimbwinda*. The chiefs usually follow what is happening in their villages; they know if a girl is married or not. So, if they see one who is not married and is pregnant, if the girl has not undergone the initiation ceremony, the parents are made to pay.

**Participant 3:** Let me say this, when undergoing the initiation ceremony, there is money that is paid up to the chief. So, if a girl non-initiate falls pregnant, parents are made to pay, since the opportunity for the ceremony is lost as the girl is now turning into a woman.

**Facilitator:** How much is this charge?

**Participant 3:** It depends, others demand a lot of money others not much. Roughly from K1,000, K2,000.

(Participants, Focus Group Discussion with women, Muyowe village)

In these narratives, it is clear that, in the event that parents do not send their girl children for initiation ceremonies (discussed in Chapter 5), traditional authorities find other means through which such parents are held accountable. Here, we see that *chimbwinda* payments can be fixed at a higher rate than initiation ceremony payments, as a way of reaffirming the importance of initiation ceremonies as a tradition. Once more, traditions with a focus on girls' sexuality permit the consolidation of power for the institution of traditional authority. At the same time, higher *chimbwinda* payments reveal to us how girls' readiness for marriage is conceived – through the vested interests of chiefs.

The three faces of *chimbwinda* examined in the above sections present a tension in the way that communities construct girls' sexuality. As Chapter 5 showed, just as the earlier sections of this chapter, girls' sexuality is priced and valued in a myriad of "positive" ways. And yet, once *chimbwinda* payments have been made, the girls' sexuality is demonised, while ironically, it is still economically beneficial to chiefs for their own survival and for that of the institution of traditional authority. This tension echoes studies that observe that girls' desire and sexuality remains a contested space (Bhana & Anderson, 2013; Mkhwanazi, 2012). For example, in a study of teenage mothers in South Africa, it was shown that, prior to the President Zuma era, having the elders demonise the

girls' pregnancy was important for *ilobola* (bridewealth) negotiation, a diminishing trend among a growing number of young men, who no longer respect these marriage payments. In the present times, the demonisation continues on the pretext that premarital pregnancies arrest personal and societal development, and policy makers, like their predecessors, continue to remind young women that their fertility belongs to the community elders (Mkhwanazi, 2012:8). It can be argued here, as it has been elsewhere (see Bhana & Anderson, 2013; Robinson, 2013) that, at the core of these contradictions, is the humanist concept of childhood innocence, where children's sexuality continues to be denied and where moral authority figures constantly appear to police children's sexualities. This argument is important, as Chapter 8 will show, in that it is this belief in childhood innocence that also influences the construction of girls' readiness for marriage, since once pregnant, a girl is conceptualised as being ready for marriage. With girls' sexuality at the core of the political economy of traditional authority as demonstrated in sections 6.1 and 6.2, in the next section I provide another example of the way gendered and sexuality-based authority is exercised by chiefs in Chauma, while simultaneously signalling and accepting girls' readiness for marriage.

#### **6.4. The many "faces" of *ntuwangala***

Recent Southern African studies have acknowledged the role of chiefs in marriages. Alongside revealing that women in the Southern African context participate in marriage negotiations (as captured in Chapter 5), Himonga and Moore (2015:90) argue that the chief's role is that of being a mere witness in the marriage processes. However, these two authors, like many other scholars (Comaroff, 1980b; Kachika, 2004; Shope, 2006), do not extend their analysis to explore prestations payable to these chiefs; they only discuss *lobola's* centrality in concluding valid marriages. Similarly, Mair (1951) and Phiri (1983) have examined the role of chiefs in Chewa marriages, but their findings have become almost obsolete with the passing of time and changing dynamics of the marriage institution. The findings of this study extend, and provide new, evidence on the role of chiefs in marriages, as I examine how the institution of traditional authority is being maintained in modern times, with girls' readiness for marriage steering these discussions.

In this section, I explore the multiple ways through which *ntuwangala*, a gendered sexuality payment, is at the core of the maintenance of traditional authority. By recalling colonially established gendered and sexuality authority, I examine how *ntuwangala* is used as discursive tool in controlling social migration that occurs through marriages. In addition, by invoking traditions, I explore how chiefs legitimise *ntuwangala* payments in the present Malawi. Through these discussions, the section demonstrates how *ntuwangala* payments are critical not only for the maintenance of individual chieftaincies but also for preserving the hierarchy of cadres of chiefs mentioned earlier on, while signalling girls' readiness for marriage.

#### **6.4.1. *Ntuwangala* and “the coming in of a stranger”**

As a typical matrilineal society, the people of Chauma largely practice uxori-local residence, a system that demands that a married couple lives near or with the wife's parents. In this regard, upon marriage, a husband moves from his parents and/or village to stay at his wife's home (Mtika & Doctor, 2002:73). This residence type is one of the four<sup>153</sup> ways in which matrilineal descent groups organise themselves (Holy, 1996:104). In Chauma, except for a few men that I encountered during this study, most married men had moved from their villages and were residing in their spouses' home village.<sup>154</sup> It is this coming in of a “new person” to live with his wife in her village that allows chiefs to command power over their subordinates and to attract a unique form of gendered sexuality prestations (money and other gifts) specially formulated for chiefs. Just like menstruation payments discussed earlier, the exercise of this power is gendered and sexuality-based, as they are only demanded when females marry or remarry. Commonly referred to as *ntuwangala*, these payments play a critical role in the validation of

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<sup>153</sup> The other ways are (a) duolocal or natolocal, where the husband and wife live separately in their natal homes, (b) avunculocal or viri-avunculocal, where a woman lives with her husband, who, himself resides in the locality of his mother's brother, and (c) virilocal, where women move to the villages of their husbands.

<sup>154</sup> A few, who reported to have hailed from the villages where I had found them, had valid reasons as to why they had returned to their villages.

marriages, implicitly controlling social migration and maintaining chiefly power bases, while, at the same time, defining girls' readiness for marriage.

Study participants consider the demand and payment of *ntuwangala* to *mafumu* (chiefs) justifiable, as they explain that chiefs are their overall guardians and, as such, are accountable for the people under their jurisdiction. Therefore, study participants viewed *ntuwangala* transactions as a means through which chiefs are notified and can thereby accept a new member joining the village through marriage. One participant expounded: "For him [the village headman] to accept that a new person has come to live with his people, something has to be given to him – *kumayenera kupita kanthu*. That is what we call *ntuwangala* (Interview with Maloya, married, 48 years). Another participant concurred: "*Ntuwangala* is that money that is paid as a way of informing the chief that we have received *mulendo* – a stranger – and that the person will be your [the village headman's] child – *adzakhala mwana wanu*" (Participant, Focus Group Discussion with women). Thus, on the account of population accountability, participants in both cases, find *ntuwangala* appropriate and yet they could not provide any further reasons beyond the "notification of the coming in of a new person".

The above legitimisation of chiefly responsibility for their subordinates emanates from the colonial establishment of chiefships. Article 8(J) of *The Nyasaland Protectorate Ordinance* (1953) gave powers to the Native Authority, now referred to as chiefs, to "prohibit, restrict and regulate the migration of natives – villagers – within an area of Authority". This means that, when a marriage occurred, chiefs had the authority to insist on knowing about persons moving in and out of their jurisdiction. However, this provision no longer exists in the current legal frameworks<sup>155</sup> that guide the operations of chiefs, meaning that chiefs no longer have the authority to control migration in their areas. But for chiefs in matrilineal societies, such as that of Chauma, it is the recalling of the same colonially ordained provision that allowed the restriction of movements amongst natives,

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<sup>155</sup> See *Chiefs Act* 1967.

that still at present justifies the exercise of chiefly powers of this kind. What is different now is that, while the control of social migration during the colonial period was largely for purposes of regulating labour and protecting white spaces (Chanock, 1985), current, chiefly powers are exercised to patrol marriages. However, the reason as to why residents of Chauma feel obligated to respect the practice of *ntuwangala* irrespective of the fact that most residents struggle to make ends meet (as Chapter 1 elaborates) remains a mystery.

Other scholars have argued that the introduction of capitalism in rural Malawi during the 1800s transformed the social landscape. Mtika and Doctor (2002), in their study, argue that capitalism in rural Malawi brought forth individualistic lifestyles, as children from matrilineal, patrilineal or transforming societies are bound to serve their own interests rather than those for whom they would be responsible under matriliney or patriliney, thereby “sabotaging collective processes”. With Mtika and Doctor’s findings, one would have expected then that, with capitalist interests, the fulfillment of *ntuwangala* would be at stake, as people were likely to consider their personal needs rather than collective processes. However, in as far as payments to chiefs are concerned, this does not seem to apply, as a strong belief in the relevance of *ntuwangala* as a traditional collective process still exists.

Interestingly, far from considering *ntuwangala* as a colonial influence over social migration as I have argued above, chiefs defend these payments by invoking customs and traditions, claiming that *ntuwangala* is a traditionally significant phenomenon. As one chief highlighted: “According to the Chewa traditions, a chief (a *mfumu*) is supposed to be given money when a girl is to be married. It is a way of informing him of the marriage. It is just like *chiwongo* given to parents in other areas” (Interview with a village headman, Muyowe Village). Here, by invoking Chewa traditions, the local leader views receiving *ntuwangala* as a long-standing tradition and therefore unquestionable. Another chief concurred: “As a traditional leader, I need to know everyone who lives in my village. A stranger cannot just come and settle in without my knowledge” (Interview with a village

headman, Chitsatsa Village). Thus, by invoking *ntuwangala* as traditionally relevant, we see the maintenance of chieftaincy and the power it bestows.

While chiefs evoke *ntuwangala* traditions to exercise their power, the acceptance of these payments is useful in understanding girls' readiness for marriage. As chiefs accept these payments, they also accept girls' maturity for marriage, as it is through these payments that they accept the coming in of the bridegroom to reside in their villages. Thus, through these payments, chiefs become aware of the pool of girls who join the marriage institution. This suggests that girls' readiness for marriage may not always be a straightforward construction, but one that is hidden underneath certain traditions. In the next section, I examine how *ntuwangala* is related to initiation ceremonies traditions, thereby further demonstrating the complexity in the constructing of girls' readiness for marriage.

#### **6.4.2 *Ntuwangala* and girls' initiation ceremonies**

Further analysis of study findings reveals that the acclaimed traditional relevance of *ntuwangala* is more pronounced when one recognises the connection between *ntuwangala* and girls' initiation ceremonies discussed in Chapter 5. While *ntuwangala* is payable by both parties in the marriage (that is from the bride's and the groom's side), part of the payment made by the bride's side is returnable, subject to the fulfilment of traditional obligations. In this case, parents, whose girl child had undergone girls' initiation ceremony – *chinamwali* – are exempted, as their *ntuwangala* is returned at marriage. A female study participant explained that the returned part of the *ntuwangala* is to acknowledge prepayments made during *chinamwali*. She explained: “For a girl who was initiated, the traditional leader does not retain the whole amount but pays part of it to the parents as a way of giving back what was paid during the initiation ceremony” (Participant, Focus Group Discussion with women Dawe Village). Corroborating this, a Focus Group Discussion excerpt, below, describes how both sides of the marriage parties are normally charged equal amounts of *ntuwangala* and how the payments are returnable when the bride-to-be had been traditionally initiated.

**Participant 5:** If the amount of *ntuwangala* is K20,000 the groom's side pays K10,000 and the bride's side also pays K10,000.

**Interviewer:** So *ntuwangala* is paid by both sides?

**Participant 5:** Yes, but the money from the bride's side gets returned to them, but the payment from the groom's side is retained by the village headman.

**Interviewer:** What do you mean it is returned?

**Participant 6:** Since we are Chewa, we practice Chewa traditions. The mother of the bride may have sent the child for initiation when she was younger – *atha kumeta mwana* – say for K500, so, by the time the child is having a wedding, the money is returned in accordance with the amount charged, say K8,000 or even K10,000. So, it is like the groom, who has paid for the child's initiation after all.

(Participants, Focus Group Discussion with traditional counsellors, Tchete Village)

Concurring with the narratives above, one chief in another interview added that in his village, amounts charged to the groom's and bride's sides differ, and that the difference is much more pronounced where the bride and groom have not been culturally initiated. He explained: "In our village *ntuwangala* is set to be K5,000 for the bride's side and K6,500 for the groom's. If the girl, including the boy, is not initiated *kumeta gule, chimbwinda* the bride's side pays K10,000 and K13,500 for the groom's side. We charge very expensively because of tradition" (Interview with traditional leader, Chauma). In both narratives, the significance of initiating girls as a traditional requirement is further enforced as parents pay lesser amounts of *ntuwangala*.

In the above narratives, it is the situating of girls' initiation ceremonies at the core of *ntuwangala* transactions, just as it was earlier observed for menstruation payments, that further suggest the centrality of girls' sexuality in maintaining chieftaincies and their gender-based authority. As I have presented above, chiefs selectively apply *ntuwangala* to either reward adherents or to punish non-adherents to tradition. Thus, unlike earlier scenarios where *ntuwangala* and the management of girls' marriageability enabled chiefs to wield power over social migration, thereby maintaining their power base, in the second scenario *ntuwangala* payments are employed to maintain traditions, either by claiming that things have always been done in a certain way as per Chewa tradition or by invoking

old traditions of girls' initiation ceremonies. As chiefs flex their muscle in deciding on *ntuwangala* payments, they also signal their acceptance of girls' readiness for marriage, as the receipt of the payments demonstrates knowledge and acceptance of a marriage. In the next section, I explore additional features of *ntuwangala* payments, where I highlight the amounts demanded and the other origins of such demands.

#### **6.4.3 *Ntuwangala*: Chiefs' cash cow?**

The significance and complexity of *ntuwangala* is further intensified by the varied amounts charged in the same area. In Chauma, findings of this study show that different chiefs demand different amounts for *ntuwangala*. This point is also highlighted in section 6.1, which shows that different amounts of menstruation payments are applicable in different villages. In a few cases encountered during this study, the acceptable amounts and quantities of *ntuwangala* are set by the local leaders in consultation with their subjects. In such scenarios, majority consensus creates an incontestable ruling. Nevertheless, in most cases, *ntuwangala* amounts are unilaterally decided by the chiefs themselves, who then communicate the expected amounts to their subjects. As one informant noted: "Actually, he [a *mfumu*] is the one who demands more money to be received, more than the parents. When marriage negotiations are processed, the chief is informed about the pending marriage through the *mwini mbumba*. He receives *ntuwangala* on the pretext of being advised that one of the girls is getting married and a new person is coming to stay with the family. The *ntuwangala* amounts vary, other traditional leaders demand more, others less (Interview with Key Informant, Traditional Authority Chauma). This narrative suggests that, firstly, it is through the male folk that chiefs are notified of the "new" person joining the village, a point that I have already demonstrated in Chapter 5. Secondly, that chiefs' charges for *ntuwangala* are individually set as deemed fit, as no standard amount was found in the villages across Chauma. By demanding payments as they deem fit, chiefs further reinforce their command over girls' readiness for marriage and, thus, over their subordinates at large.

The origins of the ability of chiefs to make rules of payments as they deem necessary, like those of *ntuwangala*, can also be traced back to the history of the establishment of chieftaincy in Malawi. During the colonial period, chiefs were given the powers to prescribe fees and fines in respect of any matter (*Nyasaland Protectorate Ordinance*, 1933(1)). This means that it vested power in chiefs to decide on marriage payments, such as *ntuwangala*. However, the legitimisation of chiefly fines by the state was discontinued in post-independence Malawi, as the *Chiefs Act* makes no reference to such powers. And yet, as the above narratives suggest, chiefs continue to demand payments at will, suggesting the continuation of the colonially established gendered powers. This shows that, while established traditions may be discontinued on paper, it is difficult to discontinue the traditions in practice.

The demand for chiefly payments, such as these, can also be explained by the monetisation of the office of chiefs, a trend that began during the colonial administration by the introduction of salaries for chiefs. In 1957, for example, the approved total remunerations for chiefs in the central province, a region where present-day Chauma is situated, were £9,425<sup>156</sup> (Colonial records, 1957). The payment of chiefs' salaries continued in the post-independence period, as the *Chiefs Act* (1967) also guarantees the payment of benefits for the office of the traditional authority. In addition, the Act also provides for the remuneration for officeholders, such as the group village head and village headmen, albeit subject to approval by the District Council. As of 2018, group village headmen in Chauma were receiving a monthly salary of K5,000 (equivalent to \$6.6), and village headmen K2,500 (equivalent of \$3.3) (Dedza District Council records, 2018). With these low salaries, it is no surprise that girls' sexuality becomes an additional source of income for the survival of chiefships.

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<sup>156</sup> Joel Thaulo, through the Endangered Archives projects under the British Library has digitised selected colonial records of this period. The figures presented here are part of a memo (Ref no 5404/16) from the Provincial Commissioner of Northern Province to the District Commissioner in his region, Mzimba, Nkhatabay, Karonga and Rumphu, notifying them of approved chief salaries.

The situation is further complicated by a growing tendency of self-acclaimed chiefs. As described earlier, there are nine gazetted group village headmen and forty-four village headmen in Chauma (Dedza District Council, 2013). But this number has almost doubled with the advent of self-acclaimed chiefs. Currently there are forty-two extra village headmen in Chauma, bringing the total number of both recognised and unrecognised village headmen to eighty-six. It is worth noting that the unrecognised chiefs receive no salaries, nor do they qualify for any government remuneration for chiefs as discussed above. And yet, in Chauma, irrespective of the chiefs' status, *ntuwangala* payments continue to be demanded. This means that, for those chiefs who are not remunerated or those whose remuneration is meagre, *ntuwangala* payments become one way through which they survive economically, while simultaneously conceding the maturity of girls for marriage. Yet again, girls' sexuality becomes visible and critical in the political economy of traditional authority. But how does *ntuwangala* maintain the hierarchy of decentralised despotism? That is the subject for the next section, where I show and argue that *ntuwangala* is critical for the maintenance of the hierarchy in the institution of traditional authority as a totality.

#### **6.4.4. *Ntuwangala* and maintenance of decentralised despotism**

Paradoxically, study participants indicated that *ntuwangala* not only benefits chiefs at the village level, but that such benefits also extend to senior chiefs in the "traditional authority hierarchy". Firstly, this is because both bottom rung chiefs (village headmen) and group village headmen have at least one village of people to supervise. This means that they directly receive *ntuwangala*, as girls and women in their villages marry. Secondly, the proceeds of *ntuwangala* are distributed across the chain of chiefships. That is to say, for every village headman, *ntuwangala* proceeds that are received are shared with the upper cadre in the traditional authority hierarchy (Group Village Headman), who in turn also shares the received *ntuwangala* proceeds with the most senior cadre, that of the Traditional Authority. This means that received proceeds of *ntuwangala* are shared across the whole local state apparatus of power. As one village headman reported: "Us as smaller chiefs, we also collect *ntuwangala* on behalf of our superiors. We are required to report

on the marriages that have taken place in our jurisdiction and share the proceeds received with our superiors” (Village headman, Chauma). While the above participant revealed the chain of beneficiaries for *ntuwangala*, another participant went beyond to pronounce that the highest ranks in the hierarchy of chiefs benefit more than any other. He explained: “It is the traditional authority himself who ultimately gets the lions’ share of these *ntuwangala* payments” (Government official, Chauma). These narratives further suggest that girls’ sexuality prestations are key to the maintenance of the hierarchy of chieftaincy, as its benefits are not only accrued by chiefs at the very basic level of a village, but throughout the whole chain of the traditional authority hierarchy.

Through *ntuwangala* payments, the three sections above have demonstrated the various ways through which the present constellation of chieftaincy is being maintained, with the pricing of girls’ sexuality as key. I have examined how the institution of traditional authority is maintained through invoking traditions (beliefs in chiefs’ mystical powers, girls’ initiation ceremonies, or simply justification of actions as traditional) and through invoking colonially established chiefly roles (colonial provisions for the right of the chief to fine his subordinates at his discretion and control social migration). These different aspects of *ntuwangala* present other examples of how colonially established gendered and sexuality-based interests vested in traditional authorities continue to play out. However, to claim that girls’ sexuality payments observed through *ntuwangala* only serve the political economy of traditional authority would be to ignore the other nuanced constellations of these payments. In the next section, I explore how *ntuwangala* also serves the role of achieving social cohesion in communities.

#### **6.4.5 Is *Ntuwangala* only beneficial to chiefs?**

While girls’ sexuality is at the apex of maintaining the institution of traditional authority through *ntuwangala*, some nuanced narratives suggest that *ntuwangala* might not only be viewed as beneficial for *mafumu* (chiefs), but that it also serves the maintenance of community social ties. Some study informants reveal that, whilst *mafumu* reserve the monetary part of *ntuwangala*, there are some who share the proceeds of *ntuwangala*,

particularly the gifts received. As one traditional leader explained: “The elderly women of the village are given the food stuffs to prepare and share with other villagers” (Interview with traditional leader, Matenje Village). As was noted in sections 6.2 and 6.3 on menstruation payments and *chimbwinda* payments, by sharing proceeds of *ntuwangala* with the community at large, chiefs are able to further popularise *ntuwangala* as an acceptable social norm and, therefore, of traditional relevance. In so doing, chiefs increase their legitimacy and, at the same time, maintain and promote community social ties. This, as was hinted at earlier in section 6.4, diverges from the view of the “commodification” of girls’ sexuality for the sole purpose of maintaining the institution of traditional authority. However, this does not dismiss the self-serving interests that the chiefly payments satisfy, as chiefs in Malawi care only about their positions, power and wealth (Hussein, 2010:98).

The role of marriage payments in building social ties has been a common way of analysing African marriage payments (Comaroff, 1980a; Comaroff, 1980b; Epprecht 1996; Geisler, 1992; Himonga & Moore, 2015; Shope, 2006). However, the tension in the functionalities of *ntuwangala* above provide an interesting dimension in the analysis of the intersection between girls’ sexuality and sexuality payments. On one hand, as I have demonstrated, *ntuwangala* is beneficial for the maintainance of the institution of traditional authority and decentralised despotism. In this case, it is central to the political economy of traditional authority, as it largely benefits those in power. On the other hand, I have shown too how the same payments also serve the purpose of creating shared norms and maintaining community ties. These ambivalences are also another example that challenges the way girls’ and women’s sexuality has been analysed in the context of power relations in feminist scholarship.

In most of these existing scholarships, *ntuwangala*, or sexuality payments discussed in section 6.2 (menstruation payments) and section 6.3.2 (*chimbwinda*), like other marriage payments that exist in the African contexts, can be viewed as the “commodification” of girls’ sexuality (Cutrufelli, 1983; Shope, 2006), since the readiness of girls for marriage and girls’ sexuality are the central motivational forces of these payments. And yet, the

fact that these payments are at the core of maintaining traditional authority and its hierarchy, while also at the same time benefiting not only the chiefs but also the community at large, presents a conceptual lacuna. In cases such as these, a revised term is required to explain the present utilisation of girls' sexuality, one that exceeds the realms of mere "commodification", one that includes the political economy of chieftaincy at play and one that acknowledges the role of girls' sexuality in maintaining community social cohesion. To that effect, I advance "social-political commodification" of girls' sexuality as a term that better describes these new dynamics.

By examining the different ways through which the contemporary institution of traditional authority is being maintained through girls' sexuality payments for chiefs, this chapter demonstrates the missing piece in Mamdani's conceptualisation of decentralised despotism; that of non-political power that is gendered, and sexuality-based. This is because, as I have shown, chiefly powers are wielded over one gender only (girls and women) to solicit the many payments that exist in Chauma. More so, chiefs' authority is derived from the sexuality of girls. Throughout this chapter, I have shown how chiefs use their gender- and sexuality-supported political powers to sustain the institution of traditional authority and its hierarchy. In these instances, colonial and post-independence codified powers are invoked to exert chiefly powers. These include custodianship of traditions around demands for menstruation payments, the power to reaffirm chiefly guidelines in maintaining morality, enforcing their control of social migration and making decisions about *ntuwangala* payments.

The exercise of chiefly power as discussed above, also point to the invented nature of chiefships in Malawi (Chanock, 1985; Mamdani, 1996). This is signified by the ability of present-day chiefs to recollect colonial provisions in demanding discretionary amounts of sexuality payments. At the same time, as the maintenance of these structures is no longer statutory, the findings agree that the very mutability of their nature is critical for their continued existence (Comaroff & Comaroff, 2018). For instance, it has been shown in this chapter that the maintenance of traditional authority does not simply entail recalling of colonial powers, but also invoking traditions. This is through: (a) invoking traditions

on girls' initiation ceremonies to justify girl's sexuality payments, (b) maintaining shared traditional beliefs in chiefly mystical powers to protect their subordinates or, (c) by simply justifying actions as being traditional, thereby rendering any questioning meaningless. Thus, these findings suggest that the institution of traditional authority or chieftaincy may have been invented or its power conditioned by colonialism, as Mamdani maintains, but its maintenance does not entirely rest on a type of colonially established state power. In this case, we see the power of tradition in maintaining chieftaincies and in shaping girls' readiness for marriage.

## 6.5 Conclusion

This chapter set out to examine the maintenance of chieftaincy using three gendered sexuality payments that are demanded by, and payable to, chiefs. These are menstruation payments (at the onset of menstruation), *chimbwinda* (for premarital pregnancies) and *ntuwangala* (at marriage). At the centre of all the three payments is girls' sexuality, as there are no similar payments for boys' sexuality in the area. The chapter argues that the institution of traditional authority is maintained through four main, intertwined strategies. Firstly, it is the recollection of colonial and post-colonial codified chiefly roles on customs, morality, social migration, and the power to fine or punish transgressors that enables chiefs to command respect and ensure conformity of different sexuality payments. Secondly, by invoking precolonial traditional powers (mystical powers to protect), chiefs earn respect and their legitimacy becomes more incontestable to their subjects. Thirdly, by the sharing of different sexuality proceeds, the institution of traditional authority enhances social cohesion and shared beliefs, thereby further consolidating their position in communities. Fourthly, through invoking traditions (initiation ceremonies or simply justifying actions as traditional), chiefs' positions are further consolidated. By demonstrating the different ways in which traditional authority is maintained, with girl's sexuality at the fulcrum, the chapter critiques, and at the same time extends, Mamdani's concept of colonial "decentralised despotism". This is because findings suggest that colonialism did not affect only the political organisation of Africans, but that the political power that it introduced through the institution of traditional

authority was gendered and sexuality-based. It is the exercise of this power in present times that influences girlhood and girls' sexuality.

The discussion on the intersection between the power vested in traditional authority and girls' sexuality is important for the study topic, as it demonstrates the different ways through which politics of chieftaincies shape girls' readiness for marriage. This study has shown that, through menstruation payments, chiefs conscientise and popularise the maturity of girls to their communities. As chiefs receive and share *chimbwinda* payments, we see that girls, who were once pregnant and labelled as possessed with evil spirits, are now seen in a different light – ready for marriage. Through *ntuwangala* payments, chiefs accept girls' maturity for marriage, as the payments signal the acceptance of the bridegroom to the chief's village. Thus, chiefships constitute another pull force that shapes girls' readiness for marriage.

The chapter also argues that, whereas gendered sexuality payments are presently designed to serve the institution of traditional authority and its machinery, the study's revelation that these payments are also instrumental in communities' social cohesion created by the sharing of girls' sexuality proceeds, is thought-provoking. This is because such findings disrupt the feminist purview of girls and women's sexuality payments as mere "commodification", since such findings do not comfortably fit within these parameters.<sup>157</sup> I therefore advance the use of the term "social-political commodification" as a better term to describe these present dynamics.

While gendered payments are used to maintain the institution of traditional authority and its hierarchy through demanding gendered sexuality payments for girls, the existing types of payments for chiefs work at variance with each other. While *ntuwangala* (marriage payments for chiefs) can largely be concluded as celebratory of girls' sexuality through marriage, *chimbwinda* (premarital pregnancy payments for chiefs) negates the same

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<sup>157</sup> This is not to suggest that the cohesion and commodification do not co-exist, but that I place emphasis on the idea that the term, commodification, does not adequately describe these dynamics.

sexuality. Put differently, when girls' sexuality serves the community and traditional interests as expected by those in power, it is positively viewed and respected. On the other hand, when girls decide to use their sexuality without the consent of the elders and the community at large, they are rebuked and punished. Having emphasised the gendered and sexuality-based traditional authority as pull forces in shaping girls' readiness for marriage, in the next chapter, I focus on direct articulations in which girls' readiness for marriage is conceptualised.

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## Chapter 7| Can she pull an oxcart? *Kodi ngolo atha kukoka?*

In Chapters 5 and 6, I juxtaposed traditions and the institution of traditional authority as cardinal in shaping and (re)producing African girlhood, girls' sexuality and girls' readiness for marriage. This chapter refocuses to explore the additional distinctive ways in which girls' readiness for marriage is conceptualised. Unlike the previous chapters, where the main focus was on examining the pull factors that influence the construction of girls' readiness for marriage, in this chapter, I focus on the specific ways in which study participants conceptualised girls' readiness for marriage. These discussions are important, as they form an important piece, that, when read together with previous chapters, completes the ways in which girls' readiness for marriage is conceptualised. This is important, as, while there is a vast amount of scholarly literature on the social construction of childhood, sexuality and other social behaviour (see Bhana, 2013; George, 2014; Renold, 2004; Salo, 2007), the social construction of "girls' readiness for marriage", in particular, has been a neglected field in academia.

The chapter engages with scholars locked in debates on childhood, where, on one hand, a wave of scholarship exists to claim a sociological paradigm shift from the way childhood was conceptualised in "presociological" times (Honig, 2009; James & Prout, 2015; James, Jenks & Prout, 1998). In this school of thought, new social studies of childhood have resulted in the categorisation of childhood in a four-way quadrant, representing the dominant categories of understanding sociological childhoods. On the other hand, a standpoint is emerging that advances that the so-called sociological paradigm shift is nothing but a fallacy (Ryan, 2008). In these debates, findings of this study lean towards the latter position, where the "presociological" ways of constructing childhood emerge as equally important in constructing contemporary childhoods.

The chapter is structured into three main sections. First, I present the concept of girlhood. In this section, I explore the binary constructions of younger girls – *abuthu* – and older girls – *anamwali* – and how such constructions become forceful in constructing "readiness for marriage". Secondly, I examine four key ways in which girls' readiness for

marriage is constructed. I argue that the notion of maturity that is embedded in the figuration of “girls’ readiness for marriage” is a complex construction that crystallises multiple, intertwined, and, sometimes contradictory, motifs, created by girls themselves and by other actors around them. These centrally include the conception of girlhood (shaped by language and celebrated in songs), “ability to sexually handle men”, “graduation” in assigned gender roles, perceived loss of innocence (dating and pregnancy) and physiological features (breasts’ sagginess and commencement of menarche). The final section is the conclusion of this chapter.

### 7.1. Girlhood in Chauma

Life for girls in the field site is diverse. Some enjoy their girlhood; others lament the challenges they face. Some girls enjoy going to school; they can be seen carrying their schoolbooks in plastic bags and eating cassava or sugarcane sticks. Clad in their wrappers (*zitenje*), others can be seen vending vegetables and other local produce in the local markets. Most girls are seen engaging in some household chores; fetching water and firewood, milling maize, irrigating gardens, and tilling land. Some look really happy, they dance *chiterera*, while others play ball or chat in smaller groups. Lost in my thoughts, I puzzle how girls who are ready for marriage in Chauma might look like. I imagine them through the lens of views expressed by girls whom I interviewed, or by the women who shared with me their girlhood stories. They dwelt in tiny grass thatched houses, decorated with dark and red clay soil. Some others had just given birth, others were pregnant, and yet others were still basking in the joy of their weddings and honeymoon. They had little or no property but seemed happy anyway.

(Field notes, December 2015)

Girlhood in Chauma is distinct, a time identifiable by three key elements: categories of girlhood, gendered division of labour, and dances. To begin with, study participants refer to girls as *atsikana*, a broad category that they split in two. First, is *kabuthu* (plural, *abuthu*), a term used to refer to younger girls. Second, is *namwali* (plural, *anamwali*), a common reference to older girls. These are carefully classified on the basis of physiological developments that occur at puberty, with *kabuthu* conceptualised as a period “prior to” and *namwali* as “post” puberty. Specifically, a clear division is made

between the two, based on breast development and the onset of menarche, with a *kabuthu* described as a girl whose breasts are just emerging and her menses are yet to commence. A *kabuthu* is also known for her elevated pointed breasts (*bele lachilili*).

During my discussions with study participants, the elevation of *abuthu*'s breasts generated interesting discussions. Study participants attribute the perky or elevated position of these breasts to their strength derived from the idea that she has not begun "losing blood" through menstruation. As girls explained:

**Interviewer:** How do you differentiate *kabuthu* and *namwali*?

**Participant 1:** *Kabuthu* can be identified by her pointed breasts – *bele losagwa bele la chilili*, the way she looks, it also shows that she has never lost any blood.

**Interviewer:** What do you mean?

**Participant 1:** It means that she looks stronger.

(Participants, FGD with girls).

In their distinction between *kabuthu* and *namwali*, participants use the loss of blood as a distinct feature that separates *kabuthu* from *namwali*. In these narratives, menstruation is perceived as a source of destruction, where girls who have started their menses are conceived as becoming weak and having breasts that are less firm. These differences between the two categories are important to mark, as I will show in due course that they aid our understanding as to why menstruation and saggy breasts have been isolated as pointers for readiness for marriage.

The negative construction of menstruation depicted in the above narratives resonate with other studies that have shown that, on the African continent, menstrual blood is perceived as dangerous (Agyekum, 2002; Munthali & Zulu, 2007; van Breugel, 2001). Amongst Akan speakers of Ghana, menstruation is considered revolting and polluting (Agyekum, 2002:367), or even lethal, as it can hurt or kill a man, who comes into contact with it during sex (Munthali & Zulu, 2007:159); it is thought that it causes big misfortunes (*mdulo*) if not handled in accordance with traditions observed in other parts of Malawi

(van Breugel, 2001). Thus, these findings confirm that menstruation continues to be a taboo topic on the African continent. However, this is not to say that such interpretations are uniquely African, as studies have also demonstrated related perceptions in other non-African settings (Laws, 1991).

A second feature that marks girlhood in Chauma is the expectations around the gendered division of labour. As the construction of appropriately gendered sexuality often starts in the earlier years of life (Batisa 2013; Masters, Johnson & Kolodny, 1995), participants in this study largely frame girls as “women-in-training” – as they understand girls’ lives as being the required training for womanhood. Recollecting the lives of girls, participants were quick to mention stark differences between raising a girl in comparison to raising a boy child. All study participants agreed that the socialisation of girls as home-helpers and future wives commences at a much earlier stage than that of boys. The excerpt below illustrates the process:

**Facilitator:** Let us get back to the girls, how do girls live in this community?

**Participant:** The way a girl lives is different from a boy. Let us start at household level. The boy only starts assisting household chores at around 12 years and onwards. For the girl, this has to start early, by the time she clocks 5 years old, we ask her to clean plates, to fetch water and teaching her chores of women.

**Facilitator:** Why do you start training the girls quite early?

**Participant:** Because it is a woman who does the bulk of work at home; the life of a woman and a man in the home is very different. The man is taken care of by the women. So, we take girls as women, so the idea is to train her in advance in required duties of a woman in a household.

**Facilitator:** Do such chores prepare girls for marriage?

**Participant:** Not just that, whether she gets married or not. If one needs to bath, they need to go fetch water.

**Facilitator:** Let us go one by one, when did you start being trained of household chores as you grew up?

**Participants:** 12, 8, 5, 10, 10, 9, 8, 8.

(Participants, FGD with women, Muyowe village)

In their narratives above, women describe how girls are groomed to be good women and good wives, whose responsibilities transcend their personal needs to include taking care of their homes and their future husbands. The perceived importance of preparing young girls to be good women is also reflected in men's narratives, who construct the figure of a good wife by considering her ability to undertake particular household chores, especially as they relate to ensuring the well-being of her husband. Recalling his daily schedule, the narration of a male participant reflects such expectations. He explained:

The way I like it, for me to know that I am really married – *kuti nditzimikize kuti apa nde ndakwata* – For instance, let us say it is a new day, we have done our field work by 9 a.m., once back, the woman must first of all, that is, where there is no foodstuff problem – you know it us men who are supposed to provide for the food – the woman should make my breakfast. After that, since I am a man, I go here and there – *kuwayawaya* – knowing that, by 12 p.m. I am supposed to go home. When I get home, I expect that she prepares lunch for me, maybe whilst waiting for that she should make some bathing water for me, so that by the time I am done bathing, I should start having my lunch. Once eaten, I change my clothes, actually I am supposed to change the dirty clothes as she is supposed to have washed the dirty clothes for me. That's a good wife – *nkwazi wabwino amemeneyo*. By 6 p.m., she should make dinner, once we eat, we go and sleep and now eat marriage benefits. Now it is that time to enjoy the marriage benefits, as that's what marriage is all about. The rest are just extras, but this is what a marriage is about. If she cannot do these things, I see that marriages fail. Once we do that till morning, that's another day. Not that at 12 p.m., instead of me to go and eat, she is not home but chatting with friends, we cannot agree. Or let us say 7 o'clock being bedtime, I go to bed and she is somewhere chatting with her friends. Everything has its time to be done and to be stopped. That's a good wife.

(Participant, FGD with traditional counsellors)

In the narrative above, and in many other narratives that I encountered, men in Chauma perceive themselves as providers, and women as caretakers, with the ability to adequately take care of one's husband as qualities that award women titles of “good women” and “good wives”. Thus, the construction of girls as “women-in-training” further complicates

the notion of girls' readiness for marriage. As I will show later, these broad constructions of girlhood also emerge as fundamental in constructing girls' readiness for marriage.

Christoph Wulf (2011) asserts that a process of mimesis is central to children's response to, and experience of, the world. This process entails participating in the performance of practices and social groupings, thereby appropriating societies' cultural knowledge (2011:91). Resultantly, children learn the values, attitudes and norms of their societies. This process is reflected in Chauma, where a third element that marks girlhood exists in gendered dances for girls. Study participants characterise girlhood in the area through specific traditional dances: *mchaya*, *beni*, *chitelera*, *manganje*, amongst others. Of these, *chitelera* is cited as the most popular of them all. *Chitelera* dances have special songs, most of which are crafted by girls themselves or are borrowed from girls from surrounding communities. Study participants explained that the songs are not just danced to for fun, but are also a channel through which important messages are communicated for the community. When requested to sing one *chitelera* song, Nditheranji, one of the recently married girls, recalls her favourite song, *Bwenzi langa*. Even though the song is danced and sung by unmarried girls, the song romanticises married life. She sang:

*Bwenzi langa iwe ukamvera za ena* My lover if you listen to people  
*Udzachisiya chibwenzi chili kukoma* You will leave this relationship when it is great  
*Ngati ndine hule ukanditule kwathu* If I am prostitute go on and take me home  
*Mamveramvera amapasula banja*. Listening to gossip destroys marriages.

(Nditheranji, married girl, Muyowe village)

Similarly, a snippet of another *chitelera* song composed and shared by Koleta contains marital information:

*Azimayi mukafika ku chidililawo* Women when you get at the borehole  
*mumangoti ndijigeko* you just say give me space to get water  
*mumangoti ndabwera nkale*, you complain that you have been here for so long,  
*mumangoti ndijigeko mwana akulira*. you always say your child is crying.  
*Ndijigeko ndabwera nkale*, You always say you been here for so long,

*ndijigeko mwana akulira*. you always say your child is crying.

(Koleta, unmarried girl, Muyowe village)

In the above lyrics, *chitelera* songs illuminate the expected conduct of married women. The first song highlights the evils of gossip in a marriage. The second depicts the life of married women as far more important than that of unmarried girls. In this song, married women are presented as always busy with more pertinent issues, such as minding their children, a reason that accords them the privilege of avoiding long waiting periods for drawing water. In these songs, children mimetically take up discourses on marriage, resonating with other studies that emphasise the role of mimetic processes in imparting values, attitudes and norms embedded in families (Robinson & Davies, 2015). An important point can be raised here: the fact that these songs are sung, composed and danced by unmarried girls suggests that girls are not just a product of their environment, but are active social agents, who shape their own sexual subjectivities (Qvortrup, 2009). Here we see that girls actively use *chitelera* songs to learn and valorise married life and, as such, have agency in actively constructing meanings around marriage. These findings echo a growing body of research on the African continent that rejects the outdated view that children are simply victims of sexuality (Bhana, 2017; Bhana & Anderson, 2013). In a study of South African children, it was shown how children construct and police their sexualities through games (Bhana & Anderson, 2013). These findings question the dominant image of African children as innocent and passive subjects, given that they are actively engaged in creating their subjectivities.

The above sections single out three aspects that encompass girlhood in Chauma. These are beliefs about the dangers of menstrual blood that separate young girls from older girls, gendered roles for girls that prepare them for womanhood, and gendered traditional songs and dances that bring the marriage institution closer to the girls' world and minds. These elements are important to understand, as they all converge to point to the idea that girls in these communities do not marry arbitrarily, but that their readiness for marriage is an orchestrated process. They suggest that girls are systematically prepared for their conjugal life long before they are consciously considered ready for marriage. The next section

connects these concepts of girlhood to explore other constructions of girls' readiness for marriage.

## 7.2. Girls' readiness for marriage

Social construction demands the suspension of beliefs and invites the willing acceptance of unquestioned meanings (Andrews, 2012; Berger & Luckmann, 1991). This section highlights multiple elements that emerge in constructing girls' readiness for marriage. Organised into the next five sections, these are (a) mental and physical maturity, (b) girls' ability to engage in sexual activity, (c) perceived loss of innocence, (d) the ability to manage household chores, and (e) commencement of *mernache*. These constructions further demonstrate convoluted meanings that work to isolate a specific category of girls and label them as ready for marriage.

### 7.2.1 Mental and physical maturity

In this study, most men construct girls' readiness for marriage in terms of mental and physical maturity. Those who place importance on physical maturity particularly mention the size of the buttocks and the shape of breasts. As one male participant disclosed: "We look at how the breasts are, they are supposed to be a bit saggy, not too perky *mawere agweko pan'gono'osati onjonjomoka*. Such a girl is mature and ready for marriage" (Participant, FGD with men, Chauma). And yet, for others, they insist that readiness for marriage is easy to read, as one male participant posited:

**Facilitator:** How would you tell a girl is ready for marriage?

**Participant 1:** The way she looks. The face of a person tells that one is mature. For example, when I saw the woman I married, I just knew we could be great together.

**Participant 2:** We would also look at the bodily maturity, for example her butt...

**Facilitator:** What could happen if that little girl would find a man? (pointing at young girl who was fetching water)

**Participant 3:** That would be a taboo. Yes, she is able to fetch water, but her intelligence is not mature. The girl is being instructed to do all that.

(FGD with Men, Muyowe village)

In the above narratives, it is the subjective measure of physical growth and perceived mental maturity that pass as indications of readiness for marriage. The above findings corroborate findings from Zimbabwe, where the transition of girlhood to “real” womanhood amongst Shona women is idealised with physiological features, such as the “shapely and not flat breasts” and the elongation of the labia minora (Batisai, 2013:103). Thus, findings of this study suggest the prominence of physiological constructs in constructing modern childhoods. These findings contradict the theorisation of how contemporary sociological childhoods are constructed (James, Jenks & Prout, 1998), where physiological constructs, such as the ones above, are dismissed as presociological. Here, we see that the developmental and psychological perspectives are also important in conceptualising girls’ readiness for marriage. At the same time, these conceptualisations further confirm that maturity for marriage in these communities is not measured by chronological age. In the next section, I further highlight another construction for girls’ readiness for marriage that is popular amongst the males, namely that of the ability to have sex with them.

### **7.2.2 Can she pull an oxcart? – *Kodi Ngolo atha kukoka?***

In conceptualising girls’ readiness for marriage, common narratives amongst most men also include girls’ ability to have sex with them. Using various idioms, they eroticise girls and describe the importance of girls to withstand sex. For instance, they make reference to an oxcart (*ngolo*) with a girl symbolised as the ox that pulls an oxcart. In these idioms, the girls’ ability to pull the oxcart – with sex symbolised as an oxcart – is regarded as a strength that marks readiness for marriage. As these participants related:

**Participant 3:** The big question becomes; can she pull the Oxcart? *Ngolo atha kukoka kodi?* That is all that matters.

**Facilitator:** What do you mean?

**Participant 3:** So long as she can accommodate you sexually – *bola akangokulandila*.

**Participant 5:** Yes! (all scream and laugh) . That's it! So long as a girl can perform these womanly duties, that is a sign that she is ready for marriage.

(Participants, FGD with male traditional counsellors, Chauma)

In these narratives, sex is symbolised as a daunting task equal to oxcart-pulling, whose fulfilment is a sign of strength and, therefore, readiness for marriage. Furthermore, men regard the ability of a girl to handle them sexually as a key duty of a wife, therefore, important in their marriage decisions. As childhood sexuality is an important site where power inequalities are played out (Bhana & Anderson, 2013; Weeks, 2002), in Chauma these gendered power inequalities are evident in men's constructions of girls' readiness for marriage, where their perceptions of their pre-marital sexual conquests are used to ascertain the readiness for marriage in question. They further explained:

**Participant 1:** When she accepted to date me, I told myself that for me to gauge if she could withstand a marriage *kuti ndidziwe kuti banja akhonza kulikwanitsa*, I managed to convince her to have sex with me –*ndinakwanitsa kukhala naye malo amadzi, kupanga chikwati*. There was no problem at all and I knew she was ready.

**Participant 2:** It's what he has said, for me too, before I married her, I had to try having sex with her. That is the assurance I needed.

**Participant 3:** For me, I didn't sleep with her, I cannot lie, but I just noted the size of her butt –*mbuyoyi* – that could pull an oxcart (all laughing) –*ngolo atha kukoka*. And when I married her, there was no problem, she managed to have sex with me with no problem.

**Participant 7:** When I went to ask her as *mbeta*, when she said yes, I knew she was ready for marriage. And when I went to see her, I said to myself all was in place and I could marry her. By that I mean I was able to sleep with her as required by a marriage, and all went well.

**Participant 8:** When I went to organise the marriage with her people, I just knew it. We never had sex until we got married.

(FGD with male traditional counsellors, Chauma)

In these constructions, good sex is a larger marker for men in their decisions on marriage. While nuanced positions can be discerned from the narratives above, with some men, who

indicated that they had not necessarily had sex with their girlfriends to ascertain readiness for marriage, some still reported of indirectly assessing girls' ability to satisfy them sexually. For instance, Participant 3 above, while acknowledging that he did not have sex with his girlfriend, still indirectly assessed the girl's potential to satisfy him sexually by connecting sex with the size of her buttocks. Similarly, Participant 7 claims to have asked for her hand in marriage first, before acknowledging the importance of sex.

Paradoxically, my discussions with girls or other female participants did not specifically yield sex as a marker of girls' readiness for marriage. The absence of sexual narratives amongst girls and women may be a reflection of gendered expectations of girls/women and boys/men. Studies from other parts of Southern Africa show that women or girls are not expected to express matters of sex openly. In South Africa, a study amongst adolescent girls reported that the conceptualisation of "a good girl" is that of girl who does not express sexuality openly, does not voice her desires and does not expect sexual pleasure (Kahn, 2008:151-152). Female sexuality must, therefore, be understood as a reflection of broader cultural dynamics prevalent in Chauma.

The gendered expectation of girls to sexually accommodate men as a sign of girls' maturity is a normalised double standard, as it contradicts the expected gendered norms for sexual purity discussed in Chapter 5. While men expect girls to be sexually active to ascertain their readiness for marriage, the society expects girls to be asexual, an ideal notion of the innocent child or indeed an idealisation of an African woman (Tamale, 2003). These contradictory gendered sexual expectations for girls continue to clash in the construction of girls' readiness for marriage, as is demonstrated in the next section: girls who express their sexuality through dating are robbed of their innocent gaze, and yet girls continue to assert themselves sexually. In the next section, I highlight how this perceived loss of childhood innocence becomes an important aspect in the construction of girls' readiness for marriage.

### 7.2.3 Perceived loss of innocence

Even though adults frequently idealise girls as asexual, studies have shown that girls consider themselves sexual and that they find sex pleasurable (Bhana & Anderson, 2013; Kinsman, Nyanzi & Pool, 2000). In a qualitative study of coloured teenage girls in South Africa, girls considered sexual desire as a normal expression of sexuality (Bhana & Anderson, 2013:553). These two scholars also found that, even those girls, who were not necessarily engaged in sex, were all preoccupied with relationships in ways that contested the image of sexual docility, suggesting that girls are not just children, but are also sexual beings. In Uganda, a qualitative study with rural 14-17-year-old girls, even though with a relatively small sample, found that most girls engaged in sex at relatively young ages and that they found premarital sex good (Kinsman, Nyanzi & Pool, 2000). And yet, in denial of girls' sexual desires, in this study, girls who openly express their sexuality through dating in Chauma are no more constructed as innocent children, but as girls who are mature and ready for marriage. In these constructions, any form of dating is eroticised and conceptualised as a threat to the girls, and, as such, marriage is conceived as a protective option against premarital pregnancies<sup>158</sup>. These perspectives were particularly common among female parent participants. As one parent asserted:

**Facilitator:** What are things that show that a girl is ready for marriage?

**Participant 1:** If a girl starts flirting with boys – *akayamba kujijilika ndi amuna*.

**Participant 2:** Yes, that is true, we find it better than for her to get impregnated whilst not married *kutenga mimba ya pa tchire*.

(Participants, FGD with women)

A key informant concurred: "...someone who seems to be looking for a man is ready for marriage, so such girls are encouraged to marry so that they settle down (Irene, the Head teacher, Chauma). In another discussion, a female participant further explained that girls

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<sup>158</sup> Also see Chapter 6, section 6.3.2 for additional presentation of data related to this section.

who return home at night are suspected of dating. She said: “When she leaves in the morning, she comes back late in the evening or even in the night, that’s when we start suspecting. If not with men, where would a girl be at night?”[Participant, FGD, Chauma]

Even though sex is an integral part of being human (Weeks, 2002), and in some African contexts girls actually do realise that sexuality is innate (Kinsman, Nyanzi & Pool, 2000:156), in the above narratives, girls are denied as sexual beings, as those who become sex suspects no longer fit into the romanticised notions of childhood innocence and, as such, fall away from the innocent childhood gaze. This is because of the assumption that, once a girl starts dating, she must be having sex and is, therefore, likely to fall pregnant. As premarital pregnancies attract elaborate traditions on cleansing and payments as discussed in the previous chapter, such girls become constructed as ready for marriage, with early marriage perceived as a better option than a premarital pregnancy. These findings concur with studies that suggest that the idea that girls can have sex just for pleasure unsettles most minds. In these studies, it has been argued that sexual pleasure amongst women is generally shaped by gendered social and cultural expectations (Spronk, 2005; Lesch & Kruger, 2004; Fine, 1988). In East Africa, a study showed that middle-class professional women in Kenya wanted sexual pleasure but were limited to “appropriate” sexual pleasure and thereby found reproducing notions of femininity (Spronk, 2005:276). In South Africa, a study found that female research respondents did not spontaneously acknowledge sexual pleasure and that they lacked the vocabulary to articulate their feelings of sexual pleasure (Lesch & Kruger, 2004:470). Thus, female sexuality is prescribed by dominant discourses of gendered subjectivities (Shefer, 1999) and can, as such, hardly be independently determined.

To illustrate further, sexual concerns about girls were captured in actions in response to cases of premarital pregnancies. In my separate discussions with two newly married girls, Lizinet and Rehema, they both reveal that they were allowed to marry only when they became pregnant. Lizinet explained that it was only “...when I got pregnant that my mother allowed me to marry my boyfriend. I have just given birth.” (Lizineti Daimoni, 17 years). Rehema’s fate is similar. She explained: “When I fell pregnant, I was allowed

to marry, I went to live with my man at his home village, but then after experiencing the life over there, I realised that it was a waste of my time” (Rehema, 16 years). In both these cases, it is clear that pregnancy removes the protective gaze from childhood, as with it, girls, even though young when they give birth, are no longer considered as children but as adults capable of marriage. These findings affirm trends observed in recent studies in the region, where pregnancy often preceded child marriage. In a comparative qualitative study in Uganda, Senegal, Kenya and Zambia, pregnancies resulted in school dropout that ultimately led to child marriages (Petroni *et al.*, 2017:6). The researchers, therefore, concluded that there is a complex interrelationship between pregnancy, child marriage and school dropout. Thus, the moral panic emerging from a possible premarital pregnancy becomes a key force behind constructions for girls’ readiness for marriage, thereby taming unwanted sexual desires for young girls.

With the view held that sexual innocence provides parents with a tool to exercise power over their children (Reynolds, 2004), one would expect that only parents would construct girls’ readiness for marriage in terms of perceived loss of innocence as presented above. Phenomenally, constructions of dating as a marker for readiness for marriage also emerged from my discussions with girls, further pinpointing that girls are also active agents in creating constraining elements of their femininities. As Sahuda, a 19-year-old explained:

**Interviewer:** How do people know that a girl is ready for marriage?

**Sahuda:** Through her actions, she starts dating boys, and next thing you hear that one would like to marry.

**Interviewer:** Does it mean that dating or having a boyfriend is a sign of being ready?

**Sahuda:** To an extent, yes.

(Sahuda Wayison, female, 19 years)

Concurring with the above narratives, in another scenario a girl said: “The moment I started dating, all I wanted was marriage. I felt like I needed to be with him forever” (Halima, female, 16 years, married). In these girls’ narratives, the belief that dating is a

signal of readiness for marriage may be a reflection of how young people have been socialised to think about sexual matters (Muhunguzi, 2011). For girls like Halima, even though their narratives confirm that girls also create constraining elements of their sexuality, boyfriends occupy a central place in their daily thoughts and desire is locked into notions of romantic love. These constructions show that girls are also driven by their own sexual desires and, thus, defy the asexual picture painted and desired by parents and their communities.

Other than being asexual, “normal” girls are merely supposed to be well-behaved and hard-working (Walkerdine, 2000:4). Unlike such girls, in Chauma, girls with sexual desires are perceived negatively, with girls who start dating construed as being rude and driven by sexual desires. A participant explained: “When she starts dating, she doesn’t listen to anyone. That’s when we know that her sexual desires are getting out of hand – *nyere inayamba kuwawa*” [Participant, FGD, Chauma]. In these narratives, untamed sexual desires are interpreted as a source of abnormal behaviour, and girls who start dating are encouraged to marry to protect them from extreme sexual forces. The negative labelling of girls, who overtly express their sexual desire, concurs with other studies in Africa, where girls’ sexual desires are labelled as inappropriate or “loose” (Arnfred, 2004; Muhunguzi, 2011), thereby contrasting with the way that sexual desires for boys are constructed; where boys’ sexual conquests are not dismissed but upheld as powerful displays of masculinity (Frosh, Phoenix & Pattman, 2001; Kinsman, Nyanzi & Pool, 2000). In the next section, I present another angle from which girls’ readiness for marriage is constructed. This is through their ability to perform the gendered expected roles for women.

#### **7.2.4 Performing household chores – *Kutha kusamala pakhomo***

In addition to the conceptualisation of girls’ readiness for marriage as presented above, for the majority of study participants the key to this capacity is the ability of a girl to perform household chores. Most women particularly constructed girls’ readiness for marriage as their ability to independently execute gendered household duties, and further

pointed out that girls, who fail to conduct their household duties, bring shame to their mothers. They narrated:

**Facilitator:** How do you know that a girl is ready for marriage?

**Participant 1:** Mainly, we look for a child's ability to perform household duties, how the child has grown, it helps us gauge how grown the child is, how able they are to perform the household duties, then we know that she is capable of taking care of her own household. If we see that a child is lazy, if she gets married, she makes her parents a subject of gossip *amanyozetsa makolo*. So as parents, we try to teach our girl children household chores to assist them in their future marriages.

(FGD with Women, Muyowe village)

The narratives above suggest that the ability of girls to conduct their expected gendered household chores separates girls who are capable of taking care of their future families from those who are not. As long as girls are able to perform their assigned gendered household duties, they are perceived as ready for their future roles as wives. These constructions are also shared by girls themselves who mainly construct their ability to undertake household chores independently as a cardinal attribute of readiness for marriage. For example, recollecting her decision to marry, Rose, a 16-year-old recently married girl, shared that she became aware of her readiness for marriage by her ability to take care of a household. She explained:

**Facilitator:** When you decided to live with your man, how did you know that you were ready for it?

**Participant:** I know how to take care of the household *kutha kusamala pakhomo*. For example, I know how to farm my garden.

**Facilitator:** Please explain more, what do you do on a daily basis when you wake up?

**Participant:** I wake up at 6 o'clock every day, then I wash my face, take a hoe and head to the field. I return from there around 8 a.m. After that I take a container to fetch water from the borehole. I normally do two trips in the morning. After that I sweep my homestead, and I finish my household chores around 9 a.m. I start preparing lunch around 12:30. Like today, I have prepared pumpkin leaves with *nsima* for lunch. In

the evening, we will use the same pumpkin leaves for dinner. Tomorrow I will cook the mustard vegetables (*mpiru*) for lunch.

(Rose, 16 years, married)

Rose's accounts above solidify how assigned gender roles for girls are fundamental to the construction of their readiness for marriage. This belief links the conceptualisation of girls' readiness for marriage to the construction of girlhood where the ability to perform household chores, forms one of the central tenets that serve to indicate girls' readiness for marriage. These findings have also been observed in other parts of Africa, where a girl, who is able to run the household of her mother, soon desires to break away (Amadiume, 2015). These findings point to the importance of the socialisation process in shaping heteronormative sexualities, as it has been defined as a process through which knowledge, culture, values and norms are shared (Wilmot, 1985).

The idea that it is a female domain to perform household duties can be historicised in the colonial preparation of African children for their roles in adulthood. In other countries with a shared British colonial history like that of Malawi, it has been reported that the British colonialists prepared boys for paid work, while unpaid work was a reserve for girls. In Nigeria, boys were trained and prepared for work in government, church, trade and educational services, while girls were prepared as cooks, cleaners, childcarers, and tailors (Amadiume, 2015; George, 2014). Similar observations were made in apartheid South Africa and Zambia where men were prepared as mine workers, while women were left to look after their homesteads (Mamdani, 1996; Mittlebeeler, 1976). These accounts suggest that generally accepted female roles were historically supported by colonial powers in the way Africans were organised during the this period. This, however, is not to suggest that Africans did not have gendered roles prior to European imperialism. The point is that colonial history also contributed to shaping gendered expectations for men and women, boys and girls. In the next section, I highlight a further factor, namely, the commencement of menarche, as an important marker for readiness for marriage.

### 7.2.5 Commencement of menarche

Even though the onset of menarche is just at the age of fifteen for most girls in Malawi (Munthali & Zulu, 2007:153), it is at the core of the conceptualisation of girls' readiness for marriage. The process of becoming *namwali*– commencing menstruation – can be understood in two ways. First is its peculiar description in the Chichewa language. It is referred to as *kutha nsinthu* or *kugwa pansi*, meaning “finished growing” and “falling down”, respectively. In literal translation, this means that girls who commence menstruation have completed their growth into adulthood. Second is the actual commencement of menstruation. The combination of the connotations of these two descriptions is central to the construction of readiness for marriage.

In this study, narratives of both men and women show that commencement of menstruation is one of the central indicators for assessing girls' readiness for marriage. As one man indicated: “We know that a girl is ready for marriage once she starts menstruating – *akangogwa pansi*. (All nod their heads.) (Participants, FGD with men, Muyowe village). Another one concurred: “I knew that my daughter was ready for marriage once she started her menstruation” (Participant, FGD with men, Muyowe village). These views were also widely shared by women, as the excerpt below highlights:

**Facilitator:** How do you know that this girl is ready for marriage?

**Participant:** In accordance to the way people live in our area, we look at commencement of the onset of menstruation period.

**Facilitator:** Do you agree?

All Participants: Yes.

**Facilitator:** What could happen if that little girl would find a man? (pointing at young girl who was fetching water)

**Participant:** That would be a taboo. Yes, she is able to fetch water, but her intelligence is not mature. The girl is being instructed to do all that...

**Participant:** I don't even think that she has started menstruating as yet.

**Facilitator:** Does it mean that a girl who has not started menstruating cannot get married?

All Participants: No way.

(Participants, FGD with Women, Muyowe village)

In these narratives, for both men and women, menarche is a shared secret as a marker for girls' readiness for marriage. Here, the lingual implications of the Chichewa naming of menstruations highlighted earlier – *kutha nsinthu* (finished growing) – becomes visible in its influence on the conceptualisation of girls' readiness for marriage, as girls who are believed to have “finished growing” are those who are considered ready for marriage. Corresponding to these constructions, a key informant stresses that it is not just parents who construct readiness for marriage in this way, but that girls themselves also understand the process in the same way. She explained:

People generally feel that when a girl just starts her menstruation, they feel that she is ready for marriage and they expect for that to happen. Also, on part of the girls, once they begin menstruation, they feel that they are now grown-ups. They can then look for marriages. Actually, there is no one who gets surprised with such girls looking for marriage or being allowed to marry (Irene, Head teacher).

As the narrative above suggests, study participants consider marriage of a girl who has not begun her menses – a *kabuthu* – as a taboo, thereby isolating the *namwali*, as an important category in the conceptualisation of girls' readiness for marriage. These findings contradict other studies conducted amongst the Chewa, where it is recorded that there is a possibility of a girl commencing her menses while already married (Van Breugel 2001). This discrepancy can be understood in two ways. Either that it is due to the different historical contexts within which the two studies have been conducted that produce different narratives, or it might be that van Breugel's ethnocentric background as a white man studying African female elements did not allow him to capture the concept in the right way. At the same time, the construction of the commencement of menarche as marker for readiness for marriage confirms other studies in East Africa, where a qualitative study amongst girls showed that commencement of menstruation was

understood as sexual maturity (Mason *et al.*, 2013). These findings therefore suggest the persistent importance of menarche in constructing African girlhood and sexualities.

A further aspect regarding the belief that menarche is a key indicator of readiness for marriage, is that some study participants lament the fact that child marriages, therefore, occur so soon after girls have started menstruating. Male participants explained their observations thus:

**Participant:** There are girls who get married the same year that they start menses –  
*kungotha nsinkhu basi chako chomwecho akwatiwa.*

**Facilitator:** Do we really have such girls?

All Participants: Yes!

**Facilitator:** Do we have girls who got married before they began their menses?

**Participant:** No, that's impossible.

**Participant:** I know of girls who started their menses this month and by next month, they were married.

(Participants, FGD with male counsellors)

The observations were also shared by women. Recalling their youthful years, women explained that, in the past, girls could wait for a number of years before getting married. In modern days, most girls often marry soon after commencing their menstruation. A female participant explained: “ In our days, after a girl starts her menstruation, she could stay up to 3 or 4 years before getting married. But not anymore” (Participant, FGD with female Traditional Counsellors). Another concurred: “What she is saying is very true. (All nod their heads.)” (Participant, FGD with female Traditional Counsellors). While some girls marry soon after commencing their menstruation, a faulty picture is painted by the female participants, who suggest that, nowadays, more girls marry earlier than in previous times. This is shown by representative demographic studies in the country that suggest that age of marriage has been on the rise over the last decade (DHS 2004; DHS 2010; DHS 2015). However, these discrepancies can be explained by research that has

shown that the period of menarche incites anxiety in parents, who, as such, are bound to construct reality in ways that confirm their fears (Ozdemir, Nazik & Pasinlioğlu, 2011).

Radical feminists have argued that menstruation in itself is a social construct (Laws, 1991). In Chauma, this manifests in interesting meanings attached to menstruation as the “loss of blood”. In my interviews with some study participants, it emerges that girls usually marry soon after the commencement of menstruation, as it is believed that the prolonged “loss of blood” that occurs due to menstruation is also a cause for the loss of potential future children. While loss of blood in the construction of girlhood was seen positively as a factor that allows breasts of *akabuthu* to be high and firm (as shown in preceding sections of this chapter), in the conceptualisation of girls’ readiness for marriage, the same concept of loss of blood is interpreted negatively. Sharing their views independently on marriages in Chauma, Irene and Spynet, key informants interviewed in this study, explained:

The communities believe that the girls waste children by continuing to have menstruation. They say that their eggs will be finished – *mazila atha*. The girls are also rebuked for allowing their eggs to be lost in such a way (Irene, Head teacher).

The people here believe that, if girls delay in getting married, it means that they will never have a child. Apparently, they believe that all the children in a girl’s womb get finished because of the menstruation period. That’s what people say in the village where I stay. They believe that, as a girl is doing her periods, she is throwing away children. So, when the girls hear of such beliefs, they also do get worried; they do not want to continue throwing away their children, in that way they do not get encouraged to get continue with their education (Spynet, Head teacher).

The above narratives suggest that prolonged loss of blood through “normal” menstruation is undesirable, as it is believed that such girls “throw away” their children or that their ova will be depleted. These beliefs are projected in the stereotypes that are used to describe girls who delay their marriages. In Chauma, such girls are labelled as *anafulira pa nazale, dzizi* (impotent, stupid) or are thought to have been bewitched

(*anamukhwimila*). Discussing the importance of marrying soon after the commencement of menstruation, different extracts from participants below emphasise this point:

**Facilitator:** Are there names that you call girls who delay in getting married?

**Participant 1:** Yes. we say, "*afulira pa nazale*". You know a mustard seed, it is prepared on a seed bed. If one takes too long before transferring the seedlings into beds, they sprout early. So that is the analogy that is used.

**Participant 2:** They are called so many names.

**Facilitator:** Is delaying marriages a bad thing?

**Participant 2:** People are used to girls being married early. Girls also do notice that most of their friends get married early. For example, if my age mate got married and has kids, the community would ridicule me.

**Facilitator:** How are girls who delay marriages ridiculed?

**Participant 3:** They make their parents get ridiculed. People say that such parents did some magic on such children – *anamukhwimila*. Others think that such parents have pride, they are not letting their child to get married because they are looking for a rich husband. Even the girls, they are also ridiculed. They are called stupid; people ask what is their problem.

(FGD with women, Chauma)

**Interviewer:** Are girls who marry late called some names?

**Rose:** I just hear the names like *wafulira pa nazale*, meaning one has delayed in getting married.

**Interviewer:** What impact can such names have?

**Rose:** It creates pressure for others to marry.

(Rose, unmarried girl, Chauma)

**Interviewer:** Are girls who marry later treated well?

**Salome:** They are called all sorts of names. They call them *Zidzi – osabeleka*. One who cannot give birth.

(Salome, recently married girl, Chauma)

In the above narratives, girls who commence their menstruation but are still unmarried are stereotypically labelled. They are subject to name-calling, suggesting denial of girls, who may exercise their sexuality differently, and indicating the presence of strong expectations for girls to marry soon after their menses. Studies have shown that such tendencies are typical of females who reassert their sexuality. In a study of transnational surrogacy in India, it was shown how surrogacy is contentious and morally questioned, to an extent that women, who choose to be surrogates, are constructed as deviants and unnatural (Pande, 2014). For girls in Chauma, such negative labelling, such as that observed in India, creates “marriage pressure” – those who are not married begin to consider marrying simply to avoid such labels. Other than being ridiculed as unmarried, the above narratives also reveal that parents of such girls are also scorned or are thought to be full of pride, for their failure to raise a marriageable child. The emergence of stereotypes to describe girls, who continually lose blood and as result, miss marriage opportunities, point to the level of importance that people of Chauma place on the institution of marriage as an avenue for reproduction.

This chapter has highlighted multiple other ways through which girls’ readiness for marriage is constructed. These include mental and physical maturity (buttock size, firm breasts), the ability to have sex, perceived loss of innocence (pregnancy and dating) and commencement of menstruation. The appearance of these representations in contemporary constructions of childhood is important for the theorisation of childhood, as they contribute to important considerations on the construction of childhood.

Scholars of new social studies of childhood have boxed childhood into four quadrants; the tribal child, the minority child, the socially constructed child and the social structural child (James, Jenks & Prout, 1998). These quadrants are framed to encapsulate childhood studies in sociological contexts. They argue against, and dismiss, socialisation and development theories and label them as presociological, meaning that modern

sociological constructions of childhood are less likely to reflect these theoretical positions.

On the other side of the coin, there are debates which posit that, even though the new sociological dichotomies move in the right direction, claims of a paradigm shift are a myth (Ryan, 2008). In the words of Ryan, the claimed paradigm shift as depicted in the boxed childhood dichotomies hardly reflect the tenets of the social actor theory. By reconfiguring the four quadrants, he advances two claims: (1) that the presociological versus the sociological question is flawed, as theories of both sides exist within the reorganised structure, and (2) that the paradigm shift is questionable, as the reconfigured diagram displays the relationship between the said competing theories regarding childhood.

Findings of this study challenge James, Jenks and Prout's (1998) dismissal of other constructions of childhood as presociological. They indicate that, what these scholars consider as presociological, in fact constitutes some of the fundamental tenets that describe a modern constructed child. For instance, constructions of girls' readiness for marriage depicted in this chapter include the person's ability to perform household chores: a reflection of orthodox Parsonian socialisation process. In addition, the articulations of mental and physical maturity in constructing girls' readiness for marriage reflect a clear developmental theory discourse. The presence of these representations in the articulation of the socially constructed child suggest that the theorisation of contemporary sociological childhoods cannot be entirely separated from presociological elements.

More precisely, these findings suggest that presociological and sociological childhoods coexist to a larger extent than these theorists would like us to believe, thereby agreeing with Ryan's (2008) critique, particularly regarding the presociological versus sociological question of childhood. This is because, not only is childhood embodied as readiness for marriage constructed by the so-called presociological elements, but it is also fundamentally defined by some elements which match the claimed sociological childhoods. Thus, the presence of these presociological constructions in interpreting

modern childhoods in Chauma point to an interdisciplinary terrain in which childhoods occur. However, challenging the dismissal of the other childhoods, which are presociological, does not necessarily confirm Ryan's claim that the epistemological shift claimed by the new social studies of childhood is a myth, as the sociological dichotomies are still useful, though with limitations, in the analysis of contemporary childhoods.

### **7.3. Conclusion**

This chapter set out to examine other ways through which girlhood and girls' sexuality are socially constructed. It shows that the conceptualisation of girls' readiness for marriage is complex, characterised by both prescribed and self-imposed dominant discourses of gendered subjectivities. It is composed of multiple motifs that include, but are not limited to, physiological subjective measurements of maturity (breasts' firmness, size of buttocks and commencement of menarche), sexual maturity defined as girls' ability to have sex with men, and socialisation constructs depicted by independent performance of gendered roles. At the core of constructing girls' readiness for marriage are also conceptualisations that show disapproval of sexual pleasure for children, as children, who are believed to be having sex (described as dating) or who become pregnant, are constructed as ready for marriage, a phase that marks the end of childhood. In addition, these constructions are also understood within the broader discourses of girlhood, where girls are active agents in creating this social label. Thus, these findings further confirm the argument that I raised in Chapter 4, namely, reference that readiness for marriage is not measured by chronological age.

## **Chapter 8| Conclusion**

This chapter is a synthesis of this study. It begins by briefly providing the study objectives and highlights its location within scholarly debates. It summarises the main research findings, which are: legal frameworks in Malawi barely incorporate the construction of readiness for marriage by girls and those around them, girlhood and girls' readiness for marriage is driven and shaped by traditions (customary and religious), the political economy of chiefs defines girlhood and girls' readiness for marriage, conception of girls' readiness for marriage includes a myriad of elements, namely, subjective meanings of mental and physical maturity, ability to have sex, independent performance of gendered household roles, perceived loss of innocence and commencement of menarche. A discussion follows and the last section offers future considerations and study conclusion.

### **8.1. Focus of the study**

The study sought to provide insights on the social constructions of girls' readiness for marriage. This was done to fill scholarly literature on child marriages, which focuses mainly on showing patterns and correlations between child marriages and other variables such as teenage pregnancy, education, and fertility. The limited available in-depth studies are drawn from South Asia, East Africa and Zambia. No comprehensive sociological study has been instigated to explore the construction of childhood in the context of child marriage in Malawi, thus making the study unique. The study examined how the social construction of girls' readiness for marriage is reflected in the laws of Malawi in order to establish the congruency between legal frameworks and people's lived realities. It also examined how girls' readiness for marriage is conceptualised in the communities of Chauma so as to unravel the power dynamics generated by these social constructions and showed how girls and other social actors deploy and negotiate such constructions.

The study emanated from several contested debates. The first are the polarised debates on childhood, which, on one hand, are universalistic conceptions of children and childhood (Bell, Nathan & Peleg, 2001). Through several legal instruments, these ideas have

informed the conceptualisation of girls' readiness for marriage as 18 years old (African Union, 1990; SADC Parliamentary Forum, 2016; United Nations General Assembly, 1979; United Nations General Assembly, 1989). On the other hand are relativists, who advance that children and childhood are context-specific (Kaime, 2009a; Kaime, 2009b; Ncube, 1998; Obermeyer, 1995; Songca, 2012; Tamale, 2017). In these schools of thought, different societies are bound to construct children and childhood in different ways. Findings of this study are contrary to the view of the proponents of the universalistic notions of childhood and readiness for marriage. They demonstrate that chronological age, a representation of a universalistic notion of childhood, does not matter in how girls' readiness for marriage is constructed. At the height of it all, study participants insisted that a number (18) cannot measure readiness for marriage as if it were a shoe, pinpointing the incongruence between the legal conceptualisation of readiness for marriage and common constructions by girls and those around them. Instead, they demonstrate that context-specific traditions (customary and religious), coupled with both subjective and community meanings label a certain group of girls as ready for marriage. Thus, this study resonates with the latter, as it reveals and emphasises particularistic notions of children and childhood.

Second are debates about chieftaincies. On one hand are those who maintain that traditional authority is a colonial invention, (Chanock, 1985; Mamdani, 1996; Ranger, 1983). As a result, present chieftaincy constellations should be understood as a colonial product. On the other hand are scholars, who argue that present chieftaincies are a reflection of their precolonial self that never died, but that their sustenance is in their ability to change (Comaroff & Comaroff, 2018; Geschiere, 2018). Findings of this study demonstrate that girlhood and girls' readiness for marriage are at the centre of the political economy of traditional authority, the constellations of present chiefships are an amalgamation of invoked powers from precolonial times (mystical beliefs surrounding the chiefships) and colonial and post-colonial codified laws. This means that contemporary chiefships can neither be understood as colonial products, nor can they be understood as existing in their precolonial mode. Thus, these findings suggest that, while colonisation influenced the invention of the gendered and sexuality-based political power,

chiefships also thrive on mystical powers that they were believed to have in precolonial times. However, that is not to say that these powers have remained the same since colonial or precolonial times, rather they have evolved in making themselves relevant to present times with girls' sexuality at its epicentre.

At the core of these debates is the nature of power that resides in the institution of traditional authority. Mamdani (1996) has argued at length that the establishment of chiefships was to serve the political colonial agenda; ruling the vast majority of natives and controlling non-market aspects of the colonial economy. Findings of this study show a different perspective from that of Mamdani, where the chiefship powers are largely gendered and sexuality-based. As chiefs exercise their power through various sexuality and marriage payments, they popularise, conscientise and approve girls' readiness for marriage.

Third are debates on the sociological conceptualisation of childhood. Proponents of the "new school of childhood" claim a sociological paradigm shift from the way childhood was understood in pre-sociological times (James & Prout, 2015; Jenks, 2005; Qvortrup, 1987). In this school of thought, children are understood as social actors, to an extent that some scholars in this school proceed to categorise children and childhood in four sociological dichotomies; the social structural child, the minority group child, the tribal child and the socially constructed child as options for understanding modern childhoods (James, Jenks & Prout, 1998). Therefore, central to this school is the dismissal of constructions of childhood that fall outside these four, claiming that they are asociological. Then there are those who dismiss the claimed sociological paradigm shift, to assert that children and childhood has been a topic of focus for a longer time than is claimed (Ryan, 2008). They claim that the four sociological childhood dichotomies do not even fit in the key features central to the new social school of childhood. Contrary to the latter, findings of this study show that modern childhood, mirrored through girls' readiness for marriage, is, in fact, a combination of what has been termed sociological childhood and presociological childhood. They agree that the concept of childhood is socially constructed, but that positivist theories of understanding childhood remain

relevant. For example, developmental and physiological theorisations (size of the butt, menstruation, ability to conduct gendered household duties) remain key to the conceptualisation of childhood. At the same time, girls' readiness for marriage is buried in traditional constructions of childhood, where both old and new customary and religious traditions are key to its conceptualisation, suggesting a stronger relationship between the socially constructed child and traditions than previously thought (James, Jenks & Prout, 1998).

Fourth are views on African sexualities and children's sexualities. The views of two African scholars are pertinent to highlight. First are views of Tamale (2011), who advances the centrality of triple forces – legal, cultural and religious forces – in defining African sexualities. Confirming this perspective, findings of this study show that African sexualities are indeed shaped by these three forces, as legal frameworks, customs and religion all work to influence or define girls' readiness for marriage. Second are views of Mkhwanazi (2012), who has argued that African girlhood has a long history of being policed, therefore examining policing of their sexuality and pregnancy constitutes a fundamental dimension of understanding African childhoods. Findings of this study demonstrate that it is the pervasive belief in child innocence that also propels the labelling of other girls as ready for marriage. Where children are perceived to have lost childhood innocence through dating or pregnancy, they suddenly become mature and ready for marriage.

Therefore, the study argues that contrary to present academic and policy debates that conceptualise girls' readiness for marriage by chronological age of 18 years, it is the formulation and maintenance of traditions (customary and religious) that shape and influence the framing of girls' readiness for marriage. These traditions are largely locked in a symbiotic relationship that exists between traditions and chieftaincies, where the political economy of chiefships serve to maintain the institution of traditional authority while simultaneously influencing the conceptualisation of readiness for marriage. In addition, the study argued that girls' readiness for marriage is shaped by convoluted gendered values and beliefs of how the world should be lived in and of a particular way

of perceiving the world. In these perceptions, girls who can satisfy their men sexually, perform household duties, possess big butts and “pointed” breasts are conceptualised as ready for marriage. Entrenched ideas of childhood innocence are also key to how girls’ readiness for marriage is conceptualised.

The research question for the study has been adequately addressed by the choice of appropriate data collection methods. These were ethnographic methods that enabled the collection of data on the social construction of girls’ readiness for marriage from multiple sources and through a variety of ways. Below is a summary of findings.

## **8.2. Key research findings**

### **8.2.1 Legal conceptualisation of girls’ readiness for marriage is incongruent with community experiences.**

This study has shown that the legal conceptualisation of girls’ readiness for marriage is a result of homogeneous and universalistic application of notions of childhood maturity. This entails the application of a chronological age of 18 years to label a particular category of girls as ready for marriage. It emerges from the domestication process of international child rights instruments; with the UN CRC and CEDAW as key reference points. Regionally, the ACRWC and the SADC model law on eradicating child marriage and protecting children already in marriage are other frameworks, which also peg age for maturity for marriage at 18.

The pegging of 18 years to mark the end of childhood findings implies that, to policy and legal framers, the notion of childhood maturity is universal. They rationalise the choice of 18 years to be in tandem with international instruments (Malawi Law Commission, 2006). However, analysis of data gathered for this study showed that age is not an important marker for readiness for marriage. Most study participants reported that they did not consider the age of their spouses at the point of marriage. They also indicated that they do not even remember the ages of their spouses, indicating incongruence between

legal frameworks and lived realities of communities and reasserting that chronological age is nothing but a rough indicator in a composite of other factors (Eckert, 1998). A possible explanation for this lack of interest in age may be due to the irrelevance of age in Southern African contexts (Sloth-Nielsen, 2012), compounded by delayed introduction of the national registration systems that allow systematic births registration.

## **8.2.2 The pricing and commercialisation of girlhood shapes and influences the conceptualisation of readiness for marriage.**

### **8.2.2.1 Girlhood and initiation ceremonies traditions**

Fieldwork data have shown that customary and religious traditions play an important role in shaping girls' sexuality and girls' readiness for marriage. It begins with deep beliefs in traditions of initiation ceremonies – *zinamwali*– as it is only when girls undergo these ceremonies that the community perceptions around them changes dramatically. In these communities, girls' initiation ceremonies are an important marker that separates childhood from adulthood. As previously observed by Munthali and Zulu (2007) and Longwe (2006), this means that, irrespective of the chronological age of girls, as long as they have undergone these ceremonies, they are perceived as mature.

The traditional maturity of girls is also fundamental for high chiefship traditions – *mkangali*. These traditions delineate junior chiefs from senior chiefs, as *mkangali* chiefs are believed to have higher mystical protection powers over their subjects than their junior counterparts. The linkage between these high level traditions with girls' sexuality indicates that girlhood in these communities is differently priced than is theorised in the West (Zelizer, 1994), as traditions are an important part that shapes African childhoods and sexualities (Tamale, 2017). As girls participate in the *mkangali* ceremonies, they are popularised as ready for marriage.

### **8.2.2.2. Pricing girlhood and traditions of mother payments**

Girlhood in these communities is also priced in economic terms as findings of this study showed that the emergence of new traditions called “mother payments” that have priced girls’ sexuality in interesting ways. These particular traditions demand that special payments are paid to mothers at the point of marriage negotiations. As mothers receive these payments, they approve girls’ readiness for marriage. However, the processing of these payments amongst Islamic communities offers an interesting intersection between religion and customs. Amongst Muslims, the religious leaders –*sheikhs* – purposefully drive the fulfilment of these payments. They allocate a special moment at a point of the *nikka* officiating to allow the payment of non-negotiable amounts of “mother payments”. In these contexts, these payments are also substantial, as similar payments demanded in non-Islamic contexts are relatively lower. These findings were unexpected, as Islam is actively involved in elevating the status of mothers as a special category of women and yet it a religion that is known for subordinating of womanhood (Wangila 2013; Shaith, Hoel & Kagee 2011; Bongstad 2007; Ahmed 1999, 2005).

### **8.2.2.3 Pricing girlhood and marriage negotiation traditions**

Field data have demonstrated that girlhood is also commercialised for the maintenance of marriage negotiation traditions by big men: clan heads, uncles or brothers. Far from being on the verge of collapse, as suggested by earlier scholars (Mair, 1951), and occurring differently from other parts of Southern Africa (Himonga & Moore, 2015), the traditions that place men at the front of marriage decisions forms another way through which girlhood is commercialised. Through this process, these men demand specific prestations – *chamlomo* – for being the mouthpiece of negotiating marriages on behalf of girls and women. As men negotiate and receive *chamlomo* payments, they approve girls’ maturity for marriage.

#### 8.2.2.4 The political economy of traditional authority

The political economy of traditional authority is at the centre of how girls' readiness for marriage is conceptualised. Analysis of data gathered in this study reveals three sets of payments to chiefs at different points of girlhood. First are the "menstruation payments", which are due for payment to chiefs at the onset of girls' menstruation. These payments are fulfilled because of the conviction that chiefs are authoritarian figures in the communities that need to be notified of such an important milestone. Second are *chimbwinda* payments, three-faced transactions that are paid to chiefs for a pre-marriage pregnancy. The first meaning of *chimbwinda* is that it refers to a pregnancy that occurs to unmarried girls. In such payments, bigger amounts are charged to remind communities of the importance of initiation ceremonies for girls in the area. In the second instance, it is used to refer to a pregnancy of an uninitiated girl. The third element is that it is a ritual of cleansing evil spirits in the event of a pregnancy. At the core of *chimbwinda* payments is the belief of supernatural powers that chiefs possess as earthly intercessors with ancestral spirits, a key element that characterises African traditional religions (Magesa, 1997). The presence of *chimbwinda* payments contradicts findings by Chintsanya (2015), who reported that premarital pregnancies are condoned amongst the matrilineal *Chewa*. Third are *mtuwangala* payments. These are made to chiefs at the marriage negotiation phase, as an act of notification of the incoming of a stranger to live in the community.

Even though the people of Chauma are generally poor (Dedza District Council, 2013), they believe that these payments are important to fulfil. On the part of chiefs, a number of strategies are deployed to command, and ensure the fulfilment of, these payments. To begin with, findings of this study suggest that this is possible due to the invocation of chieftaincy powers that rest in the institution of traditional authority. Historically, at the advent of colonialism, chiefships were established to assist the political colonial agenda of ruling the majority of Africans (Mamdani, 1996). The establishment of these offices in Malawi set this group apart from the rest of natives, as it was also backed by codified roles that included those of ensuring the adherence of customs, morality, control of social migration, and the power to fine or punish transgressors (*Nyasaland Protectorate*

*Ordinance*, 1933). Chiefs were also accorded powers to command respect and ensure conformity. Some of these powers were maintained post-colonially, as the current *Chiefs Act* (1967) recognises chiefs as custodians of traditions and their offices receive government remuneration. Thus, findings of this study showed that modern chiefs recall these colonial and postcolonial powers to reassert themselves over their subordinates and ensure the fulfilment of the payments highlighted above.

Secondly, the fulfilment of these payments is also made possible because of deep beliefs that suggest that chiefs possess supernatural powers to protect their communities. Two of the above payments rest on the idea that the notification of the chiefs is fundamental as they are the only ones with the powers to intercede with the ancestors. At the commencement of menstruation, it is the belief that chiefs have the power to protect their communities from the dangers of mishandled menstrual blood that may upset the wrath of evil spirits (van Breugel, 2001). At the core of *chimbwinda* are beliefs that ancestral spirits become upset with a premarital pregnancy and thus the need to perform their magical functions to protect their communities. So, because of these beliefs, fulfilling the payments and respect of traditions is made unquestionable.

Thirdly, chiefs deploy a sharing of proceeds tactic to legitimise their power. Analysis of study findings showed that a portion of all the three payments received by chiefs are shared with the community members, suggesting that chiefs are not the sole beneficiaries of these payments. It is the sharing of proceeds that enhances “norm diffusion”, thereby rendering non-conformity unacceptable. However, these findings disrupt the feminist purview of girls’ and women’s sexuality payments as mere “commodification” and, as such, show the inadequacy of the term in describing chiefly payments, suggesting the need for a revised term that better describes such dynamics. I therefore advance the use of the term “social-political commodification” to describe these dynamics.

While chiefs use the above payment traditions to consolidate their power, at the epicentre of the examined chiefs payments is the maintenance of the hierarchy of chieftaincies. Findings of the study showed that payments received by the lower cadre of chiefs are

cascaded to the high level chiefs. This means that the gendered sexuality payments are not beneficial only at the individual level of chiefs, but that it is a fundamental element for the survival of the hierarchy of the institution of chiefs.

These payment traditions are important for the conceptualisation of girls' readiness for marriage. This is because, as chiefs demand, receive and share these payments, they conscientise the community that there are girls who are ready for marriage. For example, through the sharing of menstruation payments, chiefs publicise to the community that the girl is now mature and ready for marriage. As chiefs share *chimbwinda* and eat together with the community, they popularise the dismissal of evil spirits, assuring the community that such girls are ready for marriage. Through receiving and sharing *ntuwangala* payments, they approve girls' maturity for marriage, as this payment tradition allows the bridegroom to join the bride as a married couple in their community.

### **8.2.3 A myriad other ways of constructing girls' readiness for marriage**

Field evidence revealed that the construction of girls' readiness for marriage is a complex process. While traditions and the political economy of girlhood and sexuality form a foundation of these constructions, girls' readiness for marriage is also a product of a combination of prescribed and self-imposed dominant discourses of gendered subjectivities. They include multiple convoluted subjective and community-shared measurements of maturity.

#### **8.2.3.1 Mental and physical maturity**

Contrary to proponents of the new social theory of childhood, who argue for the irrelevance of positivist developmental theories in constructing modern childhoods (James, Jenks & Prout, 1998), findings of this study revealed that mental and physical maturity are key in the construction of girls' readiness for marriage. Dominant narratives of mental and physical maturity particularly emerged amongst male participants. They singled out the size of the butt and breasts as key descriptions to describe girls who are

ready for marriage. They specifically describe the appearance of the breasts – less perchy (*osanjonjomoka kwenikweni*) to differentiate such girls (*anamwali*) from younger girls (*abuthu*). Reference was also made to the mental maturity as marker for readiness for marriage, where some girls are seen as mentally more mature than others.

### **8.2.3.2 Sexual maturity**

Occurring mostly amongst male participants, findings of this study suggest that readiness for marriage is understood and measured by the girls' ability to withstand sex with men. They likened such girls to oxcart-pulling cattle, to explain that girls who are able to have sex are mature and ready for marriage. With the exception of a few participants, most males reported that they had had sex first with their current wives to determine their suitability for marriage. Surprisingly, these narrative did not appear in my discussions with girls or women. This may be explained by the silence culture of sexual matters that exist in others parts of Africa (Kahn 2008).

### **8.2.3.3 Perceived loss of innocence**

Analysis of study findings demonstrated that the construction of girls' readiness for marriage is also a product of contradictory motifs. While men measured girls' maturity for marriage by their ability to have sex, girls and those around them constructed girls, who begin dating or fall pregnant, as ready for marriage. They explained that dating elicits negative sexual energies in girls, and thus it is important to ensure that such energies are tamed. These constructions emerge from idealised notions of childhood, where children's sexuality is denied (Bhana & Anderson, 2013) and girls, in particular, are expected to be asexual (Mkhwanazi, 2012). As dating and pregnancy disrupt these idealised conceptualisations, girls who start dating or become pregnant lose the innocent and protection gaze, and, as such, are conceived as ready for marriage.

#### **8.2.3.4 Ability to perform gendered household roles**

Girls' ability to perform gendered household duties is also an important attribute for conceptualising girls' readiness for marriage. Married girls explained that they considered themselves ready for marriage, as they are able to take care of their household chores. Women explained that knowledge of gendered household duties is important for girls, as it is also a measure of how well brought up the girls are. Narratives of men supported these observations. Expressing their expectations of a good wife, men narrated a litany of household duties that are important to be fulfilled by their wives; ranging across washing their clothes, cooking, and fetching water and firewood.

#### **8.2.3.5 Commencement of menstruation**

Field evidence indicated that the most common pointer for readiness for marriage is commencement of menstruation – *kutha nsinkhu*. Literal translation of this process is self-explanatory, as the lingua connotation means that girls, who begin menstruation, have finished growing. They explained that girls who begin their menses, are no longer children and as such are mature for marriage.

### **8.3 Discussion**

This study has deconstructed the conceptualisation of girls' readiness for marriage. By adopting a social constructionist perspective, this study has demonstrated girls' readiness for marriage is complex, as it is comprised of multiple layers that operate to define, isolate and label other girls as ready for marriage. The first layer in these constructions are the pull forces that shape and influence girls' readiness for marriage. These largely constitute customary and religious traditions, that define girls who are ready for marriage, but also influence the acceptance of girls' maturity for marriage. These findings fill the research gap on understanding African childhood sexualities, where some African scholars push for context-specific ways in which African sexualities must be understood. One scholar maintains that African sexualities are shaped by legal, cultural and religious forces,

(Tamale 2011a; 2017b), but broadly pronounces these convictions without a particular focus on childhood. These findings therefore show how African childhoods are particularly shaped by cultural and religious forces, adding missing conceptualisations by key scholars on childhood (James, Jenks & Prout, 1998; Zelizer, 1994).

The recognition of the role of traditions in shaping girls' readiness for marriage transposes the discussions on the value of girls and women in African contexts, particularly as they relate to child marriages. In the Malawian contexts and in other parts of sub-Saharan Africa, child marriage amongst girls has been partly explained to arise as a consequence of low value placed on girls, where greater financial investments in boys' education than that of girls have been core discussions. The conclusion drawn from these investments has been that boys are more economically valued than girls. As these findings point to the high traditional value of girls and girlhood, they overturn the "valueless" perspective of girls and girlhood. Here, we see that, even though girls in communities, such as Chauma, do not necessarily carry a direct monetary value as in bridewealth-paying societies, their sexuality is valuable for the formulation and maintenance of traditions. These findings therefore suggest more needs to be done in understanding the value of children in these societies.

The value placed on girls and girlhood also connects the study findings to the broader discussions on payment or preferment as a requirement of marriage. CEDAW General Comment no 21 para 6<sup>159</sup> discourages marriages to be arranged for payment or preferment.<sup>160</sup> And yet, as findings of this study demonstrate, marriage payments for girls exist even in matrilineal contexts, as much emphasis of discussions has been on marriage payments in patrilineal contexts. This means, for countries that domesticated CEDAW and other international legal frameworks, state parties are obliged to ensure that marriage

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<sup>159</sup> Accessible at <http://hrlibrary.umn.edu/gencomm/gener121.htm>.

<sup>160</sup> CEDAW/C/GC/29 para 33 further defines payment or preferment as transactions in which cash, goods or livestock are given to the bride or her family by the groom or his family; or a similar payment is made by the bride or her family to the groom or his family. See <https://www.icj.org/wp-content/uploads/2013/05/General-Recommendation-CEDAW-29-economic-consequences-of-marriage-2013-eng.pdf>

payments do not continue. In such countries, more needs to be done in recognising the role of marriage payments in child marriages and in ensuring that they are addressed.

The relationship between traditions and power of traditional authorities is a second layer through which girls' readiness for marriage is shaped. The study has shown how powers vested in chiefships are not just political, but gendered and sexuality-based. This is because, at the centre of maintaining the institution of chiefship, are gendered and sexuality-based traditions, which are used to legitimise the exercise of chiefly powers over their subordinates. As this form of power is exercised, girls' readiness for marriage is shaped. These findings critique the limited articulation of decentralised despotism, where the driving force of traditional authority was of a political nature (Mamdani, 1996). The findings also contribute to ways of understanding how present constellations of chiefships are maintained in modern times.

Discussions on chieftaincy powers are interconnected to current discourses on the role of chiefs in eliminating harmful practices.<sup>161</sup> In these discussions, chiefs are mobilised on the pretext that they are the custodians of culture and, as such, with powers to curtail further spread of harmful practices. These discussions presently occupy the minds of the United Nations bodies<sup>162</sup> and other INGOs, who have partnered with chiefs at various levels.<sup>163</sup> Under these initiatives, chiefs are encouraged to develop community by-laws, through which chiefs are allowed to exercise their power in punishing perpetrators of child marriages. As it occurs, chiefs become at liberty to fine perpetrators of child marriage by demanding money or/and equivalent goods. These by-laws, thus, create another way of commodifying girls' sexuality, but this time, with a protection pricetag for girls entering child marriages. This vantage point implies that such by-laws may

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<sup>161</sup> Child marriages have been classified as a form of harmful practices. See Joint General recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No.18 of the Committee on the Rights of the Child on harmful practices. Accessible at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/78/PDF/N1462778.pdf?OpenElement>

<sup>162</sup> Key agencies that have undertaken this perspective are UN Women, UNICEF and UNFPA.

<sup>163</sup> For example, Plan International, through its 18 + programme on eliminating child marriages in southern Africa, pioneered the establishment of the SADC council of chiefs in eliminating child marriages.

further perpetuate existent gender inequalities, where girls are commodified for yet another purpose. This understanding is important, as it demands additional work in understanding the intricacies beneath the process of developing by-laws.

Foregrounded by traditions and the political economy of chieftaincies, findings of this study show that girls' readiness for marriage is understood in various other ways. These include physical and mental maturity, sexual maturity, perceived loss of innocence (pregnancy and dating), ability to perform gendered household chores and commencement of menstruation. These findings contribute to specific ways in which girls' readiness for marriage is constructed. These findings are important for the theorisation of sociological childhoods. In contrast to theorists who maintained that contemporary childhoods are not constructed by developmental or socialisation theories (James, Jenks & Prout, 1998), these findings show that contemporary childhoods cannot be totally separated from these early theories. Thus, the study argues that a more holistic definition of girls' readiness for marriage should be inclusive of its context-specific nature.

The findings of this study also relate to how contemporary African girlhoods can be understood. They show that girls' sexuality in Malawi is historicised and informed by different parameters. The thesis has shown the different ways in which girls' sexuality has been shaped by European imperialism, interactions with external groups of people, and many other factors. These findings suggest that contemporary childhoods are not detached from influences that shaped the African continent at large. This means that attempts to understand forms of contemporary childhoods require a reflection of how different historical forces may have shaped them over time.

#### **8.4 Future considerations**

I have established that chronological age is not an important parameter for marriage decisions for girls. Instead, what matters is what communities perceive as maturity for marriage. These findings have a number of ramifications on programs, policies and laws

in the Malawian contexts and beyond. They provide a way forward for child marriage activists, policy makers, development practitioners, academics and researchers to reflect and act upon. In this regard, the following future considerations are advanced, and are geared towards addressing some gaps in the field.

#### **8.4.1 Changes in programme focus**

Programmes, which aim at eradicating child marriages, with a limited focus on enforcing 18 years as the prevention strategy, are bound to produce minimal results. First, this is because the conceptualisation of childhood and transition towards womanhood is not driven by chronological age terms, but largely centres on traditions. Second is the downplayed, and yet fundamental, role that girls' sexuality plays in maintaining or reproducing African traditions, while simultaneously shaping girls' readiness for marriage. In consideration of these elements, programmes designed with the intention of addressing child marriages should therefore focus on understanding and addressing these two parameters. These perspectives, as this study has shown, provide alternative pointers that explain the reasons child marriages continue to flourish in many areas.

#### **8.4.2 Legal reflections**

Findings of this study necessitate a shift in legal drafting of laws that define maturity for marriage. While it is important to acknowledge some level of consultations in informing the drafting process, systematic ways of incorporating local conceptualisations of maturity, ideas that emerge from the grassroots, are lacking. Other than merely conforming to international and regional child rights frameworks that apply universalistic notions of maturity, efforts should be made to understand and incorporate particularistic notions of maturity applicable in local settings. These perspectives, as I have argued throughout this thesis, are central to understanding girls' readiness for marriage.

In light of the above, the study recommends to government the adoption of both the socio-legal and international law perspectives in domesticating international or regional child

rights instruments. This is important, as it would ensure that laws respond to the specific needs of children in the Global South. However, this adoption should be sensitive to particularistic notions of childhood prevalent in different contexts. In addition, the processes should also be sensitive and avoid the tendency of conflating African childhoods as homogenous.

### **8.4.3 Re-examination of the institution of chieftaincies**

Findings of this study portray that girls' sexuality is instrumental in the maintenance of the institution of chieftaincies. It shows that local communities are flooded with both government recognised and unrecognised chiefs, who thrive on gendered unequal power relations between men and women. This calls for a re-examination of the notion of traditional power. The study therefore recommends that government streamline the institution of traditional authorities. This would ensure that the institutions are governable under the current *Chiefs Act*.

### **8.4.4 Future areas of further research**

Even though this study presents rich findings, more research is required to further generate in-depth knowledge in the field. First, a study, which examines how marriage payments are handled in different settings under the Islamic faith, is required. This would allow an in-depth understanding of religious traditions in shaping readiness for marriage in predominantly Muslim societies. Second, as this study focused on child marriages in rural settings, an understanding of what girls' readiness for marriage would mean for girls in other disadvantaged settings is important. For example, What does it mean for slum girls, girls in conflict settings?

## **8.5 Conclusion**

Using the experiences of communities of Chauma to assess how girls' readiness for marriage is constructed, the study had four main insights. First, that chronological age is

not an important marker for girls' readiness for marriage. Second, that traditions, customary and religious, shape and influence girls' readiness for marriage. Third, that the symbiotic relationship between traditions and chieftaincies shapes and influences girls' readiness for marriage. Last, that the social construction of girls' readiness for marriage also includes development psychology parameters.

The study has demonstrated that the construction of girls' readiness for marriage is a multi-layered process. Therefore, my study argues that programmatic designs on child marriage must incorporate strategies that respond to the different ways in which girls' readiness for marriage is conceptualised.

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