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# **Anomalous Children**

## **Orphans and Interlineage Marriages in Malawi**

A thesis presented in partial fulfilment of the  
requirements for the degree of  
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in Social Anthropology  
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## Abstract

Although lineage studies have largely been forgotten by contemporary anthropology, tracing descent through either the maternal or paternal line remains a meaningful feature of everyday relatedness for people in Malawi. Following Harré's discursive approach, this thesis reconceptualises matriliney and patriliney as clusters of relatedness practices avoiding a tendency to reify lineages as social structures, ascribing them erroneously with agency. This ethnographic study explores what it is to be an orphan in Malawi today and why orphans of interlineage marriages, that is, marriages between patrilineal women and matrilineal men, seem to be rendered the most vulnerable to mistreatment.

The term orphanhood suggests a fixed state, defined by the death(s) of parent(s), from which children cannot escape until they reach adulthood. However, I found that in Malawi, being an orphan is more of a process, as people can be positioned as no longer an orphan when their living conditions improve. Being an orphan in Malawi is to be in need both materially and emotionally, having lost family support through death, illness or abandonment. It is a position often characterised by feelings of loneliness and isolation due being excluded from family sharing practices.

Orphans of interlineage marriages seem to be the most vulnerable, due to falling between two contrasting discursive constructions of children's belongingness. In matrilineal groups, children belong to their mother's family. Conversely, in patrilineal communities, children are affiliated to their father's family providing the bridewealth requirements have been fulfilled. Thus, children of interlineage marriages are anomalously positioned as belonging nowhere. Matters become more complex if the matrilineal family pay the patrilineal custom of bridewealth as they (mis)interpret it as providing indisputable rights to the children. This (mis)interpretation originates from the colonial period when bridewealth became an official and enforceable means of determining to whom children belonged, particularly in cases of interlineage marriages. Thus, matrilineal families claim

the children based on a (mis)perceived transaction-based entitlement, only to then mistreat them. They claim the children belong to them not as kin, characterised by bi-directional belonging (belonging to each other) but in terms of unidirectional (transactional) belonging, as in property.

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and my Great-Aunt,

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who lived with us as an integral part of our family

Although they all died when I was a child, they gave me a strong start to life which equipped me with the resourcefulness to cope with life's challenges.

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## Chapter One

### Introduction

When I arrived in Malawi in 2007 to embark on my research on the 'AIDS Orphan Crisis', I was bewildered to find that only three of the many children attending the orphan-care centre were orphans. This was according to the official Malawian definition of 'orphan' which includes children who have lost just one parent, mother or father, as well as children who have lost both parents. I had read the statistics that approximately one in every eight children in Malawi was an orphan (UNICEF, 2011), so I wondered, "where are all the orphans?" and "why are non-orphaned children taking their places at the orphan-care centre?" My confusion was heightened by a man's offended reaction when I described his nephews as 'orphans', following his disclosure that both of their parents had died. He explained how the boys were an integral part of his family, how they were well cared for and how they had the full support of the family. "Therefore", he indignantly proclaimed, "they are not orphans!" I started to realise that understanding orphanhood in Malawi was not going to be easy and this impression was reinforced when a young man described himself to me as an 'orphan' even though he was twenty years old. Indeed, later one of the orphans I was working with, who had lost both of his parents, happily explained that he was no longer an orphan as a charity had 'adopted' him by sending him to a good private boarding school.

Part of the problem with defining orphanhood is due to Malawi having approximately eighteen languages spoken by different tribes. Although most of these languages have a term that translates into 'orphan', their meanings vary. From my fieldwork experience, I found the term 'orphan' is used for children who have lost a parent and are in 'need'. The 'need' could be in material terms such as not having enough food or clothes, or in terms of lack of care, neglect or abuse. So, the emphasis in local terms is not so much on the death of a parent but on the consequences of that death for the child. Notably, if a child is loved and well cared for following their parents' death and is treated in a similar way

to other children in the household, that child is not usually positioned as an orphan at all, even if both of their parents have died. Conversely, a child who is in great need even though one or both of their parents is still alive would usually be included in programmes targeted at 'orphans'. Furthermore, the support provided will not necessarily be discontinued when the children reach the age of eighteen, if they are not yet able to support themselves.<sup>1</sup> Rather than using the term 'orphanhood', which suggests a fixed state from which children cannot escape until they reach adulthood given that it is, defined by death(s) of parent(s), I suggest the term 'orphanness' to reflect the dynamism involved in Malawian contexts. Understanding the processual nature of orphanness helps me to answer one of the main questions I explore in this thesis: 'what is it, to be an orphan in Malawi?'

When I was analysing the data from my first period of fieldwork, certain orphans stood out in terms of being in the most difficult situations. I wondered why this was the case, particularly as most of these children's mothers were still alive. By cross-referencing my ethnographic material with data from a household survey that I had conducted, I found that orphans with the saddest stories, which included physical abuse<sup>2</sup>, were from interlineage marriages, that is, marriages involving men from matrilineal tribes and women from patrilineal tribes<sup>3</sup>.

'Lineages' and 'descent' have not featured as topics of discussion since the middle of the last century when anthropology had been dominated theoretically by structural-functionalism and yet lineal descent continues to be an inherent feature of relatedness for many people across the world. I found the dearth of recent relevant anthropological literature on 'lineages' curious given

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<sup>1</sup> It is not unusual for Malawian youths to be still attending school in their twenties due to having missed years of education for various reasons mostly related to poverty.

<sup>2</sup> 'Abuse' is my term to cover situations which are deemed by the community to be the mistreatment of children. The terms used by Malawians include 'cruelty' and 'harshness'.

<sup>3</sup> I use the term 'interlineage marriage' following Davison (1997) who uses the term when discussing marriages between patrilineal Sena and neighbouring matrilineal Mang'anja in Malawi.

that kinship and lineage theories had once been at the core of anthropology. It appeared that although the study of kinship had been revitalised in the last few decades, the study of lineages didn't survive the challenge to the structural-functionalist paradigm. Nevertheless, comprehending contrasting lineal descent practices is fundamental for me to be able to make sense of the plight of orphans. I realised that lineages were no longer seen as determining structures of stateless societies and yet my data suggested that they are still relevant to peoples' lives today. I was intrigued by questions about the role of lineages, how lineages affect social relations and how they make selves. Accordingly, this thesis reviews the history of kinship studies in anthropology to explore what happened to the study of kinship and why lineages no longer seem to be of central interest to social and cultural anthropologists.

However, I was still left with a quandary as there was virtually no recent literature on lineages with which to engage. Anthropologist, Michel Verdon (1980) had faced a similar predicament on his quest for "a new direction in which to find definitions universal enough to promote the comparative analysis of descent groups across continents" (1980, p. 147). Through reviewing how 'descent' had previously been theorised, Verdon identified three models: the jural, the cultural, and the ideological or political, all of which he found to be unsatisfactory. However, his solution was an operational model based on the contingency that "we [as social anthropologists] agree to divorce groups from their behavioural and normative expression and contemplate them as sets from which can be derived a series of properties" (1980, p. 147). This, of course, would be unacceptable to most contemporary anthropologists and seemed totally irrelevant to my fieldwork experience.

Of the models Verdon (1980) identified, the one which seemed closest to being able to help make sense of my findings was the cultural model based on the work of Scheffler, Keesing and Goodenough. In this model, genealogical links with ancestors were distinguished from "*descent-phrased rules*" (1980, p. 134) and descent groups were distinguished from descent categories which allowed

'descent' to be viewed as "processual". However, Keesing identified a problem in terms of "descent represent[ing] only one of many rules ... in processes ... involving many individuals" (Verdon, 1980, p. 134). He identified the problem in terms of the "'behavioural events' ... only mak[ing] sense if one can disentangle the rules associated with many different statuses" (Verdon, 1980, p. 134) of the various individuals involved.

Although not on a mission to find "universal definitions of descent" (Verdon, 1980, p. 147), I needed to make sense of the two contrasting sets of beliefs and practices relating to descent, involved in interlineage marriages: 'matriliney' in which descent is traced through the maternal line, and 'patriliney' in which descent is traced through the paternal line. I found that a discursive approach based on Wittgensteinian philosophy and J. L. Austin's speech act theory and introduced by neo-critical realist Rom Harré could solve some of the problems of Verdon's (1980) 'cultural model' as it studies how people interact in everyday life, understanding the dynamism and plurality of people's positionings. Additionally, the discursive approach treats rules in terms of Wittgenstein's (1958, sections 138-142) notion of normativity, in relation to the "Wittgensteinian distinction, between using the rules, and being used by the rules" (Varela, 2001, pp. 67-68) which basically is a caution against reifying rules, that is, thinking that rules *make* people act in particular ways.

The discursive concept of 'positioning' is more dynamic and fluid than the concepts of 'role' and 'status': a person can adopt a variety of positions in various social contexts as well as being positioned and positioning others. The discursive approach recognises "the force of 'discursive practices', the way in which people are 'positioned' through those practices and the way in which the individual's 'subjectivity' is generated through the learning and use of certain discursive practices" (Davies & Harré, 1990, p. 43). Additionally, rules such as the 'the rules of descent' are not reified, but are viewed as social constructions. So, although rules can "define the possibility of the realisation of a certain social order [they] are not the causes of its being. People use the rules and conventions

that make social relations possible" (Varela, 2001, p. 67). Likewise, the discursive approach posits that only persons are active agents and thus it denies all forms of 'social structure' any agency. For Harré, the term 'social structure' raises the problem of reification both in terms of concretisation and agentification and so he suggests social scientists should use an alternative concept of "cluster of practices" (2001, p. 25).

Harré's discursive approach with its integral positioning theory provides a useful theoretical framework which incorporates elements of two paradigms identified by Comaroff and Roberts (1981) "the rule-centered paradigm" (p. 5) and "the processual paradigm" (p. 11). The rule-centred paradigm is linked to structuralism and what was known as 'legal anthropology' and tended to reify rules, whereas the processual paradigm has a broader context to encompass other aspects of social control. The processual paradigm marks "the shift of emphasis ... from structure and institutions to process and interaction" (Comaroff & Roberts, 1981, p.12). Moore (1987) adopts the processual perspective and critiques the 'practice' approach used by Sahlins (1981) and Ortner (1984) because it "undervalues the continuous renewal needed by any ongoing system" (1987, p. 729). Moore develops the concept of processual ethnography which "conveys an analytic emphasis on continuous production and construction without differentiating in that respect between repetition and innovation" (p. 729). This is similar to Harré's discursive approach which argues that social order is "*brought* into being, every day, every moment and every second anew" (Harré, 2001, p. 24). However, by incorporating Wittgenstein's notion of normativity, the discursive approach overcomes Comaroff and Roberts' criticism of the processual perspective for giving inadequate attention to rules and rule following.

Harré (2001) distinguishes the discursive approach from other social constructive perspectives that tend to "slip into a morally ambiguous relativism" (2001, p. 39). It is a "practice of close studies of the symbolic construction of social reality" (Harré, 2001, p. 39) recognising "the force of

'discursive practices', the way in which people are 'positioned' through those practices and the way in which the individual's 'subjectivity' is generated through the learning and use of certain discursive practices" (Davies & Harré, 1990, p. 43).

Discursive practitioners investigate how people interact in everyday life by studying social episodes. Each episode has a triad of three mutually determining conditions; the social force of the speech acts, the social position of the people concerned, and the unfolding story line (van Lagenhove & Harré, 1999, pp. 17-18). By developing Austin's (1962) original speech act theory in conjunction with positioning theory (Harré & van Langenhove, 1991), Harré overcomes a limitation that Bourdieu (1991) referred to as 'Austin's error' when he recognised that in "the use of language, the manner as much as the substance of discourse, depends on the social position of the speaker" (1991, p. 109).

The term 'discursive practice' is used to describe "all the ways in which people actively produce social ... realities" (Davies & Harré, 1990, p. 45) and so includes informal as well as institutional practices. A social institution is defined as "a particular kind of symbolic interaction among identifiable members, adopting a shared repertoire of rules and meanings" (Harré, 2001, p. 23). Discursivists dislike the terms 'institution' and 'social structure' as they tend to mislead people into "reifying forms of processes into substantial entities" (Harré, 2009b, p. 466) and instead suggest the term 'discursive practice'. Davis and Harré (1990) describe the relationship between discursive practice and subject positions:

The constitutive force of each discursive practice lies in its provision of subject positions. A subject position incorporates both a conceptual repertoire and a location for persons within the structure of rights and duties for those who use that repertoire (1990, p. 46).

Thus, subject positions are positions that are institutionally constrained. For example, subject positions within the institution of marriage, are 'husband' and

'wife' (Carbaugh, 1999, p. 168). Within social institutions or discursive practices each subject position is unequally endowed with rights and duties, with some subject positions having the right or duty to assign other subject positions (Harré, Moghaddam, Cairnie, Rothbart, & Sabat, 2009, p. 10). The continuity or reproduction of institutions can be explained through constraints to act. In other words, only those occupying subject positions that are acknowledged as having the authority to speak or act in specific contexts will be heard.

In summary, the discursive approach perceives people as active agents interacting according to local norms and conventions "to continuously create a credible social world" (Harré, 2009a, p. 140). This approach provides me with a dynamic and processual perspective necessary to counteract the fixedness and rigidity associated with classic lineage theory yet also acknowledges the influence of rule following. From the discursive perspective, 'matriliny' and 'patriliny' are considered as clusters of practices or discourses relating to the tracing of descent through the mother and father respectively. Reconceptualising 'matriliny' and 'patriliny' as clusters of 'relatedness' practices frees these terms from remaining epitomic of structural-functionalism.

## **Comparing Harré's and Foucault's Discourses**

As Harré uses many of the same key terms as Foucault, such as, 'discourse' and 'subject positions', it is useful to compare the two scholars and their work. Harré recognises Foucault's contribution to his own "discursive account of social reality" (Harré, 2001, p. 22), however, he does not actively engage with Foucault's work. In other words, although Harré acknowledges a Foucauldian influence, he does not specifically discuss similarities in or differences between their perspectives.

Foucault developed his ideas over time but according to some commentators "his work [did not] follow a cohesive trajectory" (Green, 2008, p. 71) and so he has been ascribed with a variety of different, sometimes contradictory, 'labels' such as 'structuralist', 'post-structuralist', 'anti-humanist', 'humanist',



'positivist' and 'realist'. Thus, it would appear that there is no consensus about how to situate Foucault. Clifford Geertz described Foucault as "a kind of impossible object: a non-historical historian, an anti-humanist human scientist, and a counter-structuralist structuralist" (Geertz, 1978 cited in Dreyfus & Rabinow, 1982, p. xiv). Likewise, Dreyfus and Rabinow (1982) position Foucault's work as being 'beyond structuralism and hermeneutics' and others have read his work as being 'positivist' (Flynn, 2005) 'non-humanist and ordinary realist' (Pearce & Woodiwiss, 2001) and 'romantic realist' (Varela, 2013a, 2013b).

Foucault totally rejected the label of 'structuralist' as is evidenced in the preface to the (later) English edition of *The Order of Things* in which he appealed to the English reader not to follow "certain half-witted 'commentators' [who] persist in labelling [him] a 'structuralist' ... despite hav[ing] used none of the methods, concepts, or key terms that characterize structural analysis" (Foucault, 2002, p. xv). Nevertheless, I doubt that even 'half-wits' would label Harré a 'structuralist' as his approach which denies social structures any agency could be said to be the opposite of structuralism. Varela (2013a), supporting his argument that Foucault was a 'romantic realist', quotes the following self-description by Foucault: "I am not an artist, I am not a scientist. I am somebody who tries to deal with reality through those things which are always, often, far from reality" (Foucault, 1980 cited in Varela, 2013a, p. 2). Additionally, Foucault, writing under the pseudonym 'Maurice Florence' for a new edition of the *Dictionnaire des Philosophes* in the 1980s, described his own work as follows: "To the extent that Foucault fits into the philosophical tradition, it is the critical tradition of Kant, and his project could be called a *Critical History of Thought*" (Florence, 2003, p. 1).

Whereas, Harré's discursive approach focuses on everyday interaction using conversation as an analogy for all social life, Foucault's analyses were historically situated. Foucault used the term 'archaeology' to describe his "analysis of discourse in its modality of *archive*" (Foucault, 1996, p. 27). As

discussed earlier, Harré's approach is based on Austin's (1962) speech acts, whereas, although Foucault recognized a similarity between his 'statements' and Austin's speech acts, he initially denied that his 'statements' were speech acts. However, after subsequent correspondence with John Searle who had developed Austin's work into his own 'speech act theory', Foucault conceded that his statements were a form of speech act (Dreyfus & Rabinow, 1982, p. 46). Like speech acts which can be symbolic, Foucault's statements do not have to be spoken or written, for example, statements can be maps when "used as representations of a geographical area" (Dreyfus & Rabinow, 1982, p. 45).

Dreyfus and Rabinow's summary of Foucault's work in relation to Austin's speech acts illustrates some of the key differences between Foucault's and Harré's approach.

[Foucault] was not interested ... in the way a local pragmatic context and a background of non-discursive practices determine the conditions of satisfaction of ordinary speech acts, such as the assertion, "The cat is on the mat" ... Rather, Foucault is interested in just those types of speech acts which are divorced from the local situation of assertion and from the shared everyday background so as to constitute a relatively autonomous realm (Dreyfus & Rabinow, 1982, p. 47-48).

Divorcing speech acts from their everyday practice into an autonomous realm is an example of reifying discursive acts as described by Harré (2010b). Dreyfus and Rabinow refer to Foucault's statements as 'serious speech acts' and define them as, "what experts say when they are speaking as experts" (Dreyfus & Rabinow, 1982, p. xx). A fundamental difference between Foucault's serious speech acts which he referred to simply as 'statements' and everyday speech acts is that Foucault's 'statements' have to be validated by acknowledged experts so that an informed hearer understands them as being 'true' without reference to the context in which they were said (Dreyfus & Rabinow, 1982, p. 48). So, for example, the utterance "It is going to rain" as an everyday speech

act, in Harré's approach would be comprehended as part of a conversation in which the context, the positioning of the speakers and an understanding of how the story unfolds also need to be understood. However, the same utterance can be a Foucauldian statement or "a serious speech act if uttered by a spokesman [sic] for the National Weather Service as a consequence of a general meteorological theory" (Dreyfus & Rabinow, 1982, p. 48).

There seems to be some general consensus that Foucault's discourses, particularly in his earlier work, tended to be deterministic. Dreyfus and Rabinow (1982) argue that in *Archaeology of Knowledge*, Foucault erroneously attributed "causal power ... to the rules governing discursive systems [rendering] the kind of influence the social institutions have [as] ... incomprehensible" (1982, p. xx). Varela (2009, 2013b), however, argues that Foucault, struggled to overcome his earlier error in his theory of discourse determinism (2009, p. ix) but as "a realist and humanist, never quite resolved his structure/agency problem" (2013b, p. 20). In contrast, Harré's discursive approach explicitly states that it is only people, as powerful particulars that have causal power.

From my understanding, Harré's discursive approach expands on Foucault's work but focuses on the dynamic processes of everyday conversation rather than discursive archives. Harré's approach encompasses all discursive practices that constitute social reality whereas Foucault focused mainly on the dominant discourses of social institutions. Thus, people are at the centre of Harré's approach but tend to be visible only as 'subjects' produced by discourses in Foucault's analyses. Accordingly, Harré puts much greater emphasis on agency than Foucault and he attributes causal power only to social persons, not to discourses, discursive acts or social structures.

## **A Discursive Approach to Interlineage Marriages**

The discursive approach's emphasis on fluidity rather than stability, creation rather than reproduction is what makes it particularly suitable for making sense

of my research findings. In contrast to classic kinship studies which portrayed lineages as stable social structures, my thesis considers matriliney and patriliney to be clusters of discursive practices or discourses. My research focuses on the matrilineal subject positions of 'husband' and 'mother's brother' and the patrilineal subject positions of 'husband' and 'wife'. In contrast to practice theory which focuses on social worlds being reproduced, the discursive approach can help explain how matrilineal men act against matrilineal norms to adopt the subject position of 'husband' constituted through the patrilineal discursive practice above their more familiar matrilineally constituted subject position of 'husband' in order to effectively exploit greater rights and duties in relation to their wives and children.

The contrasting discourses of matriliney and patriliney have continued across several generations among neighbouring tribes in Malawi, as children learn through a Vygotskian<sup>4</sup> type of psychological symbiotic interaction with their caregivers about the conventional norms and values of their respective discourses (either matriliney or patriliney) as well as the duties and responsibilities associated with those subject positions. Thus, their "understanding and experience of their social identity, the social world and their place in it, is discursively constructed" (Frazer, 1989, p. 282). As they mature, they take up subject positions and thus view "the world from the vantage point of that position and in terms of the particular images, metaphors, story lines and concepts which are made relevant within the particular discursive practice in which they are positioned" (Davies & Harré, 1999, p. 35). However, these discourses, are not static but are dynamic "multi-faceted public process[es] through which meanings are progressively and dynamically

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<sup>4</sup> Vygotsky's (1962) development theory, now referred to as psychological symbiosis, explains the process of how skills and knowledge are directly passed on from one generation to the next. Vygotsky (1978) maintained "that all higher functions originate as actual relationships between individuals" (p. 57). In other words, when someone in the baby's social circle (usually a parent or caregiver) interprets the baby's actions as an attempt at a particular performance (could be motor, verbal etc.), the senior and more skilled person will usually help the baby accomplish what they are attempting. At this point the skill is in what Vygotsky refers to as 'the zone of proximal development'.

achieved" (Davies & Harré, 1990, p. 46). This fluidity is illustrated by the quite different histories of two groups of Ngoni who fled from Zululand and Swaziland to escape from the warring Zulu Chief Shaka in the 1800s and are now settled in Malawi. One group, the Maseko Ngoni, changed from practicing patriliney to practicing matriliney through interaction, exchange and inter-marriage over several generations. In contrast, the other group, the Jere Ngoni, remained patrilineal and through interaction, exchange and inter-marriage, their neighbours the Tumbuka changed from practicing matriliney to practicing patriliney.<sup>5</sup>

In traditional matrilineal discourses in Malawi, a man in the subject position of 'husband' had limited rights in relation to his wife and children, but had significant duties to members of his wife's matrilineage, in his wife's home village where he would be residing. It was the subject position of 'mother's brother' which was the more powerful as this encompassed significant rights and duties in relation to his sisters and their children. Thus, even though the 'mother's brother' was usually living in a different village (his wife's home village), he maintained responsibility and authority for his sisters and their children who resided in his natal village<sup>6</sup>. The same man held both subject positions concurrently - 'husband' with limited rights in his wife's village where he resided, as well as 'mother's brother' with extensive rights and duties in relation to his sisters and their children in his natal village.

During the colonial period, the government promoted wage labour practices through the newly introduced the cash economy discourse, in conjunction with the practice of nuclear family living in towns. These practices, as well as tax collection, positioned the husband, as breadwinner, at the head of the household. This was in stark contrast to the matrilineal family organisation

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<sup>5</sup> The Ngoni groups transitioning from patriliney to matriliney and vice versa will be discussed further in Chapter Four.

<sup>6</sup> Matrilineal chiefs would usually remain in their natal village. In addition, men could choose a bride from his natal village or marry a cross-cousin which traditionally was very common.

which positioned the *malume* as responsible for the whole *mbumba*.<sup>7</sup> The new subject position of 'nuclear family husband' offered matrilineal men greater authority over their wives and children as nuclear family living removed matrilineal women from their families and land, rendering them dependent on their husbands for subsistence (Peters, 1997a, pp. 195-200). Additionally these men could exploit various rights by achieving certain subject positions in diverse and overlapping discourses including that of 'cash economy', 'matriliny' and 'the nuclear family'.

As these discourses were not entirely compatible, juggling nuclear family living, based on individualistic accumulated wealth, with communal matrilineal responsibilities could result in strained relations. Generally, the husband could look after his nuclear family as well as keeping his matrilineal relatives happy through contributions from his new found wealth. However, following his death, his relatives tended to take all the nuclear family's assets away from the widow by citing the duties of the deceased man in relation to his sisters and their children within the traditional matrilineal discourse. This phenomenon is still experienced in Malawi today and is known as 'property grabbing' or 'dispossessing the widow'<sup>8</sup>. The practice of nuclear family living away from 'extended' family rarely continues after the husband's death as the matrilineal widow and her children generally return to live among her matrilin.

The subject position of 'husband' in the overlapping nuclear family and cash economy discourses may afford the matrilineal man more social power in his everyday life, as head of the nuclear household, but this subject position competes with that of *malume*, occupied by his wife's eldest brother or uncle, for authority over his children. The traditional subject position of 'husband' in matrilineal discourses has less social power than the subject position of

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<sup>7</sup> The *malume* is usually the mother's eldest male relative in the matrilineage and is positioned as the head of the matrilineage. Another term generally used for the same position is the *mwini-mbumba* (the owner of the *mbumba*), that is, all of his sisters and their children and grandchildren.

<sup>8</sup> Property grabbing and dispossessing widows will be discussed further in Chapter Four.

'husband' in patrilineal discourses because the matrilineal 'husband' does not have authority over his children. In patrilineal discourses there is no equivalent of the matrilineal subject position of *malume*. However, if, as in my two main case studies<sup>9</sup>, a matrilineal man marries a patrilineal woman and pays *lobola* (bridewealth)<sup>10</sup>, he could exploit the rights and duties associated with the patrilineal subject position of 'husband' with authority over his wife and children while simultaneously maintaining his matrilineal subject position of mother's brother (and potential successor to *malume*) with authority over his sisters and their children, thus increasing his social power base significantly.

He is able to negotiate such a marriage today through the influence, over several generations, of overlapping, conflicting and competing discourses on the matrilineal discourse of which he is a member. Furthermore, if he has a good income and is positioned as a good provider, his voice is more likely to be heard within the matrilineage. However, acting contrary to conventional matrilineal norms by focusing more on his nuclear family may cause conflict and resentment among his matrikin, particularly if his sisters feel neglected. He can probably keep his relatives reasonably happy through sharing some of his (cash economy) wealth whilst also providing for his nuclear family. However, if the husband dies, the matrilineal extended family tends to act in accordance with their traditional discursive norms which, in terms of the children, would be to understand them as belonging to the widow's matrilineage as the norm would have been for him to have married a matrilineal woman.

If *lobola* was paid, this patrilineal custom is often (mis)interpreted by the matrilineal family as an economic transaction, that is, as having bought the children. As will be discussed in chapter four, *lobola* is also (mis)interpreted as

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<sup>9</sup> These two case studies will be discussed in Chapter Eight.

<sup>10</sup> *Lobola* is the term for bridewealth used in Malawi and other southern African countries. Bridewealth is a patrilineal marriage practice in which the groom's family gives property (traditionally cattle but nowadays usually cash) to the bride's family, in exchange for, or as compensation for the loss of, their daughter. Previous authors sometimes used the term 'bride-price' interchangeably with 'bridewealth'. The bridewealth payment of *lobola* will be discussed in greater detail in Chapter Four.

providing legal rights to the children. Thus, the deceased matrilineal man's brother, whose world view is framed within the matrilineal discourse but also heavily influenced by colonial legal and capitalist discourses, claims the children (often taking them away from their mother) because he (mis)interprets the payment of *lobola* as an entitlement to the children. He construes the children as belonging to his matrilineage in terms of the capitalist discourse of 'owning', which often results in the children being neglected and abused. The widow's extended family acting in accordance with patrilineal norms would expect the children to be under the care and authority of their deceased father's extended family as the norm would have been for her to have married a patrilineal man. So the children who were raised through modern nuclear family discursive practices find themselves falling between two conflicting traditional discourses.

Marriages between matrilineal men and patrilineal women seem to be becoming more common, partly through men moving into patrilineal districts for work but also through matrilineal men intentionally seeking patrilineal brides as the payment of *lobola* symbolises for them a strategy for achieving greater authority over their children<sup>11</sup>. These changes in micropractices could affect changes in the discursive conventions over time and perhaps they are part of a process of wider social transformation in Malawi, although we will not know that for sure until we see how the story unfolds. The situation only becomes problematic if the man dies before his children reach adulthood and unfortunately with the AIDS pandemic in Malawi, a greater number of young adults are dying than ever before. Significantly, the Malawian 1994 Constitution already determines equal rights for spouses in relation to child custody, however, this relatively recent change in the macrostructure has not affected changes in the micropractices of the majority of the people who continue to practice customary law according to matrilineal and patrilineal discourses. In addition, as people are not aware of these problems relating to interlineage

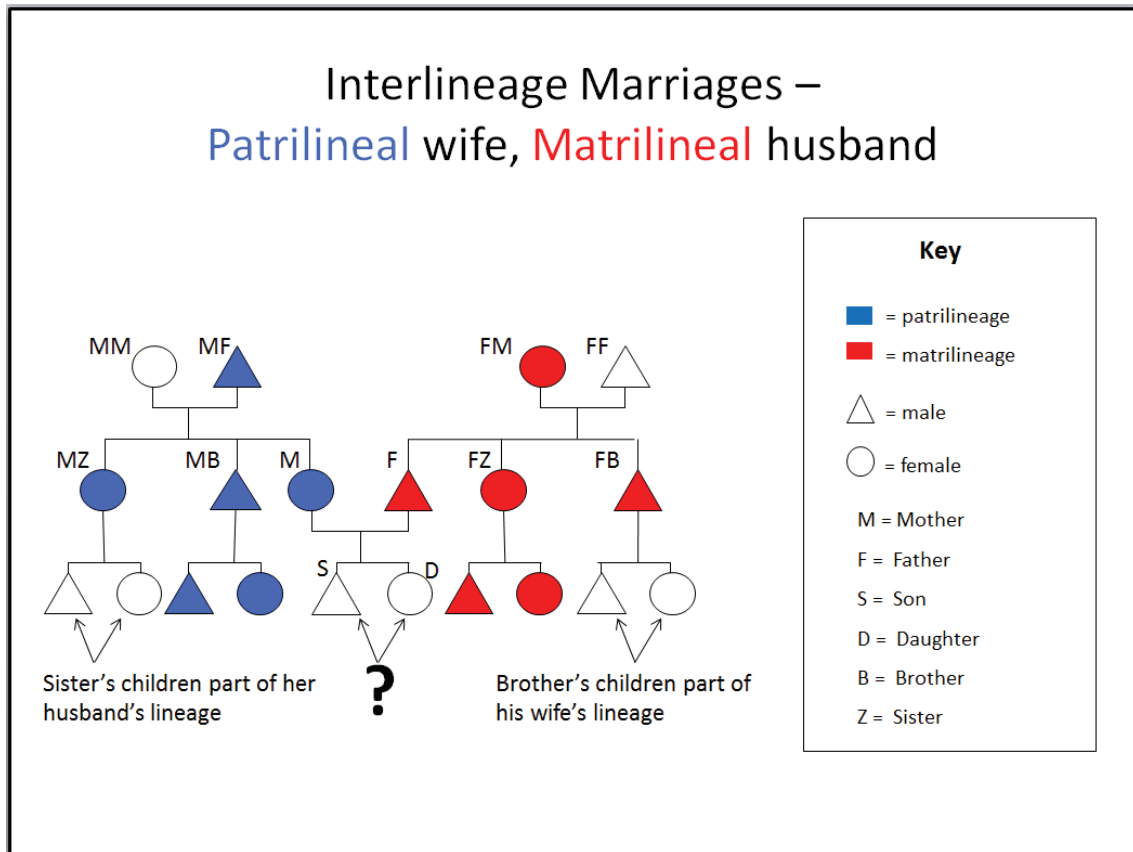
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<sup>11</sup> How the meanings of *lobola* changed for certain groups, particularly matrilineal men, during the period of colonial rule will be discussed further in Chapter Four.



marriages, given that generally people do not believe that such marriages even occur, there is little help available for the children. Perhaps the first step to empowering the widows and children is by opening up a discourse about interlineage marriages and making the implicit traditional matrilineal and patrilineal norms explicit to show how the conflicting norms affect the children.

My main argument is that the children of interlineage marriages are anomalous because they don't fit into either patrilineal or matrilineal descent discourses. This is because the children are positioned through their mother's patrilineal discourse as belonging to their father's family whilst simultaneously being positioned through their father's matrilineal discourse as belonging to their mother's family (see Figure 1). One of the contributing factors for the anomaly is due to their father adopting a subject position in patrilineal discourse of 'husband' which is incompatible with his matrilineal position of 'mother's brother'. The man is positioned through his family's matrilineal discourse as 'mother's-brother', a position endowed with rights and duties in relation to his sisters and their children, whilst concurrently positioning himself as 'husband' in patrilineal discourse, a position endowed with rights and duties in relation to his wife and children. These two positions conflict with each other because the man's sisters and their children compete with his wife and her children for his support and protection. Although there are elements of incompatibility and competition within the matrilineal discourse between the position of husband and mother's-brother, this is significantly increased if the matrilineal man marries a patrilineal woman because the recognised rights and duties of the position of 'husband/father' in patrilineal discourse strengthens his wife's and his children's claims.



**Figure 1: The Anomalous Position of Children from Interlineage Marriages.**

Using the discursive approach to explain how matrilineal men go against conventional norms to marry patrilineal women, I demonstrate that although it is conventional for a matrilineal man to marry a matrilineal woman, ‘matriliny’ cannot force him to do so because although norms are usually followed, norms have no agency. The key question I intend to answer in this thesis, using Harré’s discursive approach, is why interlineage marriages can result in dire circumstances for the children when one of their parents dies. Why is it that the orphans with the saddest stories are from interlineage marriages?

These sad stories include children being taken away from their mothers by their deceased fathers’ families, being physically beaten and not given enough to eat despite there being food available. In particular, I heard a story about a boy being tied to a tree and left there overnight and all four siblings being thrown out of the house at night after the youngest child who was just three-years-old

had wet the bed. In another family, the children had not seen their mother for ten years because the last time she had tried to visit them her deceased husband's family had threatened to kill her. They would not allow her children to return to her and yet they were neglecting them by not giving them enough to eat and not clothing them. As one of the boys described "because we were lacking in food, we were unable to go to school". The same boy summed up his situation "the family of my father are rejecting us; they are saying they don't want us in Zomba. I think that maybe if we went to Nsanje [where their mother lived], we would be welcomed." Paradoxically, despite this rejection, his father's family continued to prohibit the children from returning to Nsanje to live with their mother.

## **Structure of Thesis**

In this thesis, I explore the social consequences of the intersection of two factors: Firstly, an increase in interlineage marriages, and secondly, the escalation in the number of orphans as a result of the AIDS pandemic. This intersection can have unintended tragic consequences for children. Using Malawian orphans' own stories, I investigate what it is to be an orphan in Malawi today. In relation to interlineage marriages, I explore the consequences for children of interlineage marriages which manifest following the death of one or both of the parents, particularly if the deceased father's matrikin had paid *lobola* (bridewealth), a patrilineal practice. Following Harré I reconceptualise 'matriliny' and 'patriliny' as 'clusters of practices' or 'discourses' rather than as 'social structures'. In summary, using case studies, compiled from rich ethnographic data, I explore orphanhood and interlineage marriages which involve conflicting social constructions of belonging and the consequences for the children.

Following on from this introductory chapter, in Chapter Two, I discuss my methodology which is narrated as part of my fieldwork story. This is a reflexive chapter exploring what influenced me and motivated me to begin this doctoral research as well as a reflection on my positioning within the community and how this affected the people I was studying.

Chapter Three provides a comprehensive historical overview of kinship studies in anthropology. I review the classic era when kinship studies based on structural-functionalism was at the core of anthropology because during this time a great deal was written on descent groups and lineages. I then discuss the pivotal challenges to 'kinship' during the 1970s which declared 'kinship' not to exist. The challenge that received most exposure was Schnieder's culturally relativist critique which undermined the possibility for cross-cultural studies until Janet Carsten's introduction of the concept of 'relatedness' reopened the field. I explore the concept of belonging in terms of relatedness and position my research in relation to the limited current literature on lineages, the majority of which is written by evolutionary anthropologists or authors from disciplines outside of anthropology.

Continuing with the exploration of the concept of belonging especially in relation to interlineage marriages, in Chapter Four I review how the patrilineal custom of bridewealth was legalised by colonial authorities in the context of disagreements about whether matrilineal men could take their patrilineal wives and children back to their home village. This is part of a wider discussion that shows how customary law was not, as is generally believed, constructed before, but rather during, the colonial period. I demonstrate how customary law, established by African male elders and the male dominated colonial authorities, has detrimental effects for contemporary Malawian widows and orphans.

Chapter Five describes the community of Mapira, my fieldwork location, which was established during the colonial era as part of an industrial mission complex and provides the context for understanding the experience of orphans. This peri-urban settlement has a tribally diverse community as it attracts people from across Malawi due to its close proximity to Blantyre, the commercial capital. Within such a diverse population, intertribal marriages are common, including several instances of interlineage marriages.

The following three chapters are ethnographic. Exploring the processual quality (orphanness) of being an orphan in Malawi, Chapter Six examines how orphans

are positioned by various groups and how the orphans of Mapira position themselves. Through a creative analytic practice using poetry, I review the orphans' stories and analyse their work through the common themes of material and emotional needs, loneliness and exclusion, abuse, and appeals for help providing insight into what it is to be a Malawian orphan.

Chapters Seven and Eight explore the four main studies of interlineage marriages in detail. In Chapter Seven, I investigate the prevalence of interlineage marriages in Mapira and explore people's insights and perceptions about these. The detailed case studies discussed in this chapter are cases of interlineage marriages involving Sena (patrilineal) women in which bridewealth did not feature in the marriage arrangements. In these cases, the children were being positioned anomalously under the guardianship of patrilineal relatives of their deceased mothers.

Chapter Eight explores two cases of interlineage marriage between Lomwe (matrilineal) men and Sena (patrilineal) women in which *lobola* (bridewealth) was paid. In both of these cases, the deceased husbands' matrilineal kin claimed an entitlement to the children based on their (mis)interpretation of *lobola* providing rights to the children. The children were claimed as belonging to their fathers' matrilineages more in terms of property than kinship. These cases highlight not only the ambiguity of children's belongingness, but also the anomalous positions of the widows of interlineage marriages due to both matrilineal and patrilineal norms having been disregarded.

Finally, in Chapter Nine, I conclude my thesis by revisiting my research questions about what it is to be an orphan and why orphans from interlineage marriages have the saddest stories. Drawing from the discursive approach, contemporary kinship theories and my ethnographic data, I demonstrate that being an orphan in Malawi is not a fixed status as suggested by the term orphanhood but is processual (orphanness) characterised by being in need. Additionally, the reason orphans from interlineage marriages have the saddest stories is due to their anomalous positioning of falling between two contrasting

discursive constructions of belonging. It is my hope that drawing out the implicit conflicting conventional norms involved in interlineage marriages leads to a greater awareness of the potential problems facing children of interlineage marriages. Furthermore, as practices of unilineal descent continue to be important contemporary features of everyday life for many people across the world, this thesis contributes to the limited contemporary literature.



## Chapter Two

### **My Fieldwork Story**

In this chapter I discuss my methodology in narrative style as part of my fieldwork story. It is a long story that began in 2003, four years before I started my fieldwork, when I went to Malawi to work as a volunteer. Like many researchers I faced a variety of challenges whilst conducting fieldwork. Some of the difficulties I struggled through included, having to move from one community to another, having to change my research focus to older children after realising that studying pre-school children was not going to work effectively, suffering from various health problems, and being victim to an armed robbery. Additionally, I lived through major earthquakes after I returned to New Zealand which devastated the city of Christchurch and caused severe disruption to my doctoral research programme. I begin by giving a brief overview of Malawi for contextual purposes and then my story will start at the beginning and move through in chronological order describing specific research methods along the way. Throughout this thesis, the names of people, organisations and villages have been changed to protect the identity of my participants.

#### **Malawi**

Malawi is a small country covering an area of 188,480 square kilometres in South East Africa (see Figure 2 and Figure 3 for maps). Landlocked and bordered by Tanzania, Zambia and Mozambique, its most prominent physical feature is Lake Malawi which covers nearly a fifth of the country. With an estimated population of fifteen million people, Malawi is a densely populated country although this varies across the regions. The north remains sparsely populated whilst the majority of the population are concentrated in the central and southern regions. It is predominantly an agricultural economy with approximately eighty-five percent of the population deriving its livelihood from agriculture (Ricker-Gilbert, Jumbe, & Chamberlin, 2014).



It is generally accepted that four and a half million hectares of land is used for small-holder farms, however, 1.2 million hectares of land is covered by about 30,000 agricultural estate farms. This large agricultural estate sector, which originated in the colonial period, has had a huge impact on politics and policy making over the decades and there is a long history of complex and often negative interactions between agricultural estate owners and small-holder farmers (Ricker-Gilbert, et al., 2014, p. 116). Through a variety of influences during and since the colonial era, the pattern of land ownership in Malawi is highly unequal. It is estimated that seventy percent of smallholder farmers cultivate less than one hectare which suggests that a minority (thirty percent) of smallholders cultivate for commercial sales as well as subsistence. The majority of smallholder farms are on customary land which is allocated for use by local chiefs and the main crop cultivated is maize, the country's main staple crop. The insecurity and immobility caused by such land tenure contributes to the high levels of rural poverty in Malawi today (Ricker-Gilbert, et al., 2014). Indeed Malawi is one of the world's poorest and least developed countries with just under seventy-four percent of the population living below the international poverty line of US\$1.25 per person per day (UNDP, 2013b).

There are approximately eighteen tribal languages spoken in Malawi, however, Chichewa is the official language along with English.<sup>12</sup> Formerly the British protectorate of Nyasaland, Malawi gained independence in 1964 under the presidency of Hastings Kamuzu Banda. In 1994, the first multiparty elections were held and the Malawi Constitution was established. The first tripartite elections in which Malawians vote for their President, members of parliament as well as local government councillors in a single election, was held in May 2014 (Malawi Electoral Commission, n.d).

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<sup>12</sup> Chichewa is the tribal language of the Chewa. It was made the official language at independence by President Banda who was Chewa.



Figure 2: Map of Africa.



## How It All Started

My interest in studying orphans developed during my voluntary work in Malawi between 2003 and 2005. From January to August 2003 when I worked in Kambuku, a remote village in the Northern Region of Malawi, I became aware of an unusually high proportion of pupils, at the village primary school where I was teaching, describing themselves as orphans. Their candour intrigued me because I had been orphaned myself, but when I was at school I didn't know any other orphans, so I had tried to keep my orphanhood status a secret. I had felt stigmatised by being an orphan and so I wondered whether being surrounded by children in similar situations reduced the stigma of orphanhood.

The official Malawian definition of an orphan is “a child who has lost one or both parents because of death and is under the age of 18 years” (Government of Malawi, 2005, p. 11). In Malawi, there are three categories of orphan; ‘paternal orphans’ for children who have lost their father, ‘maternal orphans’ for those who have lost their mother, and ‘double orphans’ for those who have lost both parents. Even though the official definition would encompass more children than the narrower UK<sup>13</sup> definition in which only a child who has lost both parents is classified as an orphan, the proportion of orphans still seemed unusually high. I was also very surprised that I could feel so comfortable talking about my experience of orphanhood to my pupils in Malawi, whereas I had rarely talked about the subject with anyone in the UK and indeed had not shared such personal stories about my childhood with my fellow volunteers. I was very moved by the sympathy shown to me by a twelve year old pupil who was a paternal orphan when I told him that both my parents had died when I was a child. His empathy seemed extraordinary for one so young.

I started reading about the phenomenon generally referred to as ‘the orphan crisis’ in Malawi caused mainly by the AIDS pandemic killing young parents. I learned that extended families were being overwhelmed, that elderly

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<sup>13</sup> I refer to the UK's definition as this is where I grew up and lived until 2006. However, New Zealand uses the same definition of orphan as the UK.

grandparents were being left to care for infant grandchildren and that some households were being headed by older siblings. I reflected on my own situation which in many ways was much easier than that facing Malawian orphans because Britain had a comprehensive Social Welfare System. Following my father's sudden death from a heart attack which came four years after my mother's death due to cancer, I found myself at the age of fifteen in what would be described in Malawi as a 'sibling headed household' as my twenty-one year old brother became my legal guardian. My brother, nineteen year old sister and I remained living in our family home which had been owned by my parents and although we received financial support from the government which included a small monthly living allowance, vouchers for items of school uniform and free school dinners, we were never visited by social services and none of us ever received any type of counselling. With no close relatives around, we were left to cope on our own, navigating our way through new and often very difficult experiences.

I learned a lot during those first seven months in Malawi, mainly about myself. I learned that I could enjoy living in a close-knit community and living without the utilities that I had previously taken for granted, such as electricity and running water. Life in Kambuku was about as different as it could be from my life in London. My friends in the UK had thought I was crazy when I announced my intentions to volunteer in rural Malawi, as they didn't think I would be able to survive without my home comforts. However, I stayed for seven months and only returned to the UK at that stage for financial reasons as I was completely self-funded. It had been an experiment for me as I was unsure how I would cope with living in a mud hut in a remote area without transport. However, I gained so much from the people that I met including my pupils, fellow teachers and others in the community that as soon as I was back at work in the UK, I started saving for my return trip.

When I returned to Malawi two years later, I worked more directly with orphans as a volunteer for an orphan care charity, Dawkins Orphan Care

(DOC), which was run by a British woman called Maxine. DOC is a very small organisation which works in a number of rural communities around Blantyre, the commercial capital of Malawi in the Southern Region. DOC's assistance mainly comprised delivering education and food for pre-school orphans and other vulnerable children<sup>14</sup>. The buildings, education materials and food were provided by DOC but the pre-school volunteer teachers were generally local women who would teach the children nursery rhymes. DOC also offered school sponsorships to cover secondary school fees for orphans and other vulnerable children. I often found myself intervening on behalf of the secondary school students when the organisation was threatening to withdraw fees on the basis of poor performance, because I understood from personal experience how a 'difficult' home life can negatively impact on schoolwork. Furthermore, these students' difficulties were more severe than mine had been, as they often included not having enough food to eat.

At this stage, I worked mainly with a community organisation called Kwadikira which came under the DOC umbrella and was based about fifteen kilometres outside of Blantyre. I chose to volunteer at Kwadikira primarily due to the location, as I could walk there from where I was staying. They ran a comprehensive programme managed locally by a Malawian woman called Anne Kachingwe who I found to be a very impressive leader in terms of the multiple projects she was organising as well as successfully applying for funding from large Non-Governmental Organisations (NGOs) such as 'Save The Children'. Anne Kachingwe had initiated a number of projects including, a two-class pre-school where the orphans and other vulnerable children were also fed, a youth group that provided AIDS awareness education to local schools, a club for the elderly to socialise and receive nutritious food, an outreach programme to help orphans, particularly child-headed households, and a literacy group for women. While I was working at Kwadikira, I helped

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<sup>14</sup> As will be discussed further in Chapter Six, 'Other Vulnerable Children' is a category of children in need that is used in conjunction with 'Orphans'. Together these two categories get shortened to the acronym OVC - Orphans and other Vulnerable Children.

with the pre-school children, the youth group and I held English speaking classes for the women's group. My voluntary work with Anne Kachingwe inspired this research which initially was to focus on community based orphan care programmes.

I wanted to make my visits to Malawi part of a longer term plan rather than leaving jobs in the UK after having saved enough money to be a self-funding volunteer. I also wanted my visits to be more meaningful, so I investigated the possibilities of undertaking doctoral study in anthropology. Although my bachelors and masters degrees are in psychology, I wanted to study anthropology as I had felt restricted by the positivist methodology required by the British Psychological Society. During this time I immigrated to New Zealand and after completing a post-graduate diploma in anthropology which served as a conversion course, I embarked on my PhD journey. At that stage my plans were to explore how and why Malawian communities establish orphan-care organisations and I was particularly interested in learning about the services offered from the orphans' perspectives. I wanted to hear the orphans' stories and to facilitate having their voices heard.

## **A False Start in Nangombe**

Although I had been inspired by the work at Kwadikira, I wanted to study a community which was still in the early stages of organising community-based orphan care, initiated by community members rather than outsiders. This was because I was interested in how local people organised themselves into groups, what motivated them to give up their time and resources to help orphans and how they established their community based organisation. Community Based Organisations (CBOs), in Malawi, originated from an intensive four year programme initiated by Save the Children Foundation (USA) and are now widespread throughout the country (Munthali, 2002). These CBOs assist families within the community who are struggling with orphan-care and they are often linked through networks promoted by the Social Welfare Department. Such community based orphan-care projects are encouraged by the Malawian

government, who prefer to keep children in family environments with western-style institutional orphanages considered a last resort.

Although I had lived in Malawi previously when I was working as a volunteer, I had never lived amongst Malawian families. In Kambuku I had lived with other European volunteers at the volunteer base comprising several mud huts on the shores of Lake Malawi approximately one kilometre from the village primary school. During my second visit to Malawi I stayed at Maxine's house in a Blantyre suburb and walked to the Kwadikira community from there. For my fieldwork, as I was to be a participant observer, I initially thought it necessary not only to live in a Malawian community but to live with a Malawian family. With Maxine's help I arranged, before I had even left New Zealand, to live with a Malawian family in Nangombe.

I selected Nangombe village because during my previous visit to Malawi I was told that an orphan-care programme had been initiated by people within this community. The location also appealed to me because I thought that as it was approximately thirty kilometres from Blantyre, there would be fewer interventions from DOC. This was important to me because I wanted to see how the community worked together to initiate care programmes rather than just following instructions from an external organisation. With hindsight, I now realise that I had tried to organise too much in advance of my arrival. It would have been better to have waited until I was in Blantyre before searching for a good fieldwork location.

It became clear when I was living in Nangombe village that there was very little organised orphan care activity in the community and it was difficult to meet people as there was no central meeting place. The community ran sessions for pre-school orphans some mornings in the local church where the children could play, learn, and also be fed with nutritious porridge supplied by DOC, but they had no other programmes. I also discovered that even these pre-school sessions had not been initiated within the community but had been suggested by people at DOC. Furthermore, I was initially dismayed to find that among the children



in attendance, only three of them were orphans as defined by the Malawian government, that is, children who had lost at least one parent. However, as I have indicated, I later appreciated that defining orphans in Malawi is not a simple matter. I visited the homes of the few orphans who attended the pre-school education and feeding sessions but this felt too 'arranged' as I was not observing 'everyday life'.

Furthermore, the family that I was staying with did not seem to relax in my company. They treated me as an 'honoured' guest, for example, despite my protestations they ushered me into the lounge for meals with one other person to keep me company, whereas everyone else ate either outside in the courtyard or if it was raining, sitting on the floor in the hallway. In addition, I encountered problems with bed-bug bites and dehydration. My hosts had provided me with a bed and mattress in a room of my own, but unfortunately I suffered every night with bed-bug bites. I did not want to offend the family by complaining, particularly as most of the family slept on the floor in the hall. The only way I could avoid getting bitten was to lie on top of my silk liner as silk is about the only material that bed-bugs cannot penetrate. It was too hot for me to get into the silk liner which was designed to be used as an inner for a sleeping bag, and as it was quite narrow I found it very difficult to sleep without my limbs moving beyond the area covered by the silk. Furthermore, as many people were sleeping on the floor near the back door, I did not want to have to step over them if I needed to go to the latrine during the night, so in order to be able to wait until morning, I restricted my fluid intake. The result was that not only was my body covered in bites but I also became dehydrated, suffering from severe headaches.

As the Nangombe community did not seem to be useful for my research questions and my living conditions were detrimental to my health, I decided to leave. Although my efforts to save time by trying to organise living in a community in advance of my arrival in Malawi had to some extent back-fired, my time there was certainly not wasted. I learned a lot about living with a

Malawian family which helped me when I moved to another village. I still had eight of my planned nine months left so I decided to stay in Blantyre until I found a community more suitable for my research.

## **Finding Mapira**

On hearing of my dilemma, a DOC volunteer who had previously studied anthropology suggested that I visit Mapira, a peri-urban settlement about 10km from the city.<sup>15</sup> During her brief visits to Mapira she had been impressed with how the community were organising themselves to help share the load of orphan care and she understood that this is what I was looking for. I went to see the village headwoman, Chief Ndaba, in whose domain Mapira is located. The Chief accompanied me on a visit to Mapira and introduced me to the Executive Chairman of the Mapira Orphan Care committee. I spoke to him and other committee members during several visits and before deciding that Mapira would be interesting to study as the committee had initiated a wide range of care programmes. The Mapira Orphan Care programme included; orphan care, home-based care for the sick and elderly, child labour prevention, and a youth group who performed dramas to spread messages about AIDS awareness.

Although the committee members had told me their first names, I felt more comfortable using the more formal respectful approach generally used in Malawi, by addressing them as Mr or Mrs and so I have also adopted this convention in my thesis. I would address the Executive Chairman of the committee as 'Mr Magwira', however, I noticed that among close friends, men would be called by their surname, for example, 'eh Magwira'. Women seemed to be always addressed using the term for 'Mrs' or, for example, *amay* Francis mother of Francis, when Francis was the woman's eldest son. In contrast, I asked everyone, both adults and children, to call me by my first name. Most people found Elaine difficult to pronounce so I became 'Ellen' or 'Elleni'.

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<sup>15</sup> Peri-urban villages are settlements which are close in proximity to a major city.

Despite being close to Blantyre, Mapira generally has a rural appearance, being in the midst of rolling hills and maize fields with winding paths leading to



**Figure 4: The Rural Area of Mapira**

scattered dwelling places (see Figure 4). It is only in the more densely populated marketplace vicinity that electricity is available, however, most houses were yet to be connected.

Learning from my experience in Nangombe, I decided to rent a place of my own. With the help of the committee members, I found a small house which was ideal because, although it did not have running water or electricity, it was fairly close to the



**Figure 5: The More Densely Populated Area of Mapira**

marketplace which was the hub of the community. The house was owned by Mr and Mrs Namasani who were very well respected within the community. Mr Namasani was a pastor who also worked in Blantyre and his wife was the

Chair of the Home Based Care Committee.<sup>16</sup> The house I rented was a separate building which provided sufficient privacy but was very close Mr and Mrs Namasani's house so I felt, to a certain extent, part of their household. The house had been used for storage before I moved in but prior to that it had housed family members. Mr and Mrs Namasani's grandchildren and other young dependents often played between the two houses and I became a fictive family member as Mr and Mrs Namasani often referred to me as their 'daughter'.

I was informed by Chief Ndaba that before I could move in, I needed to register at the village police office located just outside of Mapira. The policeman was very surprised to learn that a *mzungu* (white person) wanted to live in Mapira. On hearing about my research and voluntary work, however, he was happy to register me and his only concern seemed to be about who would cook for me. As most white expatriates who live in big houses in Blantyre's suburbs employed cooks and other domestic staff, he had presumed *azungu* (plural of *mzungu*) were incapable of cooking for themselves.



Figure 6: My Home in Mapira: A Common View of the Doorstep.

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<sup>16</sup> The Home Based Care Committee is part of the community based organisation called "Mapira Orphan Care" (pseudonym) and is specifically concerned with the care of sick and elderly residents of Mapira. Generally, they visit people in their homes, assessing their needs and providing the care required, for example, cleaning wounds, arranging for them to be taken to hospital etc.

I was made to feel very welcome when I moved to Mapira. Many men turned up to help me paint lime whitewash on the inside walls to brighten the place up and dozens of children very enthusiastically helped me carry things from the car down the narrow path to the house. Mr Magwira even knocked some steps down at the back of his house so that I could park my borrowed car there overnight. I was advised not to leave it on the road after dark due to the lack of security. Each day I filled buckets with water from the tap outside my neighbour's house and emptied these into a large lidded container inside my house. I tried to keep the lidded container full as there were often water cuts without any notice from the water board that could last for a few days. Mr Bwanali, who was an electrician, as well as the Orphan Care Committee Chair,



**Figure 7: Living Within My Neighbours Family Compound.**

rigged up some bulbs and wire so that I could have electric lights using my neighbour's generator. They usually ran the generator for a few hours each evening after sunset which was between five thirty and six o'clock depending on the season. The water was included in

the rent and I bought the diesel for the small generator which provided light for both houses. Although it was very useful to have light in the evening for reading and writing, the noise was horrendous and I was often relieved when we were unable to get the generator started even though that meant I was reduced to candle or torchlight.

I lived in a similar way to others in the community; storing water in lidded containers and sweeping the floors every morning to get rid of the dust that had

blown in under the doors. However, unlike my neighbours who generally cooked in a three-walled outhouse using charcoal or fire-wood, I turned the second bedroom into a kitchen and cooked inside using a camping gas ring. Again, learning from my Nangombe experience, wanting to avoid the risk of bedbugs, I decided to invest in a brand new foam mattress and I commissioned a local carpenter to make a bed for me. Life was very busy during the daylight hours between five o'clock in the morning and six o'clock in the evening as I performed a variety of community roles, as I discuss later<sup>17</sup>. When I returned to my house in the evening, I wrote up my field-notes and journals under electric, candle or torch light depending on whether or not the generator was working.

After moving into Mapira, I started my participant observation with the aim of understanding how the community was adapting to cope with the increasing burden of orphan care and how this affected the orphans' lives. I wanted to see if the orphans' psychosocial needs were catered for as well as their more explicit physical needs. I particularly wanted to investigate the orphans' need to grieve, as this had been identified in a previous study as an issue that required attention (Cook, Ali, & Munthali, 1999). To start with, I worked as a volunteer at the Mapira orphan-care kindergarten which was available for orphans and other vulnerable children. Here the children would socialise and play together as well as being fed with porridge. Similar to the pre-school centres run by DOC, it was primarily women from the community who volunteered to cook the porridge and teach the children nursery rhymes.

## **Learning Chichewa**

Not surprisingly, I was not proficient in Chichewa, the national language of Malawi, given that during my first visit to Malawi in 2003 I had lived in the Nkhata Bay District where people speak Chitonga, their tribal language<sup>18</sup>. I did, however, manage to pick up the basics of Chichewa including their greetings

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<sup>17</sup> This will be discussed under the 'positioning myself and being positioned' section.

<sup>18</sup> Chichewa and English are the official languages of Malawi, however, in the Northern Region people, people tend to speak either Chitumbuka or Chitonga depending on the district.

during my second visit. I tried unsuccessfully to find a Chichewa speaker in Christchurch to help me learn the language, so instead, I started a self-study course that I had found on the internet. I continued with this in Malawi, practicing everyday with my neighbours, as well as attending a Chichewa language course held at the French Cultural Centre in Blantyre. I did not become aware of this course until half way through the term, so I missed the first few weeks. Furthermore, the course ended a couple of months after I started, in early June, for European expatriate students to take their annual holiday during the European summer. I had learned enough to enable me to give a short speech in Chichewa during a welcome ceremony in Mapira, write the invitation letters in Chichewa to my young participants as will be discussed later, and generally get by in Mapira where few people spoke English. However, I realised that I was unlikely to reach the level of competency required for in-depth interviewing so I decided to employ my neighbour's daughter, Chisomo, as my translator and research assistant.

## **Positioning Myself and Being Positioned in Mapira**

While living in Mapira, I positioned myself explicitly as a researcher and a volunteer, however, I also took on other informal positions in relation to others in the community, such as friend, neighbour and as aforementioned, even a fictive daughter. My volunteering position led to participating in work parties to level land and project-managing a new building. Initially, my research required me to mix with young orphans and position myself as their play-mate. Additionally, in hiring Chisomo as my research assistant and translator, I positioned myself as an employer. Having use of a borrowed car enabled my positioning as chauffeur, ambulance driver and food deliverer and I often found myself being positioned as an intermediary between the Mapira committee and DOC. Furthermore, with hindsight I realised that occasionally I was unwittingly being positioned as a token *mzungu*.

Although I was very open about my research and explained that it was the principle reason for my presence, I think most people in the community



**Figure 8: The Old Orphan Care Centre and the New Orphan Care Centre.**

identified with the volunteer role I was fulfilling at the same time. This facilitated me being accepted by the community as they saw me as being a 'helpful' person. I worked closely with the committee members and helped out with the education, play and feeding of the preschool orphans. Unfortunately, the committee were struggling to keep up with the rent for the building which was used as the orphan care centre. This building, which was also used as a church on Sundays, was not an ideal place for children as it was in a bad state of repair with a pot-holed floor and a leaky roof (see Figure 8). The committee told me that they needed a new place for the children and wondered if DOC could help them as they had built centres in some neighbouring communities. I knew that DOC would not be able to help them in the foreseeable future as they had other projects planned but an English friend's husband who had sponsored one of my former Malawian pupils was interested in donating money for projects in Malawi, so I contacted him on their behalf. On hearing about the community and my involvement, he agreed to fund the building of a new orphan care and community centre (see Figure 8).

The committee members found a plot of land close to the marketplace for sale at a reasonable price. Chief Ndaba authorised the sale and spoke to the people of Mapira to rally their support for the project. She encouraged the community to help by working in teams to level the land in preparation for the laying of the



foundations. I joined in with these groups who worked between half past five and seven in the morning, before it got too hot (see Figure 9) . The working parties mainly consisted of women from the community in addition to committee members. My presence surprised the other group members and they laughed at seeing a *mzungu* working with a hoe and at the resulting blisters on my hands; but ‘mucking in’ helped me become accepted as a community member. In addition to manual labour, I also project managed the building of the centre, working closely with the committee members, in particular, with Mr Magwira and Mr Bwanali.



Figure 9: Clearing the Land.

## Working with Children

Most of my time during the day was spent helping out with the pre-school orphans. Although some of the children were wary or even scared of me at the start, they soon got used to my presence and eventually they were brave enough to come and touch my skin to see if I ‘felt’ like everyone else. They also displayed curiosity about and played with my hair which did feel different

from theirs. I enjoyed working at the nursery and I got to know many of the children very well by trying to emulate sociologist William Corsaro's (1985) strategy for relating to children. This approach addresses the difficulties presented by the imbalance in social power between adult researchers and the children being studied. In order to negate this inequity, the adult chooses to reduce the power differential by allowing the children to engage in role-reversal. So for example, I would sit on the floor with the children and let them take the lead in play – they would show me what to do. The required result is that the children assign the researcher a special ambiguous status as a 'big' friend who is neither adult nor child.



Figure 10: Orphans Being Fed Outside Due to the Leaky Roof

My attempt to persuade the children to position me as a 'big' friend rather than as an adult was helped by several factors; I looked different to other adults in the community as I was the only European, I acted differently particularly by spending time playing with them, I sounded different as I spoke Chichewa with a strange accent and probably made quite a few errors, and like them, I was

called by my first name. It seemed to work quite well. For example, once when I was walking along a pathway in the evening as it was beginning to get dark, some young children called across to me 'Elleni, go home quickly otherwise the witches will catch you'. Mr Mgwira who was walking with me found this particularly amusing as this is the sort of warning they would give to other children, but not usually to adults. At other times I resembled the pied piper with trails of children following me through the village.

## **Driving**

While living in Mapira, I was fortunate in having the use of a car, a double cab Toyota Hilux pick-up truck, when the owner, Howard, was working abroad. I had got to know Howard during my periods of voluntary work in the Northern Region where he had been working at the time and it was through him that I had met Maxine, who had since become his partner. Having use of the car enabled me to carry out several community roles. The most frequent role was as an ambulance driver. The Home Based Care Committee members would alert me when any of their patients needed to go to the hospital. I was happy to provide this important service but it was very time consuming as we would have to wait several hours at the main public hospital for the patients to be seen. However, this experience gave me an insight to the public health service in Malawi which in turn helped me better understand some of the difficulties people experienced in their everyday lives.

## **Being a Token *Mzungu***

I would also drive Chief Ndaba and the Mapira committee members to important meetings when they were representing the community, for example, at meetings with city assembly officials. This helped me to understand some of the political manoeuvring that occurred as I realised I was being positioned in other ways not connected to driving. Chief Ndaba would insist I accompany the group into the meeting despite the fact that I would not be able to contribute to the discussions that were conducted in Chichewa. I initially resisted as I thought it was unnecessary but eventually I realised the purpose of my

presence was as a token *mzungu* due to their belief that having even a mute *mzungu* present added weight to their cause. I did not feel comfortable about so much importance being attached to skin colour, however, I experienced similar occurrences in different scenarios. For example, on one visit to the nearest hospital, I was pleasantly surprised to see a doctor come out to greet us on arrival at the clinic because usually there were only nurses available and his warm greeting suggested that the patients I had brought would receive good quality and timely care. Unfortunately, however, this young Malawian doctor was only excited about the prospect of treating a *mzungu* and lost interest when I explained that I was merely the driver and pointed to the patients from Mapira who needed medical attention. He walked away leaving us to wait in the courtyard until the nurse was free.

Fulfilling the position of driver and token *mzungu* for Chief Ndaba also gave me new insights into her role and how she could use her personal contacts and social networks for the benefit of the community. An example of this was when she managed to persuade the Blantyre water board to install a tap at the site of the new Mapira Orphan Care centre within a week, after the committee members had been advised they would have to wait several weeks. Benefits of having the car included being able to give people lifts if they were travelling in the same direction and delivering food for the children at Mapira Orphan Care Centre. The car was even used as part of a wedding entourage and it was often used as part of funeral processions helping to ferry people to the cemetery. On one very sad occasion the car was used as a hearse to carry the body of a thirteen year old girl from the morgue back to the village five days after we had taken her to the hospital as a patient.

The car helped me to become accepted among a much wider community group by being able to offer useful transport services. This wider reputation for being helpful in the community proved advantageous when I returned for my second period of fieldwork and wanted to interview women with interlineage marriages who, despite not knowing me personally, seemed very amenable to

talking to me about their marriages and families. In addition to being a driver in various contexts, a token *mzungu*, a volunteer, and a researcher; I was also positioned as a friend, a neighbour, a fictive daughter, an orphan-care centre helper, an intermediary, an occasional tutor, and an employer.

## **Fieldwork in Mapira**

My participation through my various community roles in Mapira was, of course, part of my fieldwork in terms of participant observation. They helped me become accepted in the community and also helped me learn more about everyday life in Mapira. The orphan-care centre, both the old and the new buildings, were located very close to the marketplace, which served as a village centre. So working at the centre facilitated mixing with members of the community, beyond those involved with orphan-care.

During my two previous visits to Malawi when I was working as a volunteer, apart from once suffering from malaria in 2003, I managed to stay relatively healthy. During my fieldwork in 2007, however, it seemed that I was constantly suffering from various illnesses. When I first moved to Mapira, I initially felt healthier as my bed-bug bites were healing and I could drink water in the evening knowing that I had a private latrine that I could use without having to disturb anyone from their sleep. However, after a few months I started suffering with stomach problems, fevers and unpleasant skin complaints. I was often feeling weak, tired and dehydrated from fevers that mimicked the symptoms of malaria despite having repeated blood tests that proved negative for this disease.

I persevered with my research despite succumbing to one illness after another. However, I did not think that my participant observation was working very well at the nursery despite the success of Corsaro's technique. I decided the children were too young to be able to provide data to answer my research questions in the time I had available so I resolved to work with older orphans. My next challenge was to work out how I would be able to get in touch with

them. There was a youth group connected to the orphan care committee but they were not very active at that stage as their leader was focusing on his forthcoming school exams. I therefore decided to conduct a household survey as this would give me good background information and also help me locate orphans between the ages of twelve and seventeen.

It was at this stage that I hired Chisomo to work with me. I needed someone who spoke Chichewa and English, and who knew Mapira very well. As I would be interviewing many women, I preferred to have a woman helping me. From my previous experience in Malawi, I found that women were less likely to talk freely about their families if men were present. Chisomo met all those requirements and an added advantage was that she lived next door to me. We visited all of the 308 households in Mapira and managed to obtain demographic data from 295 (96%) of them. Of the households not covered, six chose not to participate and at seven houses we were never able to find anyone at home.

### **Conducting the Household Survey**

The type of information we collected about the household heads included, occupation, tribal affiliation, religion, length of time living in Mapira and district of their birth.<sup>19</sup> I also recorded the number of adults and children in the household and their relationships to each other. In terms of children, I asked their age, gender as well as type of school, if any, they attended. I was particularly interested in learning more about orphans, so I asked if there were orphans in the household and if so, I would collect specific data about them. The data on orphans included the number of orphans living in the house, their age, gender, relationship to the household head, relationship to their primary care-giver, type of school attended and whether they had lost their mother, father or both parents. In addition, I asked whether or not their siblings lived

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<sup>19</sup> I asked the informant to identify the household heads – often it was the informant and her husband. However, sometimes, for example, my informant would tell me that her parents or parents-in-law were the household heads. Other times, when two houses were very close together one person would give me the information for both households as they were all related.

with them and if not, how often they would see them. I conducted the survey using structured interviews<sup>20</sup> and found this data very useful in understanding the diversity of the community in Mapira, which will be described in greater detail in Chapter Five.

Conducting the survey was physically demanding work, particularly when we covered the more rural parts of Mapira as this involved walking long distances in the sun. I was still suffering with stomach problems and fevers and often felt very weak; it was often only Chisomo's enthusiasm for the project that kept me going. I relied heavily on Chisomo's extensive local knowledge in terms of keeping track of those we had visited and those we had yet to visit. I found this difficult as there are no street names or house numbers and my map drawing skills are practically non-existent. As we approached each household, Chisomo would call out "odi, odi, odi" and then wait for the response "eeeehhhh" which was quickly followed by someone appearing out of the house. This was the customary way of alerting householders to your presence rather than knocking on the door. Often, when they saw me they went back into the house to bring a chair out for me. I was embarrassed to be given a chair when Chisomo and the householders (mainly women) would sit on the ground. I would have preferred to be sitting with them but I did not want to offend them by refusing their hospitality. I asked Chisomo for guidance on how to navigate my way through such difficulties and her advice would vary depending on how well she knew the householders.

I managed to complete the survey but afterwards my health deteriorated to the point that I needed to stay in Blantyre to be close to doctors and hospitals because in Mapira if a patient was too ill to walk, they would have to be physically carried to hospital or transported using a wheelbarrow or a bicycle. I did not want to risk being a burden to the community and neither did I want to suffer the indignity of arriving at the hospital in a wheelbarrow. I used the time that I was staying in Blantyre to enter all the survey data into excel spreadsheets

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<sup>20</sup> A copy of the survey interview questionnaire can be found in Appendix I.

which made it much easier to sort than rifling through 295 pieces of paper. I created a 'household' spreadsheet, a 'children' spreadsheet and an 'orphan' spreadsheet all of which were cross referenced. This household survey turned out to be invaluable because it not only facilitated locating orphans between twelve and seventeen years of age with whom to work more closely, but it also enabled me to find interlineage marriages. It was during this time that I had to undergo a minor surgical procedure at a private hospital in Blantyre to remove an abscess from under my arm. I was also still experiencing malaria-like fevers and aching all over my body which made sitting upright to use my laptop very painful.

### **Interviewing Adults**

When I began to feel better, I returned to Mapira and organised some semi-structured interviews with various adults in the community. I interviewed Joseph Malingo, a Social Welfare Manager in Blantyre, Chief Ndaba, members of the Mapira Orphan Care Executive Committee, orphan care centre volunteers as well as adults in the community who had been orphaned as children. I spoke to the Chief about her relationship with the Mapira Orphan Care Committee members and her role as a female chief given that traditionally chiefs are male. In interviewing the committee members, I learned more about their organisation, their positions, their perceptions of orphanhood and their motivations. For the adults who had been orphaned as children, the focus was on reflections of their childhood experiences. Of course, there was an overlap of the two groups as some committee members also had experienced orphanhood themselves. I offered each interviewee the opportunity to ask me questions at the end of the interview. I felt that this was important to even the relationship balance given that up to that point I had asked all the questions. Many people declined the invitation but some committee members, and the Chief, took the opportunity to learn more about my life. They were very curious about where my husband and children were. I answered their questions truthfully even though I knew that an unmarried, childless woman without strong religious



beliefs would have seemed very unusual to them. In turn, I learned a little more about them through the nature of the questions they were asking me.

## **Sharing Stories about Being Orphans**

With the help of the survey data which identified orphans between the ages of twelve and seventeen, I visited their homes, spoke to their guardians to gain their consent and invited the orphans to participate in my story-sharing workshops at the nearest primary school.<sup>21</sup> I either invited them personally, or if they were not at home, I left them a letter written in Chichewa. There were too many orphans to manage to work with all of them in the time I had available, so I selected orphans on the basis that they had been reported as being 'double-orphans', that is, having lost both parents. Thus, at this stage I was using the Western definition of orphan, although I later learned that not all the children in this group had lost both parents to death. Furthermore, by this time I was beginning to realise that the local meanings of orphanhood were not necessarily dependent on age or the death of a parent. Twenty-one orphans agreed to participate and I organised two sessions for each of three groups of orphans. The first group comprised sixteen to seventeen year-olds, the second consisted of fourteen to fifteen year-olds and the third was made up of twelve to thirteen year-olds.

I thought these story-sharing workshops would be a good way to hear the orphans talking about their lives directly which would facilitate their voices being heard. Furthermore, I thought it might help them connect with others in similar situations. One of the key requirements for defining "child perspective" and "children's participation" in research, is that "children are seen as individuals, with opinions, interests and viewpoints that they should be able to express" (Skivenes & Strandbu, 2006, p. 12). There are additional complexities involved in interpreting children's opinions particularly as errors often occur

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<sup>21</sup> I am not entirely comfortable with using the word 'workshop' but could not think of a better word to describe the story-sharing sessions. I had obtained permission to use a couple of classrooms at the local primary school in the afternoon, after school hours.

because children's "language skills and social and cognitive maturity vary considerably" (2006, p. 15). To address some of these issues, I offered various methods, including drama, poetry, song, dance and drawing, to facilitate the orphans telling their stories.

The first part of the first meeting, for each group, covered introductions, descriptions of the research, confidentiality considerations, explanations about the voluntary nature of their participation and a clarification of Chisomo's and my role. It was also during the first sessions that I shared my story about how I was orphaned as a child with each group of orphans and invited them to share their stories with me using their choice of media - narrative, poetry, drama, art, song or dance. I answered any questions they had and asked them to reflect on their stories and present them at the second meeting. Throughout my work with the orphans, I emphasised their right to choose whether or not to participate and their right to withdraw at any stage. Some of those invited chose not to attend at all and one attendee chose not to tell his story but agreed to participate in the brief structured interview.

I was surprised that each media style was chosen by at least one orphan and some chose to tell their stories using more than one medium, for example, one participant performed a drama and wrote a poem. I collected any written material and recorded all the other stories using an electronic device relevant to the medium chosen; a digital camera, a video camera or a digital voice recorder. A separate classroom was available if the participants preferred to perform in private and I also offered an option of speaking directly into my voice recorder in Chichewa without Chisomo being present. However, I made it clear that I may not understand everything said so Chisomo would be involved in the translation later. They were all happy with Chisomo's involvement so I think their choice to talk to me alone may have been due to shyness. I also conducted a brief structured interview<sup>22</sup> with each participant to collect background information and these were also recorded. During these interviews I confirmed

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<sup>22</sup> See appendix II for Orphan Structured Interview Questionnaire.

information about their age, education, primary caregiver and siblings. Additionally, I asked them about how they relate to others in their household, how old they were when their parents died, if they ever talk about their parents, and following their parents' deaths, what they miss most of all.

### **Alarming disclosure**

It was during these sessions that one participant, fourteen-year-old Lency Tepeka, disclosed that she was being physically abused by her aunt. As she had elected to talk directly into my voice recorder without Chisomo being present, it was not until a couple of days after the workshop, whilst we were translating and transcribing, that we learned about her revelation. Lency's story told of how "the one who is living with me is beating me" and how she had to constantly apologise "even though I hadn't done anything wrong". I was very concerned and despite being aware that smacking children is very common in Malawi, felt it needed some further investigation, particularly as Chisomo also told me that she thought Lency's experience was abnormal. This disclosure turned out to be pivotal as it led to me learning more about Lency including that she was a child from an interlineage marriage.

Chisomo admitted that her and her family often heard Lency's aunt, Mrs Mwase, screaming and shouting and Lency crying. Lency lived on the right hand side of the Namasani property, which incorporated several separate structures such as a kitchen, storage sheds and a goat enclosure. My accommodation, which belonged to Mr and Mrs Namasani, was very closely situated on the left side of their home but I had not heard any sort of fracas. I invited Lency back for further discussions so that I could clarify the situation and with Chisomo's help managed to organise a meeting with her later that day. She came into my house and sat on the mat on the floor, which is customary for Malawian women even though I had signalled for her to sit on one of the chairs. She looked very sad and withdrawn with her head falling to one side, avoiding eye contact with both of us. She looked desolate, her clothes were little more than rags and she was unnaturally thin. I felt increasingly

uncomfortable as Lency confirmed that her aunt was beating her daily, she was often going without food and was on the verge of running away in the hope of finding a job as a housemaid. Chisomo characterised Mrs Mwase's behaviour as "cruelty".

I was faced with a dilemma. It was impossible to maintain a neutral position of "dispassionate, cool and rational, objective observer of the human condition" (Scheper-Hughes, 1995, p. 410) because by disclosing to me, Lency had positioned me "inside [this] human event" (Scheper-Hughes, 1995, p. 419). I may have been the only adult that Lency had been able to tell, given that I was an outsider, and after all, I had invited her to share her story about being an orphan. As Scheper-Hughes reflected "participant-observation has a way of drawing ethnographers into spaces of human life where they might really prefer not to go at all" (1995, p. 419). This sums up how I felt about being drawn into this situation which felt contradictory to my position as an anthropologist. However, non-involvement was not an option because being the recipient of the disclosure meant that I was already involved. I felt I had no choice but to help Lency.

I was extremely concerned that if Lency ran away she would be placing herself in greater danger and I felt that her disclosure had burdened me with a tremendous responsibility. Around this time, as well as holding the orphan meetings, I was also interviewing members of the Executive Orphan Care Committee, the Village Headwoman (Chief Ndaba), care-givers at the orphan care centre, and adults who had been orphaned as children. Fortuitously, I had interviewed the chair of Mapira's Child Labour Prevention Committee, Mrs Chimombo, in the morning of the same day that Chisomo and I had translated Lency's story. Mrs Chimombe had explained that one of her committee's roles was to deal with child abuse. I therefore decided it best to consult with her about the issue and asked for Lency's consent to do so.

I had previously arranged to attend a five day Malawian culture course at Mua Mission in the Central Region run by Father Claude Boucher-Chisale, a Catholic

Priest and anthropologist who has lived in Malawi for over forty years and so had to leave Mapira shortly after the disclosure. The timing was quite opportune as it removed me from Mapira and allowed proceedings to take their course without being affected by my presence. However, while I was in Mua, an insect bite on my leg became infected and by the time I returned to Blantyre, my whole left leg had swelled to twice its normal size so I had to undergo a second minor surgical procedure before returning to Mapira. Eventually, I spoke to everyone who had been involved in Lency's case to learn about how the situation had been handled by the community; this will be explained in more detail in Chapter Eight.

## **Analysing Data in New Zealand**

I left Malawi a few weeks after Lency's disclosure, as scheduled, having completed nine months of fieldwork. Back in New Zealand I began working through the mountain of data that I had amassed. Analysing the orphans' data involved reading stories, listening to songs, studying a picture, watching dance and drama videos, as well as examining interview transcripts. I had previously enlisted my translator's assistance in interpreting Malawian body language for the analysis of the dances. Nonetheless, in addition to struggling with the problem of representation in terms of temporal and spatial distance between the 'observing', and the 'analysing and writing', I continued to grapple with the power imbalance between me as the researcher and the orphans as my participants. I had been trying to position myself as their equal, 'a fellow orphan' but my skin colour was a potent symbol of power and prosperity from which, inevitably, I was unable to escape.

One night with all the typed transcripts of the orphans' stories, poems, plays and dances as well as a photo of the drawing spread across the floor, inspired by their creativity, I wrote a composite poem encompassing their expressed sentiments and where possible their actual words. In reflexive critique I wondered if this could be construed as being my construction or my representation of the orphans' stories, but then reminded myself that all

ethnography is representation and the ethnographer is always in a powerful position in relation to the participants by being able to choose what to include and what to leave out. Nevertheless, ethnographers reflexively 'write themselves in', acknowledging their own position in relation to their participants rather than "writing as disembodied omniscient narrators claiming universal and atemporal general knowledge" (Richardson & Adams St. Pierre, 2008, p. 476). I was encouraged to include my poem by the emergence of a new approach of producing ethnographies through "creative analytical practices" which include poetry. Furthermore, I concur with Laurel Richardson (2008) in rejecting as "dinosaurian", notions that 'creative' and 'analytical' are "contradictory and incompatible" (Richardson & Adams St. Pierre, 2008, p. 477). Writing the poem helped me to feel closer to the orphans' stories and gain a deeper understanding. In addition to engaging with their work cerebrally, I connected with their stories emotionally.

During the process of transcribing interviews, analysing the survey data and analysing the very rich data generated by the orphans, I found a pattern emerging: the orphans who were in the most difficult situations were from interlineage marriages. It appeared that children of a matrilineal father and a patrilineal mother were particularly vulnerable when orphaned, as neither their father's nor their mother's extended families seem to regard the children as belonging to their group. Finding out why this should be became the main focus of my research.

My strategy for my second period of fieldwork was to elicit life history narratives pertaining to interlineage marriages between matrilineal men and patrilineal women in order to explore if and why children from these marriages are likely to be rendered particularly vulnerable when orphaned. I identified four main cases to investigate during my second period of fieldwork and planned to visit the people concerned to hear a variety of perspectives. In addition, I wanted to talk to other patrilineal women living in Mapira who were married to matrilineal men, about their marriages and families as well as

patrilineal women married to patrilineal men. I was able to identify the women that I wanted to interview through my household survey data. However, while I was preparing for my return to Malawi, I was contacted by Mr Bwanali who told me about a dispute in Mapira. It appeared that the committee that I had worked with in Mapira had fallen out of favour with Chief Ndaba.

I heard that Chief Ndaba had dissolved the Mapira orphan care committee and had held new elections in the community ensuring the old committee members could not be re-elected. I had heard that since the new committee had taken over, they had allowed the orphan care building to be used for drinking parties in the evenings, which had resulted in the property being damaged. I wondered if I would be able to continue with my research under such conditions. I planned to speak to representatives from both the old and new committees, as well as the Chief, to try to get an understanding of what had happened. I would have preferred to continue working with the people from the previous committee as I had already developed good working relationships with them, but I was keenly aware that I needed the Chief's approval to work in the community. Again, Scheper-Hughes' (1995) words about ethnographers being drawn unwillingly into situations were echoing in my ears. Trying to remain positive, however, I thought that the dispute might provide new insights on community-based orphan-care.

## **Returning to Mapira**

Throughout most of my first period of fieldwork, I had felt very weak due to experiencing severe health problems. By the time I left Malawi I was thoroughly exhausted and needed continued medical care when I arrived home in New Zealand. It was, therefore, difficult to feel positive about returning to Malawi. It had taken a long time to recover my health and the whole experience had, to a significant extent, dampened my enthusiasm. Finally feeling strong enough I planned to return to Blantyre approximately eighteen months later in June 2009.

I arranged to stay with Maxine, the director of DOC, for the first couple of weeks in her home in a Blantyre suburb before making other arrangements. I arrived on a Saturday afternoon feeling very tired after a thirty-seven hour journey, so I went to bed early. In the morning while I was in the shower, Howard, Maxine's partner, called to me to tell me that he was leaving to play bowls at Blantyre Sports Club. Maxine who was a primary school teacher at an international school had left earlier to finish working on her pupils' end of year reports.

After showering, I returned to the bedroom, closed the door, got dressed and then started unpacking. It must have been about twenty minutes after Howard left that there was a knock on the bedroom door. I was surprised by the knock but wondered if it was one of Maxine and Howard's house staff needing some assistance. I opened the door and two men pushed me back towards the window. As this was registering in my mind as highly unusual, I was shocked to see that they had knives in their hands. I started saying something like 'why are you doing this?' In my mind I kept thinking this cannot be happening - not in Malawi! They pinned me against the wall threatening me verbally and physically by placing a dagger-style knife menacingly close to my face.

As the reality of the situation hit me, I became terrified and started to scream uncontrollably. The intruders lost their tempers and started beating me around the face and head saying that if I didn't shut up they would kill me. One of them put his hand over my mouth and nose making it impossible for me to breathe. I was gasping for air but tried to calm myself knowing that panicking would make matters worse. Finally, he released his hand and they gagged me using my damp travel towel. Again, I felt panic rising inside me as I had difficulty breathing through my nose which had become congested from crying. They tied my wrists together with wire from an unravelled wire clothes hanger and then tied my ankles the same way before carrying me to the bathroom and throwing me onto the floor. I managed to untie my ankles but one of the intruders heard me and was even more violent when he came into the



bathroom as my near-escape made him angry. He re-tied my legs and tightened my wrists so that the wire was cutting into my skin. After about an hour of feeling too scared to move, I eventually managed to free myself but it was an excruciatingly painful process as I needed to put pressure on my wrists using the towel rail as a lever to separate the two ends of the twisted wire and this resulted in temporarily damaging the nerves in one of my hands.

The intruders had stolen all the computer equipment in the house and a very substantial sum of money from the safe. In addition, they took all my US dollars that I had planned to live on for the first couple of months, my cell phone, and various other items including my shoes. Fortunately, they had not noticed my laptop which was still in a padded cover resembling a cushion and they had not taken my camera equipment which I had already placed in a cupboard. This was a very traumatic experience for me and I repeatedly suffered with panic attacks in the days and weeks following the robbery. My instinctive feeling was to get on the first flight home but I knew that without this second period of fieldwork, I could not complete my thesis.

While trying to deal with post-trauma effects, I went to face my next challenge which involved navigating my way through the dispute in Mapira very carefully as I could not afford to alienate either side. I went with a Malawian representative from DOC, Khumbo, to visit the orphan-care centre at Mapira and was relieved to receive a warm welcome from the women cooking the porridge for the children. We had passed Mr Bwanali, the former chair of the Mapira Orphan Care Committee, along the way and although he was polite, he seemed very distant. I was surprised to see that only one of the two rooms was being used and only about twenty children were in attendance, a dramatic reduction from the approximately one hundred children who had regularly attended when I was last there. I did not know the volunteer care-giver but she seemed very friendly. During the visit, Mr Chibalata, one of the new Executive Committee Members, arrived. I enquired about the reported damage to the building and asked if he could show it to us. Khumbo was surprised to see that

indeed there was extensive damage to the metal louvre windows that had been installed for security, and there was even damage to the concrete floor. Khumbo had reassured me before this visit that the centre had not been damaged. I was also very disappointed to see that DOC had not completed the construction project as promised: the kitchen and latrines were yet to be built.

As we were driving back through Mapira, I saw Mr Magwira so we stopped the car to talk to him. He put his head down and backed away as if he was frightened to greet us. He eventually came over to the car but could not maintain eye contact. He had lost weight, his eyes were all bloodshot and he seemed like a broken man, a shadow of his former self. I was shocked at the difference in his demeanour. Previously he had always seemed so energetic, always smiling and willing to help, whatever the problem. I had been greatly impressed with his pragmatic leadership style which always focused on finding solutions to problems. When I greeted him from the car he said just the minimum to be polite and walked away. A Malawian DOC contractor who was with us jumped out of the car and went to talk to Mr Magwira. I am not sure what was said but Mr Magwira came back to the car, hugged me and said he was pleased to see me. Although Khumbo, who had also been shocked to see Mr Magwira acting this way, reassured me that it was nothing to do with me personally, his words did not make me feel much better.

I was very concerned about how this dispute would affect my fieldwork. I had worked closely with the former committee members but they had now been replaced by people I did not know. I was still uncertain about what I should do given my state of mind since the robbery, as instinctively I wanted to go home but I did not want to abandon my fieldwork. The dispute in Mapira was not encouraging me to stay. However, things started to improve when Khumbo told me a day or so later that Chief Ndaba was in favour of the former committee members still being involved with Mapira. She was organising a meeting in which both the former committee members and the new committee members would be present. I was encouraged by this news and hoped this

opportunity for differences to be aired might help find a resolution which would also make it easier for me to work there.

Unfortunately, each time a date was set for the meeting with both old and new committees, it was postponed. The third time this happened, nearly two weeks after my arrival, I felt very despondent. At this stage, I did not have use of a car, and because I was suffering from Post-Traumatic Stress Disorder (PTSD),<sup>23</sup> I was too scared to walk alone. Furthermore, I felt very disconnected as my phone had been stolen so I had no way of contacting people. I also needed to find a translator as Chisomo, my previous translator, had since moved to South Africa. Without the Chief's meeting at Mapira, I could not start my fieldwork and it seemed that this meeting was never going to take place. I persuaded Khumbo to take me to see Chief Ndaba and during our visit she set a firm date for the meeting at Mapira and it took place the following week.

In the meantime, I met Ruth who was recommended for the role of translator and research assistant. Ruth had completed secondary school with very good grades, had sat the university entrance exam and was waiting to hear whether her application had been accepted. Although she had no relevant experience, she spoke English well and seemed very intelligent and enthusiastic. I spent some time giving her information about my research and what her role would entail and she agreed to accompany me to the meeting at Mapira. The meeting went very well, but not in the way I expected. Members of both committees, the former and the present, decided that they did not want to air old grievances but agreed to help me with my fieldwork. They had heard about the robbery and felt embarrassed that it should have happened in their country, so wanted to do what they could to make amends. The outcome was that Mr Magwira and Mr Bwanali, with the Chief's blessing, worked closely with me arranging interviews with people in Mapira and very soon their demeanours revitalised and they seemed more like the men I remembered.

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<sup>23</sup> I was diagnosed with Post-Traumatic Stress Disorder later during counselling I received following the earthquakes in Christchurch, New Zealand.

I suffered from PTSD throughout my second period of fieldwork which manifested in a variety of ways mainly through insomnia and feeling very scared in situations that previously would not have bothered me at all. For example, when I had use of the car, I would give people lifts if they were travelling in the same direction but once they were inside the car, I would experience feelings of panic imagining that they were going to threaten me with knives. Fortunately, I managed to hide these anxieties from most people other than Ruth who seemed very understanding. My fear seemed to get more intense as each day passed and I later realised that I was somehow convinced that I would not get back to New Zealand alive. So, for example, each time I got on a mini-bus I thought it would crash. However, I was determined to complete my fieldwork and so worked hard to finish it within three months to avoid having to extend my stay.

My strategy for this second period of fieldwork was to elicit life history narratives pertaining to interlineage marriages between matrilineal men and patrilineal women to find out why the children of such marriages are rendered particularly vulnerable when orphaned. Four main case studies of interlineage marriages had emerged from my data so I wanted to interview everyone who was connected to those cases. Furthermore, I wanted to hear the opinions of such marriages from relatives, friends and neighbours. For comparative purposes, I also wanted to learn about interlineage marriages between patrilineal men and matrilineal women and other intertribal marriages, for example, marriages between a Lomwe (matrilineal) man and a Chewa (matrilineal) woman. I also wanted to follow up with the orphans who I had worked with during my first period of fieldwork and learn more about peoples' views of orphans in general, as well as finding out more about the history of Mapira.

### **Semi-structured Interviews**

As Mr Magwira and Mr Bwanali were going to help me arrange interviews, I started by interviewing them. In this way, they would understand the process

and be able to explain it to other potential interviewees. Although I had interviewed these two men during my first period of fieldwork, those were interviews about their roles as committee members, whereas this time I wanted to learn more about their lives and marriages. Although I had worked with these two men very closely, I learned more about them through this process including learning that Mr Bwanali was a Ngoni chief and that although the Maseko Ngoni now generally practice matriliney, his family had continued with some patrilineal practices and so he had purposefully married a patrilineal (Tumbuka) woman in order to be succeeded by his son.

To start with, I identified people I wanted to interview by looking at my survey data. I would give Mr Magwira the name of the person I wanted to interview and he and Mr Bwanali would talk to that person on my behalf arranging for me to meet them. During the first interview with a woman, I detected a reluctance to speak to me after she had given her consent to proceed. This was after my explanation about her having the choice to end the interview at any stage. I probed a little to see if I could find out what her reluctance was due to and she told me that she had recently buried her husband. I apologised to her profusely and explained that I had not been aware of her recent bereavement, before gently drawing the interview to a close.

Following that incident, I explained to Mr Magwira and Mr Bwanali that they should advise me of any such situations as I did not want to intrude during such sensitive times. I also clarified the voluntary nature of the interviews and explained that although I was giving them a name, it was perfectly acceptable that they inform me that the named person was unwilling to participate. In total, I held twenty eight interviews with people living in Mapira. As they were semi-structured interviews, they varied in content, but generally I covered the topics of marriage, particularly inter-lineage marriages, orphanhood, and everyday life in Mapira both now and during the colonial era. In addition, I interviewed relations of the people involved in the four main case studies; the Tepeka case, the Mikwamba case, the Mataka case, and the Nawenje case. This

involved travelling to Nsanje, the southernmost district of Malawi that I had never visited before.

During this time, I also followed up with eighteen of the orphans who had participated in my story-telling workshops to learn about their lives over the intervening two years. Additionally, I followed up with Joseph Malingo from Social Welfare in Blantyre talking specifically about interlineage marriages, customary law and orphans. Ruth, my research assistant and translator worked closely with me. She would give me brief translations during the interviews and afterwards we would work together to translate and transcribe the voice recordings. We managed to complete all but two and as I had to stop overnight in South Africa on the way home, I arranged to see Chisomo, my previous translator now living in Johannesburg, and she agreed to work with me for one day to finish the translation.

### **Focus Group**

Shortly before I left Malawi, I organised a focus group to discuss three topics; HIV and AIDS, orphans, and interlineage marriages. It was hosted by Mrs Namasani in her house where she had invited four other women from Mapira to join us. In order for the discussion to flow, I had briefed Ruth, my translator, in advance about my requirements and asked her to facilitate the debates without having to stop and translate for me. I asked Ruth to introduce the three topics, one at a time and allow the women to talk freely but to gently bring them back to the topic if they wandered away from it. I was present at the focus group but, as it was conducted in Chichewa, did not contribute much beyond initially giving some information about my research and explaining that the discussions would be recorded using a digital voice recorder. The women seemed to enjoy the process and were keen to repeat the experience but unfortunately there was not enough time to organise another. We finished the session with soft drinks and biscuits which I had supplied and Mrs Namasani decided to play some music for us all to be able to dance. I was able to

participate in this part of the proceedings and guessed that it would be entertaining for the women to see a *mzungu* trying to dance.

## **New Challenges in New Zealand**

Fortunately, most of my PTSD symptoms disappeared when I returned to Christchurch and I began to feel safe again. I had the occasional nightmare and I experienced a heightened physical response to incidental scares such as cars back-firing, but mostly life returned to how it had been before the robbery. I analysed all of my interview transcripts and started writing up my case studies. Everything was progressing well until Saturday 4<sup>th</sup> September 2010 when a magnitude 7.1 earthquake struck the city. Although there were no deaths as it occurred at 4.35 am when the streets were mostly empty, it caused widespread damage in the city including significant damage to Canterbury University.

It was a relatively shallow earthquake – about 10 kilometres below the surface of the Canterbury Plains – and produced the strongest shaking ever recorded in New Zealand. Ground near the epicentre moved up to 1.25 times the acceleration due to gravity. The earthquake was accompanied by a large surface rupture (McSaveney, 2013a, p. 12).

The University closed for several weeks leaving me without access to any of my research material. I had left everything at the university on the Friday evening expecting to return, as usual, on Monday morning, so I had no way of continuing with my work. Furthermore, like other people who had experienced previous trauma, I had a heightened physical response to the earthquake and the numerous aftershocks which led to the return of PTSD. This manifested mainly in not being able to stay asleep. I would go to sleep but wake up about an hour later with my mouth very dry and my heart pounding. I tried taking prescribed sleeping tablets but decided against them after a very strong aftershock during the night only partially woke me. Being in a drowsy state terrified me as I knew I would not be alert enough to react quickly if needed.

The result was that I became exhausted. So under medical advice, I decided to suspend my PhD studies.

During my break from University another major earthquake hit Christchurch. On Tuesday 22<sup>nd</sup> February 2011 a 6.3 magnitude earthquake occurred during the busy lunch-time period causing major devastation including the collapse of multi-storey buildings. It resulted in the deaths of 185 people with several thousand more people injured (McSaveney, 2013b, p. 13). Although I was not physically injured, experiencing this second major disaster just five months after the first hindered my recovery. Indeed, there were other major earthquakes; on 13<sup>th</sup> June 2011, there was a magnitude 5.6 followed approximately an hour later with a 6.3 magnitude, and on 23 December 2011, there was a series of eleven earthquakes over 4.0 magnitude with the largest being 6.0 magnitude (Page, 2012a, 2012b). Of course, for each of these earthquakes there were several thousand aftershocks. In June 2012, I moved away from Christchurch and in September 2012, after a two year break, I resumed my PhD studies. It was wonderful to get away from the aftershocks and it was very satisfying to return to work on my thesis.

As outlined in the introduction, my next chapter will provide an overview of the history of kinship as well as the more recent studies in terms of relatedness. In particular, I will explore the concept of belongingness within the more contemporary studies. Additionally, I review the limited recent literature explicitly focused on lineages and linearity and position my thesis among them.





## Chapter Three

# Reviewing 'Kinship'

### Introduction

Within the traditional kinship orthodoxy, matrilineages and patrilineages were defined as unilineal descent groups based on matrilineal (through the maternal line) or patrilineal (through the paternal line) descent, whose members trace descent from an apical ancestress (matrilineage) or an apical ancestor (patrilineage) (Keesing, 1975, p. 150). Indeed, lineages were at the very heart of kinship studies and “kinship [wa]s to anthropology what logic is to philosophy or the nude is to art, it [wa]s the basic discipline of the subject” (Fox, 1967, p. 10). However, the emphasis now is on relatedness and strategies, rendering terms such as matriline and patriline epitomes of ‘classic kinship studies’, from a bygone era. Using such terms could be misinterpreted as returning to the previous ‘idiom of kinship’ entrenched in structuralism and eurocentrism, which may be why there is a dearth of recent scholarly anthropological literature on lineages. However, as matriline and patriline are at the core of my research I review the history of kinship studies in anthropology to help me place my research in context.

Although not exhaustive, in this chapter, I provide an overview of the development of kinship studies paying particular attention to British anthropologists as they are more relevant, given that they were primarily Africanists and lineage theorists. I cover a debate that emerged in the late 1950s over Ernest Gellner’s proposal to apply his philosophical notion of an ‘ideal language’ to what he considered to be ‘kinship’. Gellner’s paper prompted very sharp exchanges from and between the following anthropologists: Rodney Needham, J. A. Barnes, John Beattie and David Schneider. Indeed, I believe it was this debate that stimulated the contemplation that eventuated in Schneider and Needham independently declaring that ‘kinship’, as previously defined, did not actually ‘exist’ but was an abstract analytical tool used by

anthropologists. Following an account of how kinship studies nearly disappeared from anthropology as a result of Schneider's critique, I examine its revival through gender studies and Carsten's alternative approach to comparative kinship studies emphasising 'relatedness'. I explore more recent work about 'mutuality of being' and 'belonging' which builds on the concept of relatedness. Finally, I review the limited recent literature that features lineages, position my thesis, and question the disappearance of the study of unilineal descent practices from mainstream social and cultural anthropology.

## **Classic Kinship Studies**

Early forays into kinship theorising in the 1860s came from the legal profession which perhaps is not surprising given the connection between kinship and property law, particularly inheritance laws. The two most notable scholars were American lawyer, Lewis Henry Morgan, who is attributed with having introduced the "first grand theory [of kinship]" (Parkin & Stone, 2004, p. 5) and British lawyer Sir Henry Maine. Morgan's theories were based on his work with the Iroquois, an indigenous American tribe, on whose behalf he acted on land rights cases. Likewise, Maine studied kinship based on Indo-European data, having worked for the British Administration in India where he had been involved in issues such as the land settlement of the Punjab (Parkin & Stone, 2004).

Both Morgan and Maine examined the organisation of kin groups and explored the relationship between kinship and territory using evolutionary based theories (Holy, 1996, pp. 71-73). The kinship studies undertaken by these two lawyers were early precursors to lineage theory: Morgan's work was mainly on the matrilineal Iroquois whereas Maine primarily focused on patrilineal organisation. Maine asserted that the patrilineal family under the authority of the father/husband was the earliest form of social organisation and suggested that this unilineal structure evolved into bilateral organisation. He placed the family unit at the beginning of social evolution, developing over time into larger political groups and eventually culminating in state-like corporations. In

contrast, Morgan and other matrilinealists placed large horde-like groups at the start of social evolution, progressively reducing in size, moving from 'primitive promiscuity' to organising around the mother-child relationship into matrilineal groupings. Patrilineal organisation was deemed to be a more advanced stage on the social evolutionary ladder which ultimately led to nuclear family organisation (Kuper, 1982; Parkin & Stone, 2004, p. 10; Schneider & Gough, 1961).

### **British Anthropologists**

Morgan's work on consanguinity and affinity was developed by British psychologist W. H. R. Rivers who was also strongly influenced by Maine. Known for his "genealogical method" and his application of natural science principles to anthropology, Rivers was "until his death in 1922 ... regarded as the leading contemporary specialist in kinship" (Parkin & Stone, 2004, p. 13). In terms of lineage theory, it was Rivers who distinguished 'descent' "analytically from inheritance and succession and defined it as the process regulating membership of a social group or class either through the father or through the mother" (Holy, 1996, p. 74). This definition of descent was adopted and developed by other British anthropologists including Rivers' student at Cambridge, A. R. Radcliffe-Brown who used it "in reference to groups to which recruitment occurs automatically by virtue of birth, and which are exclusive in membership, clearly bounded and do not overlap" (Holy, 1996, p. 74), that is, in terms of unilineal descent groups.

One of Rivers' companions on the Torres Strait expedition in 1891 was physician and ethnologist C. G. Seligman who along with Finnish sociologist Edvard Westermarck influenced Bronislaw Malinowski at the London School of Economics (LSE). Malinowski had previously studied at Leipzig under Wilhelm Wundt, the renowned 'father of experimental psychology' (Thomas, 2013). Malinowski was the key protagonist of functionalism which side-steps the arguments surrounding evolutionism and diffusionism by adopting an ahistorical perspective based on intensive fieldwork to study how a society is

currently operating. With his background in psychology, Malinowski tended to emphasise individuals and understood the function of societal institutions in terms of satisfying basic human needs (Bell, 1997; Kuper, 1996).

Radcliffe-Brown, a contemporary of Malinowski's who was heavily influenced by Durkheim, also adopted a scientific and synchronic approach to studying kinship but his emphasis was very much on social structure. However, Radcliffe-Brown never accepted the label 'functionalist' as his perspective was very different to Malinowski's. Although they both focused on how society was functioning at the particular time it was being studied, Radcliffe-Brown's emphasis was on social structure and how beliefs, customs and practices functioned to create social cohesion and therefore maintain the structure of the society (Bell, 1997). Thus he, and those who followed him, are often referred to as 'structural functionalists'. Radcliffe-Brown (1929) defined kinship as the "genealogical relationship recognised for social purposes and made the basis of customary regulation of social relations" (1929, p. 50) with the understanding that genealogical relations were "not identical with physiological relations" (1929, p. 50).

Malinowski (1930) was rather dismissive of the contemporary study of kinship carried out by Radcliffe-Brown and his followers with its "complicated diagrams and formulae" (1930, p. 19) and what he referred to as "kinship algebra" (1930, p. 19). He felt that a "spuriously scientific and stilted mathematization of kinship facts" could not adequately represent the "intimate data of family life [and] full-blooded descriptions of tribal and ceremonial activities" (Malinowski, 1930, p. 20). He understood "kinship [as] a matter of flesh and blood, the result of sexual passion, and maternal affection, of long intimate daily life, and of a host of personal intimate interests" (1930, p. 19) and thus he questioned whether this could possibly "be reduced to formulae, symbols [and] perhaps equations" (1930, p.19). Indeed, Malinowski proclaimed in the 1930s that "classificatory terminologies do not exist" (1930, pp. 21-22)

heralding a problematic that nearly caused the abandonment of kinship studies over forty years later.

Radcliffe-Brown viewed societies as comprising discrete groups organised by rules whose activities maintained the overall social structure. Influenced by Rivers' definition of descent, he found unilineal descent to be the enduring structuring principle that could explain the continuity of social structure. As each person could only be a member of one such group, unilineal descent groups were bounded and mutually separated organisations that transcended individuals and endured across generations. Membership was by virtue of birth into a group constituted by membership rights and obligations in accordance with status. Unilineal descent groups were labelled as 'lineages' or, in cases where the founding ancestor was unknown or mythical, as 'clans'. Lineages generally functioned as unitary property owning groups and were viewed as 'permanent' social units given that they were continually replenished through new births as the older more senior members died. Thus, they tended to be analysed as 'corporate groups' (Bell, 1997; Holy, 1996; Kuper, 1982). Although the division between the domestic and politico-jural domains of kinship would become more explicit through later theorists, it is clear that Radcliffe-Brown's focus was definitely *not* on "intimate domestic arrangements ... [as] these were assumed to be to a large degree universally constant, or a matter for psychological rather than sociological study" (Carsten, 2004, p. 11).

Conversely, Malinowski (1930) recommended that the study of kinship should start with the elementary family of parents and children before proceeding to the "subsequent processes of extension" (1930, p. 25). He maintained that "[t]he processes of the extension of kinship from its extremely simple beginnings in plain parenthood, to its manifold ramifications and complexities in adult membership of tribe, clan and local group... forms the real subject-matter of the study of kinship" (1930, p. 25). He also distinguished the family from the clan in terms of function, with procreation being the function of the family whereas the "functions of the clan [we]re mostly legal and ceremonial" (1930, p. 28). He

understood the family as “embrac[ing] two principles essential to procreation – motherhood and fatherhood” and regarded the lineage and clan as being “based on the partial negation of one of these principles” which produced as a consequence “the one sided distortion of kinship” (1930, p. 26).

Although lineage theory originated from Rivers’ work and was developed by Radcliffe-Brown, it is generally associated with Evans-Pritchard who studied under Malinowski at LSE but “became a fervent advocate of [Radcliffe-Brown’s] ideas” (Kuper, 1996, p. 82). In 1940, Evans-Pritchard was “the first to interpret his ethnographic material in [lineage theory] terms [as he] portrayed the Nuer [as a] society ... governed by the lineage principle” (Holy, 1996, pp. 77-78). Lineage theory explains how segmentary lineage structures are formed through large lineages splitting into more manageable segments. Often in patrilineal societies the split was on the basis of the sons of the founding ancestor. British anthropologists generally separated the domestic domain from the public domain and focused on the public politico-jural domain to examine political organisation and how social relations were regulated by rules (Holy, 1996, p. 71). Evans-Pritchard (1940, p. 162), for example, explicitly focused on the public domain. Using lineage theory, he described the Nuer social structure as a dual system with the political segments paralleling lineage segments. As kinship studies originated from the legal profession it is, perhaps, not surprising that the politico-jural domain dominated this field.

The main challenge to the British dominated lineage theory and the descent model came from France in the form of the structuralist, alliance theory of Lévi-Strauss. Alliance theory proposed that women were systematically exchanged to develop enduring social bonds between lineages across generations. The focus was on how alliances were formed and perpetuated through prescriptive marriage rules which also ensured the avoidance of incest. An example of such a rule found in both matrilineal and patrilineal descent groups was a rule directing matrilineal cross-cousin marriage in which a man marries his mother’s-brother’s daughter and a woman marries her father’s sister’s son.

Thus, the emphasis in kinship studies moved from studying how societies functioned through descent systems to how societies were structured through prescriptive marriage rules in relation to a principle of reciprocity which over time created enduring solidarity between two groups (Carsten, 2004; Holy, 1996; Kuper, 1982, 1996). These marriage rules were very different to the discursive rules discussed in the introductory chapter as Lévi-Strauss theorised that social relations were a reflection of an underlying unconscious structure.

Homans and Schneider (1955) argued against Lévi-Strauss on the basis that marriages were organised by people, not societies. This provoked a strong defence of Lévi-Strauss by British anthropologist, Rodney Needham (1962), an Evans-Pritchard follower who became renowned, along with Edmund Leach and Mary Douglas, for bringing Lévi-Strauss' structuralism to Britain (Kuper, 1996, p. 161). Heated academic exchanges between Needham and Schneider led to Needham being labelled as "Schneider's arch antagonist" (Feinberg, 2001, p. 25), both men were later involved in 'the Gellner debate' and both men were key proponents in the challenge to 'kinship'.

## **The Gellner Debate**

In 1957 a highly charged debate about 'kinship' began when Ernest Gellner, a philosopher and social anthropologist, who obtained his PhD in anthropology at LSE and was very much influenced by Malinowski (Gellner, 1998, p. viii), published a paper in the *Philosophy of Science* journal, applying the notion of an 'ideal language' to kinship structure (Gellner, 1957). For a language to be 'ideal', it would have to be "unambiguous [and] semantically invariant" (Buchler & Selby, 1968, p. 33) and Gellner maintained that his exercise of applying an ideal language to a limited field such as that of 'kinship structure' would be of "philosophic interest" and "might throw more light on why an 'ideal language in general' cannot be obtained" (Gellner, 1957, p. 242).

Gellner (1957) chose to apply 'ideal language' to 'kinship' for his philosophical exercise, as he perceived kinship structure to be "an aspect of society which is



more tangible and stateable with accuracy than most" (1957, p. 235). He perceived kinship structure to comprise both physical and social relationships. This generated a response by Needham (1960) to show that "Gellner [was] misleading in his representation to philosophers of what social anthropologists actually do in the study of descent systems and of what the characteristics of such systems are" (Needham, 1960, p. 96). Needham's main point was that Gellner was wrong to assert that "kinship roles are functions of the 'biological kinship position' of an individual" (1960, p. 97). Indeed, Needham argued that "biology is one matter and descent is quite another, of a different order. They will usually be concordant to some degree, but the defining character of descent systems is social" (1960, p. 97).

Gellner (1960), in return, repudiated Needham by taking one of Needham's (1960) examples of leviratic marriage,<sup>24</sup> Gellner (1960) explained:

The anthropologist's kinship term 'leviratic' is only applicable when certain real kinship relationships obtain. The relationship, and its offspring, can only be identified by the anthropologist *as* 'leviratic' because the anthropologist knows that the fiction by which offsprings [*sic*] are raised 'in the dead man's name' is indeed a fiction (Gellner, 1960, p. 188).

This in turn was countered by Barnes (1961) who distinguished between "the genitor, the culturally-defined physical father" (p. 298) and 'the genetic father' in addition to 'the pater' which is usually defined as the social father. He explains that anthropologists are mainly interested in the genitor and the pater rather than the genetic father.

Barnes, however, does agree with Gellner's two stages of comprehension. "First[ly], that physical and social kinship are not identical [and] second[ly], that they are essentially connected" (1961, p. 298). Barnes then adds "a third stage: that the significant connexion [*sic*] does not involve genetic kinship but

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<sup>24</sup> Leviratic marriages are those where a man marries his brother's widow and continues to produce children in his deceased brothers name.

exists between two different classes of *social* personality, between social and physical kinship as culturally perceived" (1961, p. 298).

Gellner's (1963) article was a lengthy response and will not be fully covered here but I noted with interest that in ruminating over Barnes' argument, Gellner referred back to Malinowski's functionalism based on basic human needs. Although he acknowledged that this perspective had since been abandoned, Gellner identified what he called a "kernel of truth" underlying Malinowski's approach which he describes in the quotation below:

The categorisations "kinship", "economy", "politics" etc., are naturally imposed by observers, who have to proceed from certain easily identifiable features of any societies - the reproduction and allocation of children, power and control, the procuring and distribution of necessities ... It is I suppose conceivable that anthropologists may one day replace existing categories such as politics, economy and kinship by others with other boundaries, just as historians may revise periodifications of history...If a reform did take place, it is conceivable that there would be no single category, such as "kinship" is now, which was only identifiable and definable through its overlap with genetic kinship (Gellner, 1963, p. 248).

Gellner's reasoning here is pivotal. Echoing Malinowski's earlier reservations, Gellner postulates that categories such as 'kinship' are analytical tools imposed by researchers.<sup>25</sup> This proposition later became central to Schneider's denunciation of 'kinship'.

Barnes (1964) reiterated his original point "that the genetic father in leviratic marriage and in similar contexts is unknown and *irrelevant* [emphasis added]" (1964, p. 295) and continued to endorse Needham's statement that "biology is one matter and descent is quite another, of a different order" (Needham, 1960, p.97). Barnes explained:

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<sup>25</sup> Malinowski's reservations are reflected in the opening quote of this chapter.

It is precisely because biological or physical connexions [*sic*] are of a different order that they have to be examined specifically whenever they become *socially significant* [emphasis added]. But genetic connexions [*sic*], particularly those of genetic fatherhood, are often unknown (Barnes, 1964, p. 295).

John Beattie who studied social anthropology under Evans-Pritchard and Meyer Fortes at Oxford after having previously studied philosophy (MacFarlane, 1983) also responded to Gellner in the same month as Barnes – July 1964. Beattie (1964) agreed with Needham that Gellner had misrepresented what social anthropologists actually do. Presaging the linguistic turn in anthropology<sup>26</sup>, Beattie's (1964) counterargument portrays 'kinship' in terms of indigenous representations about their social relationships through language.

Kinship terms are not the names of genealogical connexions [*sic*], even though they may be associated with such connexions [*sic*]; they are the names of categories, sometimes groups, of people, socially defined. And the anthropologist's task is essentially to understand other people's social categories, not uncritically to impose his [*sic*] own (Beattie, 1964, p. 101).

Although writing at the same time as Barnes in July 1964,<sup>27</sup> Beattie (1964) echoes Barnes in emphasising that in terms of physical facts being of concern to anthropologists, "it is not a question of epistemological status ... but of *relevance* [emphasis added]" (Beattie, 1964, p. 102). In terms of the categorisation issue, Beattie seems to de-reify 'kinship':

To say that a relationship is a political one or an economic one at once gives us some idea of what kind of relationship it is (e.g. that it is concerned with maintenance of territorial order, or a with the production and distribution of resources). To say, on the other hand, that a social relationship is a kinship one is to tell us nothing at all of

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<sup>26</sup> The linguistic turn is associated with Geertz's work in the 1970s.

<sup>27</sup> As the papers were both published in July 1964 in different journals, it is unlikely that Beattie saw Barnes' response before his own response to Gellner was published.

its content. The whole point about kinship relations for the social anthropologist is that they *must* be something else, for example political, jural, economic or ritual. Kinship is the idiom in which certain kinds of political, jural, economic, etc., relations are talked and thought about in certain societies (Beattie, 1964, p. 102).

Beattie (1964) concluded by explaining that certain roles are “subsumed under ‘kinship’, not at all because of their content, which *has* to be defined in social terms, but because this is the idiom in which they are thought of and talked about in the society being studied” (1964, p. 102).

A few months later, American anthropologist, David Schneider responded to the whole debate and particularly to Beattie’s article. Schneider (1964) sums up the argument between Gellner and Beattie:

The simple fact of the matter seems to be that where Gellner says that social kinship is and should be defined in part in terms of physical kinship, Beattie comes very close to saying that there is no such thing as kinship at all (Schneider, 1964, p. 180).

Schneider (1964 p. 181) argues that Beattie “sees kinship as empty of content” because he has dismissed the possibility of biological definitions. Schneider speculates that perhaps Beattie has not yet “discovered the true content of kinship ... He may have only looked for it in those so-called ‘primitive societies’ in which it is hardly possible to see the kinship for the economics or politics which obscure it” (p.181). Schneider (1964) goes on to suggest ‘kinship’ would be more easily distinguished in a country such as America “where kinship is laid bare to analytical inspection by virtue of the fact that it has been refracted from the economic and political ... functions with which it is so closely associated elsewhere” (1964, p. 181).

Indeed, Schneider proceeded to culturally analyse American kinship. His quest was to explore “the nature of kinship” as well as studying “kinship in as close to its ‘pure form’ as possible” in other words in purely cultural terms (Schneider, 1968, pp. v-vi). However, he later decided that his book’s title,

*American Kinship: A Cultural Account*, was a 'misnomer' because "in the pure culture level there is no such thing as 'kinship'" (Schneider, 1972, p. 50) . Furthermore, Schneider (1972), citing Gellner's (1957, 1960) argument about 'kinship' being based on "the true facts of biology as they concern human reproduction" (1972, p. 36), argues that 'kinship' as used by anthropologists to describe relationships is "an analytic category ... [that] *does not correspond to any cultural category known to man*" (1972, p. 50).

Needham, Schneider's 'arch antagonist' (Feinberg, 2001, p. 25) reached a similar conclusion a year or so earlier than Schneider. Needham (1971a, 1971b) judged 'kinship' to be "a thoroughly misleading term and a false criterion in the comparison of social facts" (1971a, p. cviii) before pronouncing that "there is no such thing as kinship" (1971b, p. 5). Thus, it would seem the two adversaries were both strongly influenced in similar ways by the Gellner debate.

## **The challenge to Kinship Studies**

By the early 1970s rigorous critical reviews of 'kinship' were emerging within anthropology on both sides of the Atlantic. Kinship scholars were criticised for concentrating on ideal types and abstract principles, at the expense of lived realities of how people actually experienced kinship within their everyday lives (Carsten, 2004; Kuper, 1996; Parkin & Stone, 2004). Needham (1971b) believed there was potentially "some radical flaw in analysis, some initial defect in the way [they] approach[ed] the phenomena" (p. 2) and, along with others, he was searching "for a way out of [their] ... uncertainties" (p. 2). Schneider (1972), who had previously been "part of the formalist tradition of kinship studies" (Carsten, 2000, p. 6) criticised the whole concept of kinship as essentialist and eurocentric. Schneider (1972) answered his title question 'What Is Kinship All About?' with the statement: "'Kinship' is a non-subject. It exists in the minds of anthropologists but not in the cultures they study" (1972, p. 51).

Schneider's (1972) main objection was that kinship was defined using an "*a priori* set of theoretical assumptions" (1972, p. 51) "rather than [using] a

definition of 'kinship' elicited from inside the culture itself" (1972, p. 61). This echoes an earlier observation made by British anthropologist Edmund Leach (1966) that "anthropologists ... treat the words sibling, filiation, descent and affinity as absolute technical terms which can be distinguished from one another by *a priori* reasoning without reference to ethnographic evidence" (1966, p. 27). Likewise, Needham (1971b) diagnosed the problem in terms of how anthropologists "conceive[d] the classification of phenomena" (1971b, p. 2) which, he claims, led to their distorted views of the social facts (1971b, p. 31).

Schneider (1972) argued that "[i]f 'kinship' is studied at the cultural level ... then it is apparent that 'kinship' is an artifact of the anthropologists' analytic apparatus and has no concrete counterpart in the cultures of any of the societies we studied" (1972, p. 59). Although Schneider's denunciation of kinship is more widely written about, it is generally acknowledged that Needham was thinking along the same lines. This was evidenced by the concluding sentence of Needham's (1971b) analysis of kinship: "To put it very bluntly, then, there is no such thing as kinship and it follows that there can be no such thing as kinship theory" (1971b, p. 5). Despite this strong declaration, it was Schneider's denunciation of kinship that had a huge impact on anthropology. The Gellner debate had suggested to both Schneider and Needham that kinship was an analytical tool or a taxonomic concept which had been reified. However, as 'kinship' had been so fundamental to anthropology, this revelation required a change to what equated to 'the thought habits' of generations of anthropologists. This explains why the impact on anthropology was so great.

Needham (1971b) explained that when searching for "characteristic features" of phenomena, what was actually being found were "similarities [that would] crop up and disappear ... [-] a complicated network of similarities overlapping and criss-crossing" (Wittgenstein cited in Needham, 1971b, p. 30). Thus, for example, for phenomena classed together as 'kinship' or phenomena classed together as 'descent', there need not be one continuous thread running

throughout but multiple fibres that overlap like family resemblances<sup>28</sup>. Needham (1971b), foreshadowing Harré,<sup>29</sup> explained that it was due to anthropologists' "conceptual habits", that they presupposed a commonality for all phenomena they classed together as 'kinship' (1971b, p.30). Needham was not advocating for the rejection of comparative studies but proposed that "if we give up the reificatory typologies that are usual in social anthropology we shall actually be in a better position to compare, for we shall at least see the social facts in a less distorted way" (1971b, p. 31). Again this statement seems to foreshadow, Harré's (2001) warnings about reifying social structures and taxonomic concepts which he suggests can be avoided by thinking about them not as social structures or systems but as "clusters of practice" (2001, p. 25).

In Schneider's (1984) later more comprehensive analysis, he emphasised that the three basic axioms of classic kinship theory were problematic. Firstly, that kinship is universal; secondly, that kinship is concerned with the reproduction of human beings which is a sexual and biological process, and thirdly, that biological links are significant natural bonds inherent in human beings as distinct from the social or cultural bonds. Schneider (1984) summarised his problem with the study of kinship:

The assumptions and presuppositions which the anthropologist brings to the process of understanding the particular culture he is studying are imposed on the situation blindly and with unflagging loyalty to those assumptions and little flexible appreciation of how the other culture is constituted, and with it a rigid refusal to attempt to understand what may be going on between them (Schneider, 1984, p. 196).

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<sup>28</sup> The family likenesses reasoning, used by Needham, derived from the work generally known as *The Blue and Brown Books* which was further developed by Wittgenstein as 'language games' in his *Philosophical Investigations* (Wittgenstein, 1958 sections 64-71). Harré was also influenced by Wittgenstein's 'language games' in relation to his discursive approach.

<sup>29</sup> Harré warns that "people are so used to reifying forms of processes into substantial entities that a reminder of the fallacies involved can be hard to accept, if it involves breaking the thought habits of a lifetime" (2009b, p. 466).

Schneider's relativist perspective was highly influential in anthropology and opened up the debate about the relationship between the biological and social aspects of kinship, between nature and culture, and became part of a wider shift within anthropology from *function* to *meaning*, which was influenced by the work of Geertz (Carsten, 2004, p. 18).

## Changing Paradigms

The transition from the structuralist-functionalist perspective to a focus on meaning was clearly explicated by Cohen and Comaroff (1976). Using ethnographic examples, they reviewed marriage forms that had been represented in the literature as transactional and found that increased focus on phenomenology provided insights to the underlying management of meanings. One of the ethnographic examples related to royal marriages in a Tswana chiefdom. Comaroff reviewed previous literature, including that of Schapera, who had presented Tswana marriage forms as "objectifiable realities" (Cohen & Comaroff, 1976, p. 95) and Comaroff argued, based on his ethnographic research and a phenomenological approach, that "the political marriage forms do not reside *intrinsically* within the contractual relationship of marriage, but are attached *extrinsically* to marriage forms as outcomes of the competition to manage their meanings" (Cohen & Comaroff, 1976, pp. 102-103). He concluded that "the capacity to manage meaning is, perhaps the most valued and the most valuable resource structuring political life" (Cohen & Comaroff, 1976, p. 103).

The move from the structural-functionalist perspective to a focus on meaning incorporated a shift from rule-centred approaches towards processual approaches particularly in the anthropology of law. Like Schneider and Needham, Comaroff and Roberts (1981) demonstrated that "conventional (Western) folk wisdom may not export well in the guise of analytical concepts" (p. 245). Based on ethnographic research into dispute resolution among the Tswana, they considered that often, in relation to "African systems of marriage [... concepts had been] appropriated unself-consciously and without theoretical reflection" (p.245). They advised against the dangers of categorising some



societies that “remain amenable to law-centred analysis” (p. 244) as ‘legalistic’ for comparative purposes while using another approach more appropriate for other societies with “more diffuse processes of conflict resolution” (p. 244). They warn that such action may reify the two approaches (law-centred and processual), which were already “established paradigms of legal anthropology”, into “regional approaches” as reputedly “occurred with alliance and descent theory in studies of kinship systems” (p. 244). Indeed, they argue against maintaining a separate “anthropology of law, if this implies a continued reification of ‘the legal’” (p. 249).

Thus, insights occurring in the 1970s and 1980s in relation to the problems associated with ‘*a priori*’ theoretical assumptions being imposed on different cultures were occurring across anthropological sub-disciplines and eventuated in the dissolution of discrete sub-disciplines such as anthropology of law and kinship studies. Furthermore, previous studies informed by the structuralist-functional paradigm began to be revisited using a phenomenological approach that analytically prioritised competing strategies for managing meanings rather than substantive transactions (Cohen & Comaroff, 1976). This new approach focussing on meanings, strategies and processes was much more fluid than the previous static perspective associated with the structural-functional paradigm.

## **Post–Schneider Kinship**

Kinship studies, as previously mentioned, together with the structural-functional paradigm were consigned to annals of anthropology as the anthropological focus shifted away “from the structure of social relations to the process of social life” (Holy, 1996, p. 5). Although Needham had been in favour of searching for ways to retain comparative studies, it was Schneider’s cultural relativist perspective that received ongoing anthropological attention inevitably leading to the demise of comparative kinship studies.

Schneider's critique about kinship being universal and his separation of social from biological processes, however, "left a particularly fruitful avenue for later scholars to pursue" (Carsten, 2000, p. 9). His argument about kinship being culturally constructed inspired richer ethnographies on kinship and gender. This new inspiration may explain why it is Schneider's critique of kinship, rather than Needham's, that is recognised in anthropological history (Carsten, 2000, pp. 8-9).

In this section, I initially discuss the effect of Schneider's denaturalisation of kinship on gender studies which although generating new research also discouraged cross-cultural comparative studies. I then explore Carsten's (1995) concept of 'relatedness' which unlike classic 'kinship' does not make *a priori* assumptions but studies indigenous conceptualisations and practices. Having critiqued one of Schneider's central assumptions about the universality of the distinction between social and biological processes, Carsten uses the term 'relatedness' to indicate "an openness to indigenous idioms of being related rather than a reliance on pre-given definitions" (2000, p. 4) and presents this concept as a possible way to restore cross-cultural comparisons. However, she cautions:

'Relatedness' offers no neat solutions for the comparative endeavour - merely that its use has enabled me to suspend one set of assumptions, and to bracket off a particular nexus of problems, in order to frame the questions differently. 'Relatedness' makes possible comparisons between Iñupiat and English or Nuer ways of being related without relying on an arbitrary distinction between biology and culture and without presupposing what constitutes kinship (2000, p. 5).

Carsten's critique of Schneider's assumption about a universal distinction between biological and social processes is further supported by the new reproductive technologies which have blurred the distinction between the 'biological' and the 'social' even in Western cultures.

## **The Denaturalisation of Kinship**

Schneider's critique exposed phenomena that had been considered by anthropologists to be universal and natural, to in fact be American-European constructs of kinship (Schneider, 1984). This revelation broke the stronghold of biological essentialist notions and opened up new pathways for anthropological study. One pathway was in response to ground-breaking medical reproductive interventions such as in-vitro fertilisation (IVF). This introduction of choice to matters that had previously been considered purely 'natural' encouraged wider debate about 'nature' versus 'culture', and 'natural' versus 'socially constructed'.

Another avenue opened directly from Schneider's work was in terms of gender studies. Feminists, Yanagisako and Collier (1987), applauded Schneider for rejecting the biological basis of kinship that his predecessors had taken for granted and they applied similar reasoning to the concept of gender. Schneider had shown how the primary flaw in early kinship studies was that the 'fundamental unit' of kinship, that is, 'the genealogical grid' was understood in terms of a biological universal. Likewise, Yanagisako and Collier argued 'the fundamental units' of gender, that is, 'males and females' have also been mistakenly understood as biological universals. Both had been erroneously "viewed as existing outside of and beyond culture" (Yanagisako & Collier, 1987, p. 29). Although Schneider had not explored the question of inequality, his revelation that the concept of kinship was based on a "folk model of biology ... laid the groundwork for analyses that link ideologies of biology and nature to systems of inequality" (Yanagisako & Delaney, 1995, p. ix) which was, of course, particularly useful for feminism.

Thus, 'gender' like 'kinship' could be freed from biological essentialism as it was the underlying assumptions of the analytic domain, not the domain itself, that was problematic (Yanagisako & Delaney, 1995, p. 11). The feminist perspective does not deny "the existence of material and bodily realities"

(Yanagisako & Delaney, 1995, p. 12) but rejects the notion that universal 'facts of biology' are fundamental to the concepts of gender or kinship.

The effect of the move away from biological essentialism was very significant; as phenomena once assumed as 'natural' or as 'given' are now perceived to be socially or culturally constructed. From the constructivist perspective "kinship [is] no longer seen as a social identity given at birth and fixed in a set of structural positions, but, rather, as a process of becoming" (Rival, 1998, cited by Viveiros de Castro, 2009, p. 253).

## **Relatedness**

Carsten (1995) very clearly describes her notion of 'relatedness' in her ethnographic study of Malay people on the island of Langkawi:

My argument may be placed in the general context of an analysis of kinship that begins from native categories. I take for granted that the meaning of "kinship" cannot be assumed a priori. I use the term "relatedness" to indicate indigenous ways of acting out and conceptualizing relations between people, as distinct from notions derived from anthropological theory. Ways of living and thinking about relatedness in Langkawi lead me to stress a processual view of personhood and kinship. It is through living and consuming together in houses that people become complete persons—that is, kin. The core substance of kinship in local perceptions is blood, and the major contribution to blood is food (1995, p. 224).

She explains that for Langkawi becoming kin is a long process that starts at conception and birth, develops through living and eating together and is only accomplished after becoming grandparents. In contrast to the classic portrayal of children being born into predefined kinship structures, Carsten's emphasis is on the *process* of becoming a person and kin. She conveys that it is not only their 'social' but also their 'physical' identity that is 'unfixed' and clarifies that "a person's substance, is ... continuously acquired and alterable" (1995, p. 235).

Carsten (1995) agrees with most of Schneider's argument except in relation to "the distinction of the biological from the social on which the definition of kinship as a biological process rests" (1995, p. 236). Following Ingold (1991), Carsten believes that the distinction between social and biological to be a specifically Western construct and thus 'logically prior' to cultural analysis. This is in contrast to Schneider's assumption that the distinction was 'universal' in terms of "culture as somehow superimposed upon, and adding to, prior biological facts" (Carsten, 1995, p. 236). Yet, for the Langkawi, "relatedness is derived both from acts of procreation and from living and eating together [so] it makes little sense in indigenous terms to label some of these activities as social and others as biological" (1995, p. 236). The impossibility of distinguishing the social from the biological for the Langkawi can be inferred by the following question:

If blood, which is the stuff of kinship and to some extent of personhood, is acquired during gestation in the uterus and, after birth, in the house through feeding with others as people in Langkawi assert, is it, then, biological or social? (Carsten, 1995, pp. 236-237)

It follows that if the social and biological are inextricable, in terms of Langkawi relatedness, then "the separation of the 'social' from the 'biological' ... [must be] culturally specific" (Carsten, 1995, p. 225).

Carsten's (1995) attempt to restore cross-cultural comparative studies is based on the above premise. She discusses how assumptions that biological processes were integral to the definition of 'kinship' were the basis of Schneider's rejection of comparative kinship studies. Schneider understood that there were cultures in which fundamental relationships did not derive from procreation but he categorised those relationships as entirely 'social' and therefore not 'kinship'. Thus, Schneider was applying to kinship "a universal definition to which procreation was central" (Carsten, 1995, p. 236). However, Carsten argues that "both the definition *and* the meaning of kinship are culturally

variable" (1995, p. 236) and proposes that cross-cultural studies could "compare both how people conceive of relatedness and the meaning they attribute to it" (1995, p. 236). She offers an approach to comparative studies of relatedness by replacing what she regards as Schneider's (1984) misplaced central question: "Given this definition of kinship, do these particular people have it or not?" (1984, p. 200). Instead she suggests the central question should be "how do the people we study define and construct their notions of relatedness and what values and meaning do they give them?" (Carsten, 1995 p. 236).

### **Comparative Relatedness Studies**

Carsten (2000) developed her cross-cultural comparative approach by identifying the following themes: "'processual aspects of kinship', 'everyday practice', 'gender', 'substance', 'the social and biological', and 'kinship as academic discourse'" (2000, p. 14). The first two themes of 'processual aspects' and 'everyday practice' are very compatible with my discursive approach in terms of understanding the dynamism of relatedness in everyday contexts. 'Gender', as discussed earlier, is freed from biological essentialism. Shared 'substance' not only refers to blood as in consanguineal kin, but is also linked with nurturance and includes breast milk and food. As shown with the Langkawi people, blood and food merge into one substance. The fifth theme relates to Schneider's separation of social and biological aspects of kinship which was discussed earlier. The final theme of 'kinship as academic discourse' is self-explanatory of which this thesis is one more example.

### **Relatedness and Belonging**

Post-Schneider kinship studies illustrate how acts of participation and sharing confirm relatedness, thus emphasising the connection between relatedness and belonging. Practices, such as sharing meals, position people as belonging, whilst being excluded from those practices positions others as 'not belonging'. Positioning people as 'belonging' is a socially constructed process which can have very significant effects, for example, in terms of marriageability and incest prohibition. Specifically, marriage is proscribed between two people positioned

as members of 'own people'. Likewise, unilineal descent discourses, position certain people as belonging while positioning others as not belonging. For example, matriliney includes daughters' children but excludes sons' children and this distinction, in some societies, is crucial in terms of marriageability. Certainly, belonging is a complex concept as it can also be understood in terms of ownership. The two meanings of belonging, that is, belonging as relatedness and belonging as possession, are closely connected, particularly in legal matters, and both are central to this thesis.

The Langkawi people, as discussed earlier, confirm relatedness through eating together (Carsten, 1995), and similarly, relatedness is confirmed or denied for the Nuer through the "giving, and/or withholding of food" (Hutchinson, 2000, p. 59). Accordingly, the affines of a newly married couple do not eat together until the birth of the first child because before then their relatedness is not confirmed (Hutchinson, 2000, p. 59). The Nuer equate food with blood in terms of blood converting to food as in breast milk and food converting to blood within the body. Thus, Nuer relatedness and belonging is based on the "continual transformation of 'blood' into 'food' and 'food' into 'blood' ... ideally 'relatives' (*nei ti maar*) celebrate their 'oneness of blood' through the constant sharing of 'food'" (Hutchinson, 2000, p. 59).

Likewise, relatedness and belonging are socially constructed through the act of sharing for the Korowai of West Papua, Indonesia. Stasch (2009) reports that the act of giving is "most vividly equate[d] with kinship ... Often 'relative' effectively means 'persons with whom one is in a giving relation'" (2009, p. 134). He observes:

For a person to be in the presence of others who have food or other good objects while being left out of the circle of possession and enjoyment is a humiliating and relation-denying experience, by the same token that being given to is pleasurable and relation-affirming (Stasch, 2009, p. 67).

Thus, for both the Korowai and the Nuer, not only does giving and sharing food confirm relatedness and belonging, but purposefully excluding people or withholding food from them is a process of denying relatedness.

Inclusion is a key feature for Sahlins (2011a) who, using examples from a variety of ethnographers, readdresses the question of how to define kinship. He argues that kinship involves “people who are intrinsic to one another’s existence” in terms of “intersubjective belonging” and refers to this as ‘mutuality of being’ (Sahlins, 2011a, p. 2). This notion of ‘mutuality of being’ is generally compatible with Carsten’s concept of ‘relatedness’, however, Sahlins offers it as a definition of ‘kinship’ and uses classic terms of, ‘consanguineal’, ‘affinal’ and ‘descent’ to explain its application. Sahlins (2011a) argues:

‘Mutuality of being’ will cover the variety of ethnographically documented ways kinship is locally constituted, whether by procreation, social construction, or some combination of these. Moreover, it will apply equally to interpersonal kinship relations, whether ‘consanguineal’ or ‘affinal’, as well as to group arrangements of descent” (2011a, pp. 2-3).

For Sahlins (2011a) a kinship system is “a manifold of intersubjective participation, founded on mutualities of being” (2011a, p. 10) and “kinsmen are persons who belong to one another, who are members of one another, who are co-present in each other, whose lives are joined and interdependent” (2011a, p. 11). This is characterised by Stasch (2009) as ‘bidirectional belonging’ as distinct from unidirectional belonging which refers to property ownership:

In relations between kin even more strongly than in relations between people and land, possession goes two ways ... Korowai often understand relations of possession and ownness as being bidirectional rather than just a matter of unidirectional dominion over property. So too even more strongly with possession of kin: a person is defined by and dedicated to that which is his or her own (2009, p. 132).



Possessive phrases such as 'my relative' are terms of inclusion. Stasch (2009) discusses how this phrase describes "how two people feel about each other and how they act toward each other" (2009, p. 133). Similarly, Edwards and Strathern (2000) examine the idioms of oneness and ownership, stating "one may claim a person as one's own but not that one owns him or her" (2000, p. 149). In an endnote they discuss this further, giving an example of 'our Billy' which distinguishes a particular 'Billy' in specific cultures. They also acknowledge that "under authority regimes the father's proprietorship over his children has provided a powerful analogy for property claims" (2000, p. 163). They reference a paper which cites Daniel Defoe complaining about the problem of plagiarism in which he compares an author's words being plagiarised with a man's children being kidnapped.<sup>30</sup> His argument is premised on the idea that: "A Book is the Author's Property, 'tis the Child of [the author's] Inventions ... as much his own, as his Wife and Children are his own" (Defoe cited in Franklin, 1996, p. 149). Although this dates back to the seventeenth century, it is revealing that Defoe is appealing for recognised proprietor rights over his work in a similar way to how a man inherently owns his children.

Edwards and Strathern (2000) maintain that "the child belongs to the parents not just by virtue of the genetic connection" (2000, p. 149) but in various ways and through various connections: "What is true in the way the parents consider their connections to the child is also true when families consider themselves as people who belong to one another" (2000, p.150). However, in an endnote they acknowledge a "full review would need to ask whether a child regarded parents as belonging to him or her in the same way that parents may claim the child belongs to them" (2000, p. 163). This suggests that despite the terms being similar, for example, 'my child', 'my mum', 'my dad', the ownership and belonging relationship, although bidirectional in some respects may not represent an equal distribution of 'belongingness'. The distribution of

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<sup>30</sup> Defoe in the seventeenth century was using the word 'plagiary' which is derived from the Latin '*plagiarius*' meaning 'kidnapper'.

belongingness may correspond with the level of responsibility so that when the child is young, the parents have full responsibility and thus the belongingness may be almost unidirectional in that the baby belongs to them. Over time, however, the level of responsibilities change and could almost completely reverse so that elderly parents become the responsibility of the child and likewise the distribution of belongingness becomes correspondingly skewed.

The concept of ownness can equally be applied to groups. Sahlins (2011b) notes that “there is a distinction in kind set up by the rules of exogamy between the we-group of ‘own-people’ and the different people with whom intermarriage is possible” (2011b, p. 235). So, in order to be appropriate for marriage, a person would have to be identified as different - as outside the own people group. “The affiliation and services of the out-marrying spouse are usually not so much at issue as his or her reproductive powers, lost to one group in the form of that person’s children and gained by another” (Sahlins, 2011b, p. 235). Although not explicit, Sahlins seems to be referring here to a marriage between two people of groups who practice unilineal descent, either matrilineal or patrilineal, for the children to be deemed lost to one group and gained by the other.

Sahlins (2011b) acknowledges that the concept of bidirectional belongingness is an ideal that families may strive for but may not always achieve due to rivalry and quarrels within one’s own group. However, he argues that despite the differences in the case of intermarriage between own people and different people, the connections are positive and strong as the two groups are linked through the children’s ‘mutuality of being’:

Some degree of conflicting kinship then unites the two parties in the form of the continuing affiliation of one group with certain members of the other, namely the children born to the other group by their out-marrying member - children upon whom, by *their double appurtenance* [emphasis added], the intergroup alliance devolves. A significant mutuality of being still unites these children with their

maternal relatives in patrilineal orders, their paternal kin in matrilineal orders and generally, in most any regime, *the kin of their in-marrying parent* [emphasis added] (Sahlins, 2011b, pp. 235-236).

This begs the question, which is particularly relevant to this thesis, about what would happen in cases of matrilineal men marrying patrilineal women as both husbands and wives would be viewed by their partners' extended families as *out-marrying*.

Marriage connects families, not only through children but also through wives. Viveiros de Castro (2004) describes how the Amerindian relation between brother-in-laws is *based* on difference. For them, they are "united by that which divides them" (2004, p.19) that is, they are linked through a female who is sister to one and wife to the other. The sister separates from her natal family but connects two families through her marriage. For the Amerindians difference *is* the relationship. Relatedness is signified by difference with the opposite being *indifference*. So becoming in-laws is "to insert a difference where indifference was presumed" (Viveiros de Castro, 2004, p.19).

Affine is the term generally used to describe people related through marriage, however, according to Viveiros de Castro (2001), affinity in Amazonia applies to all relations with strangers, not only regardless of whether or not marriage has occurred but "*especially if* marriage cannot take place or is not really an issue" (Viveiros de Castro, 2001, p. 20). For Amazonians, affinity is the most powerful symbol of relatedness (Viveiros de Castro, 2001, p. 26). Amazonians affinize 'others' yet generally only marry within their own group. Viveiros de Castro (2001) refers to such 'affinity without affines' as 'potential affinity' which is based on difference. "Actual affines are attitudinally consanguinized, ... [for example], spouses are conceived as becoming consubstantial by way of sex and commensality" (Viveiros de Castro 2001, p.24). So, affinity is the starting point, it is the generic 'relatedness' out of which consanguinity must be specifically constructed. "Consanguinity is *non-affinity* before being anything else" (Viveiros de Castro, 2001, p. 27).

Consanguinity, for the Amazonians is sameness as opposed to affinity which is otherness. They construct consanguinity by de-constructing affinity: to become consanguineal is to be connected through shared substance and to belong. This is similar to Carsten's and Hutchinson's arguments about food and blood blending into one shared substance through which relatedness is acquired for the Langkawi and Nuer respectively. I wonder if it would then follow, that if consanguinity can be acquired through the sharing of food, it can be negated by excluding people from sharing meals.

Viveiros de Castro (2001) revitalises classic kinship terms using 'consanguinity' to symbolise sameness and 'affinity' to symbolise difference. For him, becoming consanguineal is to become connected through shared substance. In like manner, Edwards and Strathern (2000) discuss the language of connectedness and with "a few words created a very simple type of chain, based on contiguous associations of meaning in English, from ownership to belonging to association to link" (2000, p. 153). They recognise that these concepts, usually carry "positive overtones" (2000, p. 152), however, they argue that "every such conceptualisation of inclusion also excludes" (2000, p. 153). Exclusion can be associated with loss and deprivation and may indicate "the antithesis between those who belong and those who do not: the excluded are excluded by virtue of their failure to be part of something" (2000, p. 153). They explain: "The most explicit double pointer to inclusion and exclusion alike is the concept 'ownership', with its Euro-American connotations of alienable possessions and inalienable possessiveness" (2000, p. 153).

The distinction between alienable and inalienable, however, becomes blurred in new reproductive technologies. Edwards and Strathern (2000) explore the relationship between surrogacy and ownership, using the word 'alienation' to describe the transfer of rights to the baby from one type of mother to the other whilst also referring to the transaction as a 'gift': "The surrogate mother, so called, transferred her claims to the commissioning mother through the sacrificial Euro-American gesture of *alienation* [emphasis added], the gift"

(Edwards & Strathern, 2000, p. 159). In contrast, Viveiros de Castro (2009) following Gregory (1982) defines gifts as “inalienable things” (2009, p. 246). “Gift exchange is an exchange of inalienable things between persons who are in a state of reciprocal dependence” (Gregory, 1982 cited in Viveiros de Castro, 2009, p. 246). Viveiros de Castro (2009) then compares gift exchange to marriage exchange: “marriage exchange ... can also be conceived as a process of transmitting inalienable things ... that create persons who thereby belong in a state of reciprocal dependence” (2009, p. 246).

Reciprocity seems to be the crucial factor for Viveiros de Castro (2009). Gifts are ‘inalienable’ because they are part of an exchange system of reciprocity. In contrast, Edwards and Strathern (2000) use the concept of ‘gift’ in the context of surrogacy - a one off action - ‘the gift of surrogacy’. They postulate that “the gift is a suitable medium in this context precisely because it is ... an alienation which mobilises bonds of attachment” (Edwards & Strathern, 2000, p. 159). They continue:

The gesture is of course a nice dovetailing of - keeping consonant but separate - the twin ideas of what one owns (as property) and what is one’s own (as persons may be). The gift that links the two mothers also divides them. A potential future chain of relationships and claims that could have been traced through the child’s tie to the gestational mother is truncated, deactivated in advance, by pitting one set of truths (‘biological’) against another (‘social’) (Edwards & Strathern, 2000, p. 159).

Likewise, the custom of bridewealth, as will be discussed further in the next chapter, tends to set one set of truths (‘social’) against another (‘biological’) in terms of children’s belongingness.

The concept of kinship is now understood in terms of relatedness which encompasses processes of becoming rather than fixed positions into which people are born. Thus, from the social constructivist perspective, it is not only important to identify local practices of relatedness but it is essential to

understand how the local concepts of relating are constructed. It seems to me that we have practically come full circle from Malinowski's *initial situation* in which kinship was studied by extending out from the elementary family, on to the dominant structural-functionalist perspective with its emphasis on the politico-jural organisation and back to contemporary studies of relatedness, mutuality of being, and belongingness in which the focus tends to begin with elementary families whether related biologically, socially or a combination of both. Likewise, following Harré, I argue that lineages, rather than being politico-jural structures are clusters of relatedness practices which involve the tracing of descent through either the mother or father affecting how the children are positioned in terms of belonging by their extended families.

### **Relatedness and Lineages**

With the focus having moved away from structure, lineages are no longer central to anthropological literature, but obviously the peoples that were described previously as 'matrilineal' or 'patrilineal' still organise themselves in lineally-defined groups. Before exploring the limited contemporary anthropological literature relating to lineages, I review two contributions to Carsten's (2000) edited collection of comparative studies of relatedness that acknowledge patrilineal practices even though it is not their main focus. Both are among societies strongly associated with patrilineal practices: the first is Stafford's (2000) paper about Chinese societies and the second is Hutchinson's (2000) paper about relatedness among the Nuer of southern Sudan. What these papers show is that patrilineal practices continue to be a factor, if not the defining factor, of relatedness in these societies.

Stafford (2000) critiques previous studies of Chinese kinship influenced by 'the lineage paradigm' for being very narrowly focused on formal descent groups and the public roles of men. These studies portrayed the kinship system as static with kinship statuses fixed at birth and, as they often relied on male-dominated historical sources, this reinforced the lineage paradigm. Using such "an overly lineage-oriented view" (2000 p. 48) excluded many aspects, of

kinship, such as everyday informal family life practices. Stafford is against patriliney being portrayed as the 'essence' of Chinese social organisation: of being "a male-dominated system of rigidly defined agnatic groups" (2000, p. 38). He takes a broader view that encompasses patriliney and affinity alongside two other systems of Chinese relatedness "'the cycle of *yang*' (which centres mostly on parent-child relationships) and 'the cycle of *laiwang*' (which centres mostly on relationships between friends, neighbours and acquaintances)" (Stafford, 2000, p. 38). He does not argue against patrilineal descent being a feature of Chinese society but maintains that it is "crucially articulated with [the] distinctly fluid creative and incorporative systems" (2000, p. 39) of *yang* and *laiwang*.

Likewise, Hutchinson (2000) side-steps the academic discourse about the existence of Nuer lineages, focussing on Nuer 'relatedness' and how it is constituted through the flow of substances including blood, food, cattle, guns, money and paper. She recognises, in a similar way to the concept of story-lines in the discursive approach, that:

The dynamic social and cultural systems in which Nuer men and women live and work are inherently unbounded, unfinished and riddled with uncertainties. Far from being determined by an inherited set of 'value principles', Nuer concepts, patterns, and practices of relatedness are continually being reworked as people struggle ... to live valid and meaningful human lives (Hutchinson, 2000, p. 57).

Although Hutchinson's focus is explicitly *not* on lineages, she still uses the term 'patrilineal' in her analysis. For example, when describing Nuer notions of immortality through procreation, she explains that "without heirs, a man acquires no permanent position in the patrilineal chain of descendants from which he emerged" (2000, p. 57). Although both authors acknowledge patriliney as a characteristic of the communities they were studying, they both

purposefully steered away from it by focussing on different aspects of relatedness.

Most recent research relating to lineages is based on quantitative methodologies and is conducted outside of the discipline of anthropology. The dearth in recent anthropological literature on lineages demonstrates that while lineage studies did not survive Schneider's critique of kinship, the practice of tracing descent through either the maternal or paternal line continues to be a feature of everyday relatedness for many people. As Schubert (2005) suggests, perhaps

the baby has been thrown out with the bath water—in that, in abandoning kinship studies [contemporary anthropologists] have unwittingly lost sight of the fact that kinship relations, structures and sentiments continue to be significant aspects in the lives of people around the world (2005, p. 62).

In her own research, Schubert (2005) acknowledges the significance of patriliney in contemporary Macedonian societies given that “formal kinship structures and ideological discourses are dominated by agnation” (2005, p. 62).

Likewise, through their review of studies across time and geographical regions, King and Stone (2010) demonstrate the saliency of patriliney and offer their article as “an invitation to re-examine the institution [of patriliney] with attention to masculinity, a concept on which anthropologists infrequently elaborated when most of the scholarship on kin systems was written” (2010, p. 327). Explicitly acting against the strong post-Schneider culturally relativist perspective, they offer the concept of ‘lineal masculinity’ within patriliney as a tool for cross cultural analysis. They define ‘lineal masculinity’ within patriliney as “an ontological essence that flows exclusively to and through men over the generations” (2010, p. 333) and use this concept “to discuss male reproductive roles in the [Middle-East North Africa] region from Morocco to Pakistan” (2010, p. 333). They critique feminists Yanagisako and Collier's (1987) ‘strongly relativist’ perspective for undermining the comparative project, but agree with their argument that kinship and gender are ‘mutually constituted’. Whereas



Yanagisako and Collier consider such mutual constitution to be based on a shared error in terms of having been (mis)understood as biological universals in Western perceptions, King and Stone argue that gender and kinship are mutually constituted because “crucial dimensions of gender are transmitted through structures of kinship” (2010, p. 324).

Gender is also considered to be essential to the concept of lineage by Davison (1997) who posits the notion of “gendered lineage ideologies” for mutually constituted ideas of gender and lineage. Drawing from Mwamula-Lubandi, she argues that “Africans in general attach value to the concept of lineage, much as North Americans attach value to the concept of democracy” (Davison, 1997, p. 17), concluding that for Africans “the distinction between matriliney and patriliney is real even though neither lineage ideal is fully achieved” (1997, p. 17).

In contrast, it is the relationship between ‘belonging’ and the custom of *lobola* (bridewealth) that is the focus of Roalkvam’s (2005) study among the patrilineal Shona of Zimbabwe. Questioning the underlying biological assumptions of ‘kinship’, she emphasises the making and unmaking of kinship. She shows how relatedness is made through practice rather than given at birth through a case study about how an orphaned child-headed household came to be isolated despite living in close proximity to their deceased father’s relatives.

Roalkvam (2005) narrates how community members attributed the isolation of the orphaned siblings to “*unfinished lobola business*” (2005, p. 215). She describes *lobola* as a social institution that “when successful, creates a space of protection ... [and] secure[s] identity and belonging for a child” (2005, p. 216). For Shona, *lobola* consists of a number of payments or exchanges of cattle made at different stages of the marriage which, in Roalkvam’s case study, had not been completed by the husband’s family by the time his wife died. Furthermore, the husband had not summoned his wife’s kin when she was sick as customarily expected, so that they could ask for healing from her maternal spirit and this omission resulted in accusations about ill-treatment and witchcraft. His wife’s

family wanted to take the children back to their village after her death because the full *lobola* requirements had not been met, but the husband prevented them as he feared that allowing them to do so would equate to admitting to the alleged witchcraft and ill-treatment. When the husband died shortly after his wife, his death was interpreted by the community to be due to a vengeful maternal spirit and so the children were perceived as “belonging entirely to their mother’s lineage” (2005, p. 217), under the protection of the maternal spirit. The presence of this “vengeful and aggrieved spirit” (2005, p. 217) frightened the community and led to the children being avoided and thus isolated despite the eldest being just nine years old.

Likewise, the connection between bridewealth and belongingness for the Nuer was explored by Hutchinson (2000). She explains how bridewealth cattle are used to symbolise human blood in various contexts as the vitality and fertility of cattle are equated with those of humans. In effect, “kinship ties are invariably reinforced and specified through some form of shared cattle rights or bridewealth claims” (2000, p. 62). Accordingly, the birth of children creates a union of blood between the families of both parents, however, the father’s family, through the bridewealth payment, has cattle bonds in addition to blood bonds.

Bridewealth, although a patrilineal custom, is also a significant factor in children’s belongingness in interlineage marriages. Sociologist, Vubo (2005) discusses interlineage marriages in his article about matrilineal and patrilineal groups living in close proximity in Cameroon.<sup>31</sup> He adopts a structural-functionalist perspective and explains his findings using classic kinship terms without any reference to contemporary anthropological discourse. Furthermore, despite his paper being about contemporary societies, he only discusses interlineage marriages of the past. Curiously, contrary to my findings, he considers interlineage marriages between a patrilineal man and a matrilineal

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<sup>31</sup> Vubo does not use the term interlineage marriages but describes marriages in which one partner is from a matrilineal group and the other partner is from a patrilineal group.

woman to be more problematic than marriages between a matrilineal man and a patrilineal woman.

Vubo (2005) describes how interlineage marriages between a Kedjom (patrilineal) woman and a Kom (matrilineal) man were uncomplicated because the Kedjom wife would become the founder of a new matrilineage. Conversely, interlineage marriages between a Kom (matrilineal) woman and a Kedjam (patrilineal) man were viewed as incongruous because the wife and children “belonged to a different kin group from that of the husband” (Vubo, 2005, p. 160). For Kedjom (patrilineal) men, “marrying from among the Kom was like preparing for an absence of continuity after one’s own life [because] the offspring of such marriages were classified as ‘aliens’” (Vubo, 2005, p. 160). Vubo seems to accept this explanation without further examination, yet this would only be the case from the father’s patrilineal family’s perspective. From the mother’s matrilineal family’s point of view, there would be no problem as the children would belong to them. Unfortunately, he does not mention whether bridewealth was offered or paid in these marriages although he earlier mentions bridewealth as being part of the ‘patrilineal system’.

Similarly, interlineage marriages were discussed by anthropologist Davison (1997) but again only in terms of the past. She writes of interlineage marriages between patrilineal Sena and matrilineal Mang’anja in Malawi in terms of changing gender relations during the colonial era. Drawing on literature from the 1940s and 1950s, she notes reluctance among matrilineal families to accept bridewealth for their daughters. In contrast she states, without further examination, that children of interlineage marriages between a matrilineal (Mang’anja) man and patrilineal (Sena) woman in which bridewealth was paid, belong to their father’s matrilineage (1997, pp. 107-108).

Many anthropological researchers focusing on communities in the Southern Region of Malawi characterise them as ‘matrilineal’ (Davison, 1993; Hirschmann & Vaughan, 1983; Peters, 1983, 1997a, 1997b; Vaughan, 1987). Peters (2010) who has been researching in the same area of Malawi since 1986,

continues to use the term 'matrilineal' although she acknowledges some of the inadequacies of this classification given the diversity of matrilineal peoples even within Malawi. In contrast, sociologists, Mtika and Doctor (2002) use the terms matriliney and patriliney without further scrutiny in their mixed methods (quantitative and qualitative) research on wealth flow variations in relation to matriliney and patriliney in rural Malawi. They seem to be unaware of the post-Schneider developments in anthropology. Indeed, they explicitly state that they have drawn heavily from the work of classic kinship scholars, namely Tew (1950), Mitchell (1956) and Marwick (1965). They expected to find that patrilineal groups would favour paternal relatives and matrilineal groups would favour maternal relatives in terms of wealth flows but instead they found "the patterns of wealth flows under matriliney and patriliney are actually similar" (Mtika & Doctor, 2002, p. 94).

Mtika and Doctor (2002) compared three groups: The first group was the patrilineal Tumbuka from the Northern Region, the second group was the matrilineal Yao and the third group was the Chewa who they claimed were transitioning from matriliney to patriliney. This assertion about the Chewa has been made several times since the 1930s when Margaret Read predicted the Chewa matrilineal customs would be replaced by patrilineal customs (Brantley, 1997, p. 147) and remains unconvincing. The authors offer no explanation for their assumption about Chewa being in transition, but usually such suggestions are based on the adaptation of some of the Chewa marriage practices due to the influence of their patrilineal neighbours' customs and colonial practices. Although through the adapted *chitengwa* custom a husband can negotiate taking his wife from her natal village to reside with him elsewhere, *chitengwa* is still distinct from the patrilineal custom of *lobola*.<sup>32</sup> Crucially, the belongingness of the children is not affected by the *chitengwa* as they remain members of their mother's matrilineage.

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<sup>32</sup> *Chitengwa* is a Chewa custom in which payments can be made by the husband to avoid bride-service and to negotiate taking his wife from her natal village to reside with him elsewhere (usually in to live as a nuclear family in an urbanised area).

In like manner, other non-anthropological studies accepted 'lineages' as kinship structures seemingly unaware of the critique and discussion in anthropology (Arnaldo, 2004; Duncan, 2010; Kumar Narzary & Mishra Sharma, 2013; Takyi & Nii-Amoo Dodoo, 2005). Although social and cultural anthropologists have tended to steer clear of lineage studies, the same cannot be said for evolutionary anthropologists. Holden, Sear and Mace (2003) conducted a comparative study using quantitative methodologies between a Kenyan patrilineal group and a Malawian matrilineal group on matriliney as daughter biased investment. Despite this study being carried out in 2003, the authors discuss their findings in relation to classic kinship scholars including, ironically, Schneider before his challenge to kinship (Schneider & Gough, 1961). Moreover, they state that their results confirm Morgan's (1877) assertion that "paternity uncertainty and heritable wealth [are] underlying *causes* [emphasis added] of matriliney and patriliney respectively" (Holden, et al., 2003, p. 110).

Lineage studies seem to be generating more interest among evolutionary anthropologists than in the discipline of cultural and social anthropology. For example, King and Stone's (2010) article has not yet been cited by other published authors whereas Holden et al's (2003) has been cited in thirty-nine published articles, including many featured in a double issue of the journal *Human Nature* (Vol. 22, issue 1/2) that was dedicated to the study of kinship from an evolutionary perspective. The authors of the introductory paper of this special issue call for "a revitalized, coherent approach to the study of kinship based on Darwinian evolutionary theory and pursued using modern quantitative methods" (Shenk & Mattison, 2011, p. 5). Echoing the sentiments expressed by Schubert (2005), I suggest the discipline of social and cultural anthropology, cognisant of the recent developments in kinship and relatedness studies, reclaims the study of unilineal descent practices by reconceptualising matriliney and patriliney as clusters of relatedness practices given that they are still significant parts of people's everyday lives across the world.

## Conclusion

Through this review of the study of kinship it can be seen that anthropologists, before and during the structural-functionalist era, tended to reify 'kinship'. Nonetheless, Malinowski, who rejected the structural approach to kinship, foreshadowed Needham and Harré by declaring in the 1930s that classificatory terminologies did not exist. Malinowski's foresight, as cited by Gellner (1963), to identify that kinship was a categorisation "imposed by observers" (1963, p. 248) was echoed by Schneider and Needham in the 1970s. Similar insights were occurring around the same time in other overlapping areas of anthropology such as anthropology of law and political anthropology which also studied aspects of marriages.

Undeniably, 'kinship' has since been un-reified and is now seen in "a less distorted way" (Needham, 1971b, p. 31) as it involves understanding indigenous conceptualisations and practices of relatedness which can be, but are not necessarily, connected to procreation. However, the concept of lineages has not been revitalised in the same way and so seems to remain an epitome of structural-functionalism, largely ignored in contemporary social and cultural anthropology. As demonstrated above, 'kinship', freed from biological essentialism was initially limited by cultural relativist principles which undermined comparative studies. However, through demonstrating that the distinction between biological and social processes was not universal, Carsten (1995) opened the way for comparative studies of 'relatedness'. In this thesis, following Harré, I reconceptualise matriliney and patriliney as clusters of relatedness practices concerning descent through the mother and father respectively and suggest that this may open up fruitful lines of comparative anthropological enquiry into the belongingness of children as lineally defined groupings remain a feature of everyday life for many people across the world. Intriguingly, we seem to have returned to Malinowski's thinking in respect of what he called the *initial situation* in which kinship was studied by extending out from the elementary family. In contemporary anthropology, we study

'relatedness' rather than 'kinship', but we generally do so by focusing on elementary families whether related biologically, socially or a combination of both.

From the beginning there have been strong connections between 'kinship' and law. Indeed, kinship studies developed from the legal profession to become fundamental to anthropology. Similarly, the concept of belonging extends across both anthropological and legal worlds through its dual meaning: belonging as relatedness and belonging as possession or ownership. To put it another way, the two sides of the belongingness coin are the bidirectional belonging of relatedness and the "unidirectional dominion over property" (Stasch, 2009, p. 132).

The concept of belonging in both senses is fundamental to this thesis as in interlineage marriages, the matrilineal husbands' families' position children as belonging to their mothers' families and the patrilineal wives' families position the children as belonging to their fathers' families on condition that the bridewealth requirements have been fulfilled. This puts the children in anomalous positions of not belonging to either side of the extended families. The situation becomes more complex if the matrilineal family have paid the patrilineal custom of bridewealth as they tend to (mis)interpret this custom in terms of giving them indisputable rights to the children. Thus, they claim the children as belonging to them, not so much in terms of the bidirectional belonging of relatedness but more in terms of unidirectional possession of property. This matrilineal (mis)interpretation of the bridewealth custom originates from the colonial period when rights associated with the custom were enforced through law, particularly in respect to matrilineal husbands in interlineage marriages. During colonial times many adaptations were made to 'customs' and then set as 'law' and this will be explored further in the next chapter.

## Chapter Four

# **'Inventing' Customary Law and Legalising Bridewealth**

### **Introduction**

Colonial rule heralded huge transformations in the lives of the conquered African peoples including the introduction of a cash economy and the abolition of slavery. As discussed in the previous chapter, it also opened up Africa to intensive anthropological study particularly from British anthropologists informed by the structural-functionalist paradigm. From their synchronic perspective the transformations initiated by colonial rule tended to be downplayed as 'native' African communities were portrayed as stable stateless societies in which unilineal descent was theorised as the enduring structuring principle. Although kinship was the central focus of British 'Africanist' anthropology, the 'initial situation' of the elementary family was generally ignored in favour of the politico-jural domains studied in conjunction with lineage theory. However, it was in the field of marriage and family that major adaptations were being made by colonial authorities including the legalisation of marriage and divorce which had significant effects in terms of relatedness and belongingness.

Although, customary law tends to be reified as an enduring traditional social structure believed to originate from the pre-colonial era, I argue that it is, in fact, an artefact of the colonial period. From the discursive perspective, 'legal systems' are conceptualised as clusters of legal practices, to diminish the propensity for reifying practices into structures. Indeed, the process of setting certain practices as 'customary law' as transpired during the colonial period, is particularly apposite to Harré's argument about processes becoming reified over time, especially as customary law is now generally believed to have existed long before the advent of British colonialism. Drawing from Chanock (1975, 1978, 1982, 1985, 1989, 1991), I will demonstrate how customary law was



established by the male dominant colonial authorities in conjunction with male African elders as informants, who all had interests in regaining control over women. Although Malawi's Constitution, established in 1994, purports to supersede inconsistent customary laws, contemporary legal decisions are still influenced by customary law. Furthermore, customary law still dominates in local settings often with detrimental effects for Malawian women, particularly widows.

Likewise, the effects of the colonial legalisation on certain marriage practices are still being experienced by children today. The patrilineal custom of bridewealth was legalised in terms of alienation by legally transferring rights *in genetricem* to the husband, that is, rights in all the children his wife bears. The legalisation was particularly relevant when determining rights in children for cases of interlineage marriages between a matrilineal man and a patrilineal woman as it was in such cases that disputes were more likely to arise. I argue that this legalisation incentivised matrilineal men in interlineage marriages to pay bridewealth as they believed it gave them indisputable rights to the children. However, it leaves the children in anomalous positions because although they are positioned as belonging to their father's matrilineal family through legal discourse, they are not positioned as belonging through the discourse of matrilineity. Thus, their belongingness tends to be understood by the matrilineal family solely in terms of possession rights.

Other enduring transformations to family practices that began during the colonial period include the nuclearisation of families. This was mainly due to work opportunities provided by the introduction of a cash economy and the subsequent migration. This involved major changes for matrilineal families because it removed the woman from her natal village and tended to place her under the authority of her husband, reinforced by colonial authorities positioning husbands as heads of households. I argue that although this positioning gave matrilineal men comparatively more authority over their

children, it did not affect the children's positions of belonging to their mothers' matrilineages either in the matrilineal discourse or under customary law.

In summary, my main argument is that the 'invention' of customary law constituted male-biased practices as 'traditional' to the detriment of Malawian women, particularly widows. Furthermore, as part of the legalisation of marriage and divorce, the patrilineal bridewealth custom became synonymous with husbands' rights *in genetricem*. This was specifically applied to matrilineal husbands in interlineage marriages positioning children incongruently as belonging to their fathers' matrilineages.

### **'Inventing' Customary Law**

There is a tendency to regard customary law as pre-existing the colonial period "as a kind of timelessly valid African 'survival'. But the African law of modern Africa was born in and shaped by the colonial period" (Chanock, 1978, p. 80). It is generally assumed that customary law has been continuously practiced since a distant pre-colonial era through to contemporary times. This is evidenced by Malawian Law Professor, Boyce Wanda's (1988, p. 117) assertion that "customary law has existed in Malawi since time immemorial". Conversely, Chanock (1985) argues that "customary law, far from being rules handed down from the pre-colonial period, must be understood as an historical product created in colonial institutions" (1985, p. 145). Although customary law tends to be reified as a system originating in the pre-colonial era, Chanock demonstrates that "it was part of a process of a transformation in African institutions rather than a continuity" (1985, p. 4). Similar transformative processes occurred in other colonial contexts as demonstrated, for example, by Clammer (1998) who concluded that, in Fiji, "colonialism ... profoundly influenced the Fijians' perceptions of their own traditional polity and its sustaining beliefs" (1998, p. 219). This perspective is supported by Fallers' definition of customary law as "not so much a kind of law as a kind of legal situation which develops in imperial or quasi-imperial contexts in which dominant legal systems recognise

and support the local law of politically subordinate communities” (Fallers, 1969, cited in Chanock, 1985, p. 31).

Chanock’s (1975, 1978, 1982, 1985, 1989, 1991) thesis is that customary law was created as an artefact of British indirect rule in Malawi. Rather than a ‘survival’ of an imagined pre-colonial African legal system, he maintains, it was “more a development of new tools of control to meet the needs of a new situation” (Chanock, 1985, p. 145). He explains:

Processes of state sponsored legalization, and the disruption of family formation and workings by the money economy and labour migration, led to the dominance of a new version of customary law which suited the white administrators and African male elders who ruled colonial society (Chanock, 1989, p. 72).

Initially, during the first stage of British occupation, British law was paramount as the emphasis was on establishing absolute power. Nevertheless, African customs, as long as they were not deemed “repugnant to justice and morality” (Order in Council of British Central Africa of 1902 cited in Chanock, 1985, p. 72) were allowed to continue. So, for example, they could not include slavery or trial by poisoning both of which were common in the region before the establishment of the British protectorate of Nyasaland<sup>33</sup>. However, by the 1930s the orthodoxy of ‘indirect rule’ prevailed in the Nyasaland Protectorate and the British colonial authorities established ‘Native Courts’ which were “empowered to apply [customary law] as the primary law unless it were shown to be repugnant to justice and morality” (Wanda, 1988, p. 117). This change in perspective was influenced by “liberal anthropologists [who defended African cultures against] an evolutionary stereotype which identified law as an achievement of advanced civilisations and which saw lawlessness as the defining mark of savage societies” (Chanock, 1982, pp. 54-55). The British government’s perception of the African peoples they were colonising were

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<sup>33</sup> Malawi was known as Nyasaland during the colonial period. I use the term Malawi not only for referring to contemporary times but also when referring to the region in pre-colonial times.

initially in terms of “savage societies ... without government and anarchic” (Chanock, 1985, p. 219). Chanock (1985) maintains that the structural-functional paradigm within which anthropological studies that were undertaken “necessitated a belief that there had to be a customary law, because they were premised upon regularity of behaviour. Rules constituted the social order which could not exist without or beyond them” (1985, pp. 31-32).

The British colonial authorities undertook to establish traditional African ‘customs’ as law. Based on the British common law understanding of ‘custom’ which “to be recognisable by the courts, must be ancient and unchanging” (Chanock, 1985, p. 3), they set up a process of ‘proving’ customs by asking a series of hypothetical questions to predominantly male witnesses and local chiefs (Chanock, 1982, p. 57). Claims about customs were “fed into the court system where they were given in evidence and ‘proved’ and from whence they emerged as customary law” (Chanock, 1982 P. 60). Chanock (1982) quotes from archival records to demonstrate how the evidence given by chiefs and witnesses was often much more complex than the resulting customary law presumes (1982, pp. 60-61). Furthermore, the British mistakenly believed in a “regularity of rules” and over-emphasised “the scope of judicial activity” (Chanock, 1982, p. 60), endowing the chiefs “not only with a greater range of authority than [they] had had before, but also with authority of a different type [which included] judicial power” (Chanock, 1982, p. 59).

Chanock (1985) cites two main problems with the assumptions underlying these processes. Firstly, the assumption that colonial rule had not affected the African recollection of how things were before the arrival of the British and secondly, the assumption that customs were stable and unchanging. Referring to the impact of colonial rule being disregarded, he explains:

Both administrators and anthropologists were conceptually ill equipped to realise that by then the African legal conceptions that appeared to be current had been formed out of forty years of conflict with the colonial government, by the economic and social

transformations resulting from the colonial economy and by new divisions in African societies (Chanock, 1985, p. 49).

In terms of the 'unchanging' aspect of custom, Chanock (1985) maintains that this view was endorsed by anthropological functionalism:

The unhistorical conception of ... custom held by English lawyers has been compounded by the tendency of British functionalist anthropology to present 'traditional' legal systems as extant and functioning in the ethnographic present and to play down the elements of conflict and division which were involved in claims about what the law really was (1985, p. 3).

Not only was the impact of colonial rule disregarded but a false assumption was implicitly made about the homogeneity of the African population prior to



Figure 11: Map of Mozambique and Southern Malawi

the arrival of the British. In reality, the African population of Nyasaland would have been quite diverse comprising mainly matrilineal groups including Chewa, Tumbuka, Mang'anja, Nyanja and Yao with increasing immigration of Lomwe from Portuguese East Africa, now known as Mozambique. The patrilineal Ngoni were constantly raiding and conquering these matrilineal settlements and, in the southernmost district of Nsanje, patrilineal tribes known collectively

as 'Sena' were migrating from Portuguese East Africa. Furthermore, the Yao, working on behalf of the Arabs on the eastern African coast, were capturing and trading people as slaves across the central and Southern Regions.

As mentioned earlier, among the first actions the official colonial government took was to abolish African practices that were deemed “repugnant’ to the British, such as, slavery and the *mwavi* poison trials in which the accused sorcerer was forced to drink poison<sup>34</sup>. One of the consequences of the abolition of slavery was an increase in the divorce rate as captive wives appealed to the British courts for their release. Marwick (1965) reports that the Chewa had mixed views about the influence of the British. They acknowledged some benefits of a cash economy but blamed the British for the moral decline they perceived to have taken place under colonial rule. In terms of “traditional morality, they memorialize by depicting the ‘good old days’ when harsh punishments kept sorcery, theft, adultery and disobedience at a minimum” (Marwick, 1965, p. 52). It is likely that such reminiscences of an idealised ‘golden age’ influenced the witnesses and local chiefs, who were asked to answer hypothetical questions in order to establish customary law.

Chanock has demonstrated that within Malawi customary law, generally reified as being an enduring pre-colonial traditional social structure, is a cluster of discursive practices which were established as law during the colonial period. The emergence of customary law was based on a number of questionable assumptions and opinions. These included structural-functional assumptions that a system of rules had previously existed, assumptions about customs being ‘unchanging’ and, particularly in respect to family law, the opinions of male elders who wanted to regain control over women and the younger generation. The colonial authorities were concretising some customs by establishing them as customary law whilst other customs, in relation to family living arrangements for example, were rapidly changing through the impact of capitalism and the colonial taxing system.

Despite family practices having adapted to changing circumstances much of customary law is based upon an idealised traditional extended family that is

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<sup>34</sup> Marwick (1965 p. 87) reported that prior to colonial rule *mwavi* ordeals often involved the population of whole villages having to drink the poison to uncover sorcerers. Those who vomited were deemed innocent and those who died were pronounced guilty of sorcery.

fairly rare in Africa today, if, indeed, it ever existed (Ewelukwa, 2002, p. 429). Chanock (1991) maintains that “some of the [pre-colonial] rights which were exercised over others, among them those which the colonial power categorized as slavery, transmuted into customary marriage” (Chanock, 1991, p. 68). Furthermore, Armstrong (1994) confirms that traditional customs involving flexible processes of negotiation to settle disputes were “reconstructed to serve the political interests of capital” (1994, p. 69) during the colonial period. She suggests that the resulting customary law, as used today, is “a tool to oppress women” (1994, p. 69). The way in which marriage customs were ‘reconstructed’ under colonial rule are now explored particularly in relation to the patrilineal bridewealth custom.

### **Legalising Marriage and Divorce**

As mentioned earlier, bridewealth is a traditional custom among many patrilineal groups in Africa. It was the custom of the Ngoni, a tribe that originated from an Nguni group who fled from Shaka, the paramount Zulu Chief of a large conquered region of southern Africa, known today as KwaZulu-Natal and Swaziland. The fleeing Ngoni travelled north, mainly settling in Zambia, Malawi and Tanzania. In this section, primarily using Barnes’ (1951) study of Fort Jameson Ngoni, I discuss how the bridewealth custom was legalised and how the colonial authorities introduced an additional marriage legalisation payment to curb the rise of divorce.

The patrilineal custom of bridewealth which traditionally connected two families through marriage, included an exchange of cattle from the husband’s to the wife’s family to ensure that the children would become members of the husband’s lineage. Some societies, such as the Nyakyusa of Northern Malawi/Tanzania, highlight the kin-making function and extend this to the incoming wife: “The Nyakyusa say ... ‘A wife for whom cattle have not been given is not my relative’ ... With us relationship is cattle” (Wilson, 1950, p. 121). More commonly, however, the emphasis is on determining the lineage to which the children belonged. As Evans-Pritchard explained in relation to the Nuer, “it

is the fertility of the womb which a lineage receives by payment of bridewealth" (1951, p. 122). Traditionally, the bond created through bridewealth would endure beyond the death of the couple. If the husband dies, one of his junior kinsmen would inherit his wife and would continue producing children in the deceased man's name. Likewise, if the wife died, a sister or other junior kinswoman would be sent to replace her.

Although there are many variations in relation to the custom of bridewealth, the cattle received for a daughter's marriage often was used to pay for a son's wedding. Bridewealth is received from the husband's male kin and goes to the wife's male kin (Goody & Tambiah, 1973, p. 5). The payments of cattle are not usually all made at one time but are paid gradually over the initial period of the marriage. Traditionally, the wife would go to live in her husband's village and so the children would grow up among their patrilineal kin. For many tribes, for example, the Ngoni, the physical location of the children would have been very important as the larger the cluster of huts, the greater the status of the segment leader. The cluster would include his wives, all of his children, his captives and his younger brothers and their wives and children (Barnes, 1951, p.4). So, having more children generally increased the status of a man as his sons would build their own huts in his cluster on reaching adulthood, and his out-marrying daughters would help build alliances.

Barnes (1951) studied the Fort Jameson Ngoni, which as mentioned earlier, is very close to the border with Malawi. It is likely that this Ngoni group would have a similar history to the Maseko Ngoni in Malawi as both groups inter-married with neighbouring Chewa. Barnes' research specifically focused on how the Ngoni marriage customs were changing. With hindsight, it can be seen that they were in transition from patriliney to matriliney, as were the Maseko



Ngoni in Malawi who now practice matriliney, although Barnes does not explicitly make that claim<sup>35</sup>.

Barnes (1951) writes about a one-way legalisation payment from the husband's to the wife's family that was referred to as *cimalo* in the vernacular. Barnes cites Young (1931) in relation to the use of the term *cimalo* who describes the marriage payment as a "nominal preliminary interchange [involving] a single hoe or, it might be a fowl" (T. Young, 1931, p. 61). I know through fieldwork experience that the interchange involving fowl is still common in matrilineal communities in Malawi. It comprises the proposing groom's family offering a cock to the prospective bride's family and if the marriage offer is accepted a hen is given in return. This exchange is accomplished through the liaison of the *nkhoswe*<sup>36</sup> (marriage advocate) for both parties. The matrilineal *cimalo* custom was replaced among the Tumbuka in Northern Malawi by the "Ngoni-Zulu *lobola* custom" (T. Young, 1931, p. 62). Thus, a token interchange was replaced with a more significant payment from the husband's to the wife's family. As will be discussed in the next section, today in the Northern Region of Malawi, the Tumbuka, through interaction and intermarriage with Jere Ngoni practice *lobola* and trace descent through the paternal line.

Although it is not entirely clear what Barnes is referring to as the legalisation payment he distinguishes it from bridewealth payments. Mair (1969) described the legalisation payment that Barnes refers to in his study of the Fort Jameson Ngoni, as an adapted custom. By this, she meant that the bridewealth cattle payment had been modified and legalised by the Native Authorities in 1944 so that "the minimum payment necessary to make a marriage legal, was 30s [30 shillings]" (1969, p. 86). However, she maintained that "the payment ... does not establish the attachment of children to the father's lineage" (1969, p. 87). The legalisation payment, Barnes (1948) notes, was "the most important [payment]

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<sup>35</sup> The Maseko Ngoni transition from patriliney to matriliney will be discussed further in the section entitled Matriliney and Patriliney Transitions in Malawi

<sup>36</sup> The *nkhoswe* is a marriage advocate, a position usually performed by the mother's oldest brother of both bride and groom. The *nkhoswe*'s duties include arranging the marriage, advising the couple before their marriage and counselling through any marital problems.

in marriage and [wa]s the only one recorded on the printed marriage certificates issued by the Administration through the Native Authorities" (1948, p. 37). However, he later discusses how few people ever bothered to get a marriage certificate.

It seems that the introduction of the legalisation payment was a move by the colonial government in league with the Native Authorities to curtail the rise of divorce. The increased divorce rate through female petitioners was one of the consequences of the abolition of slavery which included prohibiting the practice of taking captive wives (Chanock, 1985, p. 148). Conversely, according to Barnes' own informants, in pre-colonial times, "a woman could not on any ground secure a divorce ... [but] a man could divorce his wife at any time by sending her back to her kinsfolk" (Barnes, 1951, p. 4). Reflecting on this as well as his own fieldwork, he later commented:

Whatever may be the precipitating causes of particular divorces, one basic factor is that the old social order in which divorce was rare had been replaced, through a series of events beginning with the White [sic] conquest, by a different form of social structure in which wives are relatively mobile from one husband to another (Barnes, 1951, p. 55).

The upsurge in divorce, particularly by female petitioners, was not in the interest of African men, Christian missionaries, or the male dominated colonial government and so measures were taken to rectify the situation in the form of customary law. Whereas marriages and divorces previously had been village affairs in which prominent local women also had a voice, they became the concern of the Native Authority Courts comprising only men. Thus, the legalisation of marriage and divorce was detrimental to the interests of African women not least in terms of having lost their voice (Chanock, 1985, p. 188-189).

The legalisation payment gave the husband rights *in uxorem*, that is, rights of exclusive sexual access to his wife (Barnes, 1951, p. 64). This is in contrast to bridewealth through which *in genetricem* rights, that is, rights to the custody of

the children, were acquired (Barnes, 1951, p. 113). Barnes observed that if the first payment made was bridewealth, it incorporated both *in uxorem* and *in genetricem* rights but it was becoming rarer “as bridewealth [wa]s paid only in about four percent of all marriages” (Barnes, 1951, p. 63) and often was not fulfilled until after the birth of several children. Sometimes bridewealth was offered at the time of divorce solely to gain custody of the children even though the husband was at the same time losing the rights *in uxorem* to his wife. If bridewealth was not paid, the children would be claimed by the mother’s father’s lineage (Barnes, 1951, pp. 35-36).

Through the bridewealth payment, “a man ensures that all the children of his wife, by whatever genitor, shall or rather ought to, belong to his group of relatives and live in his village when they grow up” (Barnes, 1951, p. 35). This illustrates that children’s belonging was determined not by consanguinity but through the practice of bridewealth and Barnes’ use of the phrase “or rather ought to” implies that either this was never fully adhered to or that it was beginning to change. He explained that at the time of his research, that is, around the late 1940s early 1950s, people had a wide choice of where they could live and “payment or non-payment of bridewealth for his (*sic*) mother was only one factor operating with many others in influencing his (*sic*) decisions” (Barnes, 1951, p.35). As bridewealth was no longer the only determinant of where the children physically lived, it seems that the meanings associated with this and the legalisation payment were beginning to merge. Indeed, Barnes (1951) notes that the “legalization payment [wa]s becoming the more important payment in marriage, and some people [we]re beginning to confuse the rights originally transferred by it with the rights *in genetricem* associated with bridewealth” (1951, p. 97).

Although, bridewealth payment was less common than the legalisation payment, “[b]ridewealth, when offered, [wa]s not often refused...[however] a man [wa]s usually on good terms with his affines and ha[d] lived in peace for many years with his wife before he offer[ed] it” (Barnes, 1951, p. 63).

Bridewealth payments also held more significance in what Barnes referred to as inter-tribal marriages, which I more specifically call interlineage marriages, that is, for example, marriages between the patrilineal Ngoni and the matrilineal Chewa. This was because “it [wa]s possible for rights *in genetricem* to be enforced in inter-tribal marriages, and bridewealth ha[d] therefore more significance in these marriages than in marriages within the tribe” (Barnes, 1951, p.124). He demonstrated this aspect with an example:

If the man is from another part of the territory or from abroad[,] the parents of the woman, even if they accept the legalization payment, may be reluctant to allow their grandchildren to go a long way away from them to live among their son-in-law’s kin. This consideration applies particularly to strangers in the township who marry Ngoni women. When they leave their jobs or retire they try to take their wives and children with them. They may be frustrated in the removal of their children by the woman’s parents, who refuse the bridewealth. The courts support the claims of Ngoni grandparents for the retention of their grandchildren under these conditions and a returning Yao or Cipeta man may be forced to travel without his children and sometimes without his wife (Barnes, 1951, p. 64).

This example also indicates how Ngoni practices were transitioning from patrilineal to matrilineal because by refusing bridewealth, the children remained part of their mother’s lineage and ensured the children could not be taken by their fathers to live in their home village which was often a good distance away from Fort Jameson. It also demonstrates how paying bridewealth could be a motivating factor for a matrilineal man working in a place far from his natal village in order to ensure that his wife and children would not be prevented from moving back home with him. This foreshadows the situation I discovered in Malawi in which matrilineal men who were working away from their natal village in areas populated by patrilineal people, pay bridewealth to marry local patrilineal women.

In the colonial era, travel was restricted and this is when bridewealth took on wider legal significance as the *in genetricem* rights endowed by bridewealth became legally enforceable. As Barnes (1951) notes, in relation to those who had not paid bridewealth:

The police who check the movements of women and children by bus and lorry away from Fort Jameson are in touch with the Native Courts and may be on the look out if it seems likely that a man from a strange tribe will attempt to smuggle his wife and children away from their Ngoni kin (1951, p. 64).

Later, in respect to interlineage marriages, Barnes (1951) reflects:

In marriages that are made outside the tribe, rights *in genetricem* become significant for a child is not likely to wander to and from between one tribe and another hundreds of miles away in the same way as children change from one village to another within the kingdom. Here we find more attention paid to the payment of bridewealth and to rights *in genetricem* and these rights are enforceable through the police checks on buses and lorries (1951, p. 115).

Thus, although the Fort Jameson Ngoni were transitioning away from paying bridewealth which had been their tradition, it was in the interest of matrilineal men from other tribes to pay bridewealth so that they would not be prevented by the colonial authorities from travelling with their wives and children. Bridewealth became the legally recognised crucial deciding factor in child custody decisions in interlineage marriages. Thus, matrilineal men working away from their home village were *incentivised* by the colonial government to pay bridewealth as it legally transferred the rights to the children to them even though, traditionally, it was not their custom. Generally, however, matrilineal men, such as, the Chewa would marry without bridewealth. Marwick (1965) quotes a Chewa man contrasting the two marriage customs:

Having invested cattle in a wife, you may find that she is no good, and then all you can do is beat her, just as you would beat a slave. The Ceŵa way is better; for, if you find that your wife is useless, you do not beat her or kill her: you simply leave her (1965, p. 179).

Arthur Phillips, who was the Crown Counsel in colonial Kenya (Schumaker, 2001, p. 315), edited and wrote the introduction for the *Survey of African Marriage and Family Life*. This project which started in 1947 was “conceived as an experiment in ‘practical anthropology’” (Mair, 1969, p. v). Writing in 1953, Phillips noted changes occurring in marriage patterns in relation to the cash economy, particularly as young men were tending to pay the bridewealth out of their own earnings, independent of their family elders:

The traditional function of the marriage relationship as a continuing bond between two kinship groups ... is being lost to view. The contract is tending to acquire the finality of a ‘cash transaction’ – and this is indeed no far-fetched analogy, for under modern conditions the bride-price tends to assume a more mercenary aspect than it usually bore in the past (Phillips, 1969, p. xii).<sup>37</sup>

This is echoed by Shenje-Peyton (1996) who, specifically referring to Zimbabwe, argues that bridewealth should be abolished as it “perpetuates the repression and domination of women throughout their lifetimes, first by their fathers and then by their husbands” (1996, p. 2). Indeed, consistent with Chanock’s thesis, Shenje-Peyton argues that “the purpose and meaning of *lobola* [bridewealth] have been fundamentally altered by the introduction of a cash economy ... by urbanization, and by the breakdown of agrarian communal ties” (1996, p. 2).

In summary, the colonial authorities in consultation with Christian missionaries and African male elders, established *legal* rights for exclusive sexual access to women (*in uxorem*) and to the custody of children (*in genetricem*) through

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<sup>37</sup> The introduction to *Survey of African Marriage and Family Life* was originally published in 1953, an extract of which was used by Lucy Mair in 1969. The terms bride-price and bridewealth seemed to have been used interchangeably by earlier researchers. I prefer to use the term bridewealth.

monetary payment from one male group, the husband's kin, to another, the wife's male kin. In relation to bridewealth, particularly in interlineage marriages, it became the only way for a matrilineal man to claim legal rights to his children. Additionally, the new wealth accumulated by younger men through paid wages gave them greater freedom to act independently of their elders. So, colonialism and capitalism not only impacted on gender relations, but was also at the root of inter-generational conflict which in turn reinforced the changes that were occurring.

### **Nuclearising the Family**

The British occupation of Malawi fostered the assimilation of Western values by the African population. Missionary school educated African men started to discard the African values respected by their elders in the early 1900s. Thus, a schism began to appear between the traditional elders who had lost power through the establishment of colonial rule and the 'new men' for whom new opportunities arose through education and the introduction of a cash economy (Chanock, 1975). Other major changes to traditional family life occurred due to men being strongly encouraged to migrate for work because the British Administration used Nyasaland as a labour resource for mines and other industries in Northern and Southern Rhodesia, now known as Zambia and Zimbabwe respectively. Men were sometimes prevented from taking their wives and children when they migrated for work and the physical separation often resulted in the break-up of the marriage (Mair, 1969, pp. 153-155).

After the Second World War, the inter-generational challenges grew with the rise in the number of nuclear families living in urban areas away from extended families. The colonial government, in promoting wage labour and nuclear family living, ignored the authority of *malume* (senior brother/uncle) over his *mbumba* (his sisters and their children) in matrilineal communities and placed the husband, as breadwinner, at the head of the household. The nuclear family arrangement removed the matrilineal woman from her family and her land, rendering her dependent on her husband for subsistence whilst making

available a new subject position with greater power for her husband (Peters, 1997a, pp. 195-200). In some situations, such as the construction in the mid-1950s of the Kariba Dam on the Zambezi river between Zambia and Zimbabwe, matrilineal women lost their ancient rights to land through the colonial system of allocating redistributed land only to men in the position of head of the family (Colson cited in Cutrufelli, 1983, p. 69). Generally, men's new wealth brought their extended families to them to seek assistance which served to increase their prestige (Power, 1995, p. 99). The matrilineal senior uncle's status was significantly diminished because his position "as the source of economic assistance [wa]s taken by whoever happen[ed] to have accumulated the most money" (Mair, 1969, p. 113).

Thus, younger matrilineal men with their new wealth began to be more powerful in the traditional African sense as they became more respected than their elders because they could offer financial support to members of their lineage. Moreover, a man providing assistance for his wife's kin in the same manner, would likewise weaken the influence of his wife's matrilineage elders who traditionally have authority over his children as they are part of their *mbumba*. Mair (1969) observed how men used their wealth to offer cash rather than carry out the traditional matrilineal bride-service required by their parents-in-law. Bride-service traditionally involved the husband working for his wife's parents at least for the first two years of marriage. Mair observed:

Money is also coming to take the place of the marriage gifts that were formerly made in goods, and this fact is tending to bring into marriage an element of commercial transaction which it did not have before ... We find husbands claiming that because money has passed the wife's status is that of a paid employee (with no more rights than those of the African wage-labourer) and wives accepting the claim (Mair, 1969, p. 104).

Thus, younger men changed the marital relationship by bypassing the marriage traditions through which the elders could exercise power over them.



The erosion of the elders' power came through the many changes that occurred during colonial rule. One of the reasons for the shift in power was due to "the fact that it [wa]s no longer possible for those who displease[d] the senior kinsmen to be sold into slavery" (Mair, 1969, p. 113). For matrilineal communities, the authority of the *malume* over his *mbumba* was deliberately undermined by missionaries and government officials persistently reinforcing the husband as the head of the household and conferring on him, as father, responsibility for his children. For example, the missions expected the father to pay for his children's education and this became an accepted norm. Indeed, children were taught at school that "their first duty is to their father" (Mair, 1969, p. 113).

Inevitably, tensions surfaced between the traditional and newly introduced discourses, with capitalist and individualistic accumulated wealth and nuclear family living on one hand and communal responsibilities on the other (Ewelukwa, 2002, p. 430). Despite the growing nuclearisation of families, children's inheritance of their father's property was still often contested by their father's nephews by citing traditional matrilineal practices. Thus, sons who worked with their father in the carpentry trade, for example, could find that on his death, their cousins (their father's nephews) arrive to claim his tools as their rightful property even if there had not been much contact with these relatives while their father was alive. This could be contested in court by the sons appealing to the colonial authorities, but the case would be dealt with by Chewa native courts under whose customary law the nephews' traditional claims were recognised (Mair, 1969, p. 114). Similar discrepancies between Malawi state law and customary law occur today as will be discussed further in the section entitled Contemporary Malawian Family Law.

Mair (1969) concluded that matrilineal marriages became more unstable under the influence of colonialism due to the rise of nuclear family living. Marriages became less about uniting two groups under the stewardship of elders and more a matter of personal choice between the couple who were financially

independent of their extended families. Even if marriages had been arranged traditionally, the husband's desire to move with his wife to an urban area to find paid work could lead to divorce if her parents prevented her from leaving with him. Cutrufelli (1983) argues that the modern nuclear family developed as a result of "the forced integration of traditional societies into a capitalist economy" (1983, p. 41). Whatever the cause, changes have occurred to family living patterns in Africa which render some customary practices inappropriate and perhaps unjustifiable in today's post-colonial African states (Ewelukwa, 2002; Von Struensee, 2004).

## **Matriliny and Patriliney Transitions in Malawi**

As discussed earlier, marriage patterns were changing as the Fort Jameson Ngoni transitioned from patriliney to matriliney under the effects of colonialism and similar transitions were happening in Malawi to two separate groups of Ngoni.

In Malawi, the majority of the population traditionally practice matriliney and accordingly trace descent through the maternal line. However, in the Northern Region and the two southernmost districts, groups who trace descent through the paternal line are predominant. Thus, there are two contrasting social constructions of children's belongingness. In matrilineal groups, there is no bridewealth payment and children belong to their mother's family. Conversely, in patrilineal communities, children are affiliated with their mother's husband's family providing the *lobola* (bridewealth) requirements have been fulfilled. These contrasting customs endure despite the Malawian 1994 Constitution determining equal rights for spouses in relation to child custody.

However, some of the groups who now practice patriliney once practiced matriliney and vice versa. The Tumbuka from the Northern Region were matrilineal but were influenced by the conquering Jere Ngoni and today practice patriliney with *lobola*, a requirement of the marriage arrangements to affiliate children to their father's lineage. Conversely, the Maseko Ngoni from

the Central Region transitioned from being patrilineal to being matrilineal through intermarriage with the neighbouring matrilineal Chewa. Today, the Maseko Ngoni marry without *lobola* and trace descent through the maternal line. Chanock (1985) ascribes the difference as being an effect of the British conquest. He maintains that because the Jere Ngoni chieftaincies in the Northern Region were not conquered, “their prestige remained high with their Tumbuka subjects, and ... Ngoni marriage was adopted by young people” (1985, p. 174).

As mentioned earlier, both of these Ngoni groups originated from an Nguni group who were defeated by the Zulu Chief Shaka in the early 1800s. To demonstrate how they transitioned from practicing patrilineal to matrilineal principles of descent, I outline the history of the Maseko Ngoni in Malawi who journeyed under the leadership of a Swazi Chief Ngwane Maseko. They eventually settled in Malawi in the 1870s and are still known today as Maseko Ngoni. They were organised on a military basis with age grade roles and each chief had his own army (Phiri, 2004). By the time they reached Malawi, they had experienced fifty years of combat and migration, and had assimilated a number of captives from other tribes along the way. Male captives were incentivised to fight as a way of regaining their freedom. A male captive who became a skilled warrior would be rewarded with his own village, a kraal of cattle and marriage. As the number of matrilineal Chewa captives grew, however, assimilation into the patrilineal Ngoni culture became more difficult, especially as the Chewa wives, whose sons represented a growing proportion of the new generation of young warriors, had a strong influence in relation to child rearing and family structure (Linden, 1972). The Maseko Ngoni eventually settled peacefully, living and intermarrying among the Chewa and this inspired the Chewa claim that “we defeated them with our women” (Linden, 1972, p. 247). Thus, the Maseko Ngoni transitioned from practicing patrilineality in which succession flows from father to son to practicing matrilineality in which succession flows from older brother to younger brother to sister’s son. Another major difference is in terms of residence after marriage. Sons previously would have

stayed in their father's villages while daughters married out, but now sons marry out and reside in their wives' villages, whereas daughters remain living in their natal village.

## Contemporary Malawian Family Law

In Malawi today, as in many other African countries, there remains as a legacy from the colonial period, a duality within the legal system. On one hand there is state law and on the other customary law. Malawi's Constitution seems to define families in terms of nuclear families through statements, such as, "all men and women have the right to marry and found a family" and "no person shall be forced to enter into marriage" (Malawi Government, 2004, section 22). Furthermore, within customary marriage law, there are two customary family law systems: matrilineal and patrilineal. Under the patrilineal system *lobola* (bridewealth) requirements have to be fulfilled for the marriage to be deemed valid and children to be affiliated with the husband's clan. Conversely, under the matrilineal system, *chinkhoswe* (traditional marriage) validity is based on the consent of each party's *nkhoswe* (marriage advocate) and children are affiliated with the wife's clan (Mwambene, 2012, pp. 127-129).<sup>38</sup>

Although the Malawi Constitution, established in 1994 at the onset of multiparty democracy, recognises customary law, it also overrides both the patrilineal and the matrilineal customary family law systems in relation to child custody. The Constitution determines that both spouses have equal rights to the custody of children regardless of how they were married and that children have the right to be raised by their parents (Malawi Government, 2004, sections 22-23). However, the Constitution also protects the right to culture (Malawi Government, 2004, section 26), an interpretation of which is that "the state has a duty to allow people to participate in the culture of their choice, including a duty to uphold the institutions on which that culture is based" (Bennett, 2006,

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<sup>38</sup> *Chinkhoswe* is the term for the traditional marriage ceremony in both matrilineal and patrilineal communities but is sometimes referred to as an engagement ceremony nowadays as it is often followed by a church ceremony (*chikwati*) and in Christian terms the couple are not considered married until they have had a church wedding (Dzama, 2005, pp. 2-3).

as cited in Mwambene, 2012, p. 133). This is supported by section 200 which confirms that customary law in practice prior to the Constitution coming into force “shall continue to have force of law” (Malawi Government, 2004, section 200).

While legal pluralism could cause confusion, section 200 seems to assert that the Constitution supersedes any inconsistent laws:

Except in so far as they are inconsistent with this Constitution, all Acts of Parliament, common law and customary law in force on the appointed day shall continue to have force of law, as if they had been made in accordance with and in pursuance of this Constitution (Malawi Government, 2004, section 200).

Furthermore, section 11 states “current norms of public international law and comparable foreign case law” (Malawi Government, 2004, section 11/2c) must also be regarded when interpreting the Constitution. Additionally, Chapter XI incorporates the function of the Malawi Human Rights Commission. When these aspects of the Constitution are considered together with the fact that Malawi is a signatory to the Convention for the Rights of the Child, it is logical to assume, as Lea Mwambene did, that “customary laws that are inconsistent with the Constitution are invalid and unenforceable” (Mwambene, 2012, p. 134). However, after reviewing legal case studies and court decisions in relation to child custody in Malawi since 1994, Mwambene (2012, p. 138) discovered:

Where the requirements of *lobola* or *chinkhoswe* were met, custody of children is mostly awarded to fathers or to mothers, respectively. This leads to the conclusion that courts work on the assumption that fathers will retain their children on divorce in the patrilineal systems and that mothers will retain custody of their children in matrilineal systems.

Thus, it would seem that children’s best interest were being disregarded and indeed Mwambene (2012) maintains that, in relation to children’s rights, the courts had paid only ‘lip service’. However, she also acknowledges that judges

are probably influenced by cultural beliefs and thus consider, for example, that it is in the best interest of the children that custody is awarded to the mother if the family are from a matrilineal group and to the father in patrilineal groups.

Mwambene (2012) does not mention interlineage marriages so there was no discussion about where the best interests in terms of child welfare of such marriages would lie. Those with a matrilineal mother and patrilineal father could have both parties claiming traditional rights to the children although the father's claim would depend on bridewealth being paid and, as will be discussed in Chapter Seven, most matrilineal families would not accept bridewealth for their daughters. Conversely for children with a patrilineal mother and a matrilineal father, neither side could claim traditional rights unless bridewealth was paid, but this raises issues about deciding custody based on a patrilineal custom paid by a matrilineal family and whether it is in the best interest of the children. Furthermore, the cases in Mwambene's (2012) article all relate to divorce with no mention about custody of children in cases concerning the death of one parent. Perhaps it is assumed that the remaining parent will automatically take care of the children, particularly if it is the widowed mother, but as will be shown with my case studies in Chapters Seven and Eight, this is not necessarily what happens.

Thus, it would seem that customary law, even when inconsistent with the Constitution, is still very influential in court decisions. Furthermore, as most Malawians are likely to be more conversant with customary practices than constitutional law, they may not be aware of their constitutional rights which could leave them vulnerable to abuse. Problems often occur, for example, following the death of a husband, when his relatives assert their property inheritance rights based on customary law above the widow's constitutional rights. As discussed in the next section, widows are often left in very precarious situations.

## Dispossessing Widows

Bereavement is a very difficult time for most people as dealing with loss involves intense emotions. Particularly if the death is sudden, those closest to the deceased can experience trauma and shock. In Malawi, there may also be severe financial implications for widows through being dispossessed of her property. This practice is known as 'property grabbing'.

The potential conflict between the discourses of lineage responsibilities and nuclear family living does not usually surface until after the death of the husband. Whilst he is still alive he can keep relatives happy through contributions from his new-found wealth, in addition to providing security for his wife, but on his death, his wife is at "the mercy of his kin" (Power, 1995, p. 100) who often strip the widow of all the nuclear family's assets. This practice of 'property grabbing' is becoming more common and is experienced by both patrilineal and matrilineal widows, particularly when the couple lived with their children as a nuclear family in urban areas, away from both extended families.

Property grabbing is less likely to occur in matrilineal groups where the couple were living matrilocally, as living among her own kin offers the widow some security (White, Kamanga, Kachika, Chiweza, & Chidyaonga, 2002). Although Chapoto, Jayne and Mason (2011), in their Zambian study, were surprised to find that matrilineal widows were "equally at risk of losing their rights to land" (2011, p. 542), their findings can be explained in terms of most Zambian rural marriages, both matrilineal and patrilineal tending to "follow virilocal/patrilocal residence patterns" (2011, p. 514) where the wife settles in the husband's village. They acknowledge that in "matrilocal marriages ... women are perceived to have generally more secure land rights" (2011, p. 514). Similarly, White et al (2002) report that in matrilocal marriages in Malawi, access to the land will not be challenged but will remain under the widow's family's control and usually the widow and her children will remain living in the house built by her husband. In such circumstances, other items of property

are usually divided into masculine and feminine with items, such as bicycles and radios, being regarded as masculine and claimed by the husband's family (White, et al., 2002, p. 57).

Conversely, in patrilineal societies where the couple live patrilocally, the widow traditionally would be invited to stay living there to continue cultivating the land in her role of guardian to her children, as long as bridewealth had been paid (Izumi, 2007, p. 14; Kishindo, 2004, p. 216). Previously, in many African societies, she would have been 'inherited' by one of her deceased husband's kinsmen as (an additional) wife and they would have continued to produce children in the deceased man's name, but this custom is becoming rare now, mainly due to the fear that the widow may be HIV positive (Munthali, 2002). If the widow chooses to leave her deceased husband's village, she is not allowed to take any property with her. The payment of bridewealth by her husband's kinsmen at the time of her marriage usually renders her ineligible to inherit property, regardless of whether or not it was acquired during their marriage (Ewelukwa, 2002, pp. 434-435).

Patrilineal families of deceased male kin tend to claim that through the customary bridewealth payment, full responsibility for the woman, who was often regarded as a permanent minor, was transferred to her husband's kin and so they are entitled to all the property (Cutrufelli, 1983, pp. 67-68). Ewelukwa (2002) claims that in patrilineal families the wife who was acquired by bridewealth has the status of an "unpaid servant" (2002, p. 439). Other researchers suggest, however, that social capital in terms of having strong social networks among their deceased husband's kin can offer widows some protection against eviction (Aliber & Walker, 2006; White, et al., 2002). Nevertheless, even traditional patrilineal fathers of highly educated and high-income earning daughters often do not recognise their widowed-daughter's rights to property as property is considered as belonging to men (White, et al., 2002, p. 76).



Matrilineal families, likewise, claim their right to their kinsmen's property but they do so by conveniently fusing customary and state law. They assert that as the head of the nuclear family household, the husband exclusively owned all the property but they declare that it should be inherited by his sisters and their children to whom he has responsibility customarily. They argue that his widow and children "cannot inherit the 'property' of somebody who had no traditional duty to maintain them in his lifetime" (White, et al., 2002, pp. 73-74). The widow, they suggest, should turn to her brothers and uncles for support (White, et al., 2002, p. 74).

There are concerns among Human Rights Activists that customary practices, which may have originally offered protection for women and children (Armstrong, 1994, p. 69) were reconstructed into customary laws by men wanting to augment their positions of power (Chanock, 1985; Ewelukwa, 2002, p. 432). The consequences of such customary laws are now causing widows to lose access to the land that they have cultivated all through their married life and on which they depend to grow food for themselves and their children. Often very poor widows, who may have had to use the last of their financial resources to pay hospital fees and funeral costs for their husbands, are evicted from their huts and land and have their few remaining possessions grabbed by "middle-class, relatively wealthy" relatives of their deceased husband (Izumi, 2007, pp. 13-14). Similarly, women who were comparatively wealthy while their husbands were alive can be left practically destitute by their in-laws.

Thus, customary practices often infringe on modern African states' inheritance laws, which recognise the widow as a stakeholder in her husband's estate (White, et al., 2002, pp. 56-59). However, as mentioned earlier, widows together with the majority of Malawians, are unlikely to have the means to exercise their constitutional rights even if they were cognisant of such legal protection available under national law. Both patrilineal and matrilineal families often invoke customary law in an attempt to justify practices which frequently plunge the widows into poverty (Hendricks & Meagher, 2007; Human Rights

Watch, 2003; White, et al., 2002). Particularly, if social relationships are not strong between the widow and her husband's kin (which is less likely if she is very young) or if there is competition for land (particularly from widowed or divorced sisters-in-law who have themselves returned to the village empty-handed), the relatives of the husband will often make life very difficult for the widow, with the specific aim of driving her away (White, et al., 2002, p. 66). Ewelukwa (2002, p. 435) maintains that childless widows or those with only female children are particularly susceptible to eviction. Although both matrilineal and patrilineal groups justify their actions with reference to customary law, Human Rights activists proclaim that it amounts to theft as it disregards the constitutional rights of the widow.

## **Conclusion**

Matriliny and patriliney, far from being stable structures, are clusters of flexible practices that change over time. Likewise, customary law, far from being an ancient system, is a cluster of practices selected by British Administrators in liaison with African elders and established as 'law' during the colonial period of indirect rule. Conversely, other transformations heralded during this era particularly in relation to the cash economy, offered opportunities for young men to gain more power and authority in relation to their elders. With the rise of nuclear family living and the colonial insistence of solely recognising the husband as head of the household, matrilineal men enjoyed privileges in terms of authority over their wives and children not traditionally available in the matrilineal subject position of husband. Furthermore, matrilineal men recognised opportunities offered through the patrilineal subject position of husband achieved by paying bridewealth to obtain perceived rights in relation to their wives and children. Thus, interlineage marriages came to be seen as advantageous for matrilineal men.

In contrast to patrilineal families' general understanding of bridewealth which is similar to the Shona conception in terms securing identity and belonging for the children (Roalkvam, 2005, p. 216), matrilineal families who pay bridewealth

for their kinsmen to marry patrilineal women understand the custom in terms of providing rights to the children. These rights *in genetricem* were enforced by colonial authorities particularly when disputes occurred in relation to the extended families involved with interlineage marriages. If bridewealth had not been paid to secure these rights, matrilineal husbands of interlineage marriages were prevented by law from taking their patrilineal wives and children back to their home village. Thus, matrilineal men were incentivised to pay bridewealth in order to gain recognised rights to their children. Furthermore, the children were understood as legally belonging to the matrilineage, a somewhat incompatible position in terms of the traditional matrilineal discourse which positions men's children as belonging to their mothers' families.

The dualist legal system in place in Malawi today, another colonial legacy, often creates uncertainty and confusion with many Malawians being unaware of their constitutional rights. The two systems can be contradictory causing disjunctures which often have negative implications for women, particularly widows. Customary law is often cited against widows by relatives of their deceased husbands, in both matrilineal and patrilineal communities, to dispossess the widows of all the property they had shared with their husbands. Such practices are now regarded as gender-based violence by Human Rights groups.

Although during the colonial period social anthropology studied lineages as structural determinants of politico-jural domains, as I have demonstrated lineage discourses are also very significant in terms of elementary families and everyday relatedness practices. Indeed, understanding lineage discourses in terms of meanings and positioning is crucial to understanding children's belongingness. In the next chapter, I discuss how since colonial times people from various tribes have gravitated toward commercial centres for job opportunities, settling in peri-urban villages that are convenient for the daily commute to work. This creates tribally diverse peri-urban settlements, such as Mapira, where inter-tribal marriages are common including interlineage marriages.

## Chapter Five

# Mapira: A Place of Tribal Diversity

### Introduction

Mapira, my fieldwork location, a peri-urban settlement in the Southern Region of Malawi, unlike most rural villages, is home to people from several different tribes. This is primarily due to its proximity to Blantyre, the commercial capital, which attracts workers from across the country. However, Mapira's population has always been tribally diverse because rather than developing organically, it was a planned settlement. As part of a Christian industrial mission, Mapira was originally bush-land that the missionaries set aside for workers to build homes for their nuclear families. As discussed in the previous chapter, paid work, migration, and nuclear family living were encouraged during the colonial period and these factors continue to characterise Mapira today.

From the discursive perspective, context is very important in understanding the positioning of people and how stories unfold. Likewise, this chapter provides the context for the orphans' stories and the interlineage marriage case studies featured in the next three chapters. To start, I provide a brief overview of Malawi in terms of history and current challenges, followed by outlines of the four contemporary Malawian tribes that are relevant to my case studies; Sena, Lomwe, Mang'anja and Yao. Finally, using data from the household survey I conducted in 2007, I explore Mapira's community in terms of its tribal diversity and its orphan population. For the survey, I used the Malawian government's definition 'orphan' which is children under eighteen years of age who have lost one or both parents through death. Although, this chapter is largely contextual, my main arguments are twofold. I suggest that families are more likely to send orphaned children to kin living in peri-urban settlements, such as Mapira, as they are often perceived to offer more opportunities than rural villages. Additionally, I argue that Mapira's tribally diverse population creates a suitable environment for intertribal and interlineage relationships to develop.

## Malawi

Located in south-eastern Africa and forming part of the Rift Valley, Malawi is landlocked with approximately a fifth of the country covered by water in the form of lakes and rivers. The largest of these are Lake Malawi and the River Shire which flows from the southern part of Lake Malawi down to the Zambezi River in Mozambique. In approximately 150AD, groups of Bantu people started to settle on this land and gradually took over from the aboriginal hunter-gatherer population, the Kafula. Over the intervening centuries, several other Bantu groups migrated mixing with various tribes along the way through intermarriage and conquest (Phiri, 2004). The Maravi people were among the early Bantu settlers having travelled from what is now the Democratic Republic of Congo and it is from these people that Malawi gets its name. Although there is some debate, it is generally accepted that the Chewa and the Mang'anja (sometimes known as Nyanja) are descendants of the original Maravi people (Pachai, 1972, p. xxi; Shepperson & Price, 2000, p. 44).

David Livingstone first journeyed up the Shire River in 1859 and reported back favourably to the British Government about the possibilities for commerce in the region. He also appealed for missionaries to continue with the work he had started. The first group to respond was a group led by Bishop Mackenzie of Cambridge University. This mission, known as the Universities Mission to Central Africa (UMCA), provided refuge for runaway slaves and following Livingstone's lead even forcibly freed slaves from Yao slaving parties. They found themselves in continuous struggles with Yao slave traders and reports about their military-style assaults turned British public opinion against them. Mackenzie died of fever in 1862 and two others died the following year (Mitchell, 1956; Phiri, 2004). The second major missionary expedition was in 1876 when the Church of Scotland founded a mission in Blantyre. Later they established the Livingstonia Mission in the northern region which contributed to that province becoming in the early 1900s "the most advanced area in terms of educational activity of any in Central Africa" (McCracken, 1972, p. 231). This

very successful mission laid the foundations of the Church of Central Africa, Presbyterian (CCAP) which today is the largest Protestant denomination in Malawi.

The first of the British trading companies established was the African Lakes Company (ALC) who set up in Blantyre in 1878. During this era, the region was generally characterised by fear from two sources; firstly, Ngoni war raids on local villages from which they plundered, killed and took captives and secondly, Yao slave captors working on behalf of the Arabs on the east African coast. In order to safeguard their trade routes and business from Ngoni and Yao raiders, the ALC repeatedly petitioned the British government to provide protection. These petitions were answered initially through the appointment of Harry Johnston in 1891 as Commissioner and Consul-General to rule over the Nyasaland Districts as it was then known. It later became the British Central Africa Protectorate in 1893 and the Nyasaland Protectorate in 1907 with Alfred Sharpe as the first Governor (Rafael, 1980).

In the early years, Christian missions were associated with providing protection from Ngoni raids and Yao slave traders. Later they became involved with commerce when they set up industrial missions but mainly they were associated with providing education and medical care as well as their primary aim of spreading the gospel. The settlement of Mapira and the surrounding area of approximately forty two square miles was part of the Zambezi Industrial Mission established by Baptist missionary, Joseph Booth, in 1892. One of Joseph Booth's first converts was John Chilembwe who became a Baptist Minister after training in the USA and went on to stage an uprising against the British Colonial authorities. This rebellion is now referred to as 'The Rising' and is commemorated as the first bid for independence (Langworthy, 1996; Rafael, 1980; Shepperson & Price, 2000). Now, approximately 85% of the population of Malawi is Christian comprising many different denominations (Presbyterian Church in Ireland, n.d).

Today, Malawi is one of the poorest and least developed countries in the world and is currently ranked 170 out of 186 by the United Nations Development Programme in terms of human development (UNDP, 2013a).<sup>39</sup> Although it is a very small country in African terms, having a population of over fifteen million makes it one of the most densely populated. With over 132 people per square kilometre, Malawi's population density is nearly four and a half times higher than the African average. The majority of Malawi's population live in rural areas and the economy is predominantly agricultural, with nearly three quarters of its produce coming from smallholder farmers, the majority of whom cultivate less than one hectare of land (Worldbank, 2006). Malawi exports tea, cotton, coffee and sugar but the main export commodity is tobacco. As mentioned earlier most agricultural production is subsistence and rain-fed with a huge proportion of the cultivated land being used for maize, the staple food. Moreover, over half of all households grow only maize and no other crop which means that if the maize harvest is poor, there will be widespread severe food shortages. Unfortunately, this is not infrequent, as Malawi, having only one rainfall season per year, is vulnerable to drought (World Bank, DFID, & Millenium Challenge Corporation, 2010).

Malawians are also struggling to cope with the devastating effects of AIDS. It is estimated that over one million Malawians are living with HIV. Though AIDS death rates have fallen due to the success of Anti-Retroviral Therapy from 76,000 per year in 2003 to 43,000 per year in 2011, the death toll is still high (Malawi Government, 2012, p. 4; UNAIDS, 2012). As HIV primarily affects heterosexuals in Africa, there is a strong correlation between AIDS morbidity and orphan prevalence (Grant & Yeatman, 2012, p. 280). The scale of deaths among young adults intensifies poverty and produces more orphans. Many subsistence-farming households are losing their most productive adults, resulting in families becoming poorer, and as families become poorer, people go

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<sup>39</sup> The Human Development Index provides a composite measure of three basic dimensions: health, education and income.

hungry making them weak and more vulnerable to infectious diseases that they cannot afford to treat.

The international borders that now separate Malawi from Tanzania, Zambia and Mozambique originate from the era of British colonial rule. These boundaries (see Figure 2) arbitrarily split peoples from the same tribe into four different nationalities (Kandawire, 1980, p. 133) whilst simultaneously incorporating peoples from several different tribes in one small country. Thus, Malawi's African<sup>40</sup> population comprises a number of tribes each with its own language, traditions and customs.

### **Tribal Diversity**

The major tribes in Malawi today include Tumbuka, Ngoni (Jere Ngoni originally from Zululand) and Tonga in the Northern Region, Chewa and Ngoni (Maseku Ngoni - originally from Swaziland) in the Central Region and Yao, Lomwe, Sena and Mang'anja in the Southern Region. The Tumbuka and the Jere Ngoni, plus other tribes residing north of Mzimba, in the Northern Region as well as the Sena in Nsanje, the southernmost district of Malawi, practice patriliney. All of the other groups, primarily residing in the central and Southern Regions, practice matriliney (see Figure 3).

As discussed in the previous chapter, the Tumbuka transitioned from matriliney to patriliney mainly through the influence of the Jere Ngoni whereas the Maseku Ngoni started out as patrilineal but adopted matriliney through intermarriage with their matrilineal Chewa neighbours. The differences between the two groups of Ngoni were summed up, during my fieldwork by one of the elderly residents of Mapira, Mr Makoka, a Jere-Ngoni man from Mzimba in the Northern Region:

The behaviour of the [Maseku] Ngoni in Ntcheu [a district in the Central Region] was that they were just marrying [that is,

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<sup>40</sup> In addition there are non-African's including Asians (mainly Indian), Europeans, Americans and White South Africans.



without *lobola*] as it is here in Blantyre. While the [Jere] Ngoni in Mzimba wanted to see the benefits from the child they have brought up so they will receive something. To say ‘thank you’ to the mother they can either give a cow to the family or money. But the [Maseku] Ngoni in Ntcheu they don’t do any of this. So, where they practice *lobola* is in Nsanje and Mzimba only, not even here [near Blantyre]. But from Mzimba up to Karonga [the far north of Malawi] they practice *lobola* and from Mzimba they jump [south] to Nsanje [the districts between Mzimba and Nsanje do not practice *lobola*].



Figure 12: Map of Mozambique showing original homes of Sena (A), Lomwe (B) and Yao (C)

The histories of the tribes described below are those that feature in my main case studies. They are Sena who practice patriliney and Yao, Mang'anja and Lomwe, all of whom practice matriliney. As I show, the matrilineal customs of Yao, Mang'anja and Lomwe are fairly similar and therefore intertribal marriages occurring between these three tribes do not usually present challenges to children's belongingness. It is in interlineage marriages, particularly between a patrilineal woman and a matrilineal man, that problems tend to emerge due to the conflicting social constructions of children's belongingness, which will be explored further in Chapters Seven and Eight.

As demonstrated in the previous chapter, matriliney and patriliney are clusters of practices that can adapt over time. One such adaptation in matrilineal societies concerns uxorial living arrangements. As these conflicted with the *malume's* position as matrilineage leader, it was possible for those men to bring their wives into their natal villages after careful negotiation with their wives' brothers and uncles (Mitchell, 1956, p. 144). This compromise enabled the *malume* to reside among his *mbumba*. Furthermore, since colonial times it has become increasingly common for matrilineal men to offer a payment in order to avoid having to do bride-service and to be able to take their wives to live as nuclear families in locations convenient for their work. This practice, referred to as *chitengwa*, originated from the Chewa but is now generally accepted within other matrilineal groups in Malawi. *Chitengwa* is usually granted by the wife's family as long as the husband builds a house in his wife's village for their regular visits, gives his wife's family a goat, and successfully demonstrates that he is able to support his wife and future children. However, although the couple may reside elsewhere, the woman continues to maintain very close contact with her home village and the children are still considered members of her family under the leadership of her uncle or brother<sup>41</sup>.

This is in contrast to the Sena whose patrilineal customs are very different particularly in relation to marriage as they involve *lobola* payments which

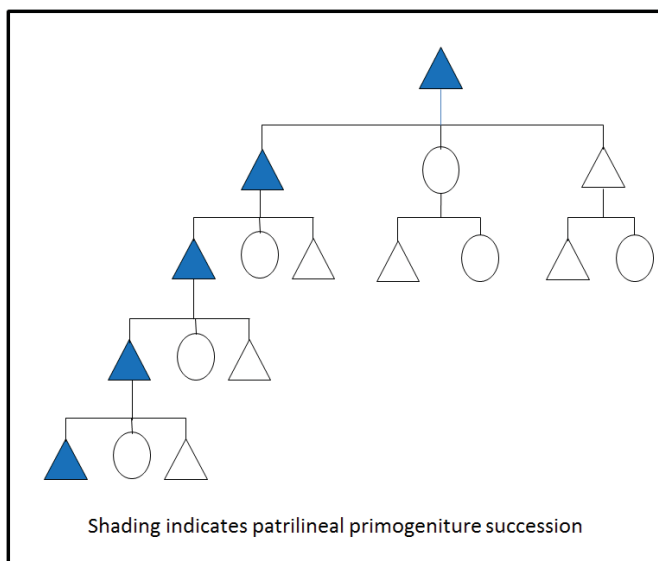
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<sup>41</sup> I learned about *chitengwa* from my participants and my assistants during my fieldwork.

affiliate children to their fathers' lineages. Thus, interlineage marriages between Sena and partners from matrilineal tribes require either the brides' or grooms' families to practice unfamiliar customs. The interlineage marriages featured in my case studies all involve Sena women married to either Lomwe or Mang'anja men.

## Sena

The patrilineal Sena trace descent through the paternal line and practice agnatic primogeniture with succession and inheritance passing to the eldest son (see



**Figure 13: Patrilineal Primogeniture Succession**

Figure 13). Sena marriages are usually virilocal and *lobola* is required. In addition, the levirate and sororate<sup>42</sup> customs were traditionally practiced (Duly, 1948, p. 22), but due to the AIDS pandemic the Malawian government now discourages these practices (Munthali, 2002). However, as will be discussed in Chapter Eight, even customs that the

government have banned continue to be practiced in rural settings.

The tribe now known as Sena originally comprised various patrilineal tribes who in 1860 were centred in and around Sena in Mozambique on the banks of the Zambezi, south of their current home in Nsanje<sup>43</sup>, Malawi (see map Figure 11). According to Duly (1948), the Sena fled from Portuguese East Africa where slave trading was still common and where the Portuguese colonial administration with their "labour conscription drives" (1948, p. 23) and other restrictive practices were deemed very harsh. They started migrating to Nsanje

<sup>42</sup> Levirate is a custom in which a man marries his brother's widow and sororate is a custom in which a widower marries his deceased wife's sister.

<sup>43</sup> Nsanje was known as Port Herald in colonial Nyasaland (Duly, 1948, p. 21).

in the late 1800s and by 1948, seventy five percent of the population of Nsanje described themselves as Sena although ninety percent of the Village Headmen were still Mang'anja (Duly, 1948, p. 21). Today, although Village Headmen may be Sena, the senior chiefs, known as Traditional Authorities are still Mang'anja as they are understood to be the original "owners of the land" (Wawa Malawi, 2014).<sup>44</sup>

## **Lomwe**

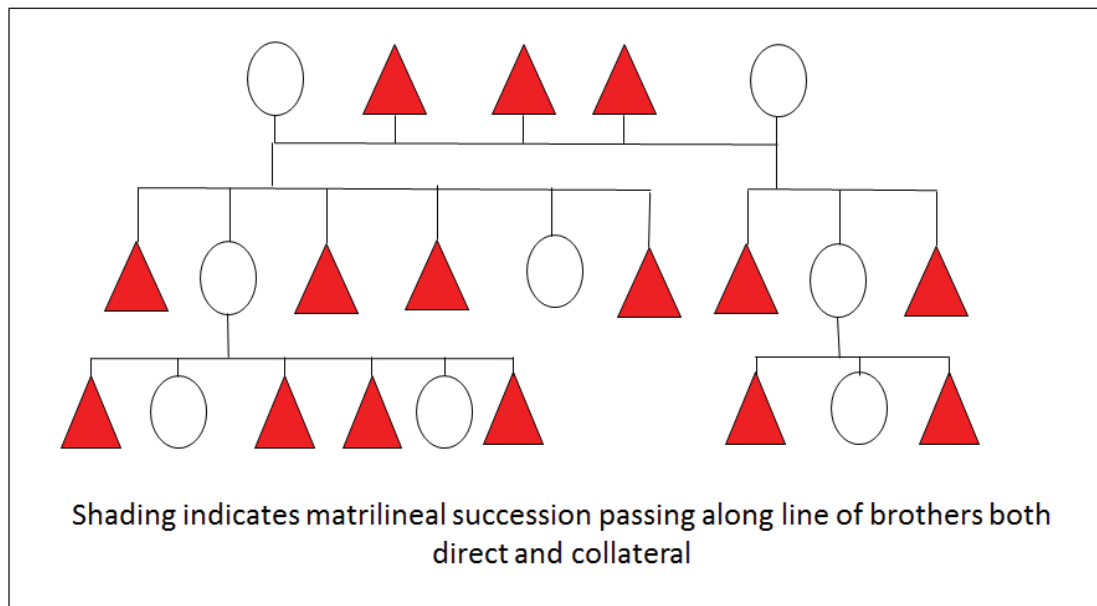
Three of my four case studies feature interlineage marriages between a Lomwe man and a Sena woman. Lomwe is an umbrella term encompassing fourteen matrilineal sub-groups who emigrated from Mozambique. The term *Nguru* was often used instead of Lomwe by various people including Yao, Mang'anja and colonial officials but is now understood as a derogatory term (Chirwa, 1994, p. 527; Mitchell, 1956, pp. 16-17). The immigration of the Lomwe into Malawi from an area to the east of Lake Chirwa in Portuguese East Africa, now Mozambique, started in the nineteenth century, before the arrival of missionaries and colonials (see Figure 12). The migration rate steadily increased during the colonial era when Lomwe were actively recruited from Mozambique for labour, particularly for the tea plantations of Thyolo and Mulanje<sup>45</sup> (Chirwa, 1994, pp. 528, 543). Furthermore, a significant proportion of the thousands of Mozambican refugees who crossed the border into Malawi daily between 1986 and 1988 to escape the civil war are likely to have been Lomwe (Rule, 1988). Although most of the refugees have since returned to Mozambique it is likely that many stayed due to intermarriage with Malawians and there is still considerable movement in both directions across Malawi's border with Mozambique. Today, Lomwe constitute eighteen percent of the total population of Malawi (Banda, 2013, p. 28) and are mainly located in the Southern Region, in the districts of Mulanje, Phalombe Thyolo, Chiradzulu, Zomba, Blantyre and Machinga (Wawa Malawi, 2014). Their indigenous language, Chilomwe, has

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<sup>44</sup> Traditional Authority roles known as T/As were created during the colonial period to cover large domains in charge of hierarchies of local chiefs (Village Headmen and Group Village Headmen).

<sup>45</sup> For map of Malawi see Figure 3

now practically died out in Malawi having been replaced by Chichewa (Matiki, 2009, p. 544).



**Figure 14: Matrilineal Chieftainship Succession Passes from Brother to Brother.**

Lomwe practice matriliney and traditionally the husband went to live with his wife in her home village (uxorilocal). There is no bridewealth in these societies as the woman generally stays with her own kin and the children belong to the woman's clan under the authority of the *malume*. Chieftainship succession passes from older to younger brothers both direct and collateral<sup>46</sup> before passing to the next generation (see Figure 14). It is generally recognised that the Lomwe were sufficiently similar to other matrilineal groups in Malawi, such as Chewa, Nyanja, Mang'anja, and Yao, in terms of customs and practices that intermarriage among these groups was common (Boeder, 1984, p. 47; Phiri, 2004, p. 107; Tew, 1950, p. 25).

### **Mang'anja**

According to Shepperson and Price (2000), Mang'anja and Nyanja are two names for the same peoples (2000, p. 44). It seems that they are referred to as Nyanja around the base of Lake Malawi in districts such as Mangochi, as

<sup>46</sup> Collateral brothers are mother's sisters' sons.

mentioned above, but are called Mang'anja in the Southern Region districts of Thyolo, Mulanje, Chikwawa and Nsanje (see Figure 3) which comprise the Lower Shire Valley.<sup>47</sup> The Mang'anja, Nyanja and Chewa share the same language and, as mentioned earlier, are all descendants of the original people of the Maravi Empire in the sixteenth century (Pachai, 1972, p. xxi; Shepperson & Price, 2000, p. 44).

Traditionally, the matrilineal Mang'anja marriages were uxorilocal with no bridewealth payment although the prospective husband was expected to work at least one agricultural season for his future parents-in-law before being permitted to start his own household in their village, and his children would be under the authority of his wife's eldest male relative, the *malume*.<sup>48</sup> Succession was similar to the Lomwe (see Figure 14). The *malume* of prominent matrilineal groups usually lived virilocally in order to reside among their *mbumba* for whom they were responsible (Mandala, 1984, pp. 138-139). However, as mentioned above, through intermarriage with the Sena in Chikwawa and Nsanje, patrilineal customs began to predominate and today the majority of the population in these two districts identify as Sena and practice patriliney.

## Yao

The Yao describe their original home as between the Rovuma and Lugenda rivers, east of Lake Malawi, an area that today is just south of the Tanzanian border in Mozambique (see Figure 12). From the late eighteenth century, they were strongly associated with Arabs, on the east coast of Africa, with whom they used to trade slaves, beeswax, tobacco and ivory in exchange for cloth, beads, guns and gun-powder. The Arab influence on the Yao is evidenced by the majority having converted to Islam which the Yao themselves perceive as being "one of the distinguishing marks of the Yao" (Mitchell, 1956, p. 67).

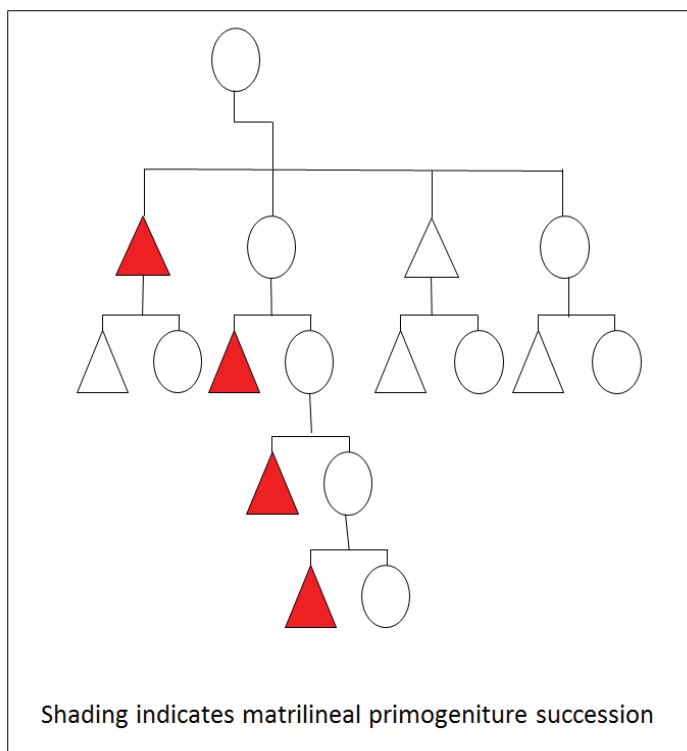
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<sup>47</sup> Tchiri is likely to have been the indigenous name, misinterpreted by the British colonials as shire (pronounced sheree). It is known today as Shire (Mandala, 1984, 1990).

<sup>48</sup> Mandala uses the term *nkhoswe* for the authoritative matrilineal position held by the most senior male in the matrilineage usually, mother's mother's brother, whereas I use the term *malume*. The term *nkhoswe* is usually reserved specifically for the role of marriage surety, a role carried out by the mother's brother in conjunction with the *malume*.

Mitchell describes the Yao as having invaded Malawi, although he points out that it was “not a military incursion of the Ngoni type” (1956, p. 25). It seems that the Yao took control of districts such as Mangochi (spelt Mangoche on the map in Figure 12) and Machinga, the district to the south of Mangochi. The indigenous Nyanja and the immigrant Lomwe continued to live in these areas under Yao chieftainship.

The Yao are matrilineal and their marriages are uxorilocal without any bridewealth payment. Succession follows a ‘matrilineal primogeniture’, which



**Figure 15: Matrilineal Primogeniture Succession**

means a man’s eldest sister’s first-born son has the strongest claim (see Figure 15). This differs from other matrilineal groups in Malawi, such as Mang’anja and Lomwe (see Figure 14)(Mitchell, 1951, pp. 31-32). It is likely that the Yao changed to the matrilineal primogeniture system around the end of the nineteenth century due to Arab influence (Mitchell, 1956, p. 157).<sup>49</sup>

<sup>49</sup> The Arabs generally practiced agnatic primogeniture, similar to that of the Sena – see Figure 13

## Mapira

As mentioned earlier, Mapira was part of a large parcel of land of purchased by missionary Joseph Booth in 1892, which became the Zambezi Industrial



Figure 16: Rural Aspect of Mapira

Mission. Mapira was purposefully developed by the industrial mission in the early 1900s as a settlement for migrant workers to build their homes. Prior to that the area would have been bush-land through which

wild animals would roam. Most of the workers would come to Mapira with their wives and children and live as nuclear families. When settled and perceived to be prospering, they often would be joined by other members of their extended families. From the start, it was a place that fostered intertribal associations as people from different tribes would work and live in close proximity. Such cross-tribal cooperation is reflected today in the Mapira Orphan Care organisation initiated by people within the community recognising that many families were struggling with similar issues in caring for orphans. Indeed, many descendants of the original migrant workers still live in Mapira today; some of them maintain links with their ancestral home villages while others regard Mapira as the family home village.

Due to its proximity to the city of Blantyre, Mapira would generally be referred



Figure 17: Mapira's Marketplace



to as a 'peri-urban' village. However, despite being very close to Blantyre, most of Mapira has a rural appearance (see Figure 16). It is only in the vicinity of the marketplace (see Figure 17), on the Blantyre side of Mapira, that it is more densely populated. Many of the people who live near the marketplace have small patches of land for cultivating in the more rural area. The section around the market is becoming more urbanised with electricity cables strung from pole to pole.<sup>50</sup> From the marketplace, it is a relatively easy commute to Blantyre city centre as the travel time by foot is less than one hour, which could probably be more than halved for those people fortunate enough to own a bicycle. Alternatively, people can walk to a nearby village to catch a minibus<sup>51</sup>. From the more rural areas of Mapira, however, it would probably take about two hours to walk into Blantyre.

The houses in Mapira range from being substantial well-constructed buildings with windowpanes and iron sheet roofs to small windowless shacks with grass-



**Figure 18: Municipal Water Taps in Mapira**

roofs. Although electricity is available in areas close to the market, most houses have no electricity. Additionally, the majority of Mapira's residents use the municipal taps (see Figure 18) for their water requirements for which they pay a small fee, whilst those who cannot

afford the fee risk using water from the increasingly polluted streams. For a small but comparatively wealthy minority, running water is available from

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<sup>50</sup> On my second fieldwork trip in 2009 I noticed that there had been a considerable number of new houses built near the market place since my previous trip in 2007, and many more still were under construction.

<sup>51</sup> Minibuses serve as public transport although they are privately-owned enterprises. They leave when they are completely full and do not operate to any fixed schedule.

their private tap usually located right outside their house. While I was living in Mapira, municipal water pipes seemed to burst quite frequently causing water to gush from the severed pipe. Word would get around very quickly and before long there would be a queue of women waiting with their containers for the 'free' water. This was at the inconvenience of the few households whose private taps were rendered dry by the ruptured pipe.



**Figure 19: The Main Road in Mapira**

Although very close to the city, the road to, and through, Mapira is extremely rough and rocky with muddy ditches (see Figure 19). It undulates over many hills, some very steep. Mapira is not serviced by any form of public transport and becomes virtually inaccessible by vehicles other than four-wheel-drives during the rainy season. This main thoroughfare hosts Mapira's marketplace comprising several shack-style stalls mainly selling tomatoes, cabbages, beans and ground nuts on either side of the road (see Figure 17).

In Malawi, young children become productive members of the family early, collecting water and firewood as well as helping with other household chores. In Mapira, three year old children walk unaccompanied to and from the orphan care centre which is approximately a forty minute journey for those from the far end of the village over narrow and sometimes steep and uneven paths. Six year old girls are often charged with looking after their younger sibling so often make similar journeys with a baby secured to their back by a *chitenje* (a type of

sarong that is usually worn over skirts by women in Malawi, but also has other uses - see Figure 20). During my fieldwork, I was horrified when visiting a



Figure 20: Children helping with Chores

neighbouring village, as the orphan care centre was located near the edge of a cliff with no fence to prevent children from toppling over and falling to their certain death in the river below. At seeing my distress, the Chief reassured me not to worry because 'Malawian children are very clever'. I

heard this phrase many times during my fieldwork on seeing very young children accomplishing tasks that Western children would be forbidden to even experiment with, such as carrying blazing branches down steep slopes to re-light fires for cooking at their relatives' house at the bottom of the hill.

## The Community of Mapira

Mapira has a diverse community in terms of tribes, religious denomination and

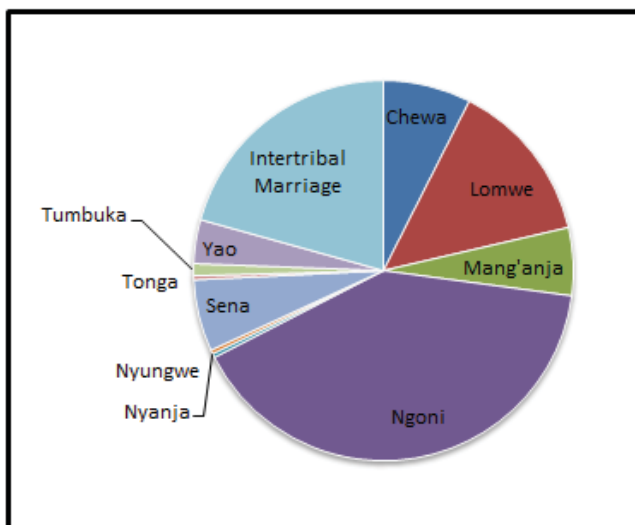


Figure 21: Tribal Identity of Household Heads in Mapira.

occupation. As mentioned earlier, people have been attracted to Mapira for work opportunities since the settlement was first developed in the early 1900s and it continues to attract new work migrants today due to its close proximity to Blantyre. The population in 2007, when I

carried out my survey, comprised approximately 1,600 people living in 305 households. Yet, in this small population, twelve different tribes were represented<sup>52</sup>.

As mentioned earlier, Mapira was developed by the Zambezi Industrial Mission to house workers from its commercial enterprises including coffee plantations.<sup>53</sup> The mission used its outstations in Ngoniland (Ntcheu) to recruit coffee plantation workers which explains why there is a large Ngoni<sup>54</sup> population among Mapira residents and why Ntcheu was the second most reported 'home village' district (twenty-two percent of households) behind Blantyre which was reported by twenty-nine percent of households. Over half of the households in Mapira are headed by Ngoni, in contrast to the Malawian population as a whole in which Ngoni represent only nine percent (Kwengwere, 2011, p. 126). The relationship between Mapira and Ntcheu continues as although a fifth of those reporting Ntcheu as the location of their home village have lived in Mapira since the 1970s, a similar proportion moved to Mapira from Ntcheu more recently, that is, in the four years between 2003 and 2007.

Most of Mapira's residents retain strong links with their home villages. There were twenty-one different districts reported as the location of their 'home village' (see Figure 22). Not surprisingly, given the location of Mapira, nearly three-quarters of the home villages are in the Southern Region with nearly a quarter from the Central Region and only a few from the Northern Region. Reflecting national demographics, nine of the twelve different tribes represented in Mapira practice matriliney and only three practice patriliney. As Mapira is in an area that has always been inhabited by predominantly

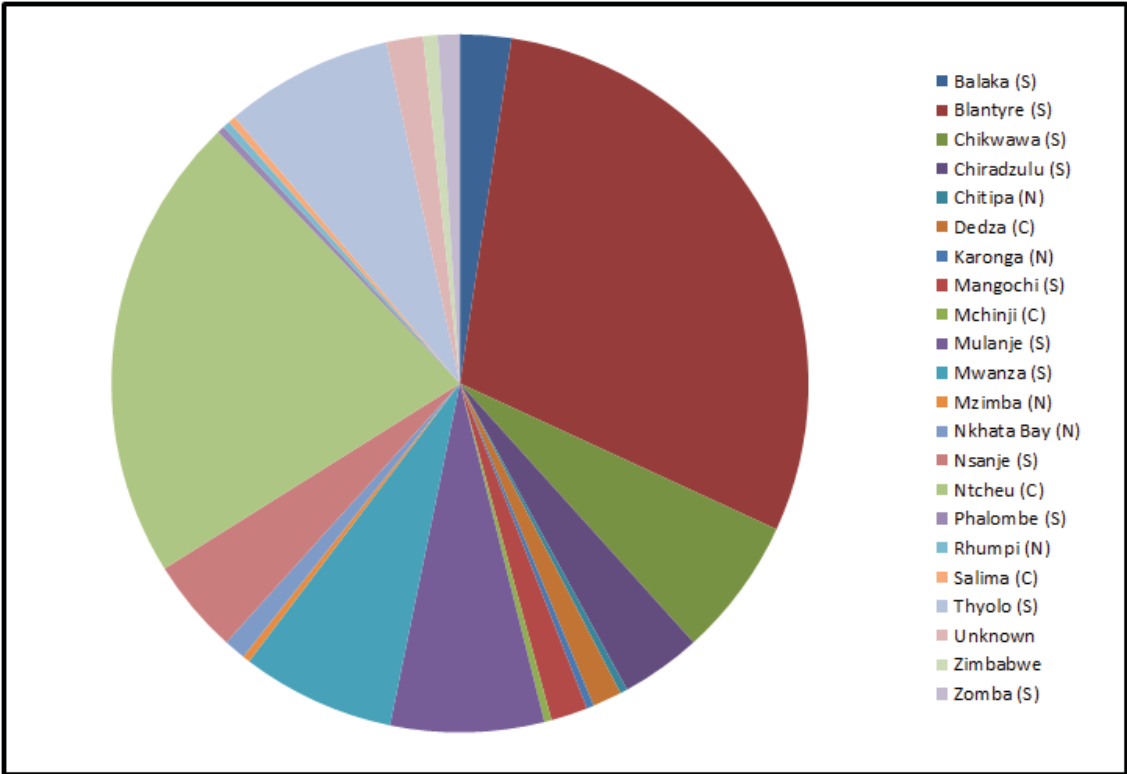
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<sup>52</sup> Although there were twelve tribes represented in Mapira, only ten feature on chart in Figure 21 because the other two (Chikunda and Chawa) only feature as part of intertribal marriages.

<sup>53</sup> Following complaints about the competition from other traders, the colonial government put pressure on the ZIM to cease its commercial activities in the 1930s. The land was subsequently distributed amongst the mission's senior employees who became Village Headmen.

<sup>54</sup> 40.3% of households are totally Ngoni and another 11.8% are households headed by an intertribally married couple of which one partner is Ngoni.

matrilineal peoples, it is not unusual that the majority of the residents practice matriliney, even so seven percent of households are from patrilineal tribes. More extraordinary is the fact that over a fifth of the households are headed by intertribally married couples. This is why I suggest that intertribal relationships are fostered in peri-urban communities like Mapira. Most of these intertribal marriages comprise partners from two different matrilineal tribes such as Lomwe and Chewa, however, eighteen of them are headed by couples in interlineage marriages.



**Figure 22: The Variety of Home Village Districts (Regions) Demonstrates Mapira’s Diversity**

Mapira’s close proximity to Blantyre tends to attract people from all directions to work in the city. This is reflected in the fact that over seven out of ten households reported receiving some form of income through work. Most of those occupations I have categorised as ‘building trades’, primarily builders and carpenters. The next most common occupation I classified as ‘domestic staff’, mainly security guards, cooks and gardeners and these people probably

work in large houses located in the wealthy suburbs of Blantyre. However, there are eighty-two household heads without any paid work.

The diversity created through people being drawn to the Blantyre area for its job opportunities is also reflected in the number of Christian denominations represented in such a small population. Although ninety-eight percent of the households in Mapira are Christian, the Christian population comprises twenty two different denominations. The majority are Catholic (seventy-six households) and the next most common are Seventh Day Adventists and Church of Central Africa, Presbyterian (CCAP) (thirty-nine and thirty-eight households respectively). Of the seven non-Christian households, three are Muslim and at four households, they stated that they do not have any religion. In Malawi, it is customary for a woman to convert to her husband's denomination after their marriage. I learned about this when my neighbour who was a Church of Christ Pastor told me that his daughter was marrying a Catholic man. Despite having been very involved in the Church of Christ including holding bible lessons for young children, she converted to Catholicism with her parents blessing on her marriage.

Unlike families living in rural areas, the majority of Mapira's population live as nuclear family households. Approximately seventy-eight percent of households are headed by married couples, over a quarter of which are intertribal marriages, and most of them include two or three children under the age of eighteen. A third of them have other adults living with them as well, usually these are adult children of the household head, but occasionally, there are siblings of one partner of the married couple.

### **Orphans in Mapira**

Orphans are often cared for by members of their extended family who are able to provide for them. Thus, orphans are often sent from the rural villages to relatives in peri-urban settlements like Mapira. Indeed this is borne out by my survey which showed that approximately one in every five children are orphans in Mapira compared to one in every eight children for Malawi as a

whole (UNICEF, 2011). Though Mapira has a higher than average orphan population, most of Mapira's households have no orphans in their care. Just over a third of the households are caring for orphans and nearly half of the orphan-carers report as not having any income. All of the orphans in Mapira live with people who are related to them in some way. Most of them have a primary care-giver from the previous generation, for example, this would be a parent (widowed mother or father), step-parent, or a parent's sibling. Just over thirty percent of orphans live with either a grandparent or a grandparent's sibling and ten percent live with relatives of their own generation, for example, siblings or cousins.

Most of the orphans live in households where they are the only orphan, some are actually the only child, but most are living among other children. The other children are usually their mother's sister's children who they would refer to as brothers and sisters. Some orphans also live with older married siblings and their families. However, there are a couple of households which house six orphans. In both cases, the six orphans are not siblings but all are grandchildren of the household heads. Within the six there are some who are double orphans having lost both their parents and others who are maternal or paternal orphans.

Twenty five of the fifty four female household heads are widows. Although widows represent only eight percent of all household heads, they are caring for twenty-eight percent of the orphans and only two out of the twenty-five widows reported having paid work, both of which comprised selling tomatoes. It is likely that most of the orphans being cared for by widows, are their own children who are 'paternal orphans' due to the death of their fathers. The majority of these widows are probably struggling financially as they reported not having paid work, although some had adult children living with who might provide some assistance.

There are no schools in Mapira, so children have to walk to a neighbouring village to attend the nearest primary school. Children living in the more rural areas of Mapira might have to walk for over an hour each way to school.

Although the official age for starting primary school is six years old, forty-five percent of the children of that age were not yet attending school. Most of them stayed at kindergarten, predominantly the one organised by Mapira Orphan Care where they would be fed with nutritious porridge. Nine children in separate households between the ages of six and nine years were not attending primary school because they had been rejected by the school for being 'too small'. The teachers apparently would not believe that the children had reached six years old and without birth certificates, which are not common in Malawi, it is impossible to prove children's ages. There was also a suggestion that if the guardians had given the teacher some sort of payment, their child may have been accepted. The majority of children in this situation just continued attending Mapira Orphan Care Nursery.

Primary school education is provided free of charge by the government in Malawi. Children start school at age six in standard one of primary school and after passing an examination, they are expected to progress to the next standard each year so that they complete standard eight of primary school at thirteen years old. However, for various reasons, mainly linked to poverty, many children are absent for significant periods during the year and so do not pass the examination nor progress to the next standard. Similarly, many primary school graduates cannot proceed to secondary school as all Malawian secondary schools, both government and private, are fee-paying. There are various grades of government school and the selection is based on standard ten examination results. The private school system is largely unregulated and ranges from local schools with unqualified teachers through to well-respected but expensive boarding schools.

In Mapira, less than one in three children between the ages of fourteen and eighteen are attending secondary school, sixty-two percent of them are still attending primary school and eight percent do not attend school at all. As nineteen of the thirty six secondary school attendees are girls, it would seem that gender does not have a significant effect in terms of secondary school



attendance among the children of Mapira. Moreover, as nearly half of the secondary school attendees are orphans (sixteen out of thirty-six) in a population where only a fifth of all children are orphans, it seems that being an orphan in Mapira has a positive effect on secondary school attendance which reflects the orphan school sponsorship scheme arranged through the Mapira Orphan Care Organisation. Although the official Malawian government definition of an orphan refers to those under eighteen years of age, generally people do not differentiate between a seventeen year old orphan and a twenty year old orphan<sup>55</sup>. In Mapira, twenty-eight of those who were reported as being orphans were eighteen years old or older and of those, three were still attending primary school and seven were attending secondary school. The oldest 'orphan' still attending secondary school was twenty-two years old.

Orphans' living situations vary greatly. For example, some were living with their widowed mothers who were struggling to provide for them and others were living with their brothers and their families who were relatively financially secure. Although being better off in material terms, there may be friction between the orphans and their sister-in-laws in the latter example. Additionally, some of these children would be double orphans having lost both of their parents.

## **Conclusion**

Unlike most Malawian villages which primarily comprise one or two extended families, peri-urban settlements, such as, Mapira have richly diverse communities. Such communities foster the right type of environment for intertribal and interlineage relationships to flourish as demonstrated by the fact that over a fifth of the households in Mapira are headed by inter-tribally married couples, eighteen of which were couples in interlineage marriages. Furthermore, peri-urban communities tend to attract more orphans as they are perceived as offering more opportunities. Indeed, Mapira has a higher orphan

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<sup>55</sup> For further discussion about local meanings of orphanhood see Chapter Xix.

population than the national average with one in five children in Mapira being an orphan as defined by the Malawian government. However, although only a fifth of children overall are orphans, nearly half the children attending secondary schools are orphans which exemplifies opportunities for orphans that may not usually found in rural villages.

The information used in this chapter in relation to Mapira's orphans is useful in providing context but the data is not rich enough to gain in-depth insights. Therefore, in the next chapter I use ethnographic material from the orphans themselves to explore what it means to be an orphan in Malawi.



## Chapter Six

# Positioning Orphans

“Most of the children who experience cruelty are orphans.”

“Without help, orphans are not going to be anything in the future.”

“A typical orphan thinks of himself as nothing in the world.”

### Introduction

In Malawi's population of approximately eight million children, it is estimated that one million are orphans, sixty-one percent of whom are believed to have been orphaned due to AIDS (UNICEF, 2011). The death rate in Malawi, although continuing to fall, is reported as over 184,000 per year with approximately a quarter of those reported as AIDS related deaths (UNAIDS, 2012; UNICEF, 2011). Given that AIDS tends to affect adults in their prime, it seems likely that the number of orphans will continue to rise. The scale of deaths among young adults is intensifying poverty and producing more orphans, which in turn is overwhelming traditional care mechanisms as the extended family becomes severely constrained in its capacity to absorb more orphans (Madhavan, 2004; Nyambedha, Wandibba, & Aagaard-Hansen, 2003; Oleke, Blystad, & Bjorn, 2005). As Malawi is also one of the poorest and least developed countries in the world, orphans often have to compete with the children of the host family for insufficient resources (Oleke et al, 2005).

Based on research conducted in Botswana and Malawi, Swidler (2006) argues that the power imbalance between the wealthy Western donors and the poverty-stricken Africans results in a lack of syncretism in global and local approaches to AIDS. She compares the current Non-Government Organisation (NGO) presence in Africa with earlier colonial penetrations. She also reflects on the history of Western interventions since colonial times which were aimed at either supporting or destroying African governments depending on whether or not they served the interests of Western powers. Allen and Heald's (2004) comparison of HIV and AIDS policies in Botswana and Uganda highlights the

risks of failure when systematically implementing 'one-size fits all' programmes without taking local beliefs and customs into account.

Malawian orphans are increasingly moved around, separated from their siblings and exploited by foster families (Ansell & Young, 2004; Wolf, 2005). Furthermore, a growing proportion of children are slipping through all the safety nets. Orphaned siblings resist separation not only from a fear of abuse, exploitation and a loss of inheritance, but also because of close emotional bonds and a strong sense of belonging (Wolf, 2005). Many orphans are left destitute, as they tend to use the last of their family's assets to pay for their parents' medical treatment and funeral expenses with any remaining property generally getting seized by relatives (Cook, et al., 1999; White, et al., 2002). Some children manage to stay living in their own home, without adult supervision, fending for themselves and their siblings (Munthali, 2002, p. 7; Nziyane & Alpaslan, 2012; Oleke, et al., 2005, p. 2633), and others go to live on the streets (L. Young & Ansell, 2003, p. 467).

The term 'orphan' is often used in statistical reports and other research papers without explicit definition. Generally, it has a wider meaning in Africa than in the West. It is sometimes used solely for children whose mothers have died or solely for children whose fathers have died. Other times it is used for children whose parents have both died, or similar to the Malawian definition, children who have lost one parent (either mother or father) or both parents. Usually it refers to children under eighteen years old, however, in some African countries it applies only to the under fifteens. Consequently, much of the AIDS orphan crisis literature, particularly when based on quantitative methodologies, is confusing as it tends to homogenise the crisis (Drah, 2012, p. 13). In reality, even within one country, such as Malawi, there are multiple meanings and translations of the word 'orphan'. Furthermore, It is crucial to understand local meanings and hear the orphans' own voices and narratives when planning interventions aimed at improving orphans' lives (Drah, 2012, p. 13).

This chapter explores the discursive constructions of orphanhood in Malawi. Firstly, I examine official definitions of 'orphan' and contrast these to the translations from the various languages in use in Malawi today. In local contexts, orphanhood tends to be discursively constructed as an undesirable position, primarily relating to children in need who do not have the support of their families. The emphasis is on 'need' rather than the death of a parent. Secondly, I discuss how children are positioned as 'orphans' by a government department and a CBO. This is based primarily on interviews with the Social Welfare Manager in Blantyre and members of the Mapira Orphan Care Committee. Finally, I examine how young people position themselves as 'orphans' through the telling of their stories. All of these people, including the orphans, will have been exposed to the public discourse on orphans transmitted across Malawi through media such as radio and newspapers. This public discourse, heavily influenced by large international aid agencies such as UNICEF, is likely to affect how ordinary people articulate their opinions about orphanhood.

In summary, I demonstrate that defining orphanhood in Malawi is a complex issue. As mentioned at the beginning of this thesis, being an orphan in Malawi, unlike in the West, is not a fixed status but a process that can end before the child reaches adulthood. In fact, rather than using the term 'orphanhood' which suggests a fixed position as indeed is the case in Western cultures, I suggest the term 'orphanness' to reflect the dynamism involved in Malawian contexts. To comprehend orphanness in Malawi, it is important to learn about how and why different categories of people are positioned as orphans. I argue that to understand what it is to be an orphan in Malawi today, it is crucial to hear the orphans own voices and study their stories paying particular attention to how they position themselves and how they position others. Furthermore, to understand the full story, it is essential to examine contextual information such as their living situations and their life histories.

## Discursively Constructing Orphanhood

As mentioned earlier, the Government of Malawi defines an orphan as “a child who has lost one or both parents because of death and is under the age of 18 years” (Government of Malawi, 2005, p. 11).



Figure 23: Orphans: Children in Need

(Government of Malawi, 2005, p. 11). Thus, the Malawian official definition puts the emphasis on death and chronological age and so tends to homogenise orphanhood. It does not convey the diversity of the orphans' circumstances or the trauma that some of these children suffer. Some orphans, for example, may have experienced multiple losses of their primary care-givers, given that foster-carers as well as parents are dying prematurely. Children in these situations are effectively being

orphaned over and over again. Furthermore, the official age limit of under eighteen years implies a transition from orphanhood to non-orphanhood on reaching adulthood yet the plight of young people over eighteen years old struggling to cope without parental support may be no different to those under eighteen (Chirwa, 2002). Similarly, some children position themselves as having transitioned out of being an orphan when their circumstances have improved demonstrating the fluidity of Malawian 'orphanhood'.

During my fieldwork, I initially experienced problems trying to categorise orphans as the official definition was much narrower than the one used in practice in communities. At the Mapira Orphan Care Centre I was told that sixty-eight of the children in attendance were orphans, however, the results of my survey showed that only twenty-one attendees were 'orphans' using the

official definition. Through further investigation I came to realise that the official definition does not reflect how orphanhood is discursively constructed within local communities because it does not take into account the *needs* of the children, in terms of being neglected and abused or, for example, not having enough food or clothes.<sup>56</sup> When providing assistance, needs are generally perceived as being more important than whether or not the children's parents have died. Children who have lost both parents but are well cared for tend not to be positioned as orphans by the community whereas children whose very sick parents are struggling to cope will be included in orphan-care programmes.

As the official definition is limiting, especially when appealing for assistance from international donors, it is often merged with the term 'vulnerable children' making the acronym OVC 'orphans and other vulnerable children'. The Malawian government does not differentiate between these two categories in terms of recognising the need for practical action and intervention to protect these children. They produced the *National Plan of Action for Orphans and other Vulnerable Children in Malawi* (Government of Malawi, 2005) in which a vulnerable child is officially defined as:

A child who has no able parents or guardians, staying alone or with elderly grandparents or lives in a sibling headed household or has no fixed place of abode and lacks access to health care, material and psychological care, education and has no shelter (Government of Malawi, 2005, p. 11).

This definition is wide and therefore covers a range of children in different circumstances. Most orphans would be classified as 'vulnerable children' as well as 'orphans' but there may be children who are in very difficult situations who are not officially 'orphans' because their parents are still alive albeit very poor, sick or dying.

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<sup>56</sup> Although, I am specifically referring to Mapira here, I realise that other communities where I had previously worked as volunteer had used similar criteria for positioning children as orphans.



## Defining 'Orphan' in Various Malawian Languages

There are approximately eighteen languages used in Malawi and most of the languages have a term that translates into 'orphan' but their actual meanings vary. In Chichewa, the national language, the word *umasiye* is used for orphan which translates as a person "who has been left behind [or abandoned] by one or both parents" (Chirwa, 2002, p. 96), however, the Yao word for orphanhood, *ulanda*, includes "poverty, physical want, or lack of family resources" (Chirwa, 2002, p. 96). *Ulanda* is also used among the Tonga and Tumbuka but it has a different origin than the Yao word and means "a person who has gone astray, has lost his/her bearings because he/she is no longer in the protection of the family system" (Chirwa, 2002, p.96). The Tongan definition helps explain the reaction I received from a Tongan man that I spoke to during my fieldwork when I suggested that his nephews were 'orphans' because they had lost both of their parents. As mentioned earlier, he appeared to be offended at my suggestion because, as they were still an integral part of the family with full family support, they were not 'orphans' in the Tongan sense.

Moreover, being an orphan in Malawi is not a predetermined status from which there is no escape, as is the case in societies where it is purely based on the death of a child's parents. In Malawi "orphanhood associated with deprivation and other material conditions can end through a process of social fostering" (Chirwa, 2002, p. 98). Thus, orphans who find homes among loving family who can provide well for them may no longer be positioned or position themselves as an 'orphan' because they "have acquired a parent" (Chirwa, 2002, p. 98). It is often said that when treated well, children will forget that they are an orphan. Consequently, it is not unheard of for a child to report that they are no longer an orphan.

Indeed, one of my participants told me when I was following up with him on my second period of fieldwork that he was no longer an orphan. I was intrigued with such positioning and on asking why, I learned that it was

because DOC, the charity I had been connected with, had ‘adopted’ him and were sending him to a good private boarding school in Zomba.

In Malawian folklore even married people can sometimes be described as orphans. Chirwa, (2002) provides an example of this with a popular Tumbukan song which is about a woman who regards herself as an orphan because she is married to a drunkard who spends all their money on beer.

*Zabatonda badaba binu mwa bana, ulanda ine, ndazona!*

*Zabatonda badaba binu mwa bana, ulanda ine, ndazona!*

*Ndarama zose bamwera mowa, ulanda ine, ndazona!*

*Ndarama zose bamwera mowa, ulanda ine, ndazona!*

*Para ndarama ziripo, ulanda ukamala*

*Para nadarama palije, ulanda ukunjira...*

My children, your father has failed, I am an orphan, what an experience!

My children, your father has failed, I am an orphan, what an experience!

All the money he has spent on beer, I am an orphan, what an experience!

All the money he has spent on beer, I am an orphan, what an experience!

When there is money in the house there is no orphanhood

When there is no money in the house, orphanhood sets in ...

(Chirwa, 2002, pp. 97-98).

In this song the wife is lamenting that she has been reduced to orphanhood by her husband spending money on beer rather than supporting his wife and their children. The song illustrates the processual nature of orphanhood as orphanhood is used to describe neglect suffered at certain times when money has been spent on beer rather than life’s necessities. As shown in this song, orphanhood in Malawi is generally discursively constructed as an undesirable positioning characterised by destitution, having lost family support and protection through death, negligence or abandonment.

## Positioning Orphans in Ethnographies

As discussed in Chapter Two, positioning theory is central to the discursive approach so in this chapter, using ethnographic data, I examine how children are positioned as orphans by the Malawian Social Welfare Department and by the Mapira Orphan Care Committee. Additionally, I explore how the children position themselves as orphans in response to how I positioned myself as a former orphan. Firstly, however, I briefly discuss how, according to published research, African orphans are positioned within their fostering households.

As caring for orphans usually involves a longer-term arrangement than purposive fostering,<sup>57</sup> orphans are positioned as more burdensome which can sometimes lead to resentment on behalf of the carers. Oleke et al (2005) maintain that orphans are expected to work hard and show appreciation when they are received into a household on a more permanent basis than the traditional voluntary foster care. They assert that it is customary for members of the host household, not to use the child's name but to address him or her as '*attin kic*' (orphan). Treating orphans in a derogatory manner, they explain, is a long-established practice in Uganda which was witnessed by an ethnographer in 1923 who wrote, "orphans ... receive little sympathy and assistance, and theirs is a hard and ungracious lot" (Driberg cited in Oleke, et al., 2005, pp. 2631-2632).

Likewise, LeVine and LeVine (1981) discovered that orphans, illegitimate children and children of divorced parents were more likely to be malnourished than other children among the Gusii of East Africa. Rearing another woman's child is positioned as a thankless task as they perceive that there will be no future return for their efforts. The Gusii have a saying that "another woman's child is like cold mucus" (LeVine & LeVine, 1981, p. 40) meaning that the child is unattractive and clingy. Researchers have ascribed mistreatment of orphans

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<sup>57</sup> The custom of child fostering within the extended family, a reciprocal arrangement with advantages for both natal and fostering households has been widely practiced for many years among various ethnic groups across sub-Saharan Africa (Aspaas, 1999; Isiugo-Abanihe, 1985; Oleke, et al., 2005).

to jealousy on behalf of the carers who fear that the orphans may outshine their biological children (Nyambedha, et al., 2003, p. 305), and competition for scarce resources (Wolf, 2005; L. Young & Ansell, 2003, p. 470). Thus, orphans tend to be positioned as unwelcome by their so-called care-givers as well as by other children within the household. Additionally, increasing numbers of orphans are unwillingly dropping out of school due to shortages of food and a general lack of funds (Ismayilova, Ssewamala, Mooers, Nabunya, & Sheshadri, 2012; Oleke, Blystad, Fylkesnes, & Tumwine, 2007).

## **Social Welfare's Positioning of Orphans**

Based on interviews with Joseph Malingo, the Social Welfare Manager in Blantyre, as well as official government literature, I gained insight into how orphans are positioned by government departments in Malawi. Joseph Malingo explained when I first met him, that although Malawi is not a welfare state, it has a Social Welfare Department as part of the 'Ministry of Women and Child Development'. He explained the responsibilities of the department:

The Social Welfare Department in that Ministry is mandated to make sure that all matters in relation to children are coordinated by the Ministry and of course, you know, give room to the partners to complement the functions of the government. That's to say, to supplement and complement government efforts so because of that what we have done is to put in place ... guidelines. So, to begin with there's the Orphans and Other Vulnerable Children (OVC) Guidelines which is a policy, of course, and it's a government document, but it's supposed to be utilised by all partners that are dealing with orphans and other vulnerable children. The partners are from government, from the private sector - the NGO community, the civil society and so on. So ... we have put in place the policies whilst we are also, you know, adhered to work within the laws of Malawi.

In terms of practice, particularly in relation to child protection, the Social Welfare Department relies heavily on CBOs. Community based orphan care projects are encouraged by the Malawian government who prefer to keep children in family environments. In addition to supporting a “bottom-up approach” which involves communities identifying their problems, planning activities, and administering their own programmes, the government promotes joint planning at community, district, regional, and national levels (Ministry of Gender Youth and Community Services, 1999). Institutionalised child-care facilities, such as orphanages, are considered only as a last resort. This strategy is included in the *National Policy on Orphans and Other Vulnerable Children*, which was developed in 2003 in accordance with the United Nations Convention on the Rights of the Child (ratified by Malawi in 1991), particularly paragraph six which states:

The child, for the full and harmonious development of his/her personality should grow up in a family environment in an atmosphere of happiness, love and understanding (Ministry of Gender and Community Services, 2003).

Orphan-care CBOs in Malawi originated from an intensive four year programme initiated by Save the Children Foundation (USA) and are now widespread throughout the country (Munthali, 2002). Joseph Malingo, however, positions the reliance on CBOs as being not only due to lack of resources within the department who employ a very limited number of child protection workers, but also as a sound approach in terms of Malawi’s multiculturalism<sup>58</sup>:

Given the fact that people in Malawi are from different cultures and have different behaviours, yeah, so what we are saying is that let’s come up with this approach of empowering the communities to be doing their own interventions on their own, yeah. And if anything, there must be government support just to interpret what the policies

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<sup>58</sup> Multiculturalism in terms of multiple tribes, each with its own language, customs and traditions

say. So rather than putting children in orphanages, rather than putting children in children's homes, rather than putting children, you know, with adoptive parents, we are saying these can come but the first should be, of course, the extended family system and probably the community based. We believe the child can sometimes grow and develop very well within his community where he was born or she was born.

When asked about orphans' experience in general, Joseph Malingo discussed this in relation to OVCs. He positioned the OVCs as being in need of material goods such as food, shelter and clothing but also positioned them as being more likely than other children to suffer abuse. He told me:

Experience has shown that a lot of children who are affected by HIV and AIDS, that is the orphans and the vulnerable children, are those who are being abused ... People take advantage when the child has ... nobody to protect him or her. You know, this is why even when it comes to domestic child labour, 80% or 90% of those children who are involved in working in big people's homes as nannies and houseboys are OVCs ... And in the extended family where these children are, the guardians would prefer sending [the orphan to go out to work] and keep their own children [at home]. So there are a lot of problems especially when it comes to abuse ...[of] these OVCs. Because, you know, they are not fully protected and where else do they go. To them it's like oh, let me go and work to earn a living. Let me go and work - maybe I get money to pay for school fees - but those are just dreams. Eventually most of these kids end up being, you know, abused.

He also explained that sexual abuse was increasing in households where orphans are taken in, particularly if they are not related to the male head of the household:

It is not very safe because, you know, we are hearing a lot of issues to do with sexual abuse. A lot of men, a lot of really responsible

people, they have changed to that type of behaviour, you know, of wanting to be abusing children. The more they are together, that's where the problem is. Because this man takes this girl as an outsider, she is not related. He is not related to her so anything can happen.

As will be discussed in Chapters Seven and Eight, by interviewing the Social Welfare Manager and telling him about a physical abuse of an orphan, I positioned myself as a link between the Social Welfare Office and the Mapira community based orphan-care organisation. Prior to this, despite their efforts, Mapira Orphan Care had had very little contact from the Social Welfare Department but since my fieldwork, they have become a fully registered CBO. I was surprised that it was due to the Social Welfare Department's positioning of the orphan I referred to them as being vulnerable to *potential* sexual abuse that they intervened, rather than to protect her from the physical abuse she was actually suffering.

## **Mapira Orphan Care's Positioning of Orphans**

As discussed earlier, the Mapira Orphan Care CBO comprises an Executive Committee as well as four sub-committees: Orphan Care, Home-Based Care, Child Labour Prevention and a Youth Committee. There were over fifty volunteers involved from a variety of backgrounds in terms of tribal identity and religious denomination. None of these volunteers have been specifically trained for their roles; they just do what they can often using bible passages for inspiration and guidance. In setting up these committees, the members have positioned themselves as 'helpers' which in effect positions orphans, other vulnerable children, youths, the sick and the elderly as being in need of care. Given that approximately one in every eight Malawian children has been orphaned, there would be very few people in Malawi that do not have at least one orphan in their extended family. Thus, it is likely that all the committee members have some personal experience with orphan-care and indeed most of them spoke to me about such experiences.

Most of the Executive Committee Members are male with Mr Magwira in the position of Chair. However, Mrs Kachimanga, one of the founder members, told me that it was first established by a group of women but they experienced difficulties dealing with some men, such as the landlord of the premises they used. Mrs Kachimanga positioned the original group of women as being in need of the assistance of men by relaying that, “after we had paid for that church [the orphan-care premises], they told us to wait saying that the owner did not agree with that. After that we realised that it was not good for us to be only women.” It would have been unusual for a group of women in the village without a male representative to be negotiating with a businessman, such as the owner of the building they wanted to rent. Mrs Kachimanga summarised, “We women saw that we cannot manage to do some of the things properly so that is why we selected those men into the different committees.” So although she positioned the women as needing male assistance, she emphasised that it was the women’s decision to recruit men. “We cannot say that those men entered on their own, but [that] we chose them.”

When I spoke to some of the committee members about OVCs in general, they talked about material needs and a lack of support. Indeed, their orphan-care programme started with each person donating MK50 (50 Malawian Kwacha)<sup>59</sup> and some maize to make porridge. She explained:

The money was used to pay for the building [rent] if there was any remaining, we would buy other basic needs for the children like sugar, firewood, paying for the maize mill, so that we can cook porridge for the children.

The CBO was formed primarily to offer material assistance to orphans, however, Mr Bwanali, the Chair of the Orphan Care sub-committee, who

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<sup>59</sup> Malawian Kwacha is the currency in Malawi. MK50 was worth about NZ\$0.50 or US\$0.30 using an exchange rate from 2007. To gauge the value of MK50 it is useful to understand that over 73.9% of Malawians live below the poverty line of less than US\$1.25 per person per day (UNDP, 2013b).



revealed that he had been an orphan himself, was one of the few people who considered a lack of love to be what most affected orphans. Additionally, his committee colleagues recognised various complexities involved in terms of orphans' material needs. Mr Matewere, the Executive Committee Secretary, initially told me that "their greatest needs are clothes and food. Without clothes, they cannot go to school and without food, they cannot learn". However, as we talked more he revealed that some also needed protection: "they need protection from the other families who are cruel and some of the children in the family they have joined". Such 'cruelty' can occur as a result of jealousies or resentment about having to share limited resources. Mr Magwira, likewise, initially specified orphans' material needs such as the lack of jerseys and blankets in the colder months of June and July, but went on to disclose examples of 'cruelty' by deliberately withholding food from orphans. He also recognised problems of child labour in the community and told me "I see with my own eyes a certain boy or girl of about five years old taking something [weighing] about 25kg on their head and that is very cruel".

Like Mr Bwanali, Mrs Namasani, the chair of the Home-Based Care Committee, spoke from personal experience. She told me how she empathised with orphans because as a child of two years old she had been sent away from her parents who were living in Zimbabwe to live with her father's relatives in Malawi. She explained her desire to help orphans and "show them love" in terms of having been made to feel like an orphan herself when she lived among her paternal relatives who regarded her as "from another tribe". She told me: "I was feeling just like an orphan because I was not seeing the love of my mother".

Mrs Namasani confided that often "orphans are the ones who don't eat when others are eating in the family." Likewise, Mrs Ngwira, the Chair of the Child Labour Prevention Committee, cited 'cruelty' when I asked what she thought it was like to be an orphan: "Most of the children who experience cruelty are orphans." In contrast, Mr Matewere, and Mr Bwanali, both described psychological aspects relating to personal identity. Mr Matewere said, "without

help, orphans are not going to be anything in the future” and Mr Bwanali clarified, “people could say to him, you are an orphan, you are no longer a person ... A typical orphan thinks of himself as nothing in the world.”<sup>60</sup>

Mr Magwira explained that orphans’ problems are not always related to poverty as even children whose parents had been relatively wealthy before their death are often exploited by their relatives. “Supposing the orphan is coming from a rich family and then maybe an uncle ... just took her [that is, became her guardian] just [to get hold of] ... the property so that they can use it together”. He observed that a common problem was “that an orphan is not regarded as an important person because the guardians have got no interest in loving the orphans because they concentrate much on their own children”. Thus, orphans may be claimed by prospective guardians in order to obtain access to property that had belonged to the children’s parents but then after securing the property, they often reject the orphans either physically or psychologically. This is referred to as ‘property grabbing’ which was discussed earlier in relation to widows. Mr Magwira further explained that some people do not invest in helping orphans because they do not see any future return:

In our culture, we say the one who is your daughter is the one who is going to help you in the future and not the one you have just ... [fostered], because one day she is going to run away from you without [giving you] any help.

## **Mapira’s Orphans Positioning Themselves**

The discursive approach recognises children as active agents who play an active role in the formation of society. So it was important for me to hear the children’s own voices as they are social actors in their own right, rather than relying on their guardians and other adults to represent them. I worked with twenty-two young people between the ages of twelve and seventeen years who had been reported by their guardians as ‘double orphans’, that is, having lost

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<sup>60</sup> The use of the pronouns his and her is insignificant as there are no gender specific pronouns in Chichewa.

both of their parents. Thus, at this stage, I was selecting orphans to invite to work with me based on the Western definition of 'orphan'. However, these children were also defined as orphans by the Malawian government, by the local community and by themselves (self-defining). There were no children in my sample who through being very well cared for were no longer considered orphans. I started each session by sharing my story with the group about my experience of being an orphan in England and invited them to share their stories with me. I also conducted brief structured interviews with most of them to learn a little more about their lives.

I was very surprised by the orphans' candour because if I had been asked about my life when I was their age, I would not have wanted to talk about it and would perhaps have tried to normalise my situation. I was also quite taken aback by their revelations of abuse as my story had not mentioned abuse of any kind. Through their stories, some were appealing for help in a general way, for example, through God or well-wishers probably influenced by the public discourse about orphans in the Malawian media, and others seemed to be directing their pleas specifically towards me. Although I had been trying to position myself as a former fellow orphan with whom to share their stories, being a *mzungu* (white person) positioned me, from their perspective, as a relatively rich person who may have the resources to help them. Indeed, my connection with the new building project may have reinforced these perceptions.

This positioning was difficult for me because I felt that it was inevitable that they would be disappointed. I certainly was not able to solve all of their problems, although I did manage to provide assistance to those in immediate danger and I tried to find strategies to help others. Such strategies included asking DOC to provide school sponsorship for some of the orphans, particularly for boarding schools for those whose home lives were extremely difficult. Where the reported cruelty seemed to be due to financial pressure, I

tried to help by providing school uniform or supplementary food so that the orphan was not perceived as a financial burden.

As mentioned in Chapter One, in interacting with the orphans I emphasised their right to choose to participate. I offered them a variety of methods for sharing their story including story-writing or narrating, drama, poetry, song, dance and drawing. Each of the methods was chosen by at least one orphan and many decided to choose more than one method. For example, fourteen-year-old Patience performed a drama, sang a song and wrote a poem. Using the relatively new approach of creative analytical practices, I also wrote a composite poem to summarise my participants' expressions about being an orphan. Although the composite poem is my creation, it enables the orphans' voices to be heard as I have used many of their own words. I include my composite poem here in full with the orphans own words in italics.

### ***What will tomorrow bring?***

As an orphan I feel *sad* and lonely  
No one here to *share my story*  
I have *no clean clothes* and I am *hungry*  
You see, I'm *suffering from poverty*  
I am *begging* with only *rags* to wear  
But also longing for *love* and *care*  
There is *no place in the world for me*  
Please *don't be cruel, treat us friendly*

*A mother understands her child's needs*  
If she were here I wouldn't have to plead  
You could *help me, please do!*  
Then *in the future, I will help you*  
I *dreamt mum was back with me*  
And so *woke up really angry*  
To *find, in fact, it wasn't true*  
And feel the sorrow again, anew

*I am too hungry and weak to fight  
But you know my life is not alright  
I pray for them to stop beating me  
Someone please, please help me  
I am planning to run away  
I am waiting for the right day  
But where oh where will I go  
Does anyone care? No, no*

*At first they said they wanted me  
But they just grabbed our property  
With the money spent, they told me to go!  
What tomorrow would bring no one could know  
I am so sad, I often cry  
I often wonder Why? Why?  
With little to offer, we are chased away  
How lovely it would be to be invited to stay.*

*Being an orphan is a great burden, see  
Strange things have happened to me  
He forced me to sleep with him, you know it's true  
But I was just an orphan, what could I do?  
Each night I pray for extra courage  
To face problems beyond my age  
My life is painful and I am treated cruelly  
Because death took my parents from me  
  
I am struggling because I am an orphan  
Please, please help me if you can  
Each night I pray to God above  
Because I miss my parent's charming love  
AIDS you took my parents from me  
Now I have no one to help me  
I have to care for my younger brother  
Without me, he has no other*

This is the story I have to tell  
I forage in *the forest for firewood to sell*  
Only then can I satisfy my *hunger*  
And that of my brother who is younger  
*If my parents were alive, they'd look after me*  
And I wouldn't feel so very lonely  
This life wouldn't seem so empty  
If I wasn't *treated so badly*

I often return from school *hungry*  
*I never have breakfast, you see*  
*They say 'you can't eat with us!'*  
*'You must wait for leftovers'*  
*I didn't attend class again today*  
Because *the teachers chased me away*  
Missing school has to be borne  
*Because I have no school uniform*

Please my friend look at me  
And tell me what do you see?  
Do you see a child sitting under *a tree*?  
Or do you see '*an orphan*' - '*a nobody*'?  
*I don't know what tomorrow will bring*  
I only have this song to sing  
To get by, I can't think beyond today  
That's it! *I have no more words to say.*

Through analysing the orphans work and writing this poem four main themes emerged: material and emotional needs, loneliness and exclusion, abuse, and appeals for help. I discuss each theme in relation to the orphans' own stories and expressions. This analysis includes the non-verbal work, such as dance and drawing as well as the narration, poetry and songs. Additionally, where relevant, I include information gained through interviews and participant observation.

## **Material and Emotional Needs**

All of the orphans, except one, positioned themselves as a person in need and perhaps, as discussed earlier, this may have been partially due to their positioning of me as a potential source of help. The main need was in terms of food. Some specified that food was being deliberately withheld and this will be discussed under the section entitled Abusive Practices. When I asked the orphans what they missed most following their parents death, I was expecting them to answer in terms of love but only a couple did this without further prompting. Most of them spoke of material needs particularly, food, clothes, shoes, blankets and soap.

Benson, a fourteen year old boy who lives with his brother Christopher under the care of their maternal grandparents, chose drama as the medium to tell his story. Benson is in standard six of primary school, so is about three years behind the expected rate of progress which, as discussed earlier, is not unusual in Malawi. Benson's play was about how he had to forage in the forest for firewood so that he could sell it to buy food because he was hungry and to buy exercise books which he needed for school. Like Benson, Michael is also a fourteen-year-old boy with grandparents as guardians. Michael who is one year ahead of Benson at school, wrote in his poem "I'm struggling to find food". Similarly, fourteen-year-old Patience and twelve-year-old Maxwell both had a line in their poems about "eating from bins". Patience who is under the care of her older half-sister and her husband attends standard seven of primary school, and Maxwell who lives with his grandparents attends standard five so both of them are about two years behind in their schooling.

Fourteen-year-old Lloyd's poem is almost exclusively focussed on material needs. Lloyd lives with his older brother and is in standard three which suggests that he has missed a lot of school as he is about six years behind the expected rate of progress. One repeated line in his poem was "I'm an orphan lacking many things". He then specifies "we can't finish school without food and clothes" as well as "we are begging ... and ... putting on rags".

The only orphan who did not cite material needs was fourteen-year-old Tiwon who was living with his relatively wealthy paternal grandparents in their larger



Figure 24: Tiwon's Picture of a Tree

picture of a tree he wrote "mother and father died when I was four years old. I am an orphan". When I asked him why he chose a tree to draw, he replied, "just because I'm an orphan. What does the tree mean? A tree provides shade and people are happy because of trees".

Tiwon was one of only two orphans who cited 'love' without prompting as the thing that he most missed since losing his parents; the other orphan was sixteen-year-old Kenford who prioritised love over his significant material needs. Kenford responded to my question about what he missed most with "ohhh I miss love". He said this in English and he sounded quite emotional. Additionally when I asked about whether he talks to anyone about his parents, he replied with a regretful tone, "ahhh, not at all". It could be that I am picking up these nuances as Kenford was speaking in English or maybe as I had spent more time with him, he perhaps felt more comfortable talking to me about his

than average house with beautiful gardens. Although Tiwon seemed to be well catered for in terms of material needs, like Lloyd he was still attending standard six, so he was about six years behind in his schooling. Tiwon was the only orphan to choose to draw a picture to tell his story, which may have been because he was the only one who had experience of drawing, given that art is not taught in schools due to lack of resources. Alongside his



life. Kenford is one of the orphans being sponsored by DOC to attend secondary school and is in form one, so is about two years behind. He is an orphan from an interlineage marriage, living with his maternal grandmother's brother who mistreats him and so his full story will be told as part of one of my case studies in the next chapter.

Unlike most of the orphans, seventeen-year-old Rachel, did not participate in the structured interviews, so I am unsure how she would have answered the question about what she missed most. However, through her written story she told of her dream about her mother being alive and then feeling angry on waking to find it was not true, suggesting that she continued to miss her mother greatly. Rachel lives with her older brother and his family and attends standard six of primary school, so is about six years behind in her schooling.

### **Loneliness and Exclusion**

None of the orphans specifically spoke about loneliness, but it was implied in some of their stories. In the dances by twelve-year-old Samuel, ten-year old Mason<sup>61</sup>, fifteen-year-old Ziwa and thirteen-year-old Christopher all of them, at one stage or another, have both of their arms crossed over their chest with their hands cupping the opposite shoulders. This gesture is like hugging yourself and suggests loneliness and longing for love. Mason started his dance with both hands on his head which, Chisomo explained symbolises crying. Christopher displayed a more extreme version of this gesture with both hands behind his head and his elbows nearly touching in front of his face. Ziwa at one stage sits down with his arms crossed and also lies on the floor in the foetal position symbolising loneliness. All four of these boys were living with either a grandparent or a grandparent's sibling. Samuel and Christopher are about four years behind in schooling, Mason is two years behind and Ziwa in standard five at fifteen years old is about five years behind.

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<sup>61</sup> Mason had been invited to attend the workshops on the basis that he was thirteen years old which is what his grandmother had told me when I conducted my survey. I only found out that he was only ten-years-old later.



**Figure 25: Ziwa and Christopher's Dance and Mason's Dance**

Similarly, lines from two boys' poems suggest loneliness through missing their parents' love and finding that they have nobody to help them. The first three lines are by twelve-year-old Mphatso and the last two lines are by thirteen-year-old Chifundo.

If my parents were alive  
 I would be excited by their charming love  
 But there is no one to help  
 \*\*\*\*\*  
 Being an orphan is painful  
 When you have nobody to help you

Chifundo and Mphatso both attend standard five, Chifundo lives with his grandparents and Mphatso lives with his grandmother's sister.

Although all of the stories focussing on loneliness are from boys, gender may not be a significant factor because of the twenty-two orphans that agreed to participate, seventeen were male. In fact two thirds of the double orphans living in Mapira, between the ages twelve and seventeen years, were male. The higher proportion of male orphans might possibly be due to female orphans being more likely to be kept in rural villages to help with household chores.

In terms of exclusion, many orphans describe being “chased away” from school because they didn’t have school uniform. An example of this is in the first verse of Chifundo’s poem:

Today I went to school but I did not attend classes  
The teachers have chased me away  
Away to home because I have no school uniform.

Benson’s play also suggested that orphans are ‘chased away’ by shopkeepers when he acted out the difficulties he faced, as an orphan, of trying to buy food with the money he had earned through selling firewood. Likewise, the line in Patience’s poem “in the community you cannot live with insults concerning us orphans” suggests that she may feel like an outcast due to the stigma of being an orphan. This stigma could also perhaps be related to AIDS, as Patience revealed through her poetry that her parents had died of AIDS. Furthermore, it was generally known in the community that her very sick guardian, her half-sister’s husband, was dying of AIDS.

Finally, twelve-year-old William’s poem without specifically mentioning either loneliness or exclusion evokes feelings of both:

As an orphan I have no one to help me.  
My parents died when I was young  
Strangers have taken me to stay with them  
My parents have died in the past years  
Those I was staying with have run away from me  
I have no one to live with and share my stories.  
Come and help me.

William’s guardian is his mother’s sister’s daughter, who in Malawian terms is referred to as ‘sister’. William attends standard four so is approximately, three years behind in his schooling.

## **Abusive Practices**

As mentioned earlier, 'abuse' is the term I use to categorise practices that are considered by the community to be the mistreatment of children. The words used locally include 'cruelty' and 'harshness'. Abuse reported by the orphans took many forms: physical, sexual, and emotional. Additionally, some suffered from the exploitative practice of 'property grabbing' by paternal relatives after their fathers' deaths. Although corporal punishment is common in Malawi, the children recognise the treatment they receive as being abnormal by their qualifying statements, such as, being "whipped *for no good reason*". The 'no good reason' could be in terms of being punished for not collecting water when the municipal taps are dry due to a cut in the service by the water board.

Half of the participating orphans told me about some form of abuse that they had experienced. This includes seventeen-year-old Maria who spoke about having been sexually abused by her aunt's husband. Fortunately, she was safely living with other relatives in Mapira by the time she told me her story. Maria who was in form four of secondary school so had progressed through at the expected rate chose to speak to me in English. At the time of the story-sharing workshops, she was waiting to receive her final school exam results and was hoping to attend university. Many other of the orphans' stories included forms of physical abuse. Samuel reported that he was being "whipped" at home for "no reason" and that he sometimes went without food. Fortunately, his situation improved and when I followed up with him, he was much happier as his grandmother had stopped 'whipping' him and had asked for his forgiveness, saying, "You have to forgive me for whatever I have done to you". This happy outcome also confirms that his grandmother recognised that her previous treatment was wrong.

There are two practices that could belong to either the exclusion or the abuse themes. The first is Mason's experience of 'being chased away' which I have put into this section as the exclusion was deliberate. Mason told me that the people he lives with "chase him away" saying "you are not going to sleep in my

house". This type of deliberate exclusion, particularly if he has nowhere else to stay, would be locally described as 'cruelty'. Mason's guardian, his grandmother, sells beer, so his being 'chased away' at night could be connected with her business of running an informal bar from her house. The second practice is the deliberate withholding of food. This differs from cases of extreme poverty where there is not enough food to go around as it is when food is being purposefully withheld from orphans. Excluding people whilst sharing food is characterised by Stasch (2009) as a "relation-denying experience" (2009, p. 67). Chifundo writes about being excluded by his grandparents at meal times even though he had cooked the meal. This was also after having gone without breakfast:

My grandparents treat me badly  
Going to school without breakfast  
At last they say  
You are not going to eat with us  
You will eat the leftovers

A few other orphans suggested that food was deliberately withheld including Lency, Hascard, Kenford, Samuel and Patience. In addition to being "whipped for no good reason" Patience, through her play told how her guardians flick water at her after meals. Additionally, when the rest of the family were enjoying *nsima*<sup>62</sup> and relish<sup>63</sup>, Patience was only allowed to eat plain *nsima*.

Two boys, Kenford and Hascard, told stories about how their deceased fathers' families had taken all the property following their fathers' deaths when, according to the Malawi Constitution, most of the property should have been inherited by the children. In both cases the boys and their siblings were left with nothing. Property-grabbing against widows is characterised by Human-Rights groups as gender-based violence and similar acts perpetrated against

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<sup>62</sup> *Nsima* is the staple food generally made from maize flour and water. It has a consistency similar to mashed potato.

<sup>63</sup> Relish is the term used for whatever sauce (bean, vegetable or egg based or very occasionally meat-based) that accompanies *nsima*.

orphans would likewise be perceived as abusive. Both boys were cognisant of their rights but were too young to take action against their paternal relatives. Hascard's and Kenford's stories will be covered in Chapters Seven and Eight.

## **Appeals for Help**

Although most of the orphans appealed for help in some way, they tended not to position themselves as passive victims. Indeed, many expressed anger about the way they were being treated. For example, in Chifundo's poem, there seem to be strongly indignant undertones. Rather than positioning himself as a victim, he positions others as wrong-doers who should know better. As demonstrated by his title *No Cruelty to Orphans!* he positions himself somewhat as an activist in contrast to his outward rather shy demeanour. His poem starts with the bold statement, "Indeed, being an orphan means you are nothing!" and ends by repeating the title. Other parts of his poem were featured earlier but the part most specifically appealing for help is:

Only God knows about this  
Really He knows  
I kneel down praying to God  
Asking for courage  
I hope it is coming!

Notably, Chifundo does not explicitly ask for help. He seems to be positioning himself as being unfairly treated even in the eyes of God, but rather than asking God to provide him with better circumstances, he instead asks God for courage to deal with the situation as it is. This is in contrast to Mphatso who, despite also not explicitly asking for help, positions himself as an orphan in need of help and sympathy:

### **Being an Orphan is Really Painful**

An orphan makes somebody feel sorry for them  
So you have to sympathise with me  
Indeed being an orphan is a great burden  
I have no mother and father to look after me

If my parents were alive  
I would be excited because of their charming love  
But there is no one to help.

Other orphans appeal to generalised well-wishers and are more explicitly asking for help. For example, Lloyd repeats the term 'well-wishers' four times in his song. The first three times he asks well-wishers to come and help either 'me' or 'us' and then towards the end, his plea is more intense: "Well-wishers, I'm begging you to come and help us". Maxwell also appeals to well-wishers: "well-wishers take care of me" and includes a rhetorical question: "don't you have any mercy on us?"

Some orphans also seemed to respond to the belief that there will be no future return for guardians of orphans. In her poem, Patience appeals for help now with a promise to reciprocate in the future:

Help us orphans – care for us  
So that we can help you in the future

Likewise, Chisomo, my translator, interpreted the last line of Maxwell's poem, "Remember one's child is also yours" in terms of a promise of future return. She explained that Maxwell's phrase meant "if you look after an orphan very well, in the future they are going to give you a helping hand".

Although there are many similarities, each child's experience of being an orphan is unique. The majority position themselves as being "in need" perhaps reflecting their beliefs that their needs would be met if their parents were still alive. Fifty percent of the orphans had experienced some form of abuse, mostly physical abuse in terms of being beaten without reason and having food deliberately withheld. The poem 'What will tomorrow bring?' despite being my composition was inspired by the orphans' creativity and facilitates the orphans' voices being heard. These voices tell of sadness, loneliness, anger, abuse and great need in terms of material, emotional, psychological and physical support.

However, they also reveal courage, resilience, strength, resourcefulness, creativity and determination on part of the orphans.

## **Conclusion**

Orphanhood in Malawi is not a static state and neither is it determined by the death of a parent. Rather, it is a dynamic process which children can move in and out of depending on their circumstances. When their circumstances improve, as in Henry's case, orphans can become 'unorphaned'. Rather than referring to orphanhood in Malawi, which suggests a fixed state, I suggest the more processual 'orphanness'. Likewise, I find it useful to use positioning theory in relation to 'being an orphan' to reflect the dynamism involved.

Taking the expanded definition into account in addition to the meanings of 'orphan' in the various languages in use in Malawi, being an orphan is discursively constructed as an undesirable position characterised by destitution, having lost family support, through death, illness, negligence or abandonment. The emphasis is not on death or age but on *need*. If a child has lost both parents but is loved and well cared for, the child would not position themselves or be positioned by others as an orphan. However, most orphans unfortunately are in need and their needs are complex. The Social Welfare Department as well as local community leaders recognise that often orphans are in vulnerable positions and are being abused by their so-called 'guardians'. However, that is not to say that they are all passive victims, indeed in participating in my story-telling workshops, the orphans demonstrated that they are social actors in their own right and many actively positioned me as a potential saviour or as a channel to have their stories heard by people who could provide help. This positioning made me feel uncomfortable in the knowledge that I was unable to solve all their problems, however, it did motivate me to try to help where I could.

Being an orphan in Malawi today is to be positioned as a child in great need, both materially and emotionally, having lost family support through death,



illness or abandonment. It is a position often characterised by feelings of loneliness and isolation due being mistreated by guardians and excluded from family sharing practices. Most of the orphans in the most difficult situations, such as being severely beaten daily, having food deliberately withheld and being forcibly prevented from living with their mothers by their deceased fathers' families, were those whose parents had interlineage marriages, specifically those whose mothers' families practiced patriliney and whose fathers' families practiced matriliney. Problems occur under these circumstances because there are two incompatible discursive constructions of children's belongingness: the mothers' families believe that as long as the bridewealth requirements have been fulfilled, children belong to their father's family and conversely, the fathers' families believe that children belong to their mother's family. Detailed stories of orphans of interlineage marriages will be featured in the next two chapters in order to demonstrate how these anomalous children are left in very vulnerable positions following the death of one of their parents.

## The Mataka and Nawenje Cases: Interlineage Marriages in the Absence of *Lobola*

### Introduction

Interlineage marriages are those in which one partner is from a group who practice patriliney and the other is from a group who practice matriliney. Arranging marriages between parties with divergent marriage customs is fraught with difficulties and many relationships falter at this stage. Usually, the negotiations that successfully result in marriage are those in which one side has conceded to arrange the wedding in accordance with the other party's practices. Specifically, I focus on interlineage marriages between a matrilineal husband and a patrilineal wife. In some cases they use the patrilineal custom of *lobola* and in others they do not. Either way, one party uses unfamiliar customs and this often results in difficult situations for the children following the death of one of their parents. Problems occur because of the children's anomalous position of not belonging to either their mother's family who believe children belong to fathers' families or to their father's family who believe children belong to mothers' families.

Matriliney and patriliney viewed as clusters of practices facilitates the recognition of their inherent adaptability. As shown in Chapter Five, tribes such as the Maseku Ngoni have changed from practicing patriliney to matriliney and vice versa for the Tumbuka. Likewise, tribal identity is not a fixed state but a flexible process which can be influenced by the location of residence. For example, if a Yao family move to Nsanje, a predominantly Sena area, the children are often more familiar with Sena practices than Yao and may sometimes identify as Sena having been brought up in accordance with Sena conventional norms. This situation of changing tribal identity demonstrates how rules emerge through action, in other words, how rules are immanent in practice. Mapira, although located in a district in which matriliney is the norm, has a tribally diverse

population due to its proximity to Blantyre, the commercial capital. Intertribal cooperation is fostered in this community which leads to an increase in intertribal relationships and marriages including interlineage marriages. Although not currently a common practice, interlineage marrying is becoming more widespread through the increasing popularity of the 'love-marriage' discourse as opposed to the traditional 'arranged marriage', increased work migration, and purposeful strategising on behalf of matrilineal men wanting to gain more authority over their wives and children.

In this chapter, I argue that matrilineal people tend to regard the patrilineal custom of *lobola* as determining rights to children in contrast to patrilineal people who are more conversant with the practice and recognise the inherent flexibility. Furthermore, it is this (mis)perception that encourages matrilineal men to purposefully look for wives among patrilineal groups. I also demonstrate the fluidity of tribal identity and how it can be strongly influenced by the predominant customs of the district in which a child is raised. Using two case studies, I show how children of interlineage marriages, specifically marriages between a matrilineal man and a patrilineal woman, are rendered particularly vulnerable following the death of one of their parents. There are several similarities between the two cases including the fact that despite the wives being Sena, *lobola* was not paid due to the families living in predominantly matrilineal communities. Furthermore, because *lobola* was not paid, the children involved in both cases lived with maternal relatives following their mothers' deaths. One of the major contrasts between the two cases is that the second case, the Nawenje case, involved conflict over child custody whereas in the Mataka case, the decisions were made amicably. Additionally, the Mataka case involves an inheritance dispute of which Kenford Mataka is aware of the injustice he and his sisters suffered.

## Interlineage Marriages: Prevalence, Perceptions and Insights

In this section, drawing from my household survey data, I analyse the prevalence of intertribal and interlineage marriages in Mapira. I then explore, through interviewing several of Mapira's inhabitants, their insights and perceptions relating to interlineage marriages, *lobola*, and children's belongingness. In like manner, I examine a focus group discussion about interlineage marriages. Two of the five women in the group share their personal experiences, one from the position of a former child of parents in an interlineage marriage and the other from the position of a patrilineal woman with a matrilineal husband.

In Mapira, over a fifth of the households (sixty-one households) are headed by couples with intertribal marriages. As mentioned earlier, this is a much higher proportion than would be found in most villages and is primarily due to Mapira's location. Most inter-tribal marriages in Mapira involve two matrilineal tribes, for example, marriages in which one partner is Yao and the other is Lomwe or marriages between Ngoni and Chewa. As mentioned earlier, such marriages are quite common and do not generally present challenges because the tribes share similar marriage customs.

Six percent of household heads in Mapira have interlineage marriages. This equates to eighteen interlineageally married couples or, in other words, just under a third of Mapira's intertribal marriages are also interlineage marriages. Out of these eighteen interlineage marriages, only seven involve men from patrilineal tribes marrying women from matrilineal tribes. Generally, interlineage marriages of this type do not include *lobola* because matrilineal families usually refuse to accept it. This was confirmed several times when I asked matrilineal women in Mapira about who their children should marry. They usually started by explaining to me that their children are free to make their own choices and marry for love. However, when I asked, hypothetically, about interlineage marriages they said that they would probably pay *lobola* if

their son wanted to marry a Sena or Tumbuka woman, that is, a woman from a patrilineal tribe. However, without exception, they all stated that they would not accept *lobola* from a Sena or Tumbuka man for their daughter. They would not necessarily oppose the marriage but it would have to be arranged according to matrilineal norms. In this type of interlineage marriage without the *lobola* payment, there is no dispute about the children's belongingness as they are generally considered to be part of their mother's lineage by both sets of extended families.

The other, more common and problematic type of interlineage marriage involves matrilineal men marrying patrilineal women and it is this type that can render children particularly vulnerable on the death of one of their parents. Most Malawians do not write wills or make any other plans for after their death. One patrilineal woman who was married to a matrilineal man told me that she did not know what would happen in relation to child custody if she and her husband should die. Another patrilineal woman with an interlineage marriage answering the same question told me that the children would go to "both sides". In this woman's case, *lobola* had been paid so I queried whether they should go to their father's relatives and she confirmed that they *should* go to the father's side, but still she said, "they [the maternal and paternal relatives] will talk between them. They can go to my mother [or] they can go to their father's side." Generally, it is assumed by the parents that their relatives will sort it out among themselves; either the orphaned children will be divided between them or one person will volunteer to support all of them.

There were eleven household heads in Mapira with interlineage marriages between matrilineal men and patrilineal women. I managed to speak to six of them and found that *lobola* had not been paid in three of those cases. The marriage between Mr and Mrs Nyirenda was one of the cases in which *lobola* had not been paid, though it had been requested by Mrs Nyirenda's family. The marriage went ahead against the wife's parents' wishes by the couple eloping. Since then Mrs Nyirenda's parents, who continue to live in the predominantly

matrilineal Blantyre area, have accepted their daughter's marriage and no longer expect to receive *lobola*.

Mrs Nyirenda is Tumbuka from Rhumpi in the Northern Region although the family moved to the Blantyre District for her father's work when she was a child (see Figure 3 for map). Her husband is Lomwe from Thyolo and they met when he was staying with his brother in Blantyre. Although they went against her parents' wishes in marrying without *lobola*, Mrs Nyirenda is adamant that she would have custody of the children in the case of divorce and that they would go to her parents if she were to die young. She cited the non-payment of *lobola* as the reason why her children are part of her Tumbuka lineage. She explained that when her daughters marry she expects to receive *lobola* if they marry men from patrilineal tribes such as Tumbuka or Sena. This is in stark contrast to the matrilineal women who I spoke to in Mapira who strongly assert that they would not receive *lobola* for their daughters under any circumstances because, as one Chewa woman explained, "our tribe does not permit *lobola*".

### **Matrilineal Men Purposefully Searching For Patrilineal Wives**

Matrilineal husbands had purposefully sought out patrilineal wives in two of the cases of interlineage marriage in which *lobola* had been paid. Indeed, I was told by a single Lomwe man whose two brothers had both married Sena women that it was becoming more common for men from his tribe to actively look for wives among the Sena in Nsanje and Chikwawa or among the Tumbuka in the Northern Region. The reason he gave for this was that the men wanted to have more control over their wives and children. He said they like the fact that the wife would live at their place (or where they want to live but not at her natal village) and that they are responsible for their children rather than the responsibility going to their wife's uncle or brother. Generally, he explained, these men, who usually have higher than average incomes, do not expect their matrilineal family to pay the *lobola* as they prefer to pay it themselves from their salaries. This certainly seemed to be what happened in Mrs Chikaluse's case as she told me that her Mang'anja husband, who was ten

years her senior, specifically went to her home district of Chikwawa to find a Sena wife. She explained:

It is because, in the first place, he married a wife from his village in Thyolo but later she threw him out. So [that] is when he started looking for a wife who belongs to a tribe with different customs and traditions. He wished to find somebody who [would] keep him longer.

Mrs Chikaluse is now a widow, but as her husband did not die until after their children were grown up, custody was never an issue. As *lobola* was paid for her, she regards her children as Mang'anja and part of her husband's lineage. *Lobola*, therefore did not feature during any of her children's marriages because it is not a Mang'anja tradition.

The other marriage that resulted from a purposeful search for a patrilineal wife was Mr Bwanali's. He is an Ngoni man who followed a strategy suggested by his parents to find a wife from a patrilineal tribe to ensure that, through the custom of *lobola*, the children would belong to his Ngoni lineage. This was particularly important to them as his father was an Ngoni chief. Mr Bwanali explained that although most Maseko Ngoni from Ntcheu were now matrilineal, his family had decided to maintain patrilineal primogeniture succession (see Figure 13). This means that the position of chief goes from father to his first born son as is traditional in patrilineal societies in contrast to matrilineal succession patterns which usually go along the line of brothers before dropping to the next generation (see Figure 14). Paying *lobola* at marriage is essential to being able to maintain patrilineal primogeniture as this establishes the son as belonging to his father's lineage. Previously, marriages among Mr Bwanali's ancestors had been arranged through cousin-marriage but his parents preferred him to marry a woman from outside of their family. In practice, this meant that Mr Bwanali had to find a wife among the Tumbuka or the Sena, the two main patrilineal tribes in Malawi. His parents suggested that he should go to the Northern Region to find a Tumbuka wife.

Although Mr Bwanali lived in Mapira, he had recently succeeded his deceased father to become an Ngoni Chief in Ntcheu and he later moved back to Ntcheu after I had left Malawi. He could trace his ancestry back five generations to when the chieftainship began during the initial period shortly after the arrival of the Maseko Ngoni to Ntcheu. Mr Bwanali's great-great-great grandfather had become a chief through his actions as a warrior. Talking about this ancestor, Mr Bwanali explained:

When he came from Swaziland, he wasn't a Chief but he took that responsibility when he arrived here just because of war. When they fought war that time ... after defeating the people they say that these will be my people.

For Mr Bwanali, the issue concerning to whom children belonged was very clear, if *lobola* had been paid they belonged to their father's family and if it hadn't been paid they belonged to their mother's family. He paid *lobola* to marry his Tumbuka wife specifically to ensure his son would succeed him in the position of chief when he dies.

### **From the Patrilineal Perspective**

Mrs Gwaza, a Nyungwe, which is a patrilineal group from Mozambique with very similar customs to the Sena, said that she would not accept *lobola* for her daughters when they got married because:

If a woman comes from there [that is, from among the Nyungwe] to marry an Ngoni, it can't work because they [the Ngoni] say that we are buying a wife. It is better for people to marry and pay *lobola* within our tribe rather than a person from Mozambique [that is, a Sena or Nyungwe] marrying a Malawian [that is, an Ngoni or person from another matrilineal tribe who does not practice *lobola*]. Whenever an Ngoni wants to marry one of us, we tell them just to get married [that is, without *lobola*].

I asked Mrs Gwaza if she thought there would be problems in a marriage between a Lomwe man and a Sena woman if the Lomwe man's family had paid



*lobola* and her first reaction was to blurt out “It can’t work! It can’t work! We cannot accept that!” She explained further, “The problem comes because they are two tribes ... it can’t work because the woman would face problems because the man says that I bought you, using my money. That is what we hate.” I asked her opinion about a case<sup>64</sup> in which the widowed Sena mother was not allowed to be with her children, to which she responded:

After a husband has died, a woman should not be chased away. For example, that house over there [pointing to a nearby house] is for my late son. After we buried him, we told his wife not to go away so that she could look after the children. When that woman has found another man who wants to marry her, she informs her late husband’s family, then she is free to go away. But she leaves the house and other property with her children and the father’s side organise the assistance for those children. But if her family want to take the children, there are no restrictions.

I reiterated that in this particular case the father’s family will not allow the mother to have her children even though they are unable to support the children themselves, and that they quote the payment of *lobola* as the reason for this. Mrs Gwaza seemed distressed and cried:

They cannot insist! They cannot insist about that! Just as I have said, that marriage between two different tribes is very difficult. It is better for a Sena to marry another Sena or Nyungwe because they both practice *lobola*, but not marrying someone from a different tribe [where *lobola* is not practised].

To get a male perspective, I spoke to John, a Sena man from Nsanje who is now living in Mapira, and asked him about the custody of the children when the father dies. He explained that for Sena traditionally, the younger brother would marry the widow and support her and the children, but that nowadays, due to the AIDS pandemic, it is more likely that the woman would be released to

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<sup>64</sup> I presented scenarios from my case studies as hypothetical questions without mentioning any names or details that would expose the identity of the people concerned.

remarry outside her deceased husband's family. He added that the children usually stay living with their father's family because the new husband is likely to reject them. Using the same case scenario as I had with Mrs Gwaza, I asked John for his opinion and he assured me that if it was proved that the children were being mistreated, the 'power' would transfer from the father's side to the mother's side. He added that, although it varies from family to family, most people now agree that it is better for the children to have a close relationship with their mother, so even in divorce cases, although the father may have custody, the mother would have free access to visit her children.

### **Interlineage Children's Identity**

Generally, for interlineage marriages which involve *lobola*, the understanding is that children belong to their father's lineage and for those that do not involve *lobola*, the understanding is that children remain part of their mother's lineage. However, there were two exceptions from among those I spoke to in Mapira with interlineage marriages comprising a patrilineal wife and matrilineal husband. One involved *lobola* and the other did not. In these two cases, the children were described as "half-caste". This was the exact expression used and spoken in English in both cases. When I questioned what was meant by the term they explained that the children were "half and half". So, for example, if the mother was Tumbuka and the father Chewa, the children were half Tumbuka and half Chewa.

When asking hypothetical questions to a variety of Malawian women about how they would describe the tribal identity of children from interlineage marriages, I was often told that it depended on what language the children spoke and where they lived as this would shape their behaviour and determine which customs they would adopt. Thus, if a Lomwe man and a Sena woman brought their children up in Nsanje among the Sena, the children would be regarded as Sena. This was supported by a Sena woman from Mapira who I

spoke to who had a similar background to Mrs Mataka.<sup>65</sup> This woman's Sena parents had migrated from Nsanje to Ntcheu where she was born and raised among the matrilineal Ngoni. She married an Ngoni man without *lobola* but unusually described her children as Ngoni. I quizzed her about this as she seemed to be attaching her children to their father's tribe despite the lack of *lobola* and she explained that they are not Sena because "they have never lived in Nsanje". Thus, the children are regarded as Ngoni, because they were brought up among the Ngoni in Ntcheu.

### **Focus Group Discussion about Interlineage Marriages**

During a focus group comprising five women who live in Mapira, I asked them to discuss inter-lineage marriages, which I explained were marriages in which one partner is from a tribe that practices *lobola* and the other is from a tribe that does not practice *lobola*. One of the women, Mrs Chikalusa, was a partner in an interlineage marriage as she was Sena and her husband was Mang'anja. The other four women were from matrilineal tribes who had married matrilineal men, one of them, Mrs Namasani, explained that her parents had an interlineage marriage as her (matrilineal) Ngoni father had married a (patrilineal) Shona woman when he was working in Zimbabwe. Indeed, the focus group was mostly a discussion between these two women, Mrs Chikalusa and Mrs Namasani, both of whom had personal experiences of interlineage marriages.

One of the others, a Chewa woman also offered an example from her extended family of a Sena man wanting to marry a Chewa woman. She explained that the Sena man wanted to pay *lobola* but the Chewa family refused to accept it which resulted in the couple eloping. Her opinion was that it was better for people to marry from within their own tribe. This prompted Mrs Chikalusa to clarify the situation in relation to interlineage marriages, so she explained:

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<sup>65</sup> Mrs Mataka's story is told as part of the Mataka Case Study.

If a man from Lilongwe District [meaning a Chewa man] wants to marry a Sena woman, he can do so. [He] pays *lobola* and takes his wife with him but it is not possible for a Sena man to marry from Chewa and pay *lobola* because the Chewa do not practice *lobola*. He can marry a Chewa woman if he accepts to marry her without the payment of *lobola* in that the children will belong to the mother's side.

Mrs Chikaluse had started the focus group discussion by defending the practice of *lobola* among the Sena through her explanation that Sena are happily continuing a custom practiced by their ancestors. She may have felt the need to endorse the practice because *lobola* is often misunderstood among matrilineal people. As discussed earlier, Mrs Gwaza, a patrilineal woman who lives in Mapira but was not part of the focus group, had previously explained to me that she would never accept *lobola* from matrilineal men wanting to marry her daughters because they misunderstand the practice. She exclaimed that these marriages could not possibly work because matrilineal people (mis)interpret the *lobola* custom as 'buying a wife'. Thus, she considered that to accept *lobola* from a matrilineal man would be to effectively sell her daughter. A proposition she found detestable.

Mrs Chikalusa also revealed how sometimes even Sena men abuse the practice by "divorcing without a good reason [in order to] take the children". She confirms that married couples are supposed to stay together until death, saying: "we strongly believe that only death will separate us. If the woman dies first then a man will stay with the children or else if the man dies first that means a woman will remain with the children."

Mrs Namasani provided insight about what it is like to be the child of a couple with an interlineage marriage. As a small child she had been sent back from Zimbabwe to her father's village in Ntcheu, Malawi, to be brought up by her father's family. She had very sad memories of being severely mistreated by her father's relatives during her childhood which she attributed to their views

about her and her siblings being “under *lobola* and from another tribe”. She concluded the focus group discussion by stating that she agreed with the Chewa woman that it was better for people to marry from within their own tribe and explained that her opinion is based on her personal experience. She described the problems that can arise when a matrilineal man marries a patrilineal woman by paying *lobola*:

An Ngoni [man] can move from here and pay *lobola* for a Shona/Zenzulu [wife] and he can bring her [to his village]. So, [those] who don't understand *lobola* think that whenever they bring that person here, they are free to mistreat her. They can be doing anything bad to her and also telling her that she is a foreigner among them. So ... [a matrilineal man] can marry a woman and pay *lobola* for her as well and also take her away from her home then bring her to his home where she does not own land to cultivate [and] grow food for her future children. Because here [in matrilineal tribes] we believe that your village is where your uncles, grandparents, and other relatives of your mother's are. So that children born from a girl child have a share of their [maternal] grandparents garden and they are able to cultivate, while a son is going to find land for his children to cultivate wherever he marries. If that boy brings his wife to his home where he doesn't have a share of his parent's garden, where do you think his children will cultivate? As a result, problems will arise. As I said, it is fine when people who practice *lobola* marry each other rather than [marrying] someone from a different tribe with different customs. I am saying this through experience because I was born from a marriage where an Ngoni paid *lobola* for a Shona/Zenzulu. I was born there [in Zimbabwe] and later came here [to Ntcheu] to stay with my aunt [father's sister]. I was with my grandparents who were my father's parents where the relationship with you does not contain true love because they hate you if you are not doing household chores for them. If you are not accepting, they send you somewhere and also if you were educated and you are working you should always buy something for that family when going back home

and also share with them, your wages. You only make them [paternal grandparents] happy by doing good things for them. This situation is difficult, for example, my father paid *lobola* to have us. I was born from a woman whom my father paid *lobola* for and we were brought to our father's side where there were problems. When I say 'problems', you should understand me, because I mean 'PROBLEMS'!

Mrs Namasani had moved from Ntcheu with her Ngoni husband to Mapira in 1970. Her husband worked as a printer so they accumulated money to buy land on which to build a house and then also bought land to cultivate. All of their children were born and brought up in Mapira. The decision to live as a nuclear family may have been based on the fact that having grown up in her father's village, Mrs Namasani had no land of her own as land-rights' inheritance passed through the maternal line. Thus, neither she nor her husband were entitled to land that could be passed on to their children in their home villages.

Patrilineal people talk about the *lobola* custom as having inherent flexibility. In contrast, matrilineal people perceive the custom of *lobola* as determining absolute rights to the children. This (mis)interpretation leads to two divergent courses of action from matrilineal parents; for daughters, they absolutely refuse to accept *lobola* whereas for sons they are happy to pay *lobola*. Furthermore, matrilineal men often perceive marrying with *lobola* as advantageous and so actively seek wives from among patrilineal tribes. The anomalous positioning of children of interlineage marriages was clearly demonstrated by Mrs Namasani despite neither of her parents having died. She was claimed by her father and sent to his natal village only to be treated by his matrikin as "a foreigner". The case studies in this chapter and the next similarly feature anomalous children of interlineage marriages. However, in the first two cases, *lobola* was not paid by the matrilineal husbands as the patrilineal wives' families were living in predominantly matrilineal districts before the marriages were arranged.

# The Mataka Case: Interlineage Marriage without *Lobola*

I came to know about this case through Kenford Mataka, who was one of the participants in my orphan story telling workshops. As Kenford spoke English quite well, he often acted as an impromptu translator for me in Mapira when my translator was not with me and so I came to know him quite well. Before I had started focusing on interlineage marriages, I had asked Kenford about how

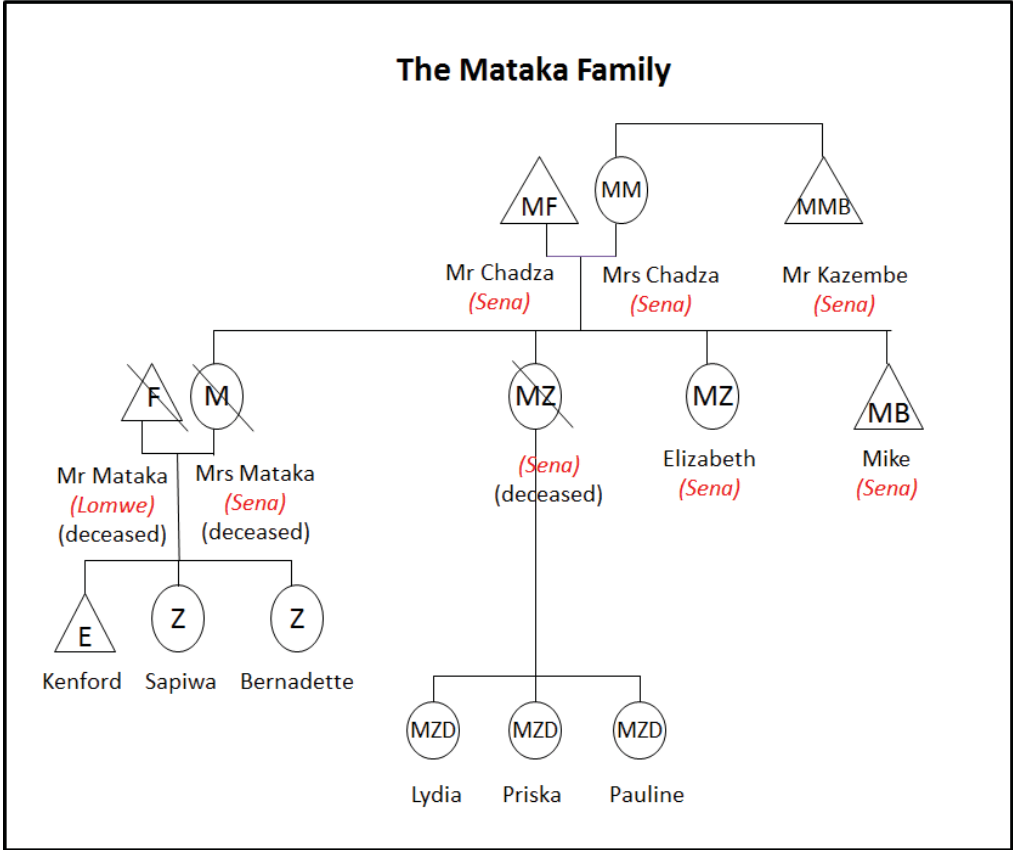


Figure 26: The Mataka Family from Kenford’s Perspective

he would describe himself tribally, to which he replied by laughing and saying that he was both Sena and Lomwe. As shown on the kinship chart (see Figure 26), Kenford has two younger sisters, Sapiwa and Bernadette. Their parents are both dead, as is their mother’s sister who left three daughters Lydia, Priska and Pauline. Mrs Chadza, their maternal grandmother, became the guardian to all six of these grandchildren, helped by her son Mike and her daughter Elizabeth. Her husband is still alive but offers no financial support as he is living with another wife and so has very little to do with the family. Mrs Chadza asked her

brother Mr Kazembe, who lives on the outskirts of Mapira, to become Kenford's guardian which he did very reluctantly.

Kenford was born in 1990 in the Machinga District in the Southern Region. He was the oldest of three, with two younger sisters; Sapiwa who was born in 1992 and Bernadette who was born in 1994. Kenford's father was Lomwe from Machinga and his mother was Sena. His mother's parents had migrated with her paternal grandparents from Nsanje to Machinga in the 1950s for her grandfather's work, so she was born and raised in an area populated primarily by the matrilineal Yao and Lomwe. In Malawi, when people move into an area populated by a different tribe, they generally try to fit in with their neighbours and so tend to adopt local customs. The children learn the local language and implicitly learn the conventional norms of the local culture which are immanent in cultural practices. Thus, although Sena, Kenford's mother would have been raised in a very similar manner to her matrilineal neighbours.

Kenford's mother married without the Sena custom of *lobola*. Mrs Chadza, Kenford's maternal grandmother emphasised that they did not request *lobola* at her daughter's marriage in Machinga, "just because we joined their culture, we cannot use our own customs; we followed what they did in their tribe. So we did not receive any money." This may also have been due to their awareness of matrilineal people's (mis)perception that the *lobola* custom gives indisputable rights to the children. Mrs Chadza also claimed that her son-in-law wanted to marry a Sena woman as they were known to be more "respectful". When Kenford's mother, Mrs Mataka, died in 1998, leaving three young children between the ages of four and eight years old, her husband asked his parents-in-law to take the children as he and his mother were unable to care for them. This request would not have been unusual among the matrilineal Lomwe as customarily the children would be regarded as part of their mother's clan. However, for the Sena, this would be most irregular. Mrs Chadza told me that she checked with the children's father, Mr Mataka, asking "in the future aren't



you going to need these children?" and he reassured her "no, we are not going to come and pick them up".

Mrs Chadza took the children, although this was very difficult for her financially, and moved to Chikwawa, a predominantly Sena district just north of Nsanje. They moved there because that was where her son, Mike, the main breadwinner of the family, was working and this was where they were still living when I visited them during my fieldwork in 2009. Mr Mataka, Kenford's father, died four years after his wife's death and Kenford told me that his father's brothers took all of the property for themselves disregarding the children's legal entitlement according to the Malawi Constitution. Although Mr Mataka did not support or take care of his children following his wife's death, he had occasionally visited them.

Mrs Chadza lives in a very small house, which I was told belongs to a friend of the family. On my first visit to interview her, she welcomed us (Ruth, my translator, and me) into a very narrow room in which there was not enough space widthways for two people to sit side by side. Two chairs were brought from a neighbour's house for us. Despite our protests, Mrs Chadza insisted that we sat on the chairs while she sat on a mat on the ground. Although it made me feel very uncomfortable to be seated on a chair while an elderly woman sat on the floor, I knew from previous visits to Malawi that to refuse the chair and join her sitting on the mat would risk offending her, as she might have perceived my action as spurning her hospitality.

As Mrs Chadza was struggling financially to support three children, Kenford had been sent to live with her brother, Mr Kazembe, on the outskirts of Mapira. Since then, however, another of Mrs Chadza's daughters, who had also married a matrilineal man without *lobola*, had died leaving three young children, Lydia, Priska and Pauline, the youngest of whom was just two weeks old at the time. Mrs Chadza explained her predicament of having to care for five young girls in terms of being an act of God:

I could not deny the responsibility of taking care of the children just because I know it is God's will. I didn't expect anything like this but only God knows that I had this responsibility ... Instead of getting rest, I am repeating the job of looking after children.

As mentioned earlier, Mrs Chadza's husband was living with another wife and when I enquired if they were divorced, Mrs Chadza's daughter, Elizabeth, explained the situation as polygamy.<sup>66</sup> Although Mr Chadza lives fairly close by, I was told that he never visits and doesn't financially support his first wife or their grandchildren. However, he has some involvement in family matters as he had recently arranged the marriage of Kenford's fifteen-year-old sister, Sapiwa, without the rest of the family's knowledge. Elizabeth explained to me that they only heard about the marriage after it had taken place and they are still not sure of all of the details, such as, if *lobola* featured in the marriage arrangements.

Kenford told me that for the first part of his life he lived among Lomwe in Machinga, but now he is only in contact with his Sena family. Chilomwe, the Lomwe language, is no longer widely spoken so it is likely that he grew up speaking Chichewa. He later confided in me that his home situation was very difficult as his grandmother's brother, Mr Kazembe, was only reluctantly providing shelter and food for him and leaving him to find other basic necessities, such as soap and clothes, without assistance. Kenford explained how Mr Kazembe was continuously putting pressure on him to find somewhere else to live. Braving such challenging conditions, he explained, "so I just stay there. I am just forcing him but they don't want me to stay. So I just go and stay there as I have nobody else to stay with."

Mr Kazembe, his wife, three of their children aged between fifteen and twenty-two years old, an infant grandchild and Kenford all live together in a very small house, which is situated in a row with three other small houses, very close to the road. Kenford acknowledges that the family are struggling to cope

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<sup>66</sup> Polygamy, a custom in which a man can have several wives, is still common among the patrilineal Sena.

financially but told me that he felt very unhappy about how Mr and Mrs Kazembe were treating him, citing that “even their children treat me as a servant to them.” Kenford was sponsored to attend a boarding school which improved his life by providing him with better educational opportunities than the local secondary school offered, as well as giving him some respite from his living situation. An example of the difficulties Kenford was facing occurred when he was leaving to return to boarding school for the new term. Mr Kazembe instructed him, “when you come back, don’t come to my house. Find a place where you can stay.” When Kenford arrived at the school he was distressed to notice that one of his new text books was missing. Remembering that he had left the books in the house that morning while he attended a church service, he returned to the house to ask if anybody had seen his book, but they denied all knowledge of it. He suspected they were lying to him, but having already resigned himself to their persistent harassment, he told me that he didn’t argue with them, he just left the house thinking, “ok, fine! I’m going! And I came [to school] – I didn’t say anything, I just came.”

### **Analysing the Mataka Case**

Having embraced the matrilineal customs at the time of their daughter’s wedding and having allowed the marriage to take place without *lobola*, Mr and Mrs Chadza had little option but to comply with the matrilineal traditions concerning the care of their grandchildren following their daughter’s death. Thus, the children went to their maternal grandparents. Mrs Chadza seems to have accepted her role as guardian for her deceased daughters’ children even though traditionally a Sena grandmother would only be expected to be involved in her son’s children’s care and her only son has not yet married. Although she is struggling to cope, Mrs Chadza provides a loving home for her granddaughters. However, she asked her brother, Mr Kazembe, to be Kenford’s guardian: a role he accepted very reluctantly.

In matrilineal societies the grandmother’s brother, the *malume*, would assume responsibility for all of his sisters’ children and grandchildren and therefore be

expected to provide guardianship for orphaned grandchildren. However, the grandmother's brother in patrilineal societies is not positioned this way, because children under the terms of *lobola* would customarily be in the care of their patrikin. Thus, it is likely, given his attitude towards Kenford that Mr Kazembe resented being called upon by his sister to help care for her orphaned grandchild.

When Kenford's father died, another complication arose in terms of inheritance. His father's brothers took all of the property leaving Kenford and his sisters with nothing. As discussed in Chapter Four, 'property grabbing' occurs in Malawi in both matrilineal and patrilineal communities. Matrilineal men's kin tend to claim property after their kinsmen's death based on the man's traditional responsibilities to his sisters and their children. In their view the widows and children should look for support from their own matrikin. However, in cases of interlineage marriages, the wives families practice patriliney through which husbands are positioned as providers for wives and children. This leaves the widows in anomalous positions of being rejected by their husbands' families and not usually being welcome to return to their natal villages. Nevertheless, in this case there was no widow as Kenford's mother died before his father.

## **The Nawenje Case: Interlineage Marriage without *Lobola***

The Nawenje case, like the Mataka case, is an example of interlineage marriage involving Sena wives but without *lobola*. I start by introducing the family in relation to the kinship chart (see Figure 27). I met Robert Nawenje, the orphan at the centre of this story, during my second period of fieldwork. Robert has three older siblings, two sisters and one brother as well as a half-sister from his mother's second marriage after her divorce from Robert's father. They were all born in Mapira. Emily Lipenga, who I met several times over both fieldwork trips, is Robert's older sister. Their mother, Mrs Mary Nawenje, died but their father, Mr Paul Nawenje, is still alive and living in South Africa. Robert's

widowed grandmother, Mrs Chanika, became guardian to him and his sister when their mother died. Emily was already married by then, so was living with her husband in Mapira, Robert's brother was with his father in South Africa, and their half-sister was living with her father in Chikwawa.

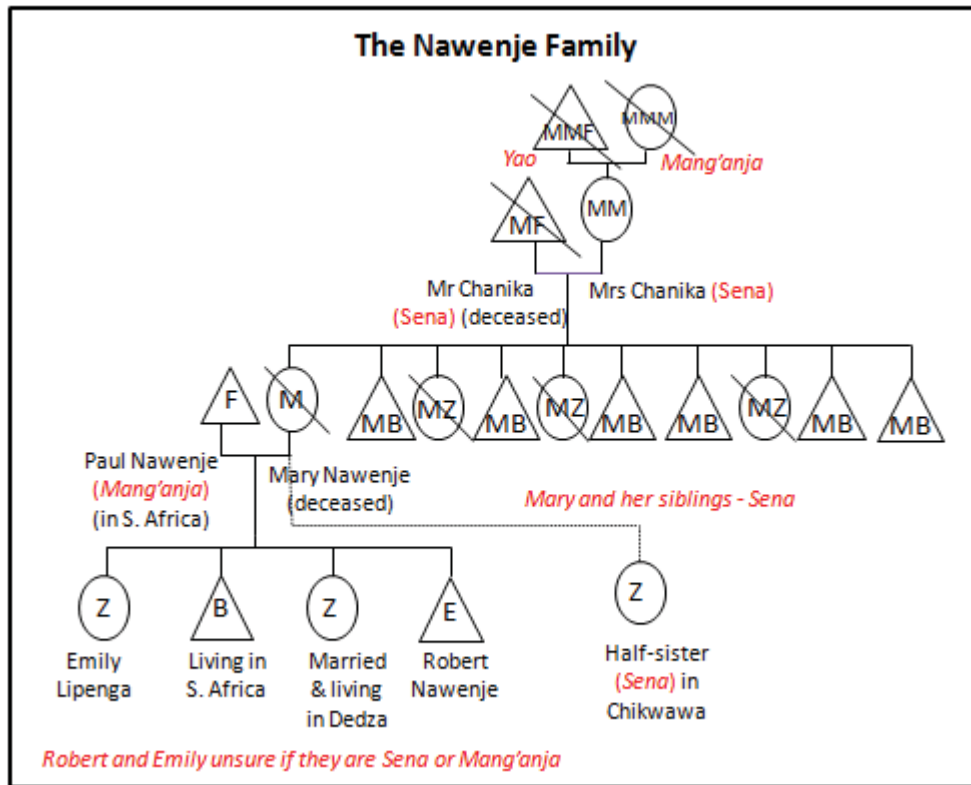


Figure 27: The Nawenje Family from Robert's Perspective

I have entitled this the 'Nawenje Case' as it is the Nawenje children, particularly Robert, who suffer the consequences of their parents' interlineage marriage. However, the story starts with his widowed maternal grandmother, Mrs Chanika.

### Mrs Chanika

Mrs Chanika has lived in Mapira since the early 1960s. When I first met her, she advised me that she was Yao, however, at that time my translator, Chisomo who also lived in Mapira thought this curious as she had understood Mrs Chanika to be Sena. Furthermore, during my first period of fieldwork, Mrs Chanika's granddaughter (Robert's sister), Emily, had described herself and her mother, that is, Mrs Chanika's daughter, as Sena. When I returned to Malawi

two years later Mrs Chanika explained, “we are Sena but where we come from is Mozambique and we are the Yao”. I didn’t quite follow so I asked for clarification and was told that her family “were running away from the war in Mozambique” and so settled in Nsanje on the southern tip of Malawi (see Figure 11 for map). It is likely that the war she was referring to was the Makombe uprising of 1917, that took place south of the Zambezi in Mozambique, after which “thousands of refugees crossed into the Nsanje District of Nyasaland” (Schoffeleers, 1992, p. 103). If this was the case, it is possible that her family arrived in Nsanje along with Sena migrants also seeking refuge.

Mrs Chanika’s father was Yao and her mother was Mang’anja but they had been living among the Yao in Mozambique. When Mrs Chanika’s parents moved to Nsanje from Mozambique they adopted the customs of the Sena amongst whom they lived, and it was in Nsanje that Mrs Chanika was born, probably in the 1930s. Likewise, Mrs Chanika’s husband’s parents also Yao from Mozambique, had settled in Nsanje and raised their children among the Sena. Therefore, both Mr and Mrs Chanika, although from matrilineal parents, were brought up in Nsanje and adopted Sena patrilineal customs. Accordingly, when they married, Mr Chanika’s family paid *lobola* to Mrs Chanika’s family and their children were raised as Sena.

Mr and Mrs Chanika moved from Nsanje with their first five children and their other five children were born in the Blantyre district. They moved there because Mr Chanika found work as a cook “for one of the white people in Blantyre”. They settled in Mapira after they were given land by the chief to build a house. They later bought land for cultivation from people who were moving back to their home village. Mr and Mrs Chanika brought their children up as Sena rather than Yao even though in Mapira their neighbours would have been predominantly matrilineal. However, some of their sons’ names are Arabic reflecting the Yao/Arab association, despite them being Christian rather than Muslim. They had six boys and four girls but as all of the daughters have died,

Mrs Chanika is now a widow with six adult sons and seventeen grandchildren. Of her deceased daughters, all except her eldest daughter, Mary, died without having any children.

Mrs Chanika's children seem to have maintained their Sena identity despite either having been born in Mapira or having moved to Mapira when they were very young. When Mrs Chanika's eldest daughter, Mary, married a Mang'anja man, Paul Nawenje, who also lived in the Blantyre area, *lobola* was not paid. When I asked Mrs Chanika why not, she replied, "the husband said that there is no difference between those who marry with payment and those who don't" which suggests that *lobola* was requested. Nevertheless, because Paul Nawenje's family had not paid *lobola*, Mrs Chanika later refused her daughter permission to move to South Africa with her four children to join her husband who was working there.

### **Mary Nawenje**

Mary Nawenje (née Chanika) was Mrs Chanika's first-born daughter. Her husband Paul Nawenje left for South Africa in August 1989 in search of employment when their youngest child, Robert, their fourth-born, was just four months old. Mary and their children went to live with her husband's parents in a neighbouring village to Mapira, when he left. Four years later, Mary wanted to take her children to go to South Africa to join her husband. Her husband sent her money to cover the costs of passports and transport to South Africa but Mary's mother, Mrs Chanika, refused to allow her and the children to go because Paul's family had not paid *lobola* at the time of their wedding. This refusal effectively split the family, causing a divorce.

Although the family were prevented from going, Paul's parents, Mr and Mrs Nawenje, decided to move to South Africa to be with their son and took with them one of their grandsons, Mary's second-born child. Emily, the eldest child, told me that the reason they were allowed to take her brother to live with his father in South Africa was that he was "very naughty". As far as Emily knows,

her brother is still living in South Africa with his father and his paternal grandparents today, but the last time she heard from any of them was shortly after her mother's death in 1997.

After her parents-in-law's departure, Mary moved back to Mapira where she worked as a tailor. At some stage between 1994 and 1997, Mary re-married and in July 1996 she had her fifth child, a daughter. Mary died in November 1997. Her second husband took her youngest daughter to live with his family in his home village in Chikwawa. As he was Sena and their marriage had included the *lobola* payment, his mother-in-law, Mrs Chanika, had no objections to him taking the child. Emily was already married at this stage and the other two children fell under the guardianship of their maternal grandmother, Mrs Chanika, who moved in to the house where they had been living with their mother. Later, Mary's second daughter also married leaving only, the youngest child, Robert, with his grandmother.

### **Emily Lipenga**

Emily Lipenga (née Nawenje), Mary's first-born child, was born in January 1979. She has five children including one set of twins. Emily was ten years old when her father left for South Africa, was fourteen years old when her paternal grandparents took her brother to join her father, and eighteen years old when her mother died. Emily was already married and had a young baby when she nursed her sick mother for twenty months before her death. When I spoke to Emily during my first period of fieldwork, she described herself as Sena but two years later, she described herself as Mang'anja. When I asked her why she was following her father's line rather than her mother's she replied laughing, "just because most of the help comes from the father's side". This remark is quite poignant, given that that she told me that she had not heard anything from her father's family since 1997 yet her maternal grandmother, Mrs Chanika, and one of her maternal uncles live in Mapira, the same village as her. Although Emily's husband is Sena, *lobola* was not part of their marriage arrangements which Emily explained was because he also grew up in Mapira



and was “not very concerned” with traditional Sena customs. They now have five children and are also looking after Robert, Emily’s youngest brother.

## **Robert Nawenje**

Robert Nawenje was just a baby of four months old when his father left for South Africa, was four years old when his paternal grandparents took his brother to South Africa and eight years old when his mother died. His maternal grandmother, Mrs Chanika, moved into his mother’s house in Mapira and became his guardian. Robert told me that he missed a lot of school because he was often sick. He said that he had sores similar to boils all over his head, which would cause headaches and so he was constantly going to the public hospital in Blantyre. His sister, Emily, also reported that her two siblings would often complain about not being able to attend school due to a lack of clothes and a shortage of food. Although Robert was twenty years old when I met him during my second period of fieldwork, he was very keen to return to primary school which fortunately I was able to help him achieve.

I had invited Robert to join one of my ‘orphan’ meetings during my first period of fieldwork by hand delivering a letter written in Chichewa to his grandmother, Mrs Chanika, at her house where Robert was living at the time. He did not attend the workshop, which I had noted, but was not concerned about as it was an invitation and in no way compulsory. However, Emily Lipenga, Robert’s older sister, was very distressed to discover that their grandmother had not given the letter to Robert. They only found out about it because my translator Chisomo spoke about it to them after I had left Malawi. Emily explained that Robert was very upset at having missed the opportunity and so was very eager to speak to me during my second period of fieldwork.

Before moving in with Emily, Robert had been living with his grandmother,. Earlier in the year he had gone to stay with his uncle (his mother’s brother) in Lilongwe. His uncle’s unwillingness to be his guardian was evident when Robert related “he was calling people here [in Mapira] saying that I should

come back to stay here". When Robert returned to Mapira, his grandmother refused to allow him to move back in with her in the house that had belonged to his mother, so Emily, his sister, took him to live with her. When I asked Robert, how he would describe himself in terms of tribal identity, he said, "my grandmother [Mrs Chanika] says we are the Mang'anjas just because we don't belong to her clan". I questioned why she would say such a thing, given that the non-payment of *lobola* would have meant that he was *not* part of his father's clan. He replied that he did not know, but at that point he became very upset with tears rolling down his cheeks. As he is no longer in touch with his father's family, her rejection leaves him with the insecurity of not belonging anywhere. Ironically, if Mrs Chanika had identified as belonging to her mother's clan as was the matrilineal norm, she would have been Mang'anja – the same tribe as Robert's father.

### **Analysing the Nawenje Case**

This case raises questions about tribal identity and shows how fluid it can be. Mrs Chanika identified as being Yao and Sena. However, as her mother was Mang'anja and her father was Yao, both of whom trace descent through the maternal line, it is surprising that she does not identify as Mang'anja as this would have been the norm. However, norms and rules should not be reified and of course it is possible to go against conventional norms. One explanation, however, could be in terms of the patrilineal Sena norm of identifying families through the father's lineage which would have meant that in Nsanje it was likely that the family were referred to as 'Yao'. She also mentioned that her parents had been living among the Yao in Mozambique before she was born which again is unusual as the norm for both tribes was to reside uxorilocally. As discussed earlier, matrilineal men can negotiate with their in-laws to take their wives from their natal villages. Another possible explanation is that Mrs Chanika's mother was a captive wife, given that the Yao were known as slave captors and traders and regularly raided Mang'anja settlements (Shepperson & Price, 2000, pp. 42-43).

Rather than stand out, the family “copied the customs of the Sena” in order to be accepted by their Sena community. Therefore, when Mrs Chanika was growing up, it is likely that her parents actively encouraged her to follow the Sena way of life so that she would be accepted by her peers. This was demonstrated by the fact that they included *lobola* (a Sena patrilineal custom) in their marriage arrangements even though both bride and groom were from matrilineal families. This case study clearly shows lineage-belonging to be an adaptable discursive experience through matrilineal families adopting local Sena customs, the rules of which are immanent in practice.

Mr and Mrs Chanika were the first generation in their families to identify as Sena as a result of their Yao/Mang'anja parents adopting the Sena culture from the community in which they had sought refuge after fleeing from their homes in Mozambique. They maintained their Sena identity even when they moved to the Blantyre district, whose population, although quite tribally diverse, would have been predominantly matrilineal. They raised their children as Sena in Mapira where even today only approximately seven percent of the families are from patrilineal groups. Their sons, although identifying as Sena, did not include the *lobola* custom as part of their own marriages. It seems, however, that *lobola* was requested but not received for their daughter, Mary's, first marriage and was received for her second marriage.

It is likely that Mr and Mrs Chanika were not very happy about Mary initially marrying without *lobola*, given that later Mrs Chanika refused to allow Mary to take the children to join her husband in South Africa, giving the lack of the *lobola* payment as the reason for the refusal. I wondered why Mary Nawenje had not just taken her family to South Africa against her mother's wishes. Ruth my assistant told me that there are many superstitions in Malawi about falling out with your mother. I researched this and read that a mother's curse is a deeply held traditional fear particularly for matrilineal groups (Marwick, 1965, pp. 164-165), amongst whom Mary Nawenje had grown up. It is also possible that she would not have been able to get birth certificates and passports without

her mother's assistance. Birth certificates are not common in Malawi, but when required for passports, the process involves the parents liaising with the local chief for the area in which the person was born.

The arrangement of Mary Nawenje and her children living with her in-laws also goes against both the matrilineal norm and the patrilineal norm given that they had married without *lobola*. The Mang'anja norm is for mothers and children to live with their matrikin so paternal grandparents would not normally expect to be looking after their grandchildren and their daughter-in-law. The living arrangement would have been consistent with Sena norms only if *lobola* had been paid. However, this was in a peri-urban village, similar to Mapira, not a traditional village. Furthermore, it is possible that Paul was sending money to support his parents as well as his wife and children, so perhaps this was the most convenient living arrangement.

Although it is not unusual for siblings to be split up among families in Malawi, it is not clear why Mary and Paul's second born, their eldest son, was singled out to join his father in South Africa. Perhaps, as Emily suggested, he was very disobedient and therefore too much of a handful for his mother to cope with alone or maybe they hoped that by labelling the boy as 'very naughty', his siblings would perceive his departure as a punishment rather than a reward and thus avoid any feelings of resentment. Alternatively, the branding could have been used to devalue the child from Mrs Chanika's perspective in order to persuade her that she would be better off without such a wayward child. The other children who were prevented from going to South Africa, except Emily who was already married, lived with Mrs Chanika in poverty following their mother's death four years later. Mrs Chanika, in accordance with Sena culture, had no objections to Mary's fifth child going to live with her father, Mary's second husband, as his family had paid *lobola*.

Mrs Chanika moved into her daughter's house after her death and became guardian to Robert and his unmarried sister but doesn't seem to have been able to cope financially. Robert missed several years of school. He told me, "maybe if

they call parents and maybe they are asking for school funds, it would not be provided for me, so I had to try and find some work to find the money to pay at school". As discussed earlier, the school fund is a nominal amount but still hard to find for most families given that it is approximately equal to the amount the majority of Malawians live on per day (UNDP, 2013b). Robert's sister, Emily, confirmed that things were not very good for her siblings in the care of their grandmother, saying, "they were unable to go school as there was no food to eat or clothes". Robert and Emily's sister, possibly to escape such difficulties, married at a fairly young age and now lives in Dedza a district in the Central Region of Malawi.

Despite having successfully thwarted her son-in-law's attempt to take his wife and children to South Africa, Mrs Chanika was not well equipped to support her orphaned grandchildren. Although she had six sons, none of them seemed willing to help their deceased sister's children. This is despite the fact they were living among matrilineal groups where, as mother's brothers, they would be perceived as the obvious guardians. However, they identified as Sena and in Sena culture the mother's brother had no such responsibility.

## **Conclusion**

Interlineage marriages, although not currently common, may become more so as matrilineal men not only move to patrilineal districts for work but also purposefully seek out patrilineal wives as they deduce that paying *lobola* gives them more authority over their wives and children. However, as Mrs Namasani demonstrated, the children of such marriages tend to be anomalous as neither their patrilineal mother's family nor their matrilineal father's family perceive them as belonging to the family. Instead they are distinguished as 'foreigners' or as 'from another tribe'. These difficulties do not usually arise if the family are living as a nuclear family, as many are in Mapira, away from both sets of extended family. However, the problems related to the anomaly may surface following the death of one of the parents. Wills are not common and

arrangements concerning where the children should live after their parents' deaths are rarely discussed while the parents are still alive.

My argument that legalistic meanings were superimposed on the *lobola* custom during the colonial era, particularly in relation to matrilineal men marrying patrilineal women, is supported by my analysis of people's insights and perceptions. People from tribes that practice patriliney understand their custom of *lobola* as being quite flexible whereas people from tribes that practice matriliney perceive *lobola* to be an absolute determinant of rights to the children. Furthermore, patrilineal people who live among matrilineal people, such as those living in Mapira, are aware of the matrilineal (mis)perception of equating paying *lobola* with 'buying' and so would not accept *lobola* from matrilineal men. The growing trend of matrilineal men strategically marrying patrilineal women based on this (mis)perception of purchasing absolute rights portends future problems.

There are similarities between the two case studies featured in this chapter in that *lobola* had not been paid during the marriage arrangements despite the wives being Sena. This was probably because the patrilineal families were living in predominantly matrilineal areas and it resulted in the deceased mother's kin obtaining custody of the children when the wives died. However, both of these cases also featured reluctant guardians who perhaps resented having to support the children because according to Sena tradition, responsibility for the children should lie with their fathers' kin. Although the guardians were related to the children by blood, it seems that consanguinity is not as important as the traditional patrilineal discourse of relatedness through which children of a female member of the lineage are not positioned as relatives that should be offered support. The maternal relatives therefore begrudge being positioned as guardians to the anomalous orphans.

In the next chapter, I describe two more case studies of interlineage marriages but in these cases *lobola* was paid. Like Mrs Namasani and the Mataka and Nawenje children, the children in the next two cases are also anomalous in

terms of falling between two conflicting social constructions of belonging. These cases clearly demonstrate how dreadful the consequences can be for the children involved. In both cases, the mother is still alive but has had her children forcibly removed following the death of her husband by his matrikin who claim the children on the basis of the payment of *lobola* but then neglect and abuse them.

## Chapter Eight

# The Mikwamba and Tepeka Cases: *Lobola*, Widows and Misery

### Introduction

As shown in the previous chapter, children from interlineage marriages are anomalous in terms of falling between two contrasting social constructions of belonging as each side of their extended families regards them as “foreign”. According to matrilineal discourse, children belong to their mother’s family and in contrast, according to patrilineal discourse, as long as *lobola* requirements have been fulfilled, children belong to their father’s family. This difficult issue becomes more complex if the matrilineal family pay *lobola*, a patrilineal custom, as the meaning matrilineal families tend to attach to this custom is at variance to the patrilineal meaning. As discussed in Chapter Four, a legalised meaning came to be superimposed on the *lobola* custom during the colonial era by providing rights *in genetricem*, which was applied specifically to matrilineal men with interlineage marriages. This meaning is still relevant today as matrilineal people continue to (mis)interpret the *lobola* custom as providing indisputable rights to the children. As demonstrated in the previous chapter, patrilineal people living in predominantly matrilineal or tribally diverse areas are aware of this (mis)perception.

The two case studies discussed in this chapter both involve interlineage marriages in which *lobola* was paid by the Lomwe husbands for their Sena wives. In both of these cases, the Sena wives are still alive but the deceased Lomwe husbands’ family claim the children as theirs, that is, belonging to them and so take the children away from their mothers. They cite the *lobola* custom to justify their claim to the children but then mistreat them.

Furthermore, in this type of case the wives are also left in anomalous situations following their husbands’ deaths due to their interlineage marriages. The



anomalies occur partly due to both patrilineal and matrilineal norms being disregarded. The first norm not adhered to was the patrilineal norm of wives under *lobola* living in their husbands' home villages and the second was the matrilineal norm of widows staying with their matrikin following their husbands' deaths. The widows in these cases had not lived among their husbands' kin while he was alive because their husbands had been working close to their home village, not to mention the fact that bringing wives back to live in the husbands' natal villages goes against the matrilineal norm. Additionally, because their husbands' families are matrilineal, their expectation is that the widows stay at their own home villages among their matrikin following their husbands' deaths. However, because the widows are patrilineal, there is no place for them in their natal villages because the patrilineal norm is for widows to remain living among their deceased husbands' kin. Making the situation even more complex, the matrilineal husbands' families claim the children as theirs based on *lobola* having been paid, while sending the widows away.

The first case I present is the Mikwamba Case, which involves a cross-border issue as the children are staying with their father's matrikin in Mozambique whereas their mother was forced to seek refuge in her natal village in Malawi. The widow's matrilineal husband's younger brother took possession of her children, her money and her property, sending her away destitute. Hence, this case, in particular, emphasises the vulnerability of widows of interlineage marriages.

The second case, about the Tepeka family, in comparison, highlights the ambiguity of children's belongingness in interlineage marriages. The matrilineal family claim the children belong to them because they paid *lobola*, yet culturally there does not seem to be a place for the children within the matrilineage. The children are rejected by their father's family who steadfastly refuse to allow them to return to their mother. Their refusal is based on the *lobola* payment which they claim means that the children do not belong to their

mother. I begin my exploration of the Tepeka Case by describing my involvement in helping to deal with a disclosure of physical abuse and a visit to Nsanje to reunite the children with their mother. This sets the context for the story of the interlineage marriage which I pieced together through talking to people during both periods of fieldwork.

## The Mikwamba Case: Interlineage Marriage with *Lobola*

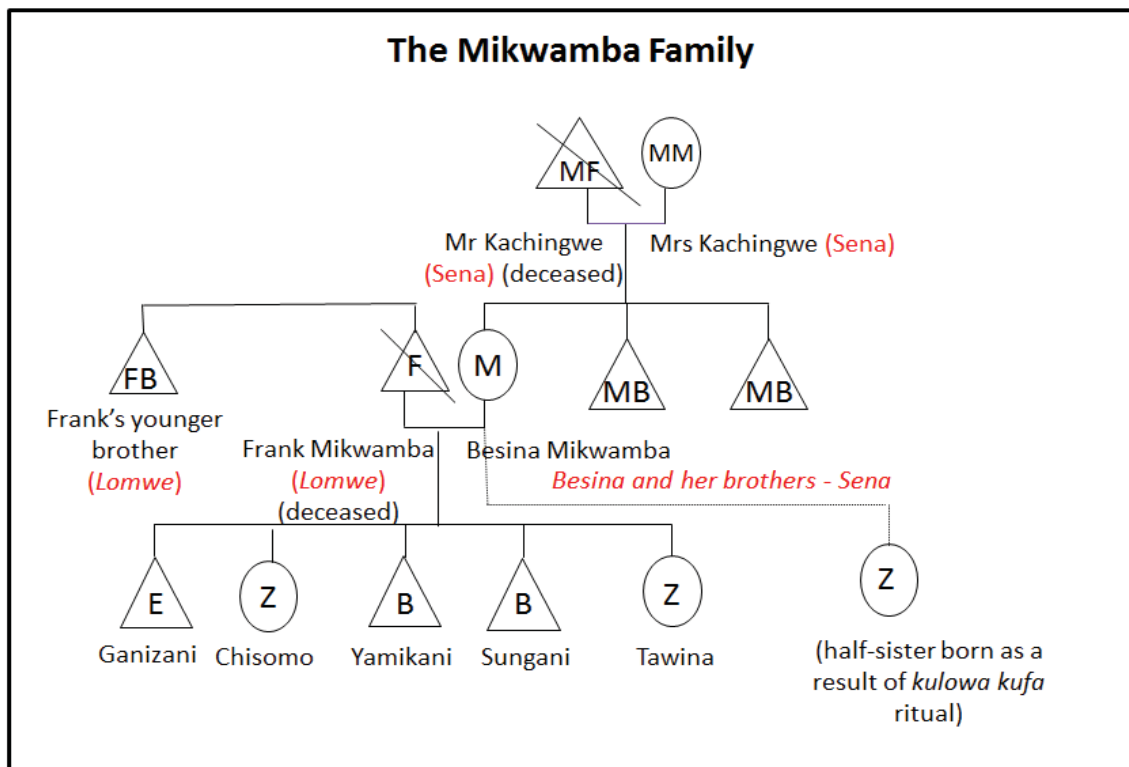


Figure 28: The Mikwamba Family from Ganizani's Perspective

I came to know about this case through Mrs Besina Mikwamba who I met a few weeks after I arrived in Malawi for my first fieldwork trip. Her husband, Frank Mikwamba, who had recently died, had been the cook and housekeeper for Maxine, the director of DOC. I was staying with Maxine and her partner Howard while I was waiting for the process of becoming affiliated with the University of Malawi to be completed before moving out to live in the community to start my fieldwork. Maxine asked if I could help Mrs Mikwamba by taking her to the Social Welfare Offices in Blantyre as she had been turned

away by her husband's relatives in Mozambique after they had taken all her property, money and children. It was only after my return to New Zealand when I was analysing my data and my field notes that I began taking an interest in Mrs Mikwamba's story in terms of my question of interlineage marriages.

Mr Frank and Mrs Besina Mikwamba had five children: three boys and two girls. Their sons are Ganizani, born in 1993; Yamikani, born in 1997; and Sungani born in 2001. Their two daughters are Chisomo, born in 1995; and Tawina born in 2003 (see Figure 28 for kinship chart<sup>67</sup>). Mrs Besina Mikwamba also had a sixth child who was born after her husband's death following a widow-cleansing ritual that she was coerced into performing by her mother. Mrs Mikwamba's mother, Mrs Kachingwe, is also a widow and lives in her deceased husband's village in Chikwawa which is also home to her two adult sons. Mrs Mikwamba's deceased husband Frank came from Mozambique where his younger brother still lives. Their sister had died shortly before Frank did and so Frank's younger brother had moved back to their natal village and taken over his sister's property and the land she had cultivated.

Mrs Besina Mikwamba is a Sena woman from Chikwawa in the Southern Region of Malawi (see Figure 3 for map). In 1991, she married a Mozambican Lomwe, Frank Mikwamba, whom she met while he was living and working in Chikwawa, close to her home village. As part of the pre-nuptial negotiations Frank had to convince Besina's parents that he planned to remain living in Malawi. Frank was also required to pay *lobola* in accordance with the Sena custom, even though this is not a practice he would have been accustomed to, as a Lomwe. Frank had not involved his relatives in the pre-marriage arrangements and none of his family travelled from Mozambique to attend the *chinkhoswe* (traditional marriage ceremony). Instead they were represented by Mr Mikwamba's close friends.

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<sup>67</sup> For consistency with other case studies, I have drawn the kinship chart from Ganizani's perspective, although the story is largely told from his mother's perspective.

Mrs Mikwamba told me that “even when he was paying the *lobola*, his relatives were not involved” explaining that her prospective husband had paid the *lobola* himself out of his wages. Following the *chinkhoswe*, Mr and Mrs Mikwamba set up home in Chikwawa. Thus, although Mr Mikwamba had paid *lobola* which traditionally would authorise the husband to take his wife to his home village, the couple remained living close to Mrs Mikwamba’s family. However, some years later they moved to the Central Region and subsequently to the Blantyre area for Mr Mikwamba’s job. As agreed by Mr Mikwamba during the marriage arrangements, the couple stayed in Malawi throughout their married life and all of their five children were born in Malawi.

Frank Mikwamba died in February 2007 after suffering from bone cancer. While he was seriously ill in hospital in Blantyre, his younger brother came and took the four eldest children to Mozambique. Both Mr and Mrs Mikwamba wanted the children to remain in Malawi but Mr Mikwamba was very ill and his wife, as is customary, wanted to stay by his side in the hospital. Mrs Mikwamba remembered, “his relatives insisted that we could not leave the children here [in Malawi] while their father was sick”. When he was released from hospital because “the doctors said that there was nothing more that could be done for him”, his dying wish was to return to his home village in Mozambique. As Howard was away working in Zambia, Mr and Mrs Mikwamba turned to Maxine for assistance. Maxine drove Mr and Mrs Mikwamba, their youngest daughter, Tawina, and Mr Mikwamba’s brother across the border to Mozambique where she arranged for a car to take them to Mr Mikwamba’s home village.

When Mr Mikwamba’s health further deteriorated, his relatives brought him back to Malawi, to the hospital at Phalombe, close to the Mozambican border. According to Mrs Mikwamba it was at this stage that her husband’s brother realised that Frank was dying. She told me how he and his wife started taking control: “They started making their decisions concerning the children – that I should not take the children to the hospital, [not] even the youngest one.”

Tawina, their youngest child, would have been about three years old at the time. Mrs Mikambwa also confided in me during one interview that throughout that time she experienced “lots of harsh treatment” at the hands of her brother in-law and his wife. Howard heard that Frank was dying in hospital in Phalombe and so went to visit him when he returned from working in Zambia, but unfortunately Mr Mikwamba died just minutes before Howard arrived. Howard provided money to cover the burial in Mozambique, travel and transport costs for Mrs Mikwamba and school fees for the children.

When Mrs Mikwamba arrived at her late husband’s home village in Mozambique her husband’s brother took all the property and the money from her. Mrs Mikambwa narrated:

[The money] he [Howard] gave me ... [is] the same money that his [Frank’s] relatives took. That is when I told them to give me my children so that I can take them home. And that is when things failed.

Her husband’s brother would not release the children and sent Mrs Mikwamba away almost penniless. She managed to find her way back to her natal village in Chikwawa, where her mother, Mrs Kachingwe, still lived with her two sons, Mrs Mikwamba’s brothers. However, Mrs Mikwamba arrived alone and destitute. She recounted, “I was just a bereaved wife, my husband had died and I had nothing to survive on.” Her mother feared that if her widowed daughter returned to live in the village, without first being ‘cleansed’ it would cause her (the mother) or another member of the family to become sick. Additionally, it was feared that she would be blamed for any misfortune that fell on anybody in the community. Thus, her mother insisted that Mrs Mikambwa must participate in the *kulowa kufa* ritual which involved having unprotected sex with a ‘professional cleanser’.

The widow cleansing ritual known as *kulowa kufa* or *kupita kufa* is a patrilineal custom practiced by some patrilineal groups in which a man who is referred to as a *fisi* (hyena) is paid by the deceased man’s family to have sex with his

widow as a cleansing ritual “to put to rest the spirit of the deceased” (Malawi Human Rights Commission, 2005, p. 63). The *fisi* is often a ‘professional cleanser’ who charges up to US\$50 for this service in Malawi, a country where nearly seventy-four percent of people live on less than US\$1.25 per day (Curnow & Watts, 2013; UNDP, 2013b). It is believed that if the widow does not go through with the ritual the “family will be cursed” (White cited in Curnow & Watts, 2013, n.p.) and so there is great pressure placed on the widow to comply with her in-laws’ wishes.<sup>68</sup> The process lasts for three days:

On the initial day, the cleanser was supposed to have sex with the widow/chief mourner for three rounds. They rested on the second day and finish off on the third day, with one or two rounds (Malawi Human Rights Commission, 2005, p. 63).

This ritual which involves “unprotected sex” (Curnow & Watts, 2013) is still prevalent in Nsanje, the southernmost district of Malawi, among the Sena (Malawi Human Rights Commission, 2005, p. 63). As demonstrated by this case, it also continues to be practiced among the Sena living in Chikwawa, despite this practice being contrary to the Malawian Constitution, which states:

Any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as (a) Sexual abuse, harassment and violence (Malawi Government, 2004, section 24/2a).

Mrs Mikwamba emphasised that she had little choice but to comply with her mother’s wishes even though she was a very unwilling participant. She narrated:

What happened was that when I came back here after the funeral and [according] to our Sena custom, my mother told me that I cannot drink water here unless a man should take care of you. I felt

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<sup>68</sup> Usually this ritual is arranged by the widows’ deceased husband’s family but in this case it was arranged by the widow’s mother.

sorry for myself since it was my mother telling me to do that. I did not expect it to result in pregnancy. So what happens is that man doesn't stay long with you, as soon as he finishes taking care of you, he goes away.

Her description of a man 'taking care of her' is a euphemism for having sex with her, and as she indicated, for her this practice resulted in a pregnancy. When I asked Mrs Mikwamba what part the man plays if a child is born as a consequence of the *kulowa kufa* ritual, she replied,

It depends on the heart of the man. Some can support the child, others will not. So since that time, he has never supported this child. So what I think now is that it is better that he shouldn't help me just because if he tries to help me, one day he will think of taking the child away from me.

Having had her other five children taken away from her by her husband's brother, I could understand why she preferred to be left alone with the child. After the ritual she was allowed to stay in her father's village with her mother and brothers.

Mrs Mikwamba had followed up with Social Welfare after the earlier visit in 2007 when I had accompanied her to the offices and was disappointed to learn that they could not help her because it was a cross-border issue. She had also appealed for help at the Mozambican Embassy in Blantye, but they too were unable to assist her. She described how she had returned to Chikwawa heavily pregnant feeling very despondent at having been separated from her five children. Furthermore, having lost all of her money and all of her possessions, she was totally dependent on her mother.

In December 2007, Mrs Mikwamba asked for, and was granted, the necessary funds from her husband's previous employers, Maxine and Howard, to visit her children in Mozambique. During this visit it became obvious to her how much her children were suffering. She remembered that "it was when I found out that the children were crying for me and others were running after me. But

someone came and took them back". She gave her eldest son, Ganizani, some money to buy medicine in case any of them should become ill, as she did not have confidence in her brother-in-law's care. When Mrs Mikwamba left to return to Malawi, her in-laws took the money from Ganizani and as a punishment for him trying to hide it, they tied him to a tree, leaving him there all night. During the night, Ganizani managed to untie himself and ran away. Mrs Mikwamba allowed me to copy a statement that Ganizani had written at the time. I think writing this statement was encouraged by the police in order to have a written record. Dated 9 January 2008, Ganizani wrote:

When I reached ... [Nkhwalula] village [in Malawi], the chief felt sorry for me and he took me to the police unit committee for this village who took me to the police station after staying there for four days. The policemen at Mulanje ... gave me transport money amounting to 500 Kwacha for me to go to [Chikwawa] where my mother was. I left for Chikwawa on the same day. When I reached there I explained more about our stay in Mozambique and how we were being treated. Some of the problems are:

- That none of us were going to school
- Having a meal just once a day that is around 6 o'clock in the evening
- We were not allowed to go anywhere - unlike other children
- We were being beaten

So I have come back here alone. My friends [siblings] are still facing mistreatment.

After hearing about the mistreatment her son had endured, Mrs Mikwamba again went to Maxine and Howard for help. Maxine gave Mrs Mikwamba a letter addressed "to whom it may concern" giving an account of what had happened including Ganizani's recent escape. The letter, presumably intended for Social Welfare and NGOs, closes with the following paragraph:

I urgently request that anyone who is in the position to assist these children to be reunited with their mother in Malawi, should take



action immediately. The four children left in Mozambique are clearly destined to endure desperate conditions while they are there. They are being deprived of education and a caring home. I trust that positive action will be taken as soon as possible, to bring them back to their mother.

Unfortunately, Mrs Mikwamba was unable to find anyone to help her. She managed to visit the children one more time in February 2009 with financial assistance from Maxine. Mrs Mikwamba found that her in-laws had heard about Ganizani having returned to live with her:

When I arrived they said, 'why have you left [Ganizani] behind, you could have brought him here.' Then I answered that I did not come here and take the child but when he saw your harsh treatment, he decided to run away from you. They answered that despite the harshness, they must be here because "the children are ours".

When she pleaded with them not to mistreat her children, they told her "you don't have any power over the children".

Between two of my visits to Mrs Mikwamba during my 2009 fieldwork, I had spoken to Joseph Malingo, the Social Welfare Manager in Blantyre, about her case. Unfortunately, however, he had said that he could not help as it was a "cross-border issue" and had kept repeating that the case was "really tricky". Reporting this back to Mrs Mikwamba was difficult because I sensed that she was beginning to give up hope of ever getting her children back. I was also worried that her health was deteriorating due to the stress caused by the extended separation. Whereas I felt very angry and disappointed about Social Welfare's inability to help her, Mrs Mikwamba seemed quite reconciled to their lack of assistance. She told me:

I have been talking to them about that, because what I wanted was just to visit my children frequently so that they should always recognise me as their mother, and as a way of showing my love to my children. It took years for me to visit the children because of

transport money which is hard to find. During the last visit [when] I visited my children, I left them while crying and one of them ran after me and was returned home by their young father [their late father's younger brother]. The children told me that they were being mistreated. For example, they are making them work in the field yet they are very young and sometimes when the young one urinates on the bed when sleeping at night, as you know most kids urinate on their bed, the four of them are thrown out of the house for the rest of night and they sleep outside... and they also told me that they were being beaten ... When their young father came to take back the girl who was running after me during that time he asked me if I have given the children something [such as magic charms to make the children cry for her or follow her] but I answered him "I haven't given my children anything or even money, I haven't". So it is very hard because I have been to the Social Welfare several times [and to the] Mozambique Embassy, but they are not helping me.

After hearing this from Mrs Mikwamba, I pledged to contact some Human Rights organisations to see if they would help her. I left Mrs Mikwamba with money to cover her travel costs to Blantyre so that when she was feeling strong enough, she would come to Blantyre and meet me there.

During the following weeks, I visited various organisations which, although very sympathetic to Mrs Mikwamba's plight, were unable to help either because it was a cross-border issue or due to lack of funds. Initially I visited organisations alone but after Mrs Mikwamba's arrival in Blantyre, I was accompanied by her and Ruth, my translator. One of the first places we visited together was the Mozambican Embassy. Unfortunately, they were not helpful at all and did not even display any sympathy for Mrs Mikwamba's situation. When I gave them some examples of the mistreatment, they suggested that Mrs Mikwamba should go to the police station in Mozambique nearest to where the children were staying, but they warned her that the police probably would be unable to intervene because of the *lobola* payment.

We then went to various other organisations but although they were sympathetic, they were unable to help. Significantly, at one organisation the representative remarked that Mrs Mikwamba's in-laws were "hiding behind a cultural issue [the payment of *lobola*]". Each organisation referred us to other organisations that they thought might help and eventually we found one whose Executive Director had connections with counterparts in Mozambique. He initially was not optimistic about being able to help because it was a child custody case which would be very difficult and costly given its cross-border nature. He explained that even if his organisation was successful, it might only result in Mrs Mikwamba gaining visitation rights. However, on a visit about a week later, he announced that he would be able to intervene by treating it as a child trafficking case. Working in conjunction with a Mozambican NGO in addition to the Mozambican and Malawian police forces, this organisation successfully returned Mrs Mikwamba's children to her in Malawi.

### **Analysing the Mikwamba Case**

In this case, the interlineage marriage caused complications for the widow in terms of her having to undertake the *kulowa kufa* ritual. Mrs Chaponda, a Sena woman living in Mapira, had earlier described this ritual as an alternative to leviratic marriage in cases in which the deceased man does not have brothers to inherit the widow. Likewise, the Human Rights Commission document stated that the cleanser was usually the relative of the deceased man "who would eventually inherit the woman as his wife" (Malawi Human Rights Commission, 2005, p. 63). Thus, it would seem that this ritual is usually arranged and carried out by the deceased husband's relatives in the village in which the widow would have lived with her husband. However, it is more common now to hire a 'professional cleanser' (Curnow & Watts, 2013).

This may help explain Mrs Mikwamba's deep distress at it being her mother, rather than in-laws, forcing her to participate. As noted, she had revealed "I felt sorry for myself since it was my mother telling me to do that". She explained

that she felt she had no choice as she was totally dependent on her mother after having been left destitute by her husband's brother:

I accepted because I was kept by her and that I had nothing because I left all of my property behind and came back with nothing and also that I have nowhere to stay ... If a person has no land to live on, they have to accept everything whether it is good or bad. But if you have somewhere to live, you could do something to help yourself and you could refuse things that you don't like. But because you are being kept by other people you have no option.

This is supported by Mrs Chaponda's story. Mrs Chaponda, a patrilineal Sena woman living in Mapira, was able to refuse to participate in the ritual when her husband died because she owned land in Mapira and so was independent. Furthermore, she had the confidence to refuse because living in tribally diverse Mapira had exposed her to different cultures and matrilineal practices. She told me, "because I came here when I was young ... I have learned the cultural practices of this area, so that is why I refused". Furthermore, Mrs Chaponda's Sena husband's family did not try to take the children away from her when he died. This is because after her husband's death, Mrs Chaponda had asked the chief for land to cultivate for her and her children and was granted an area that had previously been used to grow coffee on the other side of Mapira to where she had been living. This was in the colonial era shortly after the ZIM had distributed the land to senior employees who became chiefs. Mrs Chaponda's deceased husband's family would not be able to claim the property as theirs as it was allocated to Mrs Chaponda after her husband's death. However, they would not offer her any financial support for the children, because she had not participated in *kulowa kufa*.

Mrs Mikwamba's mother may have been improvising in terms of cultural practices as usually daughters would not return to their natal village as widows. Traditionally, they would have been inherited by one of their deceased husband's male relatives and so would remain living in their husband's home

village. Even now that leviratic marriage is discouraged due to the AIDS pandemic, often the widow remains living in her husband's village as guardian to her children. In this case, however, Mr Mikwamba was from a matrilineal tribe and thus his kinsmen would not expect to have to support his widow, especially as the couple had never lived in the village. Mrs Mikwamba's mother, a widow living in her own deceased husband's village, feared that misfortune or sickness would befall the family unless the *kulowa kufa* ritual was performed. I wondered if this was because she had participated in a similar ritual following her husband's death as, given that she lives alone as a widow, she was not inherited by a male relative of her husband. It is likely that she felt that the only way to protect her family from misfortune was for her daughter to undertake the ritual.

In this case, a motive for the father's family's "harshness" can be discerned in terms of free (child) labour. As Mrs Mikwamba reported "they are making [the children] work in the field yet they are very young" and such treatment would be regarded as 'cruel' or 'harsh' in Malawi. Mrs Mikwamba's in-laws actually admitted their mistreatment to her, but proclaimed "despite the harshness, they must be here because the children are ours". They seem to feel very confident about the children belonging to them and repeatedly asserted that Mrs Mikwamba had no power. Yet, without exception, all of the patrilineal people I asked about what usually would happen in such situations stated that in cases where the children were being mistreated, the mother can remove the children. For example, Mrs Chaponda told me,

If the one [who] gave birth has heard that the children are suffering, she can just go to where the children are and ask for them. She explains to them "I see that my children are suffering here and I would like to take them." The husband's side cannot refuse her.

Likewise, Mrs Mikwamba maintains that she would not have been separated from her children if her husband had been Sena. Although the children would

be affiliated with their father's clan, "still the support will come from the father's side in the case that their mother is still alive". She explained further,

As of now in many cases it happens for the children to be free, they have to grow up with their mother ... They could allow me to have my children and we can be helping them together while they are staying with me.

This demonstrates that Mrs Mikwamba understands that it is the interlineage aspect of her marriage that is causing the problem. It is clear that her matrilineal in-laws have a different interpretation of the *lobola* custom to her. She was trying to fight for custody of her children but because it was a cross-border issue and because *lobola* had been paid, she could not find any help. The only way she received help was through an organisation treating it as a case of child-trafficking. Thus, it was handled not as a kinship issue but as a case of children taken across the border to be used as free labour.

### The Tepeka Case: Interlineage Marriage with *Lobola*

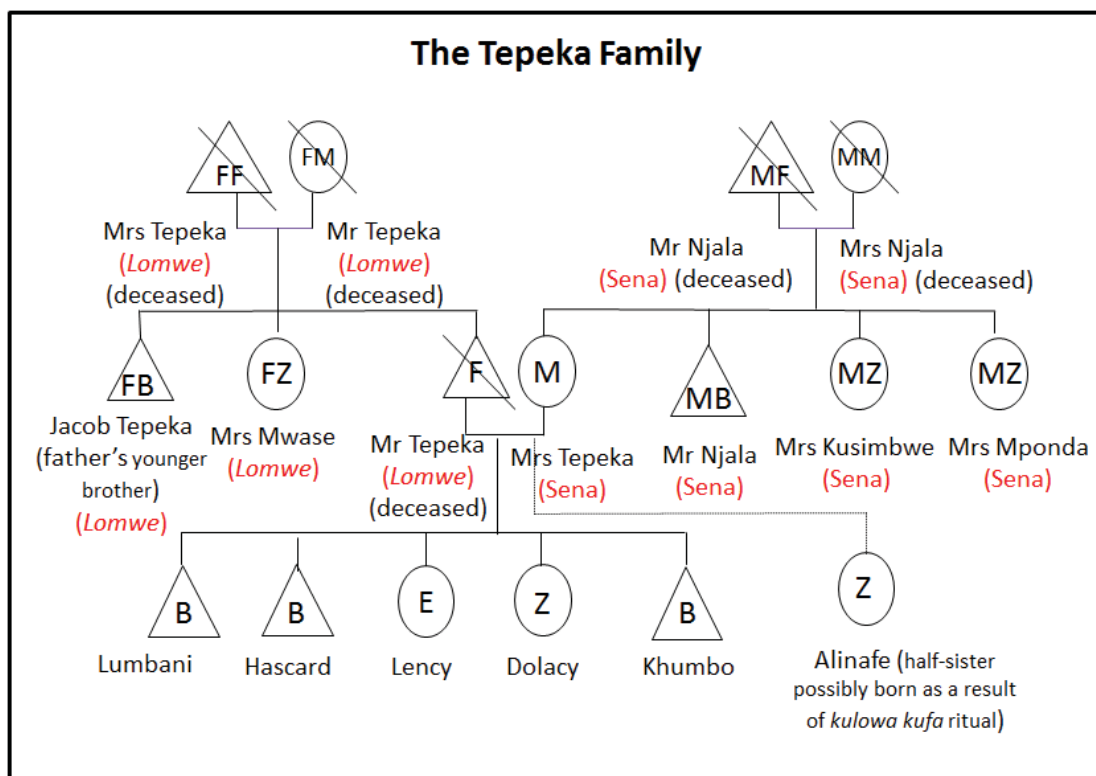


Figure 29: The Tepeka Family from Lency's Perspective

The Tepeka Case shares many similarities with the Mikwamba Case. I met Lency and Hascard Tepeka when they agreed to participate in my orphan story sharing workshops during my first period of fieldwork. I have drawn the kinship chart (see Figure 29) from Lency's perspective as it was her story that initiated my interest in interlineage marriages. Lency, who was born in 1993, is the third of five children: she has three brothers, two older and one younger as well as one younger sister. Her older brothers are Lumbani who was born in 1989 and Hascard who was born in 1991. Her sister Dolacy is three years younger than her and her youngest brother Khumbo was born in July 1998, three months after their father's death. Lency also has a half-sister Alinafe that she had never met who was born some years after Lency's father's death.

Lency's mother, Mrs Tepeka lives in her natal village in Nsanje alongside her brother, Mr Njala, and her sister Mrs Mponda who succeeded her father as Chief so had moved back to her natal village. Their other sister Mrs Kusimbwe lives in a nearby village. Mrs Mponda was selected by her father as his successor, because her brother was, at that stage, working and living away from the village. Furthermore, she was selected rather than her older sisters because she was the only among them who was married at that time and "they look for a person who has a husband or a wife". Lency's father, Mr Tepeka, was originally from Zomba where his younger brother, Jacob, still lives with his wife and family. Their sister, Mrs Mwase, lives with her husband in Mapira, but has very close links to her home village in Zomba. Their parents, Lency's paternal grandparents, have both died, however, Lency's paternal grandmother was her guardian before her death in 2004.

As with the previous case, this case involves an interlineage marriage between a Lomwe man and a Sena woman in which *lobola* was paid. I start by giving a personal account of what happened after Lency disclosed, through her orphan-story, that she was being physically beaten by her aunt. I then continue my narration in terms of how I followed up with Lency on my return to Malawi for

my second period of fieldwork and how I took her and her siblings down to Nsanje to visit their mother. Following this, I tell the story of Lency's parents interlineage marriage which I pieced together through talking to various people, including Mr Njala, Mrs Mponda, Mrs Tepeka and Hascard Tepeka. Finally, I analyse the whole case as I have done with the other case studies.

### **Lency's Mistreatment Disclosure**

Fourteen-year-old Lency, one of my story sharing participants, disclosed in her story that she was being beaten "even though I hadn't done anything wrong", explaining how she had to constantly apologise. I was concerned about this revelation and despite being aware that smacking children is very common in Malawi, I felt it required further investigation mainly because Lency was threatening to run away from home. I initially sought Chisomo's (my translator) opinion regarding the disclosure. Chisomo who was also Lency's neighbour, admitted that her family had often heard Lency's aunt, Mrs Mwase, screaming and shouting followed by Lency crying. Chisomo described it in terms of "cruelty".

I invited Lency back to where I was living in Mapira for further discussions so that I could clarify the situation. As discussed in the introduction to this thesis, I found myself with an ethical dilemma. Lency's disclosure positioned me as 'involved' so it was impossible for me to remain neutral. Doing nothing could result in harmful effects for Lency, so I felt that I had no option but to help her. I asked her if she had any other family members living in Mapira but, apart from Hascard, she had none. Her school friend, Rachel Gomani, whom she had spoken about warmly in her story, was her only confidant.

Rachel's mother had died in 2004, so she lived with her father, her sister and her nephew. Lency seemed to think that she could go and live with Rachel as there was room in the house. I cautiously considered that this could perhaps be a solution, particularly if the beatings were happening because of a strain on resources. I thought that perhaps the charity for which I had worked as a



volunteer might be able to provide Rachel's family with money to cover the cost of Lency's food. I spoke to Chisomo to find out what she knew of the family and Chisomo advised me that Mr Gomani, Rachel's father, was a very well respected member of the community and a good friend of her parents. Nevertheless, I knew that this was not my decision to make and that it was not my place to intervene. I would have liked to have discussed the matter with Hascard, but we were unaware of his whereabouts at that stage. I therefore decided to refer the matter to Mrs Chimombo, Chair of Mapira's Child Labour Prevention Committee, who had enlightened me during an interview, just hours before I learned of Lency's disclosure, about her Committee's work on monitoring and dealing with child abuse.

Unfortunately, when Lency, Chisomo and I went to the market place later that day, Mrs Chimombo was not at her market stall, so we were unable to consult her. Lency began to grow very anxious about being punished if she was seen at the market, so Chisomo and I devised a cover story of helping me with my research to explain her presence in the market, as her aunt seemed to have been supportive of my research during my previously conducted household survey. While we were talking together on the path, Mrs Chanika, who helps with cooking the porridge at the Mapira Orphan Care Centre, passed us and said something to Lency in Chichewa. I asked Chisomo to translate what she had said for me and learned that she had advised Lency to "tell her everything, make sure you tell her everything". The fact that Mrs Chanika lived on the other side of Mapira and so was not close enough to have heard Lency's cries, suggests that people in the community knew about Lency's suffering, having heard about it from others, and that they understood it to be an abnormal situation, but were reluctant to get personally involved.

Fearing that delaying Lency further might trigger another bout of violence, I decided she should return home, particularly as it seemed that there was nothing more we could do for that day. However, at about 5pm the same evening, Mrs Chimombo came to my house, after calling for Chisomo to act as

translator, because she had heard that I had been looking for her. I brought Mrs Chimombo up to date about what was happening with Lency and told her about Lency's idea of living with Rachel's family. I said that the charity might be able to provide a monthly allowance to cover food and soap and asked her what she thought about the idea. Mrs Chimombo suggested that the three of us should go and speak to Mr Gomani. Our proposal was far from an ideal solution particularly as Mr Gomani occasionally spent a week away working in Lilongwe, leaving his fifteen-year-old daughter Rachel to look after herself, her ten-year-old sister and her five-year-old nephew. An older married daughter, also living in Mapira, checked on the children while their father was away, but she did not stay in the house with them. I found Mr Gomani to be very approachable and after listening to what we had to say, he asked whether Lency's aunt had consented. Although he confirmed that he would have no problem with the arrangement, he was unwilling to proceed unless Mrs Mwase was in agreement. We explained that we had not yet spoken to her as we wanted to check that the proposal was acceptable to him first. Mrs Chimombo assured him that she and another member of the committee would call on Mrs Mwase the following morning.

Later that evening at about 6.30pm, Chisomo knocked on my door and told me that Lency had been beaten and thrown out of the house, and was now in the woods crying. It was already very dark, as the sun had set at about 5.30pm. I asked if she knew why Lency had been beaten and Chisomo said that it might be because Lency had been seen with me. I was appalled to think that I may have inadvertently contributed to Lency's suffering and felt a strong responsibility to help her. I asked Chisomo if she would be able to find Lency, so she sent a young male relative to go into the woods to get her. Lency came to my house in floods of tears although she quickly dried her eyes when Chisomo barked at her in Chichewa - presumably telling her the equivalent of 'pull yourself together'. Lency told Chisomo that her aunt had beaten her because she had not collected water despite Lency's explanation that the taps were dry. It was unclear whether Lency's aunt had thrown her out of the house or

whether she had run out to escape further beatings, but what was certain was that Lency was very frightened and, as I later found out, also extremely hungry.

I therefore decided it would be safer for Lency to spend the night at my house. I would have liked to have been able to tell her brother, Hascard, about this arrangement to stop him worrying unnecessarily, but I thought that approaching their aunt's house might jeopardise them both. I wanted to provide Lency with a nutritious meal and fortunately I had a soya version of a chilli con carne mix that I had bought from a supermarket in Blantyre<sup>69</sup>. Although we ate together, I gave Lency an extra-large portion of chilli, beans and rice, which she wolfed down very quickly. The only other time I have witnessed such hunger was when I bought some young street children meals from a take-away restaurant during a previous visit to Malawi.

In the morning at about 5 am I thought I heard someone calling my name. I half woke up but fell back to sleep. When I woke up approximately one hour later, I found that Lency had gone. Later, when I spoke to Chisomo, she said that she thought she had heard Hascard calling Lency early in the morning but she had not been able to find either of them. I suspected that they might have run away but hoped that I was wrong. Mrs Chimombo and Mrs Lungu, a member of Mapira's Orphan Care Executive Committee, arrived to call on Lency's aunt as planned, so Chisomo and I shared with them what had happened during the night. They looked very worried and went to Mrs Mwase's house as intended. When they arrived, a neighbour informed them that Mrs Mwase had left to work on her garden which was some distance away. The neighbour also took the opportunity to warn them that they were wasting their time as Mrs Mwase would just shout at them. The two women from the committee decided to go home and return later.

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<sup>69</sup> Without refrigeration, it is difficult to store food so I tended to stock up on non-perishable food like this when it was available, which made a welcome supplement to the locally available produce.

Meanwhile, I had to pack as I was going to be away from Mapira for about a week<sup>70</sup>. I was travelling to Mzuzu the next day to attend the high-school graduation ceremony of some of my ex-pupils whom I had been sponsoring for four years. From Mzuzu I was going to travel to the Mua Mission to attend a course as described earlier. While I was away for the week, the community dealt with Lency's disclosure in their own way. I left some money with Mrs Chimombo in case it was needed to cover living costs for Lency, and I asked Chisomo to use her mother's phone to 'flash' me<sup>71</sup>, if she needed to talk to me, so that I could call her straight back.

Later that day, I was travelling in a car as a passenger with another volunteer and as we passed through Mapira I saw Mrs Chimombo walking with Lency. Although the driver was in a great hurry, I pleaded with him to stop so that I could find out what was happening. Kenford Mataka was with me and as his English was quite good, he offered to translate for me. It seemed that Mrs Chimombo and Lency had been to Chief Ndaba's house and the police station. The police had given them a letter summoning Mr and Mrs Mwase to the police station the following day. I asked where Lency was heading and was told that she was going back home. I questioned whether she would be safe, but Mrs Chimombo assured me that as the Chief and the police were now involved, Mrs Mwase would not dare to continue beating Lency. She also tried to reassure me that Lency was satisfied with the decision to return to her aunt, but Lency seemed terrified. I asked Lency directly how she was feeling and although she replied that she was comfortable with the decision, she was not very convincing. Even Kenford, a sixteen-year-old boy, commented that her words and her body language were contradictory.

I felt very uneasy about the situation, but did not want to defy the police or Chief Ndaba. I phoned Chisomo the following evening from Mzuzu to get an

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<sup>70</sup> I had to give the car I had borrowed back to Howard who was returning to Blantyre from Zambia, and then I had to buy a bus ticket to go to Mzuzu, in the Northern Region of Malawi.

<sup>71</sup> Flashing is the term used for calling a person on the mobile phone and cutting off before they answer (to avoid costs) so that the person will call back. It is a very common practice in Malawi.

update and was told that a decision had been made for Lency to remain living with her aunt following the summons to the police station. I was shocked as it seemed very strange to me for the police to send an abused child back to her alleged abuser. However, in Malawi the police do not have the resources to do much more, in such cases, than issue warnings against the threat of prosecution. Chisomo explained to me that her mother who was also the Chair of Mapira's Home-Based Care Committee, was trying to persuade Lency's aunt to release Lency so that she could stay with Rachel Gomani's family. However, Mrs Mwase stood resolute in her refusal to allow Lency to leave. The committee members could only offer advice in order to influence Mrs Mwase as they had no official authority. Furthermore, as the police had sanctioned Lency remaining under her aunt's guardianship, they were powerless to take any further action.

When I returned to Mapira the following week, I spoke to Lency, Hascard, Mrs Chimombo and Chisomo about what had happened while I was away. It seems that when Mrs Chimombo and Mrs Lungu left Mrs Mwase's house without finding her there, they went to speak to Mr Magwira, the chair of Mapira's Executive Committee. He warned them that Lency's aunt would "point fingers at you" meaning that she might accuse them of something, so he advised them to go to consult with Chief Ndaba. Mr Bwanali, the chair of the Orphan Care Committee, accompanied Mrs Chimombo and Mrs Lungu but the Chief asked him to go back to fetch Lency and her aunt and bring them to her house. Notably, out of her ten counsellors, the chief called on her two female counsellors to preside over this case. When Mrs Mwase began shouting, the chief decided that as Mrs Mwase did not respect her authority, she would refer the matter to the police. Mrs Chimombo went with Lency to the police station, but Mrs Mwase returned to her home in Mapira. The police questioned Lency and then wrote a letter summoning Mr and Mrs Mwase to the police station the following day. It was when Mrs Chimombo and Lency were returning from the police station that I had met and had spoken to them while driving through Mapira the day before I went to Mzuzu.

Mrs Chimombo was unable to accompany them to the police station the following day so two other members of the committee went in her place. Lency remained outside the police station while Mr and Mrs Mwase were being questioned. Mr Mwase confessed to the police that his wife had been badly treating Lency, but his wife denied the accusations and declared that she was going to send Lency back to the village in Zomba. The police ordered her to stop the abuse and to keep Lency in Mapira. Mrs Mwase eventually agreed to stop beating Lency and promised that, in future, she would look after her. However, she had changed her mind before she reached home and had decided to abandon her family and return alone to her home village in Zomba. Mrs Mwase departed a week later, leaving her husband, and her four children in addition to Hascard and Lency. Before leaving, she dramatically thrust Lency towards her husband, proclaiming her as his new wife.

During the week before Mrs Mwase left, the physical abuse ceased but was replaced with a form of psychological abuse. This was revealed when I asked Chisomo about whether Mrs Mwase had stopped beating Lency in that final week. She explained,

Okay, I asked Lency how is it going and she told me that everything is okay. She had stopped beating her but the problem was that she was not even speaking to her. She was just telling her daughter you have to tell Lency to do this and that, and Lency was doing.

Lency had also told Mrs Chimombo that her aunt had snatched the knife away while she was cutting the vegetables for the relish, saying that she did not want Lency touching her property. Curiously, Mrs Mwase accused two female members of the committee of stirring up trouble for her, but apparently did not find either myself or Chisomo culpable, which greatly surprised us both. Mrs Chimombo and other members of the committee believed that Mrs Mwase would eventually return to Mapira as she had left her own children behind.

I met with Joseph Malingo, the Social Welfare Manager, one week after my return to Mapira and I told him about this case. I described what had happened

and asked him if this was typical in the way that it had been handled. He alluded to the problem as an “issue to do with the culture” rather than a criminal offence or a police matter and he was disappointed that the chief had referred the matter to the police. He thought it was the chief’s duty to handle it herself. However, he was greatly concerned at hearing that a female child was now in the sole care of an unrelated male and so proposed the need for intervention. His concern seemed to be less about the physical abuse that had been taking place, and more about the potential for sexual abuse, about which there was no allegation or evidence. He cautioned: “It is not very safe because, you know, we are hearing a lot of issues to do with sexual abuse”.

Mr Malingo considered Mrs Mwase’s contempt for the chief to be due to her knowledge that the chief had no legal mandate and suggested that an ‘expert’ from Social Welfare should speak to her, as they had the power to prosecute. He asked me to return to his office the following Monday to give him time to contact a charitable organisation which had recently opened a large complex for orphans near Blantyre, to recommend that they accommodate Lency. I asked if it was possible for Hascard and Lency to be housed together as, although Hascard was not being beaten as severely as Lency, he was being neglected by his aunt. This was revealed when he disclosed, “When my [aunt] is around we do not share food - the same amount, but when [her husband] is around, is when we get food”.

I returned to the Social Welfare Office, as promised, the following Monday morning and found Joseph Malingo in a great hurry as he was preparing to fly abroad for a big meeting. He asked me to drive Lency, Hascard, a representative of the Mapira Orphan Care Committee and Chief Ndaba to the office where he had assigned one of his female employees to work on the case. He gave me the impression that he had already secured places for the children, but when we arrived, it became clear that they were just doing the groundwork before opening a case file. Mr Mwase had accompanied us and seemed to be generally supportive. After we each gave a statement about our involvement,

the Social Welfare Officer decided that Lency, but not Hascard, should be found a place at an orphanage as she was at greater risk. The Social Welfare Officer wanted to contact various charitable organisations that she thought may be able to help, but confided in me that she had no credit for her phone. She claimed that the government did not provide Social Welfare employees with telephone allowances. Not wanting to delay the matter unnecessarily, particularly as I was due to leave Malawi approximately two weeks later, I provided funds to cover the cost of the telephone calls. In the meantime, Lency was returned to her aunt's husband's care in what Joseph Malingo had characterized as a high risk situation.

As it turned out, Lency was over the age limit to be accepted by the organisation that managed Social Welfare's preferred choice of orphanage. However, they eventually found her a place, ten days later, at a Christian based orphanage close to Blantyre. This coincided with the opening of the new Orphan Care Centre, the climax of my volunteer work in Mapira, which my friend Richard, the main benefactor, had flown in from the UK to attend. I drove to Mapira with Richard and found Chief Ndaba walking over to Lency's house. She explained that Social Welfare had found Lency a place in an orphanage, so she was about to take Lency to their offices by mini-bus. This would have taken hours and she would probably have missed the opening ceremony despite her presence being crucial to host the other chiefs from the surrounding areas, whom she had invited. I was very surprised, but quietly impressed, that she was prioritising Lency's placement above the opening ceremony, which would have been a very prestigious event for her as 'host' chief. I offered to act as chauffeur for Chief Ndaba to speed things up, leaving Richard in Mapira, with Chisomo acting as his translator, and hoped that he would not find the situation too challenging. I then drove Lency, the chief, the chief's counsellor from Mapira, Mr Magwira, the Executive Director of Mapira Orphan Care and Hascard (so that he would know where his sister was going to live) to the Social Welfare Office in Blantyre.



The Social Welfare Officer who had been dealing with the case met us but then delegated the responsibility of escorting us to the orphanage to one of her colleagues who had never actually visited the orphanage before so was unsure of the location. Finally, after numerous wrong turns, we arrived at the orphanage, which consisted of several well-constructed and attractive buildings in pleasant grounds. A woman came out to welcome us and showed us into a large room to greet us formally. Unfortunately, I had to go outside as my phone kept ringing with volunteers from the charity growing frantic about our continued absence from Mapira. They had organised and paid for journalists to cover the opening ceremony and interview Chief Ndaba and Mr Magwira. The woman from the orphanage seemed very friendly and she assured us that Lency would be provided with everything she needed including food, clothing, and education. Lency seemed very happy and everyone agreed it was a good outcome, but I still had some doubts mainly due to my own experience of being an orphan and my childhood fears of ending up in an orphanage.

I hoped that this would be a good move for Lency and was encouraged when Chief Ndaba promised that she would visit her from time to time. As it was only approximately fifteen kilometres from Mapira, it would also be relatively easy for Hascard to walk there to occasionally see his sister. We managed to return to Mapira in time to proceed with the opening ceremony and found that our absence had only fazed the white volunteers and the Malawian journalists who were unhappy about having to wait. In contrast, the local chiefs and other Malawians were very tolerant of the lengthy delay.

I left Malawi five days later so I did not have an opportunity to go back and see how Lency was settling in but I persuaded another volunteer to visit her. He described Lency as being very happy and seemingly carefree when he visited her two months later. When comparing a photograph taken by the volunteer with photographs I had taken the day I drove Lency to the orphanage, a remarkable difference is perceptible. The timid girl with an emaciated body and a half-hearted smile, which could not quite conceal her anxiety, had

transformed into a healthy-looking radiant young woman, smiling broadly and exuding confidence. This was despite the potentially austere effect of a shaven head<sup>72</sup>. Furthermore, when I visited Lency at the beginning of my second term of fieldwork, I hardly recognised her. She looked very confident and happy, dressed in smart clothes with long braids in her hair and she almost knocked me over in her excitement as she ran to greet me.

### **Reuniting Lency with her Mother in Nsanje**

When planning my second period of fieldwork, I wanted to see if it was possible to visit Lency and Hascard's mother, Mrs Tepeka. I thought it would be interesting to talk to her to understand what had happened from her perspective and perhaps talk to some of her relatives too. Additionally, I thought it would be good to take Hascard and Lency with me so that they could visit their mother. However, I had no idea where in Nsanje Mrs Tepeka lived and I had never been that far south. I was hoping that maybe either Hascard or Lency might remember the name of the Traditional Authority for the area and perhaps the name of the local chief. With that information, even if they did not remember the name of the village, we would probably be able to find her. The children had not seen their mother for ten years and I worried that she may have re-married and moved to a different area, become ill, or even died, although I would imagine the children would have been informed if their mother had passed away. I was also unsure about whether Lency, who was still living in an orphanage, would be granted permission to make the journey with us.

I discussed my plans with Mr Magwira and Mr Bwanali, the community leaders in Mapira with whom I had previously worked. Despite the dispute in the community which I discussed earlier, these two men proved to be incredibly helpful in terms of arranging for me to talk to various people in Mapira. They were supportive of my proposed venture and discussed it with

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<sup>72</sup> In Malawi most school-aged children, both male and female, have their heads shaved for hygiene reasons.

Mr Mwase on my behalf. I was pleased to learn that Mr Mwase was willing to join us and fortunately he was also able to direct me to the right village. Additionally, Lency's younger sister Dolacy would also be able to join our excursion as she was now living in Mapira under Mr Mwase's care. Furthermore, as the village was in the north of Nsanje, near the boundary with Chikwawa, it meant that as long as I could borrow a vehicle, we should be able to complete the return journey in a day including visiting Mrs Mikwamba on the way back in Chikwawa.

I took the opportunity, when I was arranging for them to visit their mother in Nsanje, to speak to Mr Mwase about the children's situation. He explained why he had brought them to Mapira from his wife's home village in Zomba and had taken over their care: "I look after the children because they were suffering there [in Zomba]." He explained further:

When they took the children to the father's side, they tried to share the children amongst themselves but it failed because of lack of assistance and they left all of the children for me. For example, this girl [Dolacy] ... told me that she had nowhere to go, that is why I have brought her here ... As you know, people in the villages find it hard to have money.

Mr Mwase brought Dolacy to join her brother Hascard in Mapira because, as he told me, in Zomba, "they could not take good care of this child. From the way I saw her, she had no clothes at all." Hascard was more specific about his sister's plight, telling me that his aunt, Mrs Mwase, had told Dolacy to leave her house and "that she should look for somewhere to go and stay". Dolacy was then "staying in journeys" which meant she had no fixed abode but was going from one house to another looking for shelter and food until Mr Mwase found her staying with his own brother's family who are only related to Dolacy through him, that is, they are in-laws of Dolacy's paternal aunt. Hascard also revealed that Lency had wanted to give her clothes and other belongings to Dolacy when she received new clothes from the orphanage, but Mrs Mwase had taken them

and shared them among her daughters without letting Dolacy have any of her sister's former belongings.

After Mr Mwase told me about his wife's family's failure to look after the children, I asked him if it would be possible for the children's mother to have them live with her in Nsanje; he was emphatic in his response, "Never! She cannot be allowed!" He explained that "this has been a normal practice since past times that if a person has paid *lobola* for you, the children do not belong to you". Furthermore, he emphasised that Mrs Tepeka is aware of the situation: "those children are under the payment of *lobola*, so she knows that the children do not belong to her". He explained how on hearing of my request to take the children to visit their mother, he went to Zomba to ask the children's paternal relatives if they would agree to the proposal. He rationalised the need to seek their permission by saying "I am aware that these children are not mine". He relayed that the paternal relatives in Zomba did not have a problem with a brief visit but insisted the children could not stay in Nsanje "because they are ours".

I enquired whether they would be allowed to live with their mother if their mother wanted them to stay, and he confirmed "no, it would not be allowed". When I asked why, he replied, "because there was *lobola*". I pressed further, pointing out their father's family's inability to support the children, given that he had just told me how he had rescued Dolacy who had been "chased away from where she used to live". I questioned whether the children would be allowed to live with their mother if she could prove that she was well able to look after them. Mr Mwase initially answered by confirming "there is nobody in the village [in Zomba] who can look after them and that is why all the children are here with me." Ruth, my translator, realising that he may not have fully understood the question, asked for clarification: "so still their mother cannot be allowed to look after them?" Mr Mwase confirmed "Never! She cannot be allowed! For the children to go for a visit there is no problem, but not to stay there."

Mr Mwase was explaining this to me after he had thanked me for intervening to help Lency when I was in Malawi two years earlier. Although it was not made explicit, we both knew that my intervention had been necessary because his wife, the children's paternal aunt, was physically abusing Lency. Mr Mwase had proved to be a saviour to the children, by initially volunteering to support the children, by ensuring that they received a fair share of food when he was present, and by his recent rescue of Dolacy. I later found out when I visited Nsanje that Mrs Tepeka and her siblings were very grateful to Mr Mwase for his actions.

Unfortunately, the children's reprieve from Mrs Mwase's guardianship was coming to an end as Hascard confirmed:

I have had a happy life since [my aunt] left, but I don't know how my behaviour is going to be because I have heard that [she] is coming back. So, I don't see how I can have peace in my life because my father's sister was the one who caused me to have no peace in my life, but after she left [two years ago] I was okay.

Hascard told me his aunt was not happy with her husband's decision to bring Dolacy to Mapira. In Dolacy's presence in Zomba, Mrs Mwase had said to her husband, "are you insisting on taking that one [to Mapira]? You can take her but I will meet her there." Hascard explained how the last part was expressed in a threatening manner towards Dolacy. He told me that he was worried about how Dolacy would fare when their aunt returned to Mapira and he confided that he was planning to run away after sitting his final primary school exams. I found out later that Lumbani, Hascard's older brother had previously run away and was working as a live-in cook in a suburb of Blantyre.

I visited Lency a few times at the orphanage and developed a good relationship with her house-mother, Mrs Katunga, who seemed genuinely fond of her. Mrs Katunga informed us that Lency could go to Nsanje as long as she was there to accompany her and fortunately, although it would be a very long and tiring day away, she was willing to join us. We set a date, but unfortunately, the day

before we were due to go, I received a phone call from Mrs Katunga informing me that she had to travel north as her daughter was ill, so she would not be able to come to Nsanje. This, of course, meant that Lency would also not be able to join us. I thought it would be very disappointing for Lency if we went without her, so I decided to postpone the trip until the following week. I was aware it was particularly important for Lency to meet her mother because she had recently started menstruating which is a big milestone in a girl's life and traditionally had been announced publically and marked by an initiation ceremony.

Fortunately, the new date worked for everyone, so I went to collect Lency and Mrs Katunga from the orphanage at 6.30 am and proceeded to Mapira for the others. I ended up taking nine people: Hascard, Lency, Dolacy, Mrs Katunga, Mr Mwase and his youngest daughter who was too young to be left on her own, Mr Magwira, Mr Bwanali and Ruth, my translator. Mr Magwira had warned me earlier that if the children decided to run away while we were in Nsanje, I may be held liable in some way. I had discussed this with Joseph Malingo, the Blantyre District Social Welfare Manager who sanctioned the trip and offered to provide me with an authorising letter from his office.

Lency was very excited to see her younger sister, Dolacy, who she had not seen for some years. Until just a couple of weeks before this trip, Dolacy had been living in Zomba so had not accompanied Hascard and Mr Mwase on their regular visits to the orphanage. The children jumped in the back of the vehicle so that they could chat together and we finally set off. I had planned to have everyone on board and be on the road south by 7am, so that we would reach Nsanje by around 9am. However, all my timings went completely awry as Lency suffered from travel sickness. We had to get her out of the back, walk her up and down in the fresh air before re-arranging the seating so that she could sit in the front by the window, which helped but did not prevent the need for further stops. The journey involved winding our way down a steep escarpment, so it was not ideal for someone feeling nauseous. Furthermore, the temperature

in the valley was about ten degrees hotter than it was in Blantyre at around 38 degrees Celsius.

We eventually arrived at the village where Mrs Tepeka lived at just after eleven in the morning, two hours later than anticipated. Additionally, the final fifty kilometres of our 130 kilometre journey was on a mud road, with an occasional patch of pot-holed tar, which had added to our delay. Prior to that trip, I had only ever travelled as far south as Nchalo in Chikwawa where there is a big sugar plantation. I was surprised to find that the tar road ended just a few kilometres further south of the refining factory as there was no indication of this on the road map.

Disappointingly, when we finally arrived at Mrs Tepeka's house, she was not at home. Her brother, Mr Njala and brother-in-law, Mr Mponda, said that she was probably in her garden<sup>73</sup>, which was some distance away, so I dropped everyone else off and took the two men in the car to go and pick her up. When Mr Mponda returned to the car, he was absolutely drenched in sweat as he had been running in a temperature of approximately 38°C and alas, his quest had been unsuccessful as Mrs Tepeka had not been there. However, the two men seemed confident that she would be back at the house having taken a short cut back home, which would explain why we had not passed her. I did not share their confidence and began to dwell on how disappointed everyone would be if we didn't manage to see her, but fortunately, when we returned to her house, she was there. She had arrived at more or less the same time as us, and I was surprised to see the formality of the greetings between the mother and her children. However, on reflection I realised that an absence of ten years was a very long time, particularly for the children as it amounted to more than half their lives.

Mrs Tepeka had been regularly receiving news about the children from her eldest son, Lumbani. She explained how Lumbani "followed me here" and built

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<sup>73</sup> By garden they mean a patch of land used for cultivation.

a *gowelo* (a house for boys when they reach seventeen to eighteen years old) near her house. She recalled, "I have been staying with him here and as of now he visits me and goes back". Lumbani probably had run away from his paternal aunt, Mrs Mwase, just before my arrival in Mapira two years earlier because she included him as part of her household when I was conducting my survey, but I later found out that he was no longer living at her house. Lumbani had told his maternal relatives in Nsanje about how Mr Mwase had tried to protect them in Mapira from his wife's abuse. Mrs Tepeka's younger sister's husband, Mr Mponda, said:

I think it is God who selected that man [Mr Mwase] to have that heart and for him to manage to do what he is doing because other men would not treat those children in the way he does because he is not related to children. The children are related to his wife, yet she was failing to organise and support them.

Unfortunately, due to the delay in getting there, we were very pressed for time as I needed to ensure we reached the top of the escarpment which was approximately 100km away before sunset at 5.30pm and I had arranged to interview two other people in Chikwawa on the way back. The steep and dangerous escarpment road is used by heavy trucks as it is on the main route south to Mozambique, so I did not want to be driving up in the dark, particularly as many vehicles in Malawi do not have functioning headlights. Mr Magwira, aware of the time constraints, ushered me in to speak to Mrs Tepeka and urged her "to be open" with me. At one point when I was talking to Mrs Tepeka Lency came in looking for a bucket of water so that she could wash the vomit from her *chitenje*. As I had some soap in the car, I went to fetch it and inadvertently left the voice recorder running in my absence.

While I was away, Ruth chatted to Mrs Tepeka, who told her how worried she was about her children and when Ruth asked if she had wanted to have the children with her, Mrs Tepeka replied, "Why shouldn't I want them? I just wonder that they grabbed them from me while the sun was shining." During



the transcription process some days later, I asked Ruth about this and she explained that it was from a proverb similar to the English 'make hay while the sun shines' advising people to take the opportunity to act while the conditions are right. Mrs Tepeka went on to tell Ruth, "I was very worried about my children, but today is mmmmmmm" indicating how pleased she was to see her children again. Earlier she had referred to it as "a miracle".

For Hascard, Lency and Dolacy as well as seeing their mother for the first time in ten years, they were also meeting their younger brother Khumbo who they would only have known as a baby. Mrs Tepeka noticed that Dolacy "was wondering if I am her mother" because she was just a toddler when she last saw her. However, there was another child with Mrs Tepeka, a young girl, who nobody seemed to be introducing to us. I asked Mrs Tepeka about the girl but it was her sister, Mrs Kusimbwe, who responded by telling me that she was Mrs Tepeka's daughter through a later marriage. I asked if Mrs Tepeka was still married and was told me rather abruptly that she was divorced. Afterwards, when we were transcribing, I discussed this issue with Ruth and we both wondered if Mrs Tepeka had had to undergo the *kulowa kufa* ritual that we only heard about from Mrs Mikwamba later that day. Mrs Mikwamba was also a Sena widow with very similar circumstances to Mrs Tepeka. As the practice has been banned, it is not openly talked about. It is likely that Mrs Mikwamba felt that she could confide in me after having developed a relationship with me over two years, whereas I was meeting Mrs Tepeka for the first time.

Hascard, Lency and Dolacy managed to spend a couple of hours with their mother before we had to leave. We stopped in Chikwawa as I had arranged to see Mrs Mikwamba and Mrs Chadza. All the visits were accomplished, albeit more rushed than I would have liked. We also managed to get to the escarpment at dusk while there was still some daylight. However it was very dark by the time we arrived back in Blantyre.

I managed to get some time to talk to Hascard alone before I left Mapira. I tried to persuade him not to run away by telling him that support would be available

for him through either Social Welfare or DOC. I had arranged with Joseph Malingo for someone from the child protection team to come and talk to Hascard and as a backup had arranged through DOC for him and Dolacy to attend boarding schools. Although the latter arrangement would not completely solve the problem, it would mean that they would only have to spend the school holidays living with their aunt in Mapira as the rest of the time they would be at school. Unfortunately, after I left Malawi, when Ruth went to talk to them about the boarding schools on behalf of the charity, she heard that Hascard had already run away. Dolacy, however, was very happy to attend a private primary boarding school in Mulanje. This completes my account of my involvement in this case. I will now tell the story of Mr and Mrs Tepeka's interlineage marriage which I pieced together through information gained mainly during my interviews with Mrs Tepeka and her siblings.

### **Mr and Mrs Tepeka's Interlineage Marriage Story**

Mr Tepeka, a Lomwe from Zomba met his Sena wife, a local chief's daughter, while he was working for the district council in Nsanje. Mrs Tepeka's brother, Mr Njala, told me that both husband and wife's families were happy with their proposed marriage. Indeed, Mr Tepeka's parents travelled down from Zomba to Nsanje, for the *chinkhoswe* (traditional marriage ceremony). *Lobola* was paid as part of the wedding arrangements by Mr Tepeka's family, even though it is not a Lomwe custom. This was because he was marrying a Sena woman for whom *lobola* payment is the norm. Mr Njala told me that for the *chinkhoswe*, the Sena "charge money which is paid in instalments".

For Sena, the payments are made up of three parts, *luphato* which is paid at the betrothal stage, *lobola* which is paid at the marriage ceremony and *mpani* which is paid at some unspecified time after the marriage ceremony. According to White et al (2002), in 2000 the *luphato* would have been approximately MK50 (NZ\$0.50), the *lobola* would have been between MK500 (NZ\$5.00) and MK1000 (NZ\$10.00), and *mpani* would be paid in the form of a goat (White, et al., 2002, p. 54). These amounts seem very low but Nsanje, the primary home to the Sena

in Malawi, is known to be one of the poorest districts in Malawi (Wawa Malawi, 2014). To get an idea of the value of MK500 in Malawian terms, I had noted in a diary during my first trip to Malawi in 2003 that MK500 would pay for one school term at a rural private secondary school which, without financial assistance, was beyond the means of the majority of Malawian families.

Mr Njala related that the husband's family were pleased that he was to take "a bath at the lake" because "they knew they were going to have the children with them". 'Taking a bath' is a Malawian idiom which means 'getting married'. It is generally only used by men, as it is men who usually do the proposing. Nsanje is known as 'the lake' as it is prone to flooding in the rainy season. He also told me that his family, that is those related to the wife, were also happy that she was marrying a man from a different tribe as they thought it was a good thing to "learn about other people's culture and other people's traditions".

After the *chinkhoswe*, the couple lived together in Nsanje, as this was where the husband, Mr Tepeka, was working. This living arrangement is very unusual as traditionally the *lobola* effects virilocal residence, with full responsibility for the woman transferring to her husband's kin. The payment also ensures that any children will become full members of the husband's family and it compensates the woman's family for the loss of her labour and companionship (Munthali, 2002). In this case, due to location of the husband's job, he had already been living near his wife's home village, so it made sense for them to continue living there and also demonstrates the flexibility of being able to go against the discursive norms. However, given that Mr Njala said the husband's family were happy because "they knew they were going to have the children with them", the living arrangements may have caused resentment among Mr Tepeka's family, particularly after the children were born.

Shortly before his death, Mr Tepeka was transferred by his employer to work approximately sixty-five kilometres south of where they had been living. It was too far for a daily commute, given the lack of transport, so he probably would have stayed near to his workplace, returning to see his family during his days

off. According to Mr Njala, Mr Tepeka had also been making bricks in preparation for building a house in his home village in Zomba. Mr Njala said that Mr Tepeka had died so suddenly that they were unaware of any illness. The first they heard about it was when they were informed of his death and were required to be at the roadside in the village centre to meet the transport carrying the body to Zomba for burial in his home village.

It is not clear what caused Mr Tepeka's death as various people reported different causes. Mr Njala suggested that witchcraft may have been involved as the death had been sudden and he suspected Mr Tepeka's family, but did not give a reason as to why they might want to bewitch their relative. It is not unusual in Malawi for witchcraft to be suspected in cases of sudden death. Mrs Tepeka said that her husband died of cholera, however, her younger sister, Mrs Mponda, said that it was malaria that caused his death. When I double-checked with Mrs Mponda about whether it could possibly have been cholera she answered definitively, "No, it was malaria".

Lency had previously told me that her mother had poisoned her father. Her brother, Hascard, initially told me that his father had died of cholera but when I spoke to him again, after hearing Lency's version, he concurred with his sister that their mother had poisoned their father out of jealousy, as their father was about to take a second wife, thus effecting a polygamous marriage. This is how Hascard narrated the episode:

The family were discussing this and my father told some other relatives that he had found poison in the suitcase and they said that maybe she is going to poison herself. And then someone said that no, maybe she wants to poison you, and then they took the poison and threw it away. Another day ...I came back from school and I found that my father was in his bed ... complaining that he was not feeling good - some stomach aches ... there was saliva coming out from his mouth ... Neighbours said that you should give him some porridge with milk but my mother said, "no, I am not going to give

it to him". And then some people helped my father to go to the hospital and on the way to the hospital, he died.

I found it rather intriguing that Hascard and Lency seemed to have detailed knowledge about the alleged poisoning and yet, as their father had died in April 1998, Hascard would have been seven years old and Lency only five years old. I wondered if perhaps their accounts had been prejudiced by repeatedly heard stories about their father's death from their paternal relatives, which would almost certainly have been biased against their mother given their treatment of her and her children. When I asked Mr Njala if Mr Tepeka had been considering taking another wife before he died, he replied that he didn't know anything about it, but thought it was unlikely because at the time of his death, Mr Tepeka's children were still very young and his wife was pregnant with their fifth child. Indeed, Mr Njala asserted, "He didn't want to have another wife".

Mrs Tepeka went with her children to live with her deceased husband's family, taking all their belongings with them. This follows Sena custom, although usually the widow would have already have been living with her husband's family in his home village. Mrs Tepeka told me that she encountered a lot of problems with her late husband's family. They complained about having to feed her and the children so she said to them "because you are saying that you don't have food here, it is good for you to give me my children, so that I can go home." They agreed to allow her to return to Nsanje with her two younger children, Lency and Dolacy. Shortly afterwards, however, they changed their minds and Jacob Tepeka went down to Nsanje to bring them all back to Zomba. Mrs Tepeka gave birth to her fifth child, Khumbo, in Zomba but because she was being badly treated by her deceased husband's family, she decided to return to her home village in Nsanje. She was allowed to take Khumbo who was still being breastfed but they prevented her from taking her other children.

Mrs Tepeka told me about her visits to Zomba to see her children:

When I was there the children were asking “Mum, we would like to be in Nsanje with you” [but their father’s relatives] refused them and told them ... “Nsanje is not your home, your home is here”... I pleaded with them to give me the chance of staying with my children for a while, but they did not allow me ... their young father [that is, their father’s younger brother] ... said to me “If you continue to come here for your children you will see what your husband saw”. It was when I gave up because I said that it is good that I am remaining with my life.

Feeling that her life was being threatened, Mrs Tepeka thought it would be best if she stayed away, but she continued to worry about her children, particularly Dolacy who was only about three years old when she last saw her.

Mrs Tepeka’s sister, Mrs Mponda ascribed the reason for Jacob Tepeka coming to take Lency and Dolacy back, shortly after Mr Tepeka’s death, to a realisation that they needed to present the children in order to claim the money from his employer. She told me that the money “was supposed to be for the children and [the employer] would only give the money in the presence of the children”. She explained that the Tepeka family initially presented other children fraudulently, but the employer realised the deceit and so would not part with the money. With the correct children, the Tepeka family did eventually succeed in obtaining the money and it would seem, from what Hascard told me, that once the money had been spent, they started to neglect the children. Hascard described their plight:

At first they wanted us just because they wanted some property from my father and some money from where he was working. And then after the money, they said ‘no, I am not going to support you, you have to go’.

This was confirmed by Mrs Mponda who told me: “so when the money came to an end was when we got the news that their young father [their father’s younger brother] had chased the children away and that they are now in town”.

Hascard described how difficult life had been for him and his siblings in Zomba, saying “because we were lacking food, we were unable to go to school”. Hascard, Lency and Dolacy seemed to be about five years behind in their schooling, given that in Malawi children are expected to start school at six years old in standard one and progress to the next standard each year. However, as discussed earlier, in reality there are numerous setbacks that can delay the progression, mostly related to the children not having sufficient food and clothes. Hascard, for example, was completing primary standard eight in 2009 when he was eighteen years old. If he had been progressing at the expected rate, he would have completed standard eight when he was thirteen years old. The delay in his education was confirmed by Mrs Tepeka’s other sister, Mrs Kusimbwe, who on hearing that Hascard was still in standard eight said, I remember he was moving together [that is, going at the same pace at school] with Joshua [her son]. His school[ing] has been delayed.”

The children had been living with their paternal grandmother but after her death in April 2004, they went to live with their father’s brother, for one month, “but his wife had other children and it got too much so it was decided ... [Lumbani, Hascard and Lency] should come to Mapira”. When I enquired whether their paternal aunt, Mrs Mwase, in Mapira had volunteered to support them, Hascard replied, “It was the choice of her husband, not herself.” Despite the fact that their aunt and her husband were relatively well off in Mapira as Mr Mwase was a builder with regular work, life did not improve for the children and actually became much worse for Lency. Their unfortunate situation was summed up by Hascard, “The family of my father are rejecting us; they are saying they don’t want us in Zomba. I think that maybe if we went to Nsanje, we would be welcomed.” Paradoxically, despite this rejection, their father’s family continued to prohibit the children from returning to Nsanje to live with their mother.

## Analysing the Tepeka Case

The issue of the children's belongingness was explicitly discussed by Mr Mwase in relation to this case. Mr Mwase, who had stepped in to help care for the children who were related to his wife, explained that the children belonged to his wife's family because they had paid *lobola*. He clarified that this was a traditional custom and he seemed certain that Mrs Tepeka would understand that the children could not be with her as they did not belong to her. However, Mr Mwase is Lomwe, that is, he is from a matrilineal tribe that does not practice *lobola*. When I hypothetically asked Mr Mwase if he would be willing to receive *lobola* for his daughter to marry a Sena man, he replied: "No I can't receive *lobola*, in our culture we don't have that, we just marry." Nevertheless, he went on to say that he would allow his son to pay *lobola* for a Sena wife if he so wished. This was consistent with how other matrilineal people in Mapira had answered similar questions.

Many matrilineal people used the same phrase as Mr Mwase that they "just marry" when they were explaining to me why they would not receive *lobola*. This seems to suggest that *lobola* is the only difference between the two types of marriages and yet the matrilineal 'just marrying' is a cultural practice that is also steeped in tradition. Through matrilineal marriages, the couple's future children will be affiliated with their mother's lineage and they will be under the authority of the *malume*. Matrilineal people maintain that they cannot accept *lobola* as it is not part of their culture, yet this does not prevent them paying *lobola* for their sons to marry a patrilineal women. As matrilineal people derive their identity through their mother, it is understandable that they want to keep their daughters within the matrilineage, however, from many of the comments I heard it would seem that they also seem to (mis)interpret the receipt of *lobola* in terms of the woman and her family losing all rights to the children.

However, from a patrilineal perspective, this does not seem to be the case. Indeed, Mrs Tepeka told me that she only gave up trying to persuade her in-laws to give her children back to her when she felt that her brother-in-law was



threatening to kill her. It is not clear whether her siblings understood this because her sister, Mrs Mponda, seemed to think the reason Mrs Tepeka did not have her children with her was because she did not want them. Mrs Mponda told me that her sister was “given assistance so that she could go and bring the children here for a visit for a few days and send them back to their father’s relatives, but it seems like their mother doesn’t have the intention”. Mrs Mponda implied that her sister was unwilling to have the children because they would take too much of her food supply and went on to say:

As of now they are not refusing the children because a permission message came here, “you should go and take your children because they are now suffering, their young father [father’s brother] liked the children only when their father’s money was available, as of now, I know he is no longer looking after them.” As I have said, that sister [Mrs Tepeka] had no intention to take the children from there, that as of now, the children could be here.

I pressed Mrs Mponda further because what she was saying was a contradiction of what Mr Mwase had told me about his wife’s relatives, but she maintained,

The father’s side are not refusing the children and my sister wants to have the children, but she is doing that [gesturing with her hand as if shooing something away] because she was disappointed with the way she was treated by the husband’s side when they took the children because they wanted money.

I persisted, “so you don’t believe that the father’s family are preventing her from having the children now?” She confirmed, “as of now, no they are not refusing.” This was surprising for me to hear because I knew from speaking to Mr Mwase the children’s father’s family in Zomba certainly were refusing to allow the children to live with their mother.

Mrs Tepeka’s brother, Mr Njala, also seemed to think that his sister could have the children: “In the beginning she was restricted from taking them back but, as

of now, it seems like they are powerless, so we have been receiving messages from their uncle that we should go and take the children.” I am not sure who he meant by their uncle as they refer to the children’s father’s brother as their ‘young father’. Mr Mwase is the children’s uncle as he is married to their aunt, but he had specifically told me that he had not communicated with their paternal relatives in Nsanje. According to Mrs Tepeka, the stories that were getting back to Nsanje about the children’s suffering were through her eldest son, Lumbani.

If Mr Mwase had initially suggested that the children could return to their mother, he must have changed his mind after consulting his wife’s family. He confirmed to me, “everything concerning these children, I do together with people in Zomba because these children do not belong to me, but their relatives are in Zomba.” Regardless of where the stories came from, Mr Njala believed that due to the abuse, the children’s paternal relatives would not be able to object to the children being brought to live in Nsanje. He told me,

It seems like the husband’s relatives are very difficult, they don’t understand the payment of *lobola* because even here the children can be either with their mother or their father’s family so both of them are aware that the children can be at either side. But their father’s family thought that it is not wise for the children to be here. But as of now they are powerless because the children are suffering.

These reactions from Mrs Tepeka’s siblings demonstrate that from a patrilineal perspective, the receipt of *lobola* payment does not automatically mean that the woman’s family lose rights to the children. Although *lobola* affiliates the children with their father’s family, it does not usually remove them from their mother’s care. Mr Njala very clearly stated that the children under *lobola* can live with either side of their extended family and seems to suggest that abuse or neglect would annul any perceived rights to the children. Maybe the circumstances involving the children’s father’s family abusing them while standing resolute in their refusal to allow their mother to have custody, is too

out of the ordinary for Mrs Tepeka's siblings to comprehend. Mrs Tepeka, having been repeatedly threatened by her husband's brother, had resigned herself to her fate but perhaps her siblings did not fully understand her fear and so were still perplexed by the situation. The main point is that if by receiving *lobola* the woman's family gives away all rights to the children, which is how the matrilineal families seem to understand *lobola*, then Mr Njala and Mrs Mponda would not be of the opinion that their sister could have the children with her. Through their statements, it is clear that they believed that the children should be living with their mother, despite the *lobola* payment.

### **Social Welfare Manager's Perspective**

When I updated Joseph Malingo, the Blantyre District Social Welfare Manager, about the case and told him that the children were being kept by their father's family who feel entitled to the children because they paid *lobola*, he responded, "yeah, I mean, that is a cultural point of view, you cannot refute that." However, when I reminded him of the abuse and revealed that the Tepekas were not willing to allow the mother to have her children even though they were unable to support the children themselves, he was surprised and said "Well, I mean paying *lobola* does not mean, you know, that children should be victims of abuse and paying *lobola* does not mean necessarily 'buying' because people have put this in a misconception, to say 'I bought her'".

### **Conclusion**

Interlineage marriages not only render the children anomalous but also the widows. The widows are left in anomalous situations when neither matrilineal nor patrilineal norms are observed in terms of residence. The patrilineal widows do what they believe is their duty under the *lobola* custom; they take the children and all their property to their deceased husband's family whom they have never lived among. They are then shocked to find that their children are kept, but they are "chased away". The anomalous children are claimed by the matrilineal father's family due to the *lobola* payment but there is no place for these children in the matrilineage, and no land for them to inherit. Although

constitutionally, children should inherit from their parents, children of interlineage marriages fall between the two contrasting discursive constructions of belongingness of matriliney and patriliney rendering them unentitled to inherit land or property from either side.

The Sena women, who had not been living among their in-laws, as is the norm for patrilineal women, find that their deceased husbands' matrilineal relatives deny any responsibility towards them as widows. Thus, the widows have to return to their natal village to seek refuge, without their children and, in Mrs Mikwamba's case, also penniless. It goes against the patrilineal norm for widows to return to their natal villages as usually they remain living at their husbands' villages even after their husbands' deaths. However, widows of interlineage marriages have matrilineal in-laws whose norm is that widows remain living with their matrikin. Thus, the widows, like their children, fall between the two contrasting discursive constructions of matriliney and patriliney.

Patrilineal families whose long-standing customs include *lobola* marriages understand that the custom affiliates the children to the husband's family but they do not believe that it denies the wife the right to continue to care for her children when widowed. Indeed, it is usually expected that widows will continue in their roles as guardians to the children. However, when a matrilineal man pays *lobola* for a patrilineal wife, he and his family become involved in patrilineal traditions to which they are not accustomed. The matrilineal families (mis)interpret the *lobola* payment as giving them indisputable rights to the children, rendering the mothers powerless. They position the children of interlineage marriages as *belongings* of their fathers' matrilineages in terms of ownership secured by payment. The matrilineal men's kin, thus, (mis)perceive the payment of bridewealth as giving the matrilineage "unidirectional dominion" (Stasch, 2009, p. 132) over the children.

In the two cases featured in this chapter, the 'belonging' that is asserted by the matrilineal relatives in relation to the children is more a case of 'being a possession of' than 'being a member of' their matrilineage. Their actions are

more easily understood in these terms, as it is easier to mistreat property than it is to neglect and abuse children who you believe to be descendants of revered ancestors. This could also explain the matrilineal relatives' reluctance to allow the children to return to their mother because they feel that having received money for them, the mothers and their families have rescinded entitlement to the children.

The matrilineal husbands, in both of these cases, were financially independent of their matrilineage as they had permanent jobs and would have been positioned within the matrilineage as good providers. The regular incomes would have made them attractive prospective husbands from the perspective of patrilineal Sena families, particularly those living in Nsanje, one of the poorest districts in Malawi. As eldest brothers, the matrilineal men were responsible for their sisters' children and also eligible for the position of *malume*. This senior positioning means that their voices would be heard within the matrilineage which explains how they were able to negotiate to marry a patrilineal woman, acting against the matrilineal norm. The payment of *lobola* by matrilineal men, however, causes a potential conflict of interest which can engender jealousy amongst their sisters. This is because the sisters' children have to compete with the men's own children for support. In contrast, if they had followed the matrilineal norm and married matrilineal women, support for their children would come from their wives' brothers and uncles. These explanations could help account for the mistreatment of the Tepeka children by Mrs Mwase. In the Mikwamba case, it may also have been a factor but Mr Mikwamba's sisters had passed away before him. Certainly, although the matrilineal families assert that the children belong to them, the children are treated in a way similar to how Mrs Namasani had described her treatment by her matrilineal father's relatives in terms of being "foreign" or "from another tribe".

## Chapter Nine

# Conclusion

### Introduction

In this chapter, I review what it is to be an orphan in Malawi and conclude my thesis that children of interlineage marriages are positioned as anomalous due to falling between two conflicting discursive constructions of belonging. The anomalous positioning has inherent problems for the children which usually only surface after the death of a parent, that is, when the children are orphaned, as this is when the extended families become involved in child custody decisions. The problems are greater and more complex if *lobola* was paid by the matrilineal husband or his family, as they (mis)interpret it as providing indisputable rights to the children. This (mis)interpretation originates from the colonial period when bridewealth became an official and enforceable means of determining to whom children belonged, particularly in cases of interlineage marriages.

Writing about lineages, however, is fraught with difficulties as the term seems to be inextricably linked to structural-functionalism. Despite lineage studies having been discarded by contemporary anthropology, tracing descent, through either the maternal or paternal line, remains a meaningful feature of everyday relatedness for people across the world. Following Harré, I deal with the difficulties associated with the term 'lineage' by reconceptualising matriliney and patriliney as clusters of relatedness practices, thus avoiding the tendency to reify lineages as social structures and ascribe them erroneously with agency. In this thesis, rather than being considered stable social structures that organise social relations and political organisation as they were in classic kinship studies, matriliney and patriliney are conceptualised as practices guided by rules and conventions. Crucially, from the discursive perspective, rules, conventions and customs are "just a means to the coordinated management of meanings" (Harré, 2010b, p. 262) as it is only social persons who are active agents.

## **Discursively Reconceptualising Matriliney and Patriliney**

Harré's discursive approach, with its emphasis on dynamism, is particularly helpful for overcoming the stasis inherent in the term lineage and thus removing the taint of structural-functionalism. The discursive approach acknowledges rule-following in terms of Wittgensteinian normativity but is not a 'rule-centred' approach which tended to reify rules. Instead the focus is on how social order is created continuously through interaction and positioning. Rather than lineages being substantive units as they were perceived to be during the structural-functionalist era, following Harré, I have reconceptualised the as clusters of practices. So the terms matriliney and patriliney describe the relatedness practices of groups of people who are guided by norms of unilineal descent through the mother and father respectively. The lesson from Schneider was that practices need to be understood in terms of the indigenous culture and this legacy is compatible with the discursive approach in which understanding local meanings and local contexts along with the positioning of people are the key elements to understanding how stories are unfolding. Furthermore, the discursive perspective is not limited by cultural relativism.

The discursivists argue that it is possible to study social worlds scientifically because "people everywhere have the capacity to create meaning" (Moore, 1999, p. 17) and "meaning is understandable [and] communicable" (Potter & López, 2001, p.13). Everyday practices have to be studied within local contexts to discern the dynamic process of positioning and the discursive norms in order to understand local meanings. Implicit cultural rules and norms are immanent in practice and can be identified through close study of the practices. Rules and conventions, however, should not be reified. Rules guide action but do not cause action. People use the rules but are not used by the rules (Varela, 2001, pp. 67-68).

Schneider's challenge to 'kinship' had a great impact on the discipline of anthropology, but it was an academic debate and obviously did not affect people's practices, that is, how people relate to each other in local settings.

Despite anthropology no longer emphasising linearity, people continue to practice matriliney and patriliney, that is, tracing descent relatedness through either mothers or fathers in various settings across the world.

Positioning theory (Harré & van Langenhove, 1999), an integral component of the discursive approach, makes sense of the dynamic processes of assigning, taking up and challenging positions in social interaction. Emphasising fluidity, it explains how one person can adopt a variety of positions in various social episodes, how they can also be positioned and position others. This is very useful for making sense of the processual characteristic of orphanhood in Malawi. Rather than being stuck in a fixed status of orphanhood, defined by the death(s) of parent(s), people can position themselves or be positioned by others in and out of orphanhood. Likewise, positioning theory is useful for making sense of how social life is jointly constructed within the context of matrilineal and patrilineal discourses with meanings negotiated through social interaction. Positions within discourses are assigned with certain rights and duties which can, for example, give the person authority and a right to be heard. This offers people so positioned opportunities to negotiate with others within that discourse to act against conventional norms. Although norms guide practice, it is only social persons through their interaction with others that have agency.

## **What it is to be an Orphan in Malawi**

My initial research focus was to be the 'AIDS orphan crisis' through which I wanted to explore community based orphan care with an emphasis on hearing the orphans' own voices. On reading the literature I became aware that the term 'orphan' as used in the plethora of 'AIDS orphan crisis' literature is mainly based on Western definitions. Yet, I found that meanings attached to 'orphan' vary greatly even within one small country, such as Malawi. The most exemplifying characteristic of orphanhood in Malawi is being in need rather than the death(s) of parent(s). Indeed, using the term 'orphanhood' suggests a fixed state which is the case only in societies where it is inextricably linked to parental death. Given that parents can't undie, children remain with their



orphanhood status until they reach adulthood. However, in Malawi being an orphan is much more fluid and processual. Children can be unorphaned, not only through being adopted by people who provide love and support, but also through general improvement in their social circumstances.

There is no succinct way of describing the processual aspect of being an orphan in English especially as becoming unorphaned does not seem to make sense. Thus, I construct a new term 'orphanness' to reflect the dynamism involved in positioning oneself and being positioned by others as an orphan. In Malawi, orphanness is discursively constructed as an undesirable position characterised by destitution, having lost family support, through death, illness, negligence or abandonment. It is a position one can move out of when those characteristics no longer apply, for example, through being adopted and well treated. Although 'being an orphan' is not a powerful position, it does not necessarily mean that orphans are passive victims of circumstances beyond their control. Indeed, I found that the orphans I worked with actively positioned me as a potential helper and took opportunities to improve their situations.

Through their stories, relayed via a variety of creative practices, as well as during interviews, the orphans positioned themselves primarily as being in need. They were very open about their material needs, such as food, clothing, shoes, blankets and soap, and their emotional needs could be discerned through their creative work. Loneliness and exclusion were also prevalent themes and many revealed that they were at the receiving end of abusive practices. Many of their poems explicitly appealed for help from various sources including God, well-wishers and me, personally. These appeals also reveal that the orphans are still hopeful of relinquishing their orphanness through improving their circumstances.

Much of this thesis, especially Chapter Six, responds to my research question about what it is to be an orphan in Malawi. To summarise, I argue that to be an orphan in Malawi is to be currently in a position of being in need, both materially and emotionally, having suffered the loss of parental or other family

support. It is a position often characterised by feelings of loneliness and isolation due to being excluded from family sharing practices. In many cases, it also involves suffering from various forms of mistreatment at the hands of those who were given, or took, the position of protector and guardian. Orphans of interlineage marriages are particularly vulnerable as they fall between two discursive constructions of belongingness and this anomalous position means, in effect, that they belong nowhere with nobody being responsible for them.

## **Interlineage Marriages and Anomalous Children**

Using the discursive approach, I found that the difficulties faced by children of interlineage marriages are generally due to various conventional norms not being followed by their parents, even before they were born. The inherent difficulties of the children's anomalous positions do not usually surface until one of the parents dies. Following Harré, I argue that although people usually act according to conventional norms, it is not the conventions that *make* people act accordingly. Rules or conventions do not cause action; it is only social persons as active agents who have causal power. This reasoning helps to explain the actions of the matrilineal men in my case studies who act against matrilineal norms by marrying patrilineal women.

The men are able to act against the norms through their positioning within the matrilineal discourse. They are positioned as 'mother's brothers' with authority over their sisters and their children, and as potential successors to the position of *malume*. This positioning allows their voices to be heard within their extended family. Additionally, the matrilineal men in my case studies were also well positioned within the cash economy discourse, as they had regular incomes. This positioned them among their extended family as good (potential) providers which gave them influence within the matrilineage. Thus, these men would have had a responsive audience when they discussed their wishes to act against the matrilineal norm and marry patrilineal women.

The position of patrilineal husband when taken by a matrilineal man conflicts to a certain extent with his matrilineal position as mother's brother. This is because the former gives him greater responsibility for his wife and his own children whereas the latter gives him traditional responsibility for his sisters and their children. Thus, his sisters and their children for whom he has traditional responsibility may feel that they are being neglected if he favours his wife and his own children above them. From the matrilineal perspective, his wife and children would normally turn to his wife's brother for authority over important decisions and often the wife's brother will be responsible for paying school fees. The matrilineal man might be able to keep both sides happy, especially if he has a good income, however, when he dies, his widow is at the mercy of his kin, who may well have harboured resentment towards her throughout the marriage.

Children of interlineage marriages are anomalous in terms of being positioned by their fathers' matrilineal family as belonging to their mother's family and conversely positioned by their patrilineal mother's family as belonging to their father's family, as long as the *lobola* requirements have been fulfilled. While both parents are alive, particularly if they are living as a nuclear family, the situation is not usually problematic for the children. The anomaly-related problems only surface when one parent dies, as this is when extended families get involved in decisions about the custody of the children.

In cases in which *lobola* was paid by matrilineal men or their families, the consequences for anomalous children are generally much worse. In these circumstances, the patrilineal widows are also left in anomalous positions mainly due to norms either not being followed or being not relevant to the situation. In the patrilineal discourse, wives would have been living among their husbands' kin and so they would have developed friendships and supportive relationships over time. Although the traditional Sena levirate custom is no longer commonly practiced, the widow would usually continue living in the village after her husband's death in the position of guardian to her children.

However, in cases of interlineage marriages, the widows do not usually live in their husbands' villages because the matrilineal norm is for uxori-local residence. Although it is common for matrilineal men nowadays to negotiate against uxori-local residence, it would be highly unusual for them to bring their wives back to their natal village. Generally, it is only the *malume* who would return, to be close to his *mbumba*. Certainly, none of the women in my case studies had lived in their husbands' villages. Yet, following their husbands' deaths, in accordance with the *lobola* custom, patrilineal widows take their children and their property and move to their husbands' villages. From the matrilineal husbands' kin's perspective this is highly unusual as it goes against the matrilineal norm which is for widows to remain living in their natal villages, an option not usually available for patrilineal widows of interlineage marriages as it goes against the patrilineal norm.

When the anomalous patrilineal widows arrive at their deceased matrilineal husbands' home village, they are not welcomed. However, because *lobola* was paid by the matrilineal family, they claim the children whilst forcing the widows to leave, sometimes under the threat of death. This is because they (mis)understand the custom of *lobola* as giving them indisputable rights to the children: the children are claimed as entitlement. They are perceived as belonging to the matrilineal family not in terms of kinship belonging, characterised by bidirectional belonging, but more in terms of unidirectional belonging as in property. The bereaved children are prevented from returning to their mother but are mistreated in a place which is unfamiliar to them, where they have no land to inherit, and where they are treated as if they are "foreign" or "from another tribe". The mistreatment includes abusive practices, such as, being beaten without reason, the withholding of food, being kept from attending school, forced labour, and being thrown out of the house and left to beg for food and shelter from other villagers. These practices are recognised by Malawians as being abnormal and are usually referred to locally in terms of "cruelty" or "harshness".

## Reflecting on my positioning

This has been a long journey that started with my first volunteer role in Malawi in 2003 and my connection with the people of Malawi will continue for the rest of my life. Although I had spent months living in Malawi before I embarked on this doctoral research, with hindsight I realise that I was still quite naïve in many ways. Having experienced orphanhood myself, I thought I would have an insight into the experiences of Malawian orphans, but although I had empathy for them, their experiences were very different from my own. The orphans' positioning of me as a 'potential helper' trumped my attempts at positioning myself as a fellow orphan and this demonstrated their agency. Despite their difficult living conditions, they were not passive victims but children actively working to try and improve their lives.

I found it very difficult at times documenting widows' and orphans' very sad stories without being able to actively help them. This was particularly true of Mrs Mikwamba whose children were being held in Mozambique. I could see how the stress was affecting her health and, as each of the various NGOs we visited explained their reasons for not being able to help her, the mounting hopelessness registered on her face. I worried that I may have exacerbated her stress by raising her expectations of receiving assistance and this in turn was affecting my health. Although, I carefully explained to all of my participants that my research would not help them personally, it was still often extremely discomfoting to hear their stories. I was able to help some of them and indeed Mrs Mikwamba did eventually have her children returned to her so I feel I made a valid contribution but, of course, it always feels that whatever I did, it was never enough.

My volunteer experience and my desire to actively help was in some ways contradictory to the anthropological 'observation' role in the participant-observation methodology, although many other anthropologists have been in very similar situations, most notably Nancy Scheper- Hughes. However, this also helped me in a variety of ways as people probably found it easier to relate

to the more familiar 'volunteer' role than the 'researcher/observer' role. This was particularly demonstrated when the chief and the two sets of committee members (former committee and current committee) all agreed to set aside their differences following a dispute so that I could continue working with members of the former committee. A study of the dispute would be very interesting but could not be covered in this thesis, however, on reflection I think my earlier contribution to the community particularly in terms of providing the orphan-care building in which the meeting between the chief and the two committees was held, may have influenced their decision to help me continue with my research.

## **Contributions of this Thesis**

Harré argues that "to make changes in a form of life the focus ... must be on rendering implicit grammar explicit" (2009a, p. 140). My understanding of this is that people generally act in accordance with conventional norms (many of which are implicit or immanent in cultural practice) which may reinforce unequal positions of social power. Thus, to bring about emancipation, the first step should be to make the relevant conventional norms explicit in order to highlight the social injustice. One of the contributions of this thesis, therefore, is to make explicit the implicit conflicting conventional norms involved in interlineage marriages and the problems that ensue for the children. A second contribution is to raise awareness about the matrilineal (mis)understanding of the *lobola* custom based on the legal meanings superimposed during the colonial era. I hope that exposing the problems associated with the anomalous positioning of children of interlineage marriages will lead to greater awareness so that families will be able to work together while the parents are still alive to put protections in place for the children and their mothers if widowed.

Additionally, through understanding the processual nature of orphanhood in Malawi and how orphans are so positioned may help development agencies to better plan interventions aimed at improving orphans' lives. They need to understand local contexts and local meanings, working in partnership with

local CBOs to understand the social realities of orphanness in order to evaluate optimal courses of action. Thus, I hope that this thesis will also contribute to the field of development studies.

This thesis answers my main research questions about what it is to be an orphan in Malawi and about why orphans of interlineage marriages have the saddest stories. The importance of the thesis is not only to make explicit the anomaly related problems for orphans and widows of interlineage marriages but also to raise the awareness of the increasing occurrence of this type of marriage. Many people that I spoke to about such marriages considered them to be impossible. For example, Mrs Gwaza a patrilineal woman living in tribally diverse Mapira, got quite frustrated with my hypothetical questions about a Sena woman marrying a Lomwe man using the *lobola* custom. At one stage, she exclaimed:

I am failing [to answer] here because I have never seen a Sena marrying a Lomwe. And that is the problem because I don't know about that. What I know is what happens in a marriage between a Sena and a Nyungwe [a Mozambican patrilineal tribe]. It is their custom to marry like that [using *lobola*] because their ancestors started it.

However, it was also Mrs Gwaza who, after further explanation about interlineage marriages, summed up the problem patrilineal women in interlineage marriages are faced with, by her exclamation:

It can't work! It can't work! We cannot accept that! It can't work ... because the man says that I bought you, using my money. That is what we hate.

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# Appendices

## Appendix I: Household Survey, Mapira

<b>Description of location of house:</b>
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Name of head of household & Occupation: .....

How long has he/she lived in Mapira and where born.....

Name of informant & relationship to the head of household.....

Do you know about Mapira Orphan Care Centre?.....

What is your involvement with them?.....

Which religions & tribes are represented in household?.....

.....

How many adults live in the house & how long have they lived here? .....

.....

Name of each adult and their relationship to the head of household .....

.....

.....

.....

.....

How many children live in the house, how many are orphans?.....

.....

.....

.....

Name	O?	M/F?	Age	Siblings?	Relationship to H/H	School N/P/S	How long in Mapira?	Where born?

If Secondary school, who pays the fees?.....

.....

Did the orphans come here following the death of their parent(s)?.....

.....

Who is the primary care-giver to the children (relationship)?.....

.....

If the orphans are not living with their siblings, how, when & why separated?.....

.....

Other comments.....

.....

.....

## Appendix II: Orphan Structured Interview

Date:

Survey Case No:

Name:	Age:
School:	Std/Form:
Have you lost mother, father or both?	
When did they die?	
Did you attend their funerals?	
Who looks after you?	
Do you ever talk about your parents to anyone, if so to whom?	
Do you live with your siblings? If not, why were you separated?	
Do you have more work to do in the house than other children?	
Are you treated differently to other children? If yes, how?	
Do you participate in decision making on decisions that affect your future?	
What do you miss most since losing your parents?	
Prompt - non-material things?	



## Glossary of Terms

AIDS	Acquired Immune Deficiency Syndrome
Azungu	White people (singular - <i>mzungu</i> ).
Bridewealth	Patrilineal marriage practice in which the groom's family gives property (traditionally cattle, but nowadays usually cash) to the bride's family, in exchange for, or as compensation for the loss of, their daughter.
Chinkhoswe	Traditional marriage ceremony in both matrilineal and patrilineal communities but sometimes referred to as an engagement ceremony nowadays as it is often followed by a church ceremony.
Chitengwa	Chewa custom in which payments can be made by the husband to avoid bride-service and to negotiate taking his wife from her natal village to reside with him elsewhere (usually to live as a nuclear family in an urbanised area).
Chitenje	Type of sarong that is worn over skirts by women in Malawi
CBO	Community Based Organisation
HIV	Human Immuno-deficiency Virus
Interlineage Marriage	Marriages in which one partner is from a patrilineal group and the other partner is from a matrilineal group. The interlineage marriages featured in my case studies are those between a patrilineal woman and a matrilineal man.
Kulowa Kufa	A patrilineal cleansing ritual in which a man who is referred to as a <i>fisi</i> (hyena) is paid to have sex with a widow "to put to rest the spirit of the deceased" The <i>fisi</i> is often a professional cleanser.
Levirate	Levirate is a custom in which a man marries his brother's widow and continues to produce children in his deceased brother's name.

Lobola	The term for Bridewealth used in Malawi and other southern African countries.
Malume	Usually the mother's eldest male relative in the matrilineage, positioned as the head of the matrilineage. Another term generally used for the same position is the <i>mwini-mbumba</i> (the owner of the <i>mbumba</i> ), that is, all of his sisters and their children and grandchildren.
Mbumba	The <i>malume's</i> sisters and their children and grandchildren.
Mzungu	White person (plural <i>azungu</i> ).
NGO	Non-Governmental Organisation
Nkhoswe	Marriage surety - a role usually carried out by mother's brother in conjunction with the <i>malume</i> in matrilineal communities.
Nsima	The staple food in Malawi made from maize flour and water with a consistency similar to mashed potato, served with relish (see below).
OVC	Orphans and other Vulnerable Children
Relish	The term used for whatever sauce (bean, vegetable or egg based or very occasionally meat-based) that accompanies <i>nsima</i> (see above).
Sororate	Sororate is a custom in which a widower marries his deceased wife's sister