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Marriage and Family in Malawi

Land Tenure and Social Capital in
Malawi

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Customary Law

- Unwritten
- Committed to the memories of those who live by it
- Limited to topics from everyday life in tribal societies
- Problems caused by increasing scale of society
 - Insecurity
 - Conflicting principles

Women in Africa

- Torild Skard (Morgenbladet 9-15 mars)
 - In many societies women had considerable powers
 - Queen mothers – Akan people of Ghana and Ivory coast. The queen mother appointed the king
 - The same principle were in use in Malawi among some cultural groups in the 1960ies (Ibik 1970)

Marriage

- Statutory Law (as of 31 Dec 2002)
 - African Marriage (Christian Rites) Registration
 - Asiatics (Marriage, Divorse and Succession)
 - Marriage
 - Married women
 - Divorce

 - Wills and inheritance

Marriage

- Customary Law
 - Polygynous marriages are found (women can be married only to one, men can be married to many)
 - Sororate and levirate marriages are found
 - Payments for brides are found
 - For virilocal marriages lobola is a substantial payment
 - Children may be assigned either to their mother's lineage or their father's
 - Increasingly cognatic (bilateral) descent is used

Classifications

- Do children belong to father's or mother's lineage?
 - Patrilineal or matrilineal marriages
- Do the couple settle on the land of the wife's lineage or do they settle on the land of the husband's lineage?
 - Uxorilocal or virilocal marriages
- Or will they settle outside their lineage lands?
 - Neo-local marriages

“The matrilineal puzzle”

- Earlier writings plagued by deep rooted assumptions in western scholars
 - The western primacy of the conjugal bond and the “elementary family” made them incapable of seeing the
 - Importance of the sibling bond
 - Sister-brother
 - Sister-sister
 - Making the conflict of the husband-father role with the mothers-brother role into a puzzle that would “break down” the matrilineal system is tied to unwarranted assumptions about gender roles

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Social change and matriliney

- From the 1970ies it is observed
 - Commercial agriculture and improved economy for men
 - For men a shift in inheritance: from going to sisters sons to going to own sons
 - Decline in uxoriocal settlement of matrilineal related sisters and growth of groups of bilateral related men
 - In general matriliney means more social and political space for women
 - Changes in matriliney may be due more to European unwittingly assisting/ pressuring men in taking on patrilineal roles rather than just economic forces

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