

Poverty & Prosperity

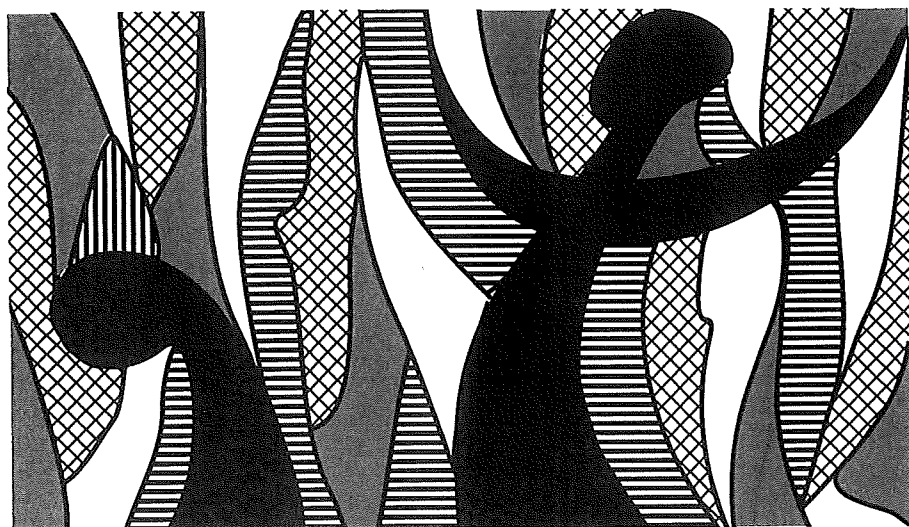


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WHEN AFRICAN WOMEN TAKE WIVES:

A HISTORIOGRAPHICAL OVERVIEW

Kirsten Alsaker Kjerland



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Kirsten Alsaker Kjerland

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Kirsten Alsaker Kjerland

A Gusii woman who enters her husband's house in marriage is a stranger. She is also at the bottom of the hierarchy and is certain to remain there if she fails to give birth to children, or if she gives birth to daughters only. It is S. LeVine who (in her article "The Dreams of Young Gusii Women: A Content Analysis") spells out the degree to which a son becomes the key to life itself for a Gusii woman (1982:72). A wife may cease to have any sexual relationship with the husband, but cannot - that is if she has a son -, be forced to leave the land she occupies in her son's trust (LeVine 1982:65).

Her analysis is also true for other patrilineal Bantu groups, for example the Kuria of East Africa². L.A. Binagi points out in his article "Marriage among the Abakuria" (1976) how barrenness is feared and treated as an ill-omen. When a barren woman dies she is buried outside in an arid place signifying that she has died *omogomba*, leaving no offspring behind (1976:22). Kuria men and women will therefore do their utmost to get a son before they die, and the birth of a boy is an event celebrated in every home. Should the boy remain the only one born to his mother, he is likely to be given the additional name *egaine*, the breeding bull. Men who fail to have male children with a first wife will look for the means to marry a young girl. Because

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1. The present article is an abridged version of a lecture presented at the University of Bergen in January 1996. The rewriting was made possible by a grant from the Centre for Feminist Research in the Humanities at the University of Bergen. I am indebted to this institution and to colleagues at the Department of History at the same university; to R. S. O'Fahey in particular. B. Rwezaura, at the University of Hong Kong, also deserves thanks for his comments to an early draft.
 2. The Kuria occupy the country extending across the Kenya-Tanzania border to the East of Lake Nyanza. Their land is between the Migori River in Kenya and Mara River in Tanzania. Tarime is the district headquarters on the Tanzanian side of the border, Kehancha holds the same position in Kuria District in Kenya.

marriage between women is accepted in the community, a woman who has lost hope of giving birth to sons will do the same. It is reason to believe that this practice has existed among the Kuria since the beginning of the twentieth century. By the 1950s it was common.

A marriage contracted between women normally involves an older one (a widow or one who is still married to a man) and a younger one, but sometimes three or more women are involved. Barrenness was the reason why Oteigo, a woman who was married to a female husband,³ took a wife in 1987. When Oteigo's wife (or the wife of the wife's wife) gave birth to a boy the inheritance of the house was secured.

The relationship between Kuria women who are married to one another is reflected in the term used to describe these marriages; *mokamööna*, or daughter-in-law-marriage. The girl marries the female husband's fictitious son and becomes her daughter-in-law.

Most of the data used in the second part of this paper concern the Kuria of East Africa, but marriage between women is not peculiar to this group, nor is the literature on the subject concerned with the Kuria only. Since the beginning of this century woman-marriage⁴ has been recorded among more than thirty different groups living in four regions of Sub-Saharan Africa.⁵

When it was first discovered it confused as well as provoked. Marriage between women was unheard of in Europe at this time. Here one of the most important purposes of marriage was the regulation of sexual activity (Outwaite 1981:1). A marriage between two women - in which the younger gave birth to children - implied repulsive sex. Questions about biological fatherhood, sexual rights and duties dominated the earliest papers. Lord Lugard revealed in *The Dual Mandate in Tropical Africa* (1922) that he did not regard woman-marriage in Nigeria as "normal". He recorded it under the title

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3. In "Female Husbands in Southern Bantu Societies" D. O'Brien defines a female husband as "a woman who takes on a legal status and social role of husband and father by marrying another woman" (1976:109).
 4. A number of terms have been used to describe marriage between two women in Sub-Saharan Africa. I have chosen the term which E. E. Evans-Pritchard used in *Kinship and Marriage among the Nuer* (1951) and E. Jensen Krige used in her article "Woman-Marriage, with Special Reference to the Lovedu. Its Significance for the Definition of Marriage" (1974). Marriage between Kuria women is called by its proper term; daughter-in-law-marriage or *mokamööna*.
 5. In the Transvaal. In, and in the vicinity of, Nigeria. In the Southern part of the Sudan, and in East Africa (O'Brien 1976:110).

“Slavery in British Africa” simply because he did not believe that young girls entered into such unions willingly.

The prejudices lasted for many years. When, in 1959, K. Gough suggested that marriage between women should be included in the universal definition of marriage (in her article “The Nayers and the Definition of Marriage”⁶), it was still looked upon as odd by most scholars. This is one important reason why it took some time before Gough was acknowledged, and the scholar who more than any other cleared the muddy water which she had stirred was E. Jensen Krige. The debate ended when her article “Woman-Marriage, with Special Reference to the Lovedu. Its Significance for the Definition of Marriage” appeared 15 years later, in 1974. Besides clearing a number of misconceptions Jensen Krige argued that the institution was imperfectly understood (1974:11), a fact which was soon reflected in the writings of three scholars who took an interest in woman-marriage in East Africa. R. Oboler, B. Rwezaura and E. Tobisson concerned themselves with the ever-changing motives of woman-marriage, and challenged previous findings. They found for example young girls who preferred to marry other women, and married women/widows who had given birth to sons who took wives.

In spite of the fact that very interesting works have already been published about woman-marriage in Sub-Saharan Africa, there are a number of different reasons why I call for more studies towards the end of this paper. It is a fact that only minor works have been published since 1986,⁷ and most of the studies from the post-colonial period are from East Africa. Last, but not least, more studies are required because this field has been suffering from one-sidedness. Most of the important authors have been anthropologists.⁸ However problematic the sources may be, I still want to encourage other scholars - first and foremost historians - to study woman-marriage before it is too late.

The first part of this paper is historiographical. It deals with the discovery of the phenomenon and touches the debate which came after Gough's article in 1959. The last part of this section concerns mainly Regina Oboler's contribution to this field of study in the early 1980s.

6. In Journal of the Royal Anthropological Institute, Vol. 89 (1959), pp. 23-34.

7. T. Hall's "Women who have Wives" from 1993 and A-B. Svensson's *Omokamööna, Kuria's Svärdotterräktenskap. Funktion och förändring* from 1991. (This translates as: *Omokamööna, Daughter-in-Law-Marriage in Kuria. Function and Change.*)

8. The only larger study under preparation on this topic is carried out by yet another anthropologist; A-B. Svensson, a doctoral student at the University of Uppsala, Sweden. She studies Kuria daughter-in-law-marriage.

The second part concerns the Kuria. The first written record dealing with daughter-in-law-marriage came somewhat late, in 1927, but since then an unusually rich literature has been produced. My own data was also collected from among this group of people.⁹

Some of the problems which historians are likely to encounter in studying woman-marriage is the main theme of the conclusion.

THE "DISCOVERY" OF AFRICAN WOMAN-MARRIAGE

When H. O'Sullivan's article "Dinka Law and Customs" appeared in 1910, it was the first time that woman-marriage was recorded from the Southern Sudan.¹⁰ Four years later, in 1914, Northcote Thomas reported what he called a woman-husband in his *Anthropological Report on Ibo-Speaking Peoples of Nigeria*.¹¹ In 1922 Lugard held that the practice was "prevalent among (Nigerian) tribes"¹² with widely different origins and customs" (1965:385). The following year J. Barton stated in his article "Notes on the Kipsigis or Lumbwa Tribe" that this "strange custom" was also rather frequent in East Africa.¹³ It was thereafter recorded from Southern Africa,¹⁴ where a total of nine of the ten groups which practised it belonged to the same Sotho division of the Southern Bantu.¹⁵

The early literature made it clear that it was older women who married younger ones in woman-marriage. Women who belonged to patrilineal soci-

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9. I collected data for my doctorate among a Kuria group of people (the abaNya-basi) on the Kenyan side of the border. This fieldwork lasted from October 1986 to December 1988. I returned to the field in December 1997 and spend the following four months among the abaNyabasi on the Tanzanian side of the border.
 10. It was later documented by R. Huffman (1931) and C. G. and B. Seligman (1932). The most detailed account of woman-marriage from this part of Africa came in 1951 with Evans-Pritchard's *Kinship and Marriage among the Nuer*. In the Sudan woman-marriage is found among the Nuer, Dinka and Shilluk
 11. A number of books from West Africa mentioned marriage between women. Lugard's work from 1922 has already been mentioned. P. A. Talbot wrote about it in two different books from 1926. Works concerning woman-marriage among the Dahomey by M. Herskovits appeared in the late 1930s.
 12. It has been recorded among the Yoroba, Ekiti, Gana-Gana, Bonu, Akoko, Yagba, Nupe, Ibo, Ijaw, and Dahomeans (O'Brien 1976:110).
 13. Women take wives among the Kipsigis, Nandi, Gusii, Kikuyu and the Kamba communities of Kenya. It is also common among the Kuria and the Suba who live along the Kenya/Tanzania border, and among the Simbiti who live near the Kenyan border, in North-Western Tanzania (O'Brien 1976:110).
 14. By H. A. Stayt (The Bavenda, 1931).

eties wanted sons to secure their inheritance.¹⁶ Most married because they were barren or had given birth to daughters only. Women also took wives in communities where political power and motherhood were mutually exclusive.¹⁷

All the early authors were concerned with the question to whom the children belonged. O'Sullivan stated that the children born in a woman-marriage belonged to the dead husband. If a Dinka man died and the widow was inherited by his brother (through the leviratic custom), any child born to the widow was considered the offspring of her dead husband. This was similarly the case if the widow married a young girl. Bridewealth had been provided for by the dead husband's wealth, and therefore the children belonged to the deceased (O'Sullivan 1910:181). Examples of the opposite was provided by M. Herskovits in his studies from Dahomey (or Fon) in West Africa (1937 and 1938). Here many of the women who took wives were "independently wealthy". They paid bridewealth for their wives themselves and the children were their "property". N. J. van Wermelo and W. N. D. Phophi (Venda Law, 1948) found both in Southern Africa: Wealthy female doctors provided the bridewealth themselves and were considered "fathers" to the children born. Some female husbands among the Venda had inherited wives from their fathers, others from their mothers. In such cases the children "belonged" to the deceased parent who had provided the initial bridewealth.

Conceptualisation came in 1976 when D. O'Brien's article "Female Husbands in Southern Bantu Societies" appeared. She states that a woman who provides bridewealth, with no reference to a male kin, is an autonomous female husband. She may be a political leader, a trader or a female in a com-

15. The Venda, Lovedu, Pedi, Hurutshe, Sotho, Phalaborwa, Narene, Koni and Tawana (O'Brien 1976:110). The tenth is the Zulu. They have, according to Jensen Krige, less common traits with the remaining nine (1974:26).

16. Lugard agreed that sons was the primary motive for woman-marriage, but pointed to the fact that an older woman could marry a younger because she wanted someone to tend to her in old age. He was also told that some women used the girls to earn money. They were hired out to men, and fees were claimed for their sexual services (1965:385).

17. According to E. Jensen Krige and J. D. Krige (*The Realm of a Rain Queen*, 1943) political leadership could not be combined with childbirth and pregnancy among the Lovedu. Therefore queens took wives in order to get a male heir. The same is found among the Shilluk of the Southern Sudan. (According to C. Farran, *Matrimonial Laws of the Sudan*, 1963). Among the Nyoro of Western Uganda women may not take wives, but also in this community princesses are treated like men and may not give birth. (See J. H. M. Beattie Bunyoro, *An African Kingdom*, 1960).

munity where women have a large say over property. This woman is always pater for the children born by her wife/wives. If a widow or wife marries another woman in order to give her dead or living husband children, and her husband or his family provide the bridewealth, she is a surrogate female husband. Such a woman may function as the pater for the children, or may be merely a stand-in for a deceased or fictitious male (O'Brien 1976:110-112).

SEEKING A NEW UNIVERSAL DEFINITION OF MARRIAGE

The definition of marriage which appeared in the sixth edition of *Notes and Queries in Anthropology* in 1951 stated that "marriage is a union between a man and a woman such that children born to the woman are recognised legitimate offspring of both partners". It was a typical Western definition from the interwar period which excluded most "odd" or non-western types of marriages. This was pointed out by Gough in 1959 and two years later by E. R. Leach. Gough was particularly concerned with the fact that woman-marriage was not included and suggested the following definition:

Marriage is a relationship established between a woman and one or more persons, which provides that a child born to the woman under circumstances not prohibited by the rules of the relationship, is accorded full birth-status rights common to normal members of his society or social stratum (1959:23).

Leach pointed out (in his article "Rethinking Anthropology") that none of the existing definitions covered cases of adelphic polyandry (1961:105).

Both were made note of. R. Winch included adelphic polyandry in his definition of marriage in the *Encyclopaedias of The Social Sciences* in 1968.¹⁸ Reprints of Gough's article appeared in *Cultural and Social Anthropology. Selected Readings* in 1964¹⁹ and in *Marriage, Family and Residence*²⁰ in 1968. In 1971 her definition merited special attention by M. Harris. In his book *Culture, People, Nature: Introduction to General Anthropology* he held that it was the most outstanding among "the many ingenious attempts to define marriage

18. His definition runs as follows: "Marriage and family may be defined as a culturally approved relationship of one man and one woman (monogamy), of one man and two or more women (polygyny) or one woman and two or more men (polyandry), in which there is cultural endorsement of sexual intercourse between the marital partners of opposite sex and, generally the expectation that children will be born of the relationship."

19. Edited by P. B. Hammond, pp. 167- 180.

20. Edited by P. Bohannen and J. Middleton, pp 49-71.

as a universally occurring phenomenon" (1975:318). But the husband-wife relationship was still the single universal feature of marriage to many, even Harris argued that Gough's definition was odd. Why? It had "no reference to rights and duties of sexual access, much less to sexual performance" (Harris 1975:318). At the same time P. G. Riviere rejected her definition in "Marriage: A Reassessment". According to him the study of marriage should "concentrate on the categories male and female and the relationship between them" (1971:70-71).

It was Jensen Krige who more than any cleared the battlefield, and her article from 1974 was a direct response to the ongoing debate. Besides arguing that many of the "misconceptions" about woman-marriage were rooted in the central place the husband-wife relationship had in "current concepts and definitions of marriage" (1974:11), she held that the most important aspect of the universal definition had to be the legitimisation of children. Bridewealth was the key to African "fatherhood". She made this clear in the definition she presented:

By woman-marriage we mean the institution by which it is possible for a woman to give bridewealth for, and marry, a woman over whom and whose offspring she has full control, delegating to a male genitor the duties of procreation (1974:11).²¹

This was in accordance with what Herskovits had argued many years earlier. He had been told that the Dahomeans did not think that the father of the child was very important. They explained to him that "when a goat becomes large, one does not ask which buck caused her to conceive" (1939:339).²² Gough and O'Brien used similar arguments; the children belonged to the person who had paid the initial bridewealth.

Jensen Krige criticised Herskovits as well as Riviere. L. Mair was also hauled over the coals. Riviere had argued against Gough's definition of woman-marriage because he believed that the female husbands took the role of men. According to Jensen Krige he was not aware of how rare this phe-

21. She goes further in her conclusion, saying that marriage among the Lovedu is: "a joint enterprise for securing descendants for the continuation of a house; it involves a number of key individuals or more than one family, each of whom has an interest in it" (1974:34).

22. According to van Wermelo and Phophi a Venda wife with a husband who failed to provide her with children, would (with or without the consent and knowledge of the husband) choose an agnate of her husband as genitor. The members of her husband's agnatic family would know and give their consent, but would remind her to behave discretely (1948, part 2, p. 804).

nomenon was. In most societies women who had taken wives did not play the role of men after becoming female husbands (1974:70-71). When she held that "(woman)-marriage carries with it no sexual implication for the individuals in whose names it is contracted" (1974:35), it was Herskovits whom she attacked. The following was a direct response to his flippant comment²³ about lesbian love among females in woman-marriage from 1938:

Woman-marriage is no aberrant quaint custom. Nor has it any sexual connotation for the two women concerned. It forms an essential part of, and is closely integrated with, the whole social system in which it is found. It can serve a great diversity of purposes, has shown itself to be flexible in the modern situation and bears testimony to a conception of marriage among the people who practice it that is far wider, more comprehensive, less bound up with the sexual needs of the individual partners than in the Western society. Indeed it may be said that in the societies under discussion marriage carries with it no necessary sexual implication for the individuals in whose names it is contracted (Jensen Krige 1974:34).²⁴

In *Marriage* (1971) Mair made a reference to Evans-Pritchard who held that it was usually barren women who married wives, and added that "it indeed is hard to imagine a woman who has her own children doing so" (1971:60). Jensen Krige disagreed with both and argued that it was usually women with children (meaning daughters) of their own who contracted woman-marriages (1974:11). The cattle they were given when their daughters married enabled them to marry.

No scholar did away with more of the early misconceptions than Jensen Krige, and she deserves the space which she has been given here. But this was her last article; other now took over. R. Oboler is the one who managed to guide this field of study in a new direction. Her article "Is the Female Husband a Man? Woman/Woman Marriage Among the Nandi of Kenya" (1980) and book *Women, Power, and Economic Change; The Nandi of Kenya* (1985)

23. "It is not to be doubted that occasionally homosexual women utilise this relationship to the women they marry to satisfy themselves" (Herskovits 1938:319).

24. Jensen Krige was supported by O'Brien who argued that a female husband "does not engage in sexual interaction with her wife; indeed nowhere do the African data suggest any homosexual connotations in such marriages" (1976:109). C. Obbo was less certain and called for conclusive evidence: "We cannot know whether the Dahomean women who practised woman-to-woman marriage were lesbian or if it was a slip of Herskovits' pen" (1977:372). Obbo added in a note that "no one can categorically dismiss the possibility that a woman-to-woman marriage may involve a homosexual relationship" (1977:385, note 4).

changed the approach. Although she also questioned some of the misunderstandings which had hit the paper in earlier literature,²⁵ the most important contribution is her demonstration of how the motives behind woman-marriage change in new socio-economic settings. Through her conversations with young women new strategies of survival came to the surface. One argued that "it is better to be married to a rich widow than a poor man" (1980:75), while another preferred a female husband because she wanted a say in economic matters (1985:75/76).²⁶ They married women and solved a negative economic situation. Many African men have failed to deliver enough goods to their families in the last decades, and this have forced women to find new ways of securing their own and their children's survival. Some told Oboler that woman-marriage meant "greater sexual freedom",²⁷ while others argued that female husbands "fight less with us and beat us less often, if at all".

Tobisson and Rwezaura presented their findings about Kuria woman-marriage in the middle of the 1980s, and their findings complements Oboler's. Their works will be dealt with at some length in the next section.

KURIA DAUGHTER-IN-LAW-MARRIAGE

Discovery, Origin and Spread

The first record about marriage between two women in Kuria dates from 1927. This is when the Acting District Officer in North-Western Tanzania M. J. Bonavia summoned an assembly of North Mara chiefs ordering them to

25. Evans-Pritchard's description of how a Nuer woman who married another came to play the "part of a man" (1951:108) was questioned by Oboler. She pointed to the fact that Nandi women were allowed to alter their behaviour after having married another woman, but found that such change of behaviour was rare. When it happened it was in the main when "the issue of property and heirship" came up (1980:86). Oboler concluded that the "key to the question of the female husband's gender lies in her relationship to property that is transmitted through her to the sons of her wife" (1980:70). Older women normally behaved as mothers-in-law towards their young wives.

26. Oboler adds another argument to these five, one which none of the girls mentioned; woman-marriage was a way for girls who were single mothers to regain status in the community (1985:80). Tobisson found the same among the Kuria (see note 44)

27. While a genitor often was chosen in the past, many girls chose their own partners at the time when Oboler collected her data.

endorse the abolition of the practice by which wealthy widows married young girls.²⁸ Bonavia was offended by a practice whereby older women "farmed out (the young wives) to chosen men". The two following sources, one from 1935 and the other from the early 1940s, contradict one another concerning Bonavia's success in abolishing what was called "a slavish practice". E. Baker (also a District Officer) spoke in 1935 of marriage between Kuria women as something that had been practised until "quite recently" (1935: 113 and 114). He does not elaborate on what recently means, and it is difficult to know if he himself witnessed it. A few years later H. Cory, a government sociologist in Tanzania,²⁹ arrived in Kuria. He showed a genuine interest for the community and spent long periods of time among this people. He noticed that Kuria women took wives and in one of his reports he described daughter-in-law-marriage in some detail.

Much of what Cory observed is correct, but he did not fully understand the institution. Like Bonavia and Baker he failed to see that the children were recognised as offspring of the young wife and a fictitious son of the female husband. Accordingly he did not realise that the children became the female husband's grandchildren. Cory believed that the girl was married to the widow's dead husband, and that she was the older woman's co-wife. He also believed that the young wife could leave the house after the birth of the longed-for son. This implies that he did not regard such marriages as "normal", while it is a fact that in no kind of Kuria marriage can a wife leave unless the bridewealth is returned in full (Tobisson 1986:171).

Cory's misinterpretations called for further studies, the first of which came towards the end of the 1950s. This was at a time when daughter-in-law-marriage was (according to the written documentation and the oral information I have been given) becoming increasingly more common. Over the entire century there was a transition from subsistence to sale, and Kuria men and women were earning relatively large amounts of money from sales of primary products and labour. Stock breeding was most favourable too.³⁰ With increasing wealth (in cash and stock) the number of all sorts of marriages conducted rose.³¹

28. Rwezaura refers to the Mwanza District book as the source to this information (1985:147). This is found in the National Archives of Tanzania in Dar es Salaam, but he does not give the accurate reference to its location.

29. He was sent to Kuria to help the government of Tanganyika solve pressing problems, stock theft in the main (Kjerland 1995:102-105). His articles, letters and reports are located in the Cory Collection at the University of Dar es Salaam.

M. Ruel's field report *The Social Organisation of the Kuria* (1959) and H. Huber's "Woman-Marriage in some East African Societies" (1968/69) contain useful information on daughter-in-law-marriage. They challenged previous findings and provided information which indicated possible changes in the house-property-complex (which describes the regulation of property and inheritance in patrilineal, polygynous societies)³² in Kuria.

Cory had argued that it was rich widows who married wives, but Huber and Ruel contradicted him. Ruel held that any woman who could find the bridewealth could marry another (1959:91), and Huber postulated that Kuria women had autonomy over the marriage-cattle belonging to her house.

Bonavia, Baker and Cory argued that daughter-in-law-marriage was an ancient tradition, but Ruel and Huber were told that marriage between two women in Kuria was a post-European development (Ruel 1959:110). Women began to marry wives only one or two generations ago (Huber 1968/69:745).

Clarification of the term applied was provided by Huber who argued that the generally used one "did not adequately express the meaning of the custom" (1968/69:746). Why? Because the older woman did not assume the role of (female) husband. The parties behaved like mother-in-law and daughter-in-law towards one another. More important still, were considered so by others. Huber criticised those who had applied the term *mokamööna* to Kuria daughter-in-law-marriage, because it was not associated with marriage between women only. The correct term was *okoteta mokamona wa nyumba ntobu*; to give cattle for a daughter-in-law on behalf of a poor house³³ (1968/69:747). Although Huber is perfectly right, *mokamööna* continued to be used by scholars to describe marriage between females in Kuria.

30. The Kuria were located on the periphery of the colonial state and began to produce for sale at a late moment (compared to many other groups). The colonial records do not tell much about their participation in production, but the oral testimonies are clear: People earned good money in the 1940s and the 1950s (Kjerland 1995:246-277). The stock-records tell its own tale of success: In North Mara the number of stock kept in 1933 was 89,766, and in 1945 the figure was 216,000. (The 1933-figure is found in the Mwanza District Book. The 1945-figure is from C. Winnington-Ingram's "Survey of African Farming and Land Utilisation Problems in North Mara". Letter dated 9 March 1950, now in Rhode's House).

31. Male polygyny increased by some twenty per cent between 1876 and 1950 (Kjerland 1995:219).

32. M. Gluckman's term the house-property-complex was introduced in 1950 in his article "Kinship and Marriage among the Lozi of Northern Rhodesia and the Zulu of Natal". (See note 40 and 41 for details).

33. This refers to lack of sons, not to wealth in cattle.

In the late 1920s Bonavia wanted to abolish an existing practice and Baker argued he had succeeded by 1935. This proved incorrect. In the mid-1940s Cory found it was practised, ten years later Ruel did likewise. He stressed that social extinction threatened a sonless Kuria person, and observed that people who had sons and grandchildren were not mourned so greatly as those who had no sons at all (Ruel 1959:84). In the late 1960s women still took wives, but Huber did not expect it to continue. Economic and social changes would, he believed, bring an end to daughter-in-law-marriage and polygyny (1968/69:749-752).³⁴

This proved incorrect. Tobisson and Rwezaura arrived in the late 1970s and found daughter-in-law-marriage widely practised among the Kuria on the Tanzanian side of the border.³⁵ Moreover; the status of a daughter-in-law married to a fictitious son was no different from that married to real a one (Tobisson 1986:172 and 173). Their findings as well as the disagreement between them are dealt with in the next section.

"Old" and "New" Motives behind *Mokamööna*

It was made clear by the early writers that daughter-in-law-marriage in Kuria was conducted to provide sons for a sonless house. In the post-colonial literature more space was devoted to new motives. Rwezaura as well as Tobisson found women who were mothers to sons who had taken wives (1985:162 and 1986:173), a fact which indicates that women took wives for

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34. He gave a number of reasons why: Better medical care would result in less infant mortality. Many of the children who died from illnesses would survive; less women would see their only boy die. He believed that a number of the wives were barren because of venereal diseases, and that improved medical care would in the future solve this problem. J. Nyerere's Ujamaa policy was likely to change the attitude people had to stock, and with a cash-economy it would become harder to accumulate enough to marry. The girls married to female husbands had, according to Huber, too much sexual freedom. They were roaming about in town with temporary escorts. He believed that this would make many parents fight the tradition. Better education and a deeper Christian influence were likely, he argued, to change the attitude of the Kuria towards daughter-in-law-marriage.
35. Tobisson and Rwezaura do not say how widespread or how common daughter-in-law-marriage was compared to "normal" marriages, but they are supported in their assumption that the practice was popular in East Africa in the late 1970s. Obbo spoke of woman-marriage as "surprisingly" widespread in East Africa in 1977, and Oboler was told that more (Nandi) people marry wives "now" (in the late 1970s).

economic reasons. Female labour had become increasingly important over the entire century,³⁶ and by the 1950s Kuria women were the most important producers of primary products. By the late 1970s the burden of labour put on their shoulders was tremendous; approximately 85 per cent of the agricultural work was done by women (Tobisson 1980:80). Based on such findings Tobisson agreed with Huber who had linked labour to daughter-in-law-marriage:

A secondary motive which is always mentioned and in the mind of a sonless old lady sometimes even more prominent than the first (to secure her house with a male heir), is her desire for a daughter-in-law who relieves her from the burden of house and farm work (Huber 1968/69:747).

But when Huber held that men would prefer to take a wife for themselves rather than to help their wives get a wife, Tobisson disagreed. She argued that with the new labour situation it was equally likely that men would encourage their wives to take wives rather than to marry a new wife for themselves (1986:178/179).

Population pressure, agricultural growth and the increasing importance of female labour were themes which a number of scholars touched upon in the late 1960s.³⁷ When daughter-in-law-marriages in Kuria were linked with the liberation of females, this was equally typical for this period. Rwezaura argued that the number of Kuria women who stood on their own feet was growing. He held that there was a decisive shift in the settlement-pattern found in the area. A number of women were settling outside the homesteads in households which were not headed by men. After a divorce - or after a woman became a widow - many moved to towns and began to operate their own businesses. He concluded that if the number of females who had economic autonomy in Kuria was growing, many women could meet the cost of daughter-in-law-marriage on their own. As a result the number of females who decided to marry wives was likely to grow and more women would liberate themselves from male domination (Rwezaura 1985:158).

36. The production of primary products rose and the labour put on female shoulders increased accordingly. At the same time male labour became an export commodity, and was withdrawn from the household. Later on, when the education of children became more common, their contribution became occasional rather than regular. The weakening in the network in the neighbourhood also put more labour on a woman. Smaller work-groups are still found in Africa, but this networking is no longer dominant.

37. A well known example is Ester Boserup's study *The Conditions of Agricultural Growth: The Economics of Agrarian Change Under Population Pressure* (1965).

While Oboler and Rwezaura agreed on this matter,³⁸ Tobisson argued that Rwezaura had overestimated the reality of female freedom (1986:178). Daughter-in-law-marriage brought no change in the rules of inheritance, and women would have a rather limited chance to realise personal wealth in polygynous, patrilineal societies. Wealth was ultimately controlled by men (1986:188). She also disagreed with Huber, whom she argued was wrong in postulating that Kuria women had autonomy over the marriage-cattle belonging to her house (Tobisson 1986:171).

Some of these disagreements are caused by lack of in-depth studies on the house-property-complex³⁹ in Kuria, and by lack of data describing how access and domination over wealth have changed over time. The boundaries between the two extremes of rights within this property-system (the decentralised and centralised)⁴⁰ are often blurred; a fact which Oboler points to in her article "The House-Property Complex and African Social Organisation" (1994:345). The following example tells us that we need to investigate such matters further. It is a tale about two Kuria women who are related. One has a large say over property, the other has not.

A widow, let us call her A, and her sister-in-law, B, (still married to her husband) had never given birth to children. When I met them in 1988 they were both in their late fifties. A had five wives at this time, B had recently taken her first wife. A was a trader and owned houses in the small nearby town. She had also set up two permanent homes on her father-in-law's land. A's wealth, according to rumours, originated from the time she had been a trader and prostitute.⁴¹ While A paid the bridewealth for her wives herself, B's husband paid the bridewealth for his wife's wife. He took a second wife for himself at the same time.⁴²

38. Woman-marriages among the Nandi was (according to Oboler) a way of breaking the subordination of women in strongly patrilineal societies (1985:7).

39. The house-property-complex occurs in a geographical belt extending from the Southern Sudan through East Africa to the East of Victoria Nyanza and into the Eastern part of Southern Africa. It does not exist in West Africa, even in patrilineal societies (Oboler 1994:346). It is interesting to note that woman-marriage was conducted, as argued for example by Herskovits, by women who were independently wealthy in this part of Africa. This indicates that economically independent West African women have common traits to those who have extended rights into the stock and wealth in the decentralised houses in communities where the house-property-complex exists; in patrilineal societies where women marry wives.

A had taken her first wife in the late 1970s. Prior to this time there were no children in her father-in-law's compound. In 1988 children were many. Some of the older ones had been brought by their mothers- who were single mothers at the time of marriage.⁴³ All A's younger wives and older children were seen working in the homestead of the old father-in-law and her brother-in-law (B's husband). This extended family had now labour in plenty, and - to quote J. D. Perestiany - "the pillars of the sonless woman's house had been strengthened" (1939:81).

A-B. Svensson, in her paper *Omokamööna; Kuria's Svärdotterräktenskap. Funktion och förändring*, suggests that most daughter-in-law-marriages in Kuria are conducted by women who have received bridewealth from many daughters (1991:23). It is likely that this is true for the past as well as for most present woman-marriages, but we still know too little to state this conclusively. A and B in our example had no children at all. A, the autonomous female husband, provided the bridewealth herself. She proves, like Rwezaura has pointed out, that some of the Kuria women seem to have gained economic autonomy.

40. T. Håkanson focuses - in his article "Family Structure, Bridewealth, and Environment in Eastern Africa: A Comparative Study of House-Property-Systems" - on two extremes of rights (the centralised and the decentralised) within the more or less independent units (or houses which consist of a wife and her children) within the extended polygynous family. In the centralised the family head has extensive rights and control of distribution of all family property. He may relatively freely dispose of and reallocate any cattle belonging to the different houses within his compound. He may use stock kept in any house for his own marriage or for the marriages of any of his sons. In the decentralised system the property of houses is protected by customary law and belong to the different houses within an extended household. Cattle and other resources allocated to the particular house cannot be alienated by the family head (1989:117). Here only full brothers can use the cattle received when their sisters marry. The head of the homestead has no right to give one of the other houses in the complex this stock. The house in the decentralised system has also exclusive rights to any cattle obtained through sale of grain, gifts received and offspring of the house's own cattle (1989:120). It is self-evident that woman-marriage is more common in communities with a large degree of decentralisation.

41. Obbo also gives examples of women who "use" prostitution as way to accumulate money for woman-marriage (1977:377/78).

42. B's husband was rich in stock at this time because the bridewealth from a girl he divorced in the mid-1970s had just been returned to him. Prior to the marriages in 1988 he had sixty head of stock.

Studies concerning the house-property-complex over time are required. It has been widely acknowledged that ethnicity and culture are under constant change; in contrast to this the regulation of property has been considered rather static. In Kuria it is Cory who gave the first details about regulation of property,⁴⁴ and he drew a picture in which women had very little access to wealth. It is time to question his findings. Jensen Krige stated that the "rights of women to acquire and dispose of wealth is important for woman-marriage" (1974:15), but the literature concerning the Kuria does not describe what it was like in the past.

This brings me to the final part of the paper.

CALLING UPON THE HISTORIANS

The failure to describe change over time is important in my call for historical studies. In order to illustrate the type of questions which have been ignored by the anthropologists, I wish to use Muchagera as my point of departure. She is one of the first women who took a wife among the abaNyabasi of Kuria.⁴⁵

Muchagera married in 1910. The normal amount of bridewealth, twelve head of cattle,⁴⁶ was transferred upon marriage. Kemero and Mwita were boys born by Muchagera's wife. The younger, Mwita Muchagera, was alive in 1988 and told me he was initiated in 1930. This happened when he was 17 or 18 years old, which means he was born a few years after the marriage had been conducted.

43. B's husband also married a girl who had given birth prior to her marriage. Tobisson found that there was an increasing number of Kuria girls who became mothers before marriage in the late 1970s, and argued that daughter-in-law-marriage was a way for girls who were single mothers to regain status in the community (1986:175). During an interview at Mogabiri Village in March 1998 two people held that most of the girls who married women had given birth prior to marriage.

44. In "Kuria Law and Custom" (1945)

45. Muchagera was mentioned to me by several older men who were interviewed in Nyabasi West Location in Kuria-Kenya in 1988. Ten years later I asked older people in Mugabiri Village in Kuria-Tanzania when the first Nyabasi woman married a wife. I was now told that women took wives before the turn of the century. None of the informants knew exactly when and did not come up with names. Muchagera may therefore not be the first one, but she is the earliest one identified to me.

46. Based on 17 marriages I found that the average bridewealth was 11.2 animals in Nyabasi between 1906 and 1916 (Kjerland 1995:222).

Who paid the bridewealth? Did she have a husband and if so did he encourage her to marry? Did she marry because she had seen sonless widows getting killed?⁴⁷ Was her bride from a poor family and where did she come from? Perhaps from lands where daughter-in-law-marriage was more common than in Nyabasi? Was her bride willing to enter into this marriage, or did she (and her parents) not know that she was going to marry a woman?⁴⁸ How was she treated in the household and how did the neighbours treat her? Who was the biological father(s) of the children? By finding out how common adoption of children was at the time, we may be able to answer why Muchagera did not adopt a boy.⁴⁹

There are many problems concerning sources for those who wish to study the history of woman-marriage. Some of the questions posed here can be answered by asking the opinion of Muchagera's descendants, others by recording more of the early examples of daughter-in-law-marriage. But time is running short for those who wish to talk to people. Muchagera may have been born in the 1860s and she passed long ago. Her bride, perhaps thirty years younger, was not alive when I met her second son in 1988.

Possible answers may be found by studying the socio-economic setting at the time Muchagera married. In doing so it becomes evident that it is much easier to find reasons why women took wives in Kuria in the 1950s than in 1910. Labour migration as well as sales of primary products were in its infancy in 1910. The gradual change from communal to private land ownership which is characteristic for the mid-twentieth century had not yet begun. Cory held there was an unequal distribution of land in the 1940s, but there was no real shortage.⁵⁰ Privatisation may therefore have threatened a

47. Ruel was told that "in the past a widow who had daughters and cattle but no son might be killed by her dead husband's brothers and they might share the inheritance" (1959:110).

48. A number of older men and women interviewed at Mogabiri Village in North Mara in March 1998 held that many of the girls who had been married to women long ago did not know.

49. Adoption is a theme which has not been dealt with by the scholars who have written about the Kuria. Oboler tells us that children were available for adoption among the Nandi, but it was looked upon as a bad investment in the late 1970s. Why? One child was equivalent to a bridewealth paid for a woman. Because a woman may bear more than one child for the same amount of stock or money, woman-marriage was the option chosen (Oboler 1980:75). This is also related to labour: It takes years before a child can work in a way which significantly contributes to the household.

sonless wife at this time, but it is not likely to be the reason Muchagera married.

We can not use court records in this particular case either; sources which have proved useful for some of those who have studied daughter-in-law-marriage in the 1960s and the 1970s.⁵¹ The reason is simple; no marriage was recorded by the court at this time.

In spite of all these difficulties, I still believe historians will enrich this field of study. Given they begin to collect data before it is too late!

References

- Baker, E. (1935). "The Ba-Kuria of North Mara Tarime, Tanganyika Territory". Rhodes House Library, mimeograph.
- Barton, J. (1923). "Notes on the Kipsigis or Lumbwa Tribe". *Journal of the Royal Anthropological Institute*, 53, 42-78.
- Beattie, J. H. M. (1960). *Bunyoro; An African Kingdom*. New York: Holt, Rinehart & Winston.
- Binagi, L. A. (1976). "Marriage among the Abakuria". *MILA; A Biannual Newsletter of Cultural Research*, 5, 1.

50. "Notes on the enclosure in the Kuria country, Kenya". In a Cory Collection document called "North Mara District: Enclosure of land in Kenya, Kuria".

51. B. Rwezaura and N. Lugoe have concerned themselves with Kuria daughter-in-law-marriage and both found the court records informative. This is evident by Rwezaura's 1985-publication, and Lugoe's article "Customary Law in North Mara" (1965). The latter provides us with an example of the many difficulties which women married to wives in Kuria met with in the courtroom. Mainly because daughter-in-law-marriage was not considered one of the customary marriages in *The 1963 Customary Law Declaration Panel of Tanzania*. There was an ambivalence in the courtroom (Rwezaura 1985:151), and therefore no woman was certain how her matter would be dealt with by the court. Lugoe refers to cases of woman-marriage which the court refused to deal with and Rwezaura noted a case from 1967 where daughter-in-law-marriage was referred to as "a slavish custom". Their works remind us how useful the legal material may be, but also bring evidence of how delicate it was for a young African nation to host what they believed was looked upon as "primitive" in the West.

- Ester Boserup (1965). *The Conditions of Agricultural Growth: The Economics of Agrarian Change Under Population Pressure*. Chicago: Aldine
- Cory, H. (1945). "Kuria Law and Customs". Cory Collection at the University Library at Dar-es-Salaam.
- Evans-Pritchard, E. (1951). *Kinship and Marriage among the Nuer*. London: Oxford University Press.
- Farran, C. (1963). *Matrimonial Laws of the Sudan*. London: Buttersworth.
- Gough, K. (1959). "The Nayars and the Definition of Marriage". *Journal of the Royal Anthropological Institute*, 89, 23-34.
- Gluckman, M. (1950). "Kinship and Marriage among the Lozi of Northern Rhodesia and the Zulu of Natal". In A. R. Radcliffe-Brown and D. Forde (eds.) *African Systems of Kinship and Marriage*, 166-206. London: Oxford University Press.
- Hall, T. (1993). "Women who have Wives". *Marie Claire*, March issue.
- Harris, M. (1975, First published 1971). *Culture, People, Nature: Introduction to General Anthropology*. New York: T. Y. Crowell.
- Herskovits, M. (1937). "A note on "Woman Marriage in Dahomey". *Africa*, 10, 3, 335-41.
- Herskovits, M. (1938). *Dahomey, An Ancient West African Kingdom*. New York: J. J. Augustin.
- Huber, H. (1968/69). "Woman-Marriage in some East African Societies". *Anthropos*, 63/64, 745-752.
- Huffman, R. (1931). *Nuer Customs and Folklore*. London: Oxford University Press.
- Håkanson, T. (1989). "Family Structure, Bridewealth, and Environment in Eastern Africa: A Comparative Study of House-Property-Systems". *Ethnology*, 28, 117-134.
- Kjerland, K. A. (1995). *Cattle Breed, Shillings Don't: The Belated Incorporation of the abaKuria into Modern Kenya*. Degree of Doctor Philosophiae, University of Bergen.
- Krige, E. Jensen and J. D. (1943). *The Realm of a Rain Queen*. London: Oxford University Press.
- Krige, E. Jensen (1974). "Woman-Marriage, with Special Reference to the Lovedu. Its Significance for the Definition of Marriage". *Africa*, xiv, 1, 11-37.

- Leach, E. R. (1961). "Rethinking Anthropology". *L. E. E. Monographs on Social Anthropology*, No. 22. London: Athlone Press.
- LeVine, S. (1982). "The Dreams of Young Gusii Women: A Content Analysis". *Ethnology*, xxi, 1, 63-79.
- Lugoe, N. (1965). "Customary Law in North Mara". *Journal of the Denning Law Society*, 1, 47-60.
- Lugard, F. J. L. (1965, First published 1922). *The Dual Mandate in Tropical Africa*. London: Frank Cass.
- Mair, L. (1971). *Marriage*. Harmondsworth, Middlessex: Penguin Books.
- Obbo, C. (1976). "Dominant Male Ideology and Female Options. Three East African Case Studies". *Africa*, 46, 371-388.
- Oboler, R. (1980). "Is the Female Husband a Man? Woman/Woman Marriage Among the Nandi of Kenya". *Ethnology*, xix, 69-88.
- Oboler, R. (1985). *Women, Power, and Economic Change; The Nandi of Kenya*. Stanford University Press.
- Oboler, R. (1994). "The House-Property Complex and African Social Organisation". *Africa*, 64, 3, 342-359.
- O'Brien, D. (1976). "Female Husbands in Southern Bantu Societies". In A. Schlegel (ed.) *Sexual Stratification. A Cross-Cultural View*, 109-126. New York, Columbia University Press.
- O'Sullivan, H. (1910). "Dinka Law and Customs". *Journal of the Royal Anthropological Institute*, 40, 171-91.
- Outhwaite, R. B. (1981). *Marriage and Society, Studies in the Social History of Marriage*. London: Europa Publications Limited.
- Perestiany, J. G. (1939). *The Social Institution of the Kipsigis*. London: Routledge.
- Riviere, P. G. (1971). "Marriage: A Reassessment." In R. Needham (ed.) *Rethinking Kinship and Marriage*. A. S. A. Monographs, No. 11. London: Tavistock.
- Ruel, M. (1959). *The Social Organisation of the Kuria*. Field Report.

- Rwezaura, B. (1985). *Traditional Family Law and Change in Tanzania A Study of the Kuria Social System*. Institut für Internationale Angelegenheiten der Universität Hamburg, Band 17. Hamburg.
- Seligman, C. G. and B. Z. (1932). *Pagan Tribes of the Nilotic Sudan* London: Routledge & Kegan Paul.
- Stayt, H. A. (1931). *The Bavenda*. London: Cass.
- Svensson, A -B. (1991). *Omokamööna, Kuria's Svärdotteräktenskap. Funktion och förändring*. C-uppsats, Department of Anthropology, University of Uppsala.
- Talbot, P. A. (1926). *Tribes of the Niger Delta*. London: H. Milford.
- Talbot, P. A. (1926). *The peoples of Southern Nigeria*. London: H. Milford.
- Tobisson, E. (1980). *Women, Work, Food and Nutrition in Nyamwigura Village, Mara Region, Tanzania*, Tanzania Food and Nutrition Centre (TFNC), Report no. 548. Dar es Salaam.
- Tobisson, E. (1986). *Family Dynamic among the Kuria Agro-pastoralists in Northern Tanzania*. Gothenburg Studies in Social Anthropology No. 9. Gothenburg.
- Thomas, Northcote (1914). *Anthropological Report on Ibo-speaking Peoples of Nigeria*. London: Harrison & Sons.
- van Wermelo, N. J. and W. N. D. Phophi (1948). *Venda Law. Union of South Africa*. Department of Native Affairs Ethnological Publications, No. 15 Pretoria.

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Contact address:

Dr. Vigdis Broch-Due, Research Programme Director
Nordiska Afrikainstitutet, The Nordic Africa Institute
Box 1703, SE-751 47 Uppsala, SWEDEN
Phone +46-(0)18-56 22 44, Fax: +46-(0)18-69 56 29,
E-mail: Vigdis.Broch_Due@nai.uu.se

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