

# The Marital Immigrant. Land, and Agriculture: A Malawian Case Study

**Paul Kishindo**

*Chancellor College, University of Malawi, Zomba, Malawi*

*Email: paulkishindo@yahoo.co.uk*

## **Abstract**

*The central and southern regions of Malawi predominantly follow matrilineal succession and inheritance and practice uxori-local marriages. Women, rather than men, own the primary land rights. Colonial government officials and some Eurocentric scholars have argued that the system of uxori-local marriages and female ownership of land rights are inimical to agricultural development principally because men lose the motivation to make long term investments in land which does not belong to them. This study of marital immigrants sought to investigate whether the location of land rights in someone other than themselves affected the way they viewed agriculture and made farm decisions. It found that while short term decisions are not affected, long term investments are influenced by perception of security, understood in terms of marital stability.*

**Keywords:** *marital immigrant, uxori-locality, patrilineal system, matrilineal system, matrimonial village, maternal village.*

## **Introduction**

Agriculture is the principal source of livelihood in Malawi. Almost 90% of all Malawian households can be labeled farming households (Republic of Malawi and World Bank 2007:44). Access to land is therefore regarded as a fundamental right. Several studies have established a link between access to land and rural poverty in the country. The National Sample Survey of Agriculture 1992/93, for example, showed that the poorest and most vulnerable households in the country were those owning less than one hectare of land (Malawi Government, 1993). The first Integrated Household Survey (HIS) in the country, carried out in 1998, confirmed the link between access to land and poverty. According to this survey, households cultivating less than 0.5 hectare contributed the majority of the poorest and most vulnerable households in the country (National Economic Council, 2000: 78).

The Malawi Land Act 1965<sup>1</sup> recognizes three categories of land: private, public and customary. Private land is defined as all land held, owned or occupied under a freehold or

leasehold title, 'certificate of claim'<sup>2</sup>, or registered under the Registered Land Act 1967; while public land is all land occupied, used or acquired by the government; customary land, on the other hand, is defined as all land, held or occupied under customary law. Customary law varies from one ethnic group to another. There are also local adaptations. Recent estimates put land held under customary tenure at about 66% of the country's total land area of 9.4 million hectares (Republic of Malawi and World Bank 2007:151). It is on customary land that most of the country's food production occurs as well as that of significant quantities of cash crops such as cotton, rice and burley tobacco.

Kinship ideology defines who has rights to customary land. In contrast to the patrilineal social systems of the northern region where primary rights belong to men and are passed on from father to sons, in the matrilineal social systems which predominate in the central and southern regions primary land rights belong to women and are passed from mother to daughters. Men live in their wives' villages and access land through them. They are secondary rights whose continued enjoyment depends on the longevity of the marriage (see also Peter, 2010). Such uxori locally married men known as *akamwini* (sing. *mkamwini*) in Chichewa, the national lingua franca, are in effect marital immigrants.

Women's possession of land rights at the expense of men has been blamed by some observers for the lack of agricultural development in Malawi because it is thought to remove from men the motivation to invest in the land (Kettlewell, 1965; Lamport-Stokes 1970; Rimmington, 1963; McLoughlin, 1972). As early as 1945, the colonial Director of Agriculture was advocating individual ownership of land as a means of doing away with what he viewed as the evil of the matrilineal system and its negative effects on agricultural development (Peters, 2010: 186). The Malawi Congress Party (MCP), which ruled the country from 1964 to 1994 shared this view and sought to discourage uxori local marriages among social groups which practised them. Resolutions to that effect were passed at the 1969 and 1971 party conventions (Nankumba and Machika 1988:29). However, neither the government nor the scholars who condemned uxori local marriages provided evidence directly linking them to lack of investment in agriculture. It was assumed that agricultural development could only occur through the agency of men, and ownership of land rights by them was a necessary condition. In spite of the efforts of colonial and post independence governments to discourage uxori local marriages, they are still practised widely in the southern region, although it is more common in the central region for uxori locality and virilocality to coexist (see e.g. Takane, 2005: 103) Takane views this as an adaptive strategy employed by villagers in response to the increasing scarcity of land. The persistence of uxori local marriages suggests that those ethnic groups that practice them see some value in them that would be lost if they opted for alternative post-marital residence arrangements.

This paper examines the extent to which uxori local marriage affects men's ability to make important decisions on family holdings. It is based on interviews with 20

uxorilocally married men and 20 wives of such men in Kachenga Village, Balaka district, southern Malawi<sup>3</sup>. The participants were identified with the assistance of the group village head. The average period of residence in the village was 15 years, with the oldest having lived in the village for 54 years. Husbands and wives were interviewed separately to ensure that both parties expressed their views freely. The group village head was interviewed for his insights into land tenure rules and customs relating to marriage. Informal discussions were held with members of the village outside the named categories to supplement what was gathered from the participants of the study, and also to crosscheck some information. Visits were made to crop fields to see what crops were grown and the type of improvements that were made on the land. The information was collected during many visits to the site between September 2008 and March 2009, with the most recent made in July 2010.

## The village

The Yao claim primacy of settlement in Kachenga village and constitute the dominant ethnic group. They are matrilineal. Descent is reckoned through a common ancestress. A group of sisters constitutes the core of the hamlet. The population of a hamlet is basically made up of sisters, their husbands and children (cf Mitchell, 1956: 145). Immigrants without affinal or kinship ties with the matrilineal core of the village can be found in some of the 13 hamlets that make up the village. They are integrated to a greater or lesser degree into Yao culture. The eldest brother of the sisters is usually the hamlet leader, although in two cases that role has been assumed by women. The hamlet leader does not always have to live in the hamlet, but must be available to handle important matters affecting it, for example, illnesses, marriages, deaths and disputes among members. It is largely for this reason that those who hold these positions tend to marry within walking distance of their villages.

Each hamlet has a specified area where its members have their crop fields. This land is deemed to be the corporate property of the matrilineage, and is held in trust for the group by the hamlet leader. In turn, the hamlet leader is answerable in matters of land and custom to the group village head, and ultimately to chief Kalembu. The territorial chief is traditionally known as the 'owner of the land' because the authority of village heads and hamlet leaders to distribute land is believed to emanate from him. Individual families are allocated parcels of land on which to grow crops. These allocations are made to women because 'women build the village'. This reflects the importance attached to women in matrilineal social systems. The essential fact is that women form the stable population in the village, while men are taken away from it by marriage and the search for employment opportunities.

Uxorilocal marriages are the norm, and early marriages are common. The men marry

outside their own villages, while men from other lineages come into the village to marry women from the local matrilineages. Unlike in patrilineal social systems, no transfer of bride-wealth from the man to the woman's family is required to legitimate a marriage: the consent of the woman's maternal uncles and her mother are adequate (see also Kasman and Chirwa, 1997: 6). Children are deemed to belong to their mother's matrilineage. A man's principal role in a marriage appears to be that of helping his wife fulfill her reproductive duty to her matrilineage. A special bond exists between a brother and sister; and an elder brother has authority over his sister and her offspring which often overrides that of the husband (see also Mitchell 1956:145; Peters 2010:184). A child may not be initiated or sent to school without the senior maternal uncle's approval. Cases were reported where sick women delayed going to hospital, with fatal consequences, because the brother with authority was away in his wife's village and could not give his timely consent. Mitchell (1956:144) observed that the principle of uxori-local marriage is in conflict with the principle of male leadership of the matrilineage. In reality, however, this situation can be allayed through cross-cousin marriage which ensures that a man remains within the village, though in a different hamlet; or by marrying into a neighbouring village.

The operation of the uxori-locality principle ensures that the majority of adult male members of the local matrilineages are resident outside their maternal villages. Those who are resident in their maternal villages are likely to be those in-between marriages; those who inherited their mother's land when there were no female heirs; those in cross-cousin marriages; or those whose families had more land than female members need for their use (Peters 1997:205; Kishindo 2006:13). Unless they have no living sisters, nieces or grandnieces, men who reside in their maternal villages and cultivate land deemed to be part of lineal land risk being forced out by any of these female kin when they need land because the latter have customary precedence. Lineal land used by men is in effect on loan to them by the female members. In land cases, customs weigh heavily in favour of the women.

However, in the specific conditions that allow men access to lineal land could lie the beginning of a new pattern of land acquisition which accommodates both male and female members of the matrilineage. The gap left by male members of the matrilineages is filled by marital immigrants. They help the matrilineages reproduce and replenish their membership; participate in community projects; and provide male labour and other resources for agricultural production.

## **Agriculture**

Farming as in other parts of the country, is the major occupation in the village and it involves all ages. Farming practices are learned as part of the normal socialisation process. Cotton and burley tobacco are the two major cash crops in the village. Out of

the 20 households studied, six grew cash crops: two grew tobacco and four grew cotton. There has not been an agricultural advisor in the area since 1973. This means that any new practices have to be learned through other means than the formal extension which has been severely affected by cessation of training of extension staff for much of the 1990s (which has not been explained by the Ministry of Agriculture), resignations and deaths. The reopening of the Natural Resources College is a hopeful sign that the situation might improve soon as its graduates get deployed to farming communities.

A major determinant of investment in land is the extent to which one feels secure on it. An individual is likely to invest in land if they feel certain that they will have use of it, or access to it, for long enough to enjoy the benefits of their investment. Abbot and Makeham (1981:143) argue that without security of tenure land users will only apply those inputs, or engage only in those activities that bring immediate benefits. Security of tenure on the other hand, emanates from formal legal title, or a community's recognition of one's rights to a specific piece of land and its willingness to protect them when they are threatened. A community's recognition of one's rights to a specific piece of land is particularly important in customary land tenure. Uninterrupted occupation and use over several generations, of the same piece or pieces of land in the village is believed to confer 'ownership' on the holder. Thus users of lineal land consider themselves owners of their parcels of land rather than mere right holders. They cannot be arbitrarily removed from their land by the village head, group village head or even the chief. When the village needed land for a community day secondary school, police post and a nutrition rehabilitation centre the group village head had to negotiate with the families that were the recognised owners. However, the villagers' understanding of ownership, based on uninterrupted occupation and use of a specified parcel of land, and community recognition of the family's or individual's right to remain on it, is at variance with that of some development theorists and international development agencies (see for example, Kameri-Mbote and Kindiki 2008:179). The latter category of people believes that ownership of a piece of land must be signified by a formal document recognised by a court of law, and which gives exclusive rights to the holder. This, it is argued, is the basis of tenure security and agricultural development. Consequently World Bank supported agricultural development projects, for example, the Lilongwe Land Development Project and Community Based Rural Land Development Project included land registration and titling as a major component. The evidence, however, shows that land registration has not been successful because the process is cumbersome and its value is little understood (see for example, Kumwenda, 2010:72). Adams and Turner (2006) have argued that registration and titling programmes, where they have occurred in eastern and southern Africa, have not unlocked agricultural based economic growth. Instead they have often disempowered vulnerable people, especially women.

The enjoyment by men of access rights to their wives' land is dependent on the longevity of the marriage, which is in turn a function of the internal dynamics of the

marriage and how well the two parties manage their relationship, often in the face of interference from the wife's mother or her brothers. Phiri (1983) found that marital insecurity among the matrilineal Chewa of the central region would be felt particularly in the first years of marriage as the newly-married man adjusted to the demands of his dual roles as husband and resident son-in-law. During discussions with the wives of marital immigrants it was established that failure to father children, laziness, failure to provide the basic needs of the family, repeated verbal and physical abuse of family members, and disrespect for a mother-in-law may be cited as causes for divorce. Divorce is usually effected when the maternal uncles of the wife and husband, who are the customary sureties to the marriage, agree that the two parties can no longer live together. The village court usually merely endorses the decision of the marriage sureties. Mother-in-law influence is said to be a frequent source of marital discord. It seems to be to the advantage of the resident son-in-law to maintain a mother-in-law's favour.

All the 20 marital immigrants acknowledged their 'stranger' status in the village and that the land they worked on belonged to their wives and their matrikin. The situation was accepted as the normal order of things. Farm work is shared by family members although women tend to take sole responsibility for seed selection, harvesting and storage of maize, the principal food crop. In addition to working on the family holding, the men are also expected to help out on the mother-in-law's holding if she is a widow or divorced. Hard working men tend to earn the praise of their wives and mothers-in-law, while lazy ones tend to be ridiculed. There is often competition among men married to sisters for praise, which sometimes leads to jealousy and conflict.

The relationship between men and women in relation to agriculture is one of mutual dependence: whereas men need women to access land, women need men to do the heavier farm work such as land preparation, and to procure farm inputs, especially fertilizer. In order to acquire the necessary cash the man is often compelled to engage in *ganyu* on richer neighbours' holdings or non-farm income earning activities. Married women therefore have a potential advantage over their unmarried counterparts and are likely to have higher production outcomes. Kasmann and Chirwa (1997:8) in their study of a Yao community in Mulanje, southern Malawi, found that households with a husband were more likely to use fertilizer and hire additional labour than female-headed households, and consequently produce higher crop yields.

### **Farm decision-making**

The family holding is an integral part of the household economy. It must produce the food the family needs as well as generate cash to meet the basic needs. Decisions regarding selection of seed for the next growing season and production of minor crops such as cowpeas and vegetables were deemed to be a female preserve. On the other hand, purchase of farm inputs, hiring of labour and disposal of income from the cash crops,

were a male prerogative. The male prerogative over income from cash crops seems to be a universal cultural phenomenon in Malawi (Kasmann and Chirwa 1997:8; Republic of Malawi and World Bank, 2007:44). This prerogative sometimes comes into conflict with wives' expectation when the men use the proceeds of crop sales for purposes other than improving the living standards of the family. A common complaint of the women participants was that the men often spent proceeds of crop sales on beer rather than useful household items such as plates, pots and pails.

The overall picture that emerges is that while women own the land rights, men as heads of households are responsible for the most important agricultural decisions. The potential 'veto' by a woman who owns the land rights, however, seems to make men more willing to negotiate with their wives on important farm issues. In the two cases where part of the family holding was either sold, or rented out, the decision was made with the express approval of the wife. Such sale also had to be cleared with the hamlet leader for the reason that the land would transfer to non-kin. Transfer of land rights to non-kin has important implications for the needs of future generations.

### **Long term investments**

Agricultural development requires both short-term and long-term investments. Chemical fertilizer and pesticides can increase crop yields on a piece of land several times over in an agricultural year. Other investments of a more permanent nature such as dams can make irrigation farming possible and raise the value of the land. Mc Loughlin (1972) and Abbot and Makeham (1981) argue that permanent improvements on the land are important indicators of security of tenure. Individuals are likely to invest in improvements whose benefits can be enjoyed only some time in the future if they are, or believe, they will be around to enjoy or access the benefits. Such improvements include dams, drainage ways, contour bunds and terraces. The creation of permanent structures on the land, however, assumes the possession of the relevant technical knowledge in addition to the perception of security. It is possible for one to enjoy security of tenure, yet lack the knowledge of innovations that can improve agriculture.

Observations of crop fields in the village did not show any evidence of permanent structures that could improve agriculture: for example, there were no water conservation works; and yet the area is prone to erratic rainfall. Interviews with our study participants, as well as informal discussions with members of the village community revealed that they were not aware of such technology. The lack of awareness was attributed to the absence of agricultural advisors and access to agricultural technical information. The question that arose was whether, if they had the relevant technical knowledge, they would build water conservation dams on the land they were cultivating, which in effect

belonged to their wives. All the 20 marital immigrants indicated that they would if the structures could be demonstrated to improve crop yields. As people who depend on own-production for food security and income generation, any technology or practice that would raise crop yields was welcome. The decision to adopt such an innovation would, however, depend on the relationship that existed among the man, the wife and her matrikin especially her mother and brothers. Where the relationship was 'not good' it would not be advisable to embark on long-term projects as one may not enjoy the benefits. Rude behaviour by married women's brothers towards enterprising brothers-in-law is frequently a source of frustration. Out of the 20 marital immigrants, six had at one time or another during their stay in the matrimonial village experienced rude behaviour from brothers-in-law. Thus what might prevent men from investing in major or long term investments is not so much the fact that one does not have the rights to land but the behaviour of the people among whom one has to live. Where harmonious relations exist and one is respected, long term investments may be made. Banda (1991) noted a tendency among smallholder fish farmers in Zomba to locate their ponds on sites acquired in their maternal villages, although not necessarily on lineal land, in what was seen as an effort to escape from the jealousy and interference of brothers-in-law and fellow marital immigrants married into the same family. This sometimes involved taking the wife away from her village to reside in the husband's own village in what is termed *ulooka*. However, this course of action is possible only where one is assured of access to lineal land and confident that such access would not later be contested by female members of the matrilineage; or where the village head can make a special allocation out of unclaimed land.

Successful or enterprising marital immigrants tend to be resented by their less successful brothers-in-law because they are thought to be pompous and show off their success. This behaviour could partly be explained by the special relationship that exists between a brother and sister in Yao culture. A sister looks at her brother as protector and provider in times of need. A successful husband is able to meet his wife's and children's needs so that she does not have recourse to her brother's support. This capacity to meet the family's needs raises the woman's estimation of her husband's abilities, which in turn poses a threat to the brother-sister special relationship.

## Conclusion

This study sought to examine the extent to which uxorilocal marriage affects marital immigrants' decisions in agriculture. The evidence shows that the fact that the man does not own the rights to the land he works does not prevent him from making the important decisions on the land. As head of household a man is expected to initiate innovations and make decisions that help the household achieve food security and



generate a reasonable income from the land. The system of uxori-local marriages and female ownership of land rights create conditions for greater consultation on important farm decisions between the two sources of authority in a household, especially those relating to land transfers.

While short-term investments do not pose a challenge to the marital immigrant, long-term projects do. The extent to which marital immigrants are willing to make long term investments in the matrimonial village is dependent on their perception of security in the village. In this context security is understood in terms of longevity of marriage. The behaviour of the wife, mother-in-law and other matrikin influence marital stability and ultimately whether one considers themselves integrated enough to feel like a permanent member of the village. Since women are critical to land access, and the behaviour of her matrikin create the conditions that may influence marital stability, it might be more useful to focus land-based development initiatives on them rather than men.

## Endnotes

- 1 The act has been amended several times, notably in 1967 and 1972, to accommodate changing circumstances and development needs of the country.
- 2 'Certificates of claim' were granted by the first colonial governor to European settlers who had acquired land from African chiefs under various agreements before the declaration of protectorate status in 1891. The certificates conferred legitimacy to the acquisitions. The Land Act conferred freehold status on such land.
- 3 This is part of a larger study 'Agricultural Development in a Matrilineal Social System' in the Department of Sociology, Chancellor College, University of Malawi led by the author.
- 4 Piece-work done for a mutually agreed rate of pay. It is an important source of rural income.