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MASTEROPPGAVE

GENDER BASED STRUCTURAL VIOLENCE IN RELATION
TO THE TRADITIONAL PRACTICE OF WIFE INHERITANCE

THE CASE OF MALAWI

*An Empirical Study of the Violence Experienced By Widows
Involved In Wife Inheritance Practice*

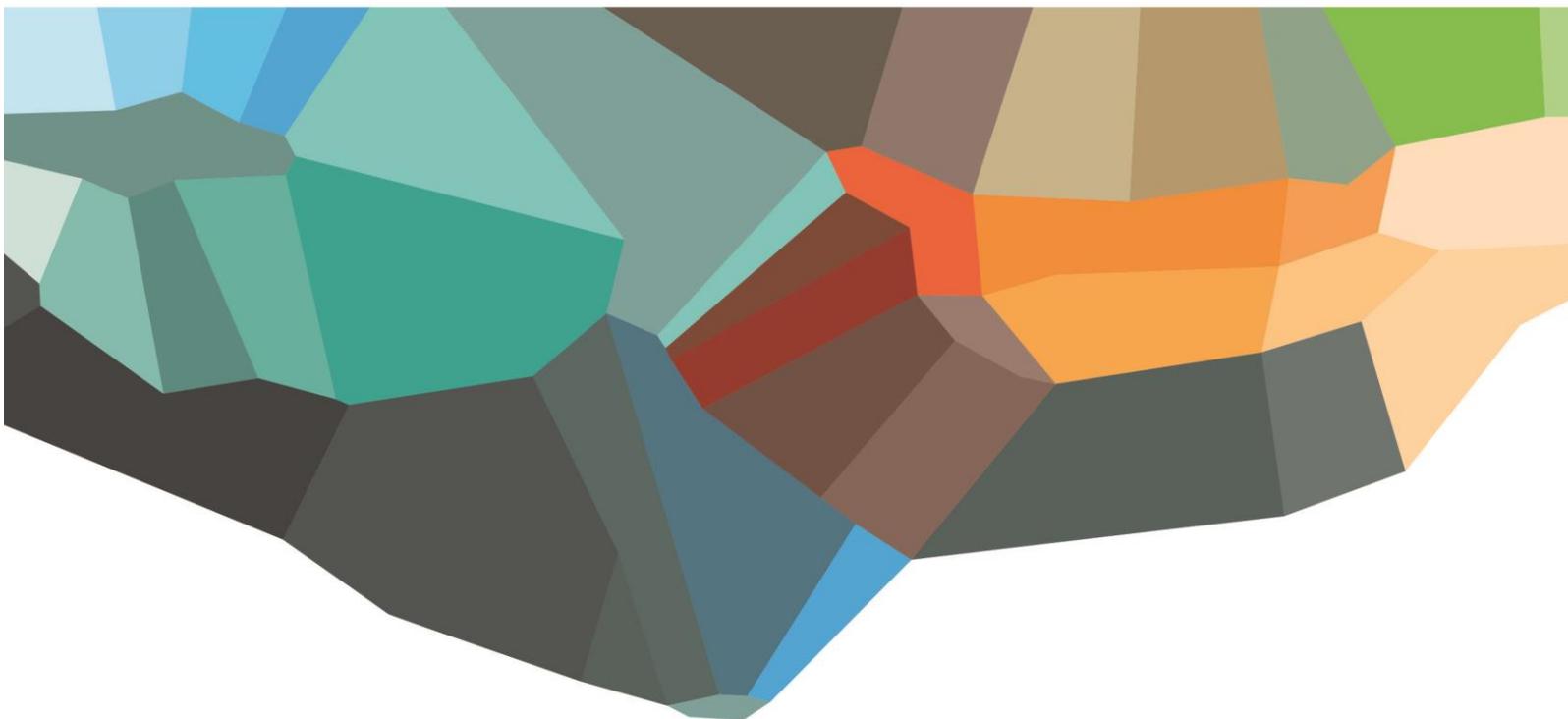
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For My Mother Mercy Kamphinda Banda

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LIST OF ABBREVIATIONS

ACRWC	African Charter of the Rights and Welfare of the Child
AIDS	Acquired Immune Deficiency Syndrome
CEDAW	Convention to Eliminate Discrimination against Women
HIV	Human Immune-Deficiency Virus
MDHS	Malawi Demographic Health Survey
MHRC	Malawi Human Rights Commission
NSO	National Statistics Office
SADC	Southern Africa Development Community
TA	Traditional Authority
UN	United Nations
UNFPA	United Nations Population Fund
USAID	United States Aid for International Development
VH	Village Head
WHO	World Health Organization
WLSA	Women and Law in Southern Africa

ABSTRACT

The purpose of the study is to investigate how gender based violence is enhanced through the practice of wife inheritance. This study is meant to describe and analyze the experience of widows who have undergone the practice of wife inheritance or were asked to follow this tradition. The study gathers the opinion of the widows, in regards to how they experienced the practice and whether they approved of the practice or not. The study also aims at exploring the different kinds of violence that women are subjected to during wife inheritance process. Related to violence, the study will focus on the economical, psychological/emotional, physical and sexual violence associated with the practice as experienced by the interviewed widows. The study acknowledges that women face violence in different stages of their lives from childhood to old age. In old age and adulthood, it includes the abuse of widows (economically and physically), depriving widows of their inheritance, sexual cleansing of widows and all violence associated with the tradition, culture and custom.

The study draws on four different but related social work theories namely, feminist perspective with a view on gender and intersectionality, the systems approach, social construction of reality and anti-oppressive approach. The data consists of key informant interviews with three leaders from the study area and eleven in depth interviews with widows who were inherited or were asked to be inherited.

The findings of the study demonstrate that the views of the widows with regards to this tradition is not homogenous. Tradition vs modernity influences how one perceives the practice. The study also finds that consenting inheritance or not depends on many factors facing the widow more than just the willingness to be inherited or not, which is an issue of intersectionality. The study has also demonstrated that the practice serves different beneficiaries and most of the times those who benefit from the practice in different circumstances tend to advocate for the continuation of the practice. Findings of the study show that the practice does not just benefit the widow.

The study suggests that widows or women in this case should be made aware of their rights as equal citizens. They should be given a choice to either follow the tradition or not without fear of harmful consequences like losing custody of their children and property.

Key words: wife inheritance, gender based violence, feminist perspective, social construction of reality, anti-oppressive approach, systems approach.

CHAPTER 1-: INTRODUCTION

1.1 Background

Anthropologists Ember and Ember (2004) have reported some forms of remarriage around the world, following the loss of a partner. The terms used in anthropological literature to describe these forms of remarriage include; widow/wife inheritance and levirate marriage. Wife inheritance which is also known as bride inheritance is a type of marriage in which a widow marries a kinsman of her late husband, often his brother (Ember & Ember 1999) (Murdock 1949). Levirate marriage is the practice whereby the woman marries one of her late husband's brothers, in order to continue the lineage of the late husband; this is usually the case if there had been no children in the family. These two terms are interrelated and wife inheritance is almost the same as levirate marriage. Central to these practices is the feeling that the widow owes her husband's people a child and her loyalty in return for the bride worth. This means when the family of the bride receives the bride price she automatically owes her husband's family children and her loyalty. When her husband dies she remains with her late husband's family. This is the reason why many societies that are involved in this tradition are also involved in the dowry tradition. This is when a man pays money to the bride's family before they get married. Many men think that this makes the woman her husband's property.

In Malawi the practice of wife inheritance, which entails a brother or relative of the deceased marrying the widow to sustain and carry on the family name is one of the old traditions. In Malawi the practice is known by the names 'chokolo' or 'kulowa kufa'. The practice aims at providing means and support for the widow and her children in the absence of the husband.

It has been argued that this practice poses several infringements on the rights of women, mostly when the widows involved do not want to be inherited. In Malawi, on the surface, the practice portrays an image of protecting the women. But in practice its argued that this is not what actually happens. This brings questions like whose interests are served by the practice or who benefits from this practice. Others have argued that wife inheritance as a cultural practice under the control of community elders, denies women their fundamental human rights and their right to direct inheritance of their deceased husband's property. Some groups have also argued that Instead of easing the agony of psychological, economic and social scars of the affected family by the death of their loved one, widows find themselves in awkward positions. This is because they have to fight for property that rightfully belongs to them by being in a

sexual relationship with another man. This is something that they might not have done if they had a choice. This practice therefore, forces the widows to give up their rights and freedom of choice to live their lives the way they want, a thing that does not happen to widowers.

1.2 Wife Inheritance in Malawian Context

Like any other society in the world, Malawi is governed by a culture whose beliefs, values, customs, and a host of social practices have a powerful influence on community life. Cultural values are very important for tribal identities. Being a country with a lot of ethnic groups, each ethnic group has some ways of life that are unique to them. This is important for the ethnical development, as it is rightly argued that people without a culture are like a tree without roots. Even though cultural values are so important in the communities, some elements of culture can be obstacles to development and the rights of others. It could also be a source of oppression or marginalization among some groups and therefore needs to be checked (MHRC 2006). With the recognition of the important role that culture plays at all levels of society, including the personal level, Section 26 of the Malawi Republican Constitution regards culture as a human rights issue. It states that: *Every person shall have the right to use the language and to participate in the cultural life of his or her choice.*

Wife inheritance is a cultural practice that is practiced in a number of ethnic groups in Malawi. It entails a widow marrying a relative of her deceased husband. This means when a husband dies, his brother, cousin or nephew inherits the surviving wife. The tradition of wife inheritance happens among many ethnic groups but they are variations as to what it involves. For example among the ‘Sena’ when there is a widow, men might express interest to inherit her within the clan. When they are many, the men present a gift which is traditionally called ‘Luphatho’. The woman then chooses the gift of the man she wishes to be inherited by. In this case the woman has a choice of who should inherit her. Among the ‘Lambya’ of Chitipa, a man and his wife would agree in advance on who would inherit the woman when the husband dies. This arrangement is called ‘chilongo’. In Mzimba district where this study took place this tradition is also done very differently from the two that have been described. It is important in this case to describe in detail how the practice of wife inheritance is done in the research area. To achieve this I will briefly describe how marriages are arranged and the division of labor. Another important thing to be noted is also the power structures in the community as a whole and the general perspective of a woman among the Tumbuka of

Mzimba district. This will bring about the links to this tradition and it will put the practice in the whole context as it is done in the study area.

1.3 The Marriage Process and the ‘Lobola’ Tradition

Wife inheritance among the Tumbuka stems from the Lobola tradition. The purpose of the Lobola or bride wealth among the Tumbuka was to compensate parents of the girl for the loss of services they suffered when their daughter left home to dwell with her husband. This is because she would be assisting her mother in law instead of her own mother. According to Phiri (2000) originally, the Lobola custom did not confer on a husband the right that a person had over his property. Thus payment of Lobola did not mean exchange of ownership of the woman from her family to her husband’s family. A woman then remained a member of her clan even after Lobola had been paid for her. With time things started to change. During marriage, parents of the bride received the Lobola which was in form of cattle. Usually the bride’s family decided how many cows they wanted for their daughter.

In some occasions, women could divorce their husbands or separate with them since it wasn’t done legally. This meant a loss on the groom’s side. This is because if the husband wants to remarry he had to pay some more cattle to marry the new wife. The cases of women leaving their husbands were very rare though. Changes emerged with time on how the Lobola could be handled to ensure that men were not on the losing end in the event that a woman wants to leave her husband. To achieve this, once the Lobola that was charged was paid, it entailed that the bride belongs to her husband’s people. This meant her reproductive and productive rights rested in her husband’s family. The children born in this union belonged to the husband. Where a woman wants to leave, her family was supposed to return the Lobola money, and then the woman could leave her marriage. With this in mind when the husband dies his family still had ownership of the wife, to resume normal life for her husband’s family. After the death of her husband, the woman could be inherited by her late husband’s brother, cousin, nephew or any other relative. This meant that the inheritor gets to inherit everything that belonged to their dead relative. Briefly this is how the practice of wife inheritance came about among the Tumbuka (Phiri 2000, Story Workshop 2008 and White et al 2002).

1.4 Reasons for Wife Inheritance in Malawi

The original reason as stated by Phiri (2000) is that a man could inherit his brothers’ wife to help her bring up the children. A widow was never forced into such a relationship. If she wanted to remarry a non-relative she had to go back to her parents and she could do so. This

was true long time ago, but with time as White et al (2002) explains, things have completely changed. Usually the deceased man's relatives inherit the wife and children with the intention of taking over control of the property for economic gains. This is where economic violence stems from. Among the Tumbuka the deceased man's family inherits the widow along with the property. According to White et al (ibid) this symbolizes that the widow is also regarded as a material resource, together with the inanimate property. By virtue of their subordinate status women are assumed to have no property rights. The widow continues to perform wifely duties to the inheritor in her deceased husband's village. Thus the widow remains with her husband's property but without any control over it. Where she chooses not to marry the levirate and leave, she loses her access to her late husband's property and her children. If she opts to stay but not marry the levirate, then her actions are closely monitored and restricted up to the point that she cannot use some of the property without the consent of the deceased husband's relatives (White et al 2002). These acts seem to limit the free will of the widow thereby limiting her freedom in decisions that concern her life.

According to UN report (2006) this practice also aims at providing means and support for the widow and her children in the absence of the husband. It is therefore viewed as a way of providing social and financial security by ensuring that the responsibility of caring for a deceased man's wife and children remains in the family. The need for this practice is highly justified by the organization of the family and the societal system. Activists have argued that if this arrangement is pursued when the women are unwilling to be inherited then it violates their rights. Nevertheless, the reason for wife inheritance is not the same among different individuals. While some inheritors might do it to help the widow, others only do it so they can inherit the property of the deceased and this is also considered violence to the widows.

Most women these days enter into such marriages because their husband's families force them with threats to the effect that they would lose their property and children. And most inheritors support the practice to make it possible for them to inherit the property left behind by the deceased, if he is believed to have amassed property (White et al, 2002). Supporters of the custom also say that it helps the woman to avoid promiscuity, and that it may even appease the spirit of the deceased, preventing punishment from being visited on the family (Ligomeka, 2003). It is believed that if the spirit of the deceased is not appeased then calamity might fall on the family. This could be death of another member of the clan, diseases or any other misfortunes. The burden of getting rid of these misfortunes is placed on the wife of the

deceased. In this case the wife is forced to follow the tradition so that misfortunes should not fall on the family. When the woman refuses to go through with the tradition of being cleansed and inherited, she risks facing some consequences from the family of her husband.

1.5 Violence against Women in Malawi

Story Workshop (2008) defined Gender based violence as the type of violence that happens to an individual by the fact that she is a woman or he is a man and that the same violence could not have actually happened to the other sex. According to UNFPA (2005), gender based violence could be the most widespread and socially tolerated of all human rights violations. In this study the terms gender based violence and violence against women is used interchangeably. In as much as it is realized that gender based violence means violence that one experiences because of their gender, the term gender based violence has been associated with violence against women. This is because most of the times women are the victims of violence compared with men (CEDAW, 1994). The UN general assembly (1993) defined violence against women as a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women. This violence contains pre-natal infancy, childhood, adolescents, adulthood and old age. In old age and adulthood, it includes the abuse of widows (economically and physically), depriving widows of their inheritance, sexual cleansing of widows and all violence associated with tradition, culture and custom (Bisika, 2008). This is the central focus of this study.

The (2004) Malawi Demographic and Health Survey (MDHS) indicate that one in three women experienced physical violence since the age of 15. According to this survey, this abuse comes in many forms. It could be verbal, emotional or psychological, economical and mostly physical. The national statistics office (NSO) revealed that many women in Malawi suffer some violence without recognizing it as violence. This is because they believe that without physical evidence of abuse there has been no violence. This shows how narrow the meaning of violence is in Malawi. Many Malawians limit violence to physical violence. In doing this the society gives a blind eye to the other forms of violence. This means many people do not recognize the infringements of their rights as violence even though this is included in the definition of violence. Violence against women is an ancient and universal problem occurring in every culture and social group. In Malawi most of the violence is attributed to power inequalities between women and men and accepted gender norms and roles in the male dominated society. It is reported that 49% of the women in Malawi have

experienced violence from their partners or someone close to them. Over 68% of the women admitted to have been sexually abused but only 4% of the total victims reported their cases to police (NSO, 2011). This is mainly because they do not view abuse as illegal enough to warrant police intervention. Related to this, World Health Organization WHO (2005) reported that survivors of gender based violence often under-report their experiences. This is because of social stigma, fears about their safety and lack of appropriate response from institutions meant to protect them. Due to this, many cases of gender based violence often go unreported. While gender based violence can affect anyone regardless of their economic power or status, it has been established in Malawi that the situation for women in poor households can be more pervasive. This is due to their subordinate status that often comes due to some cultural beliefs and values.

1.6 Strategies and Approaches Applied to Address Violence

There have been legislations and many signatories by Malawi as a nation to protect the rights of women and reduce gender based violence. In 2006 the parliament of Malawi passed the prevention of domestic violence act. The act is explicitly aimed at ensuring the commitment of the state to eliminate gender based violence occurring within a domestic relationship. It also provides for effective legal remedies and other social services to persons affected by domestic violence. In addition to that, Section 24 of the Malawi constitution reads that women have the right to full and equal protection by the laws and have the right not to be discriminated against on the basis of their gender or marital status. These laws go beyond protecting a woman by ensuring that there is fairness in raising children. This is to ensure that boys and girls are given equal opportunities in life. Article 20 of the Africa charter of the right and welfare of the child (ACRWC) reads that ‘government shall take every measure to eliminate social and cultural practices which may affect children and their health which treat girls unfavorably in comparison to boys.

In Malawi issues of violence against women have been discussed at national level. Malawi’s national platform for action follow-up to the 4th world conference on women identified violence against women as one of its priority areas. Action has been taken by government, non-governmental organizations, civil societies, members of parliament as well as women’s rights activists and many of the members of the society. Among these institutions it has also been widely agreed that gender based violence currently defines previously culturally condoned negative behaviors against women occurring in private and public. This is in

consideration to the fact that most of the violence occurring is cultural related. This has called for the scrutiny of different cultures in light of gender based violence. The declaration of the elimination of violence against women states under article 1 and 2 that violence encompasses physical, sexual and psychological. This occurs in the family and in the community. It includes battering, dowry related violence and other harmful traditional practices that infringe on the rights of women. This definition seems all embracing and can accommodate all forms of violence against women. However what constitutes physical, economic and psychological violence differs from one community to another in Malawi.

The women's convention on the elimination of all forms of discrimination against women CEDAW (1994) of which Malawi is a signatory, requires the nation states to take all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. As a member of Southern African Development Community (SADC), Malawi has also signed the SADC declaration on gender and development. This recognizes, inter alia, that gender equality is a fundamental right and that discrimination against women continues to exist. It therefore commits SADC member states to repeal and reform all laws, amend constitutions and change social practices which still subject women to discrimination. This addendum commits the government to take measures to ensure elimination of violence in the legal, cultural, socio-economic and political spheres. States are under obligation to provide services, education, training and awareness as well as budgetary allocations for the elimination of violence against women and children.

As a signatory to all these bodies, Malawi is enjoined to prohibit and condemn all forms of harmful practices, which negatively affect the human rights of women, and which are contrary to recognized international standards. The strategies mentioned above deal with the rights and protection of women in general and are to be applied in any case where the freedom and rights of women is threatened. Legal experts have argued that the problem is that these laws do not directly apply to specific cases about women (WILSA Malawi, 2002). What can be described as violence is mostly vague. This is difficult when laws have to be applied to specific cases.

1.7 Motivation of the Study

Even though gender based violence is recognized at national level, there has been an argument that it has not been taken seriously if it is not life threatening. According to

journalist researchers at story workshop (2008), the kind of violence that is given recognition is only when extreme cases have happened. For example the case of a man who chopped his wife's arm because of disagreements on cooking in 2011, a man killing his wife after marital disagreements in 2012, and the raping of young girls by old men. These and many other extreme cases have been noted by the media and the community at large. It has been argued that, not taking note of other hidden kinds of violence like economical and psychological violence brings this violence to light when something major has happened and leads to silent suffering by the victims of this violence. It is therefore necessary to look at different societies and their cultural norms and traditional beliefs to see traces of abusive behavior. According to Banks (2009) social workers have to be involved in this scenarios and the hope is that when people are sensitized about violent acts from the grassroots we can socially construct a reality where people are aware of violent behaviors and try to avoid them. This might bring respect towards women and reduce violence in general. This is in consideration to the fact that cultural practices have been pointed as the root cause of many forms of violence against women. Therefore an understanding of these practices could be an intervention to violence.

Another motivation for this study is that many studies in Malawi have focused on physical violence and this has been viewed as the only form of violence experienced by women. Psychological violence, economical violence, verbal and sexual abuse have not been studied much in Malawian context. It is therefore the aim of this study to explore the different kinds of violence that widows face during wife inheritance. White et al (2002) argued that many Malawians recognize physical violence as violence that one can complain about. This study will highlight some forms of violence that mostly go unmentioned and women suffer silently.

On the part of wife inheritance, focus has been on its relationship with the spread of HIV/AIDS. Many advocates have called for the abolition of this tradition because it spreads HIV/AIDS. This means there has been a disregard on how the practice violates women's rights when it comes to situations where the widow does not want to be inherited. This study will therefore look beyond the HIV/AIDS notion by focusing on whether this practice serves the interests of women and how the women who disagree of the practices are abused in the course of trying to force them to comply. Thus the study will focus on economical violence, psychological violence and sexual violence related with the practice.

1.8 Purpose of the Study

The main purpose of the study is to investigate the experiences of women who have undergone or were asked to perform the wife inheritance practice and how these women experienced abuse or violence with regards to how the practice is done. The study aims at capturing first-hand information in different cases with different women regarding what happened during these practices and how the widows felt violated if they did. The study will look into how widows personally felt, with regards to the violence they experienced because of their state of widowhood and the wife inheritance practice. Focus will be on what was expected of them and what they were asked to do. The study though acknowledges that not all widows might feel that their rights were violated with the practice. The study will therefore also analyze the experiences of those who support the practice. The study will focus on the reasons for supporting the practice and the reasons for not supporting the practice. The study also aims at finding out the consequences of not following the practice in the event where a woman does not want to be inherited. This is regarded as a source of violence in the practice because there are some consequences that follow if a widow denies to be inherited. The study will analyze these consequences with regard to how they oppress the women, thereby relating wife inheritance to gender based structural violence.

The study will also analyze who benefits from this practice whether it is the widow and her children or the inheritor. This is because it is mostly stated that the practice aims at giving protection and security to women when their husbands die. This though has been contested in the face of cases where widows feel that they do not benefit from this practice as is usually intended. The study will therefore look at the beneficiaries of this practice in different cases and how benefiting unintended beneficiaries leads to the continuation of the practice and could be the source of economical violence to the widows.

The main study/research problem has been simplified in four sub questions.

- ❖ What are the experiences of widows whose husbands died and were asked or were supposed to be inherited?
- ❖ What are the consequences for widows who deny or refuse to be inherited? Does the practice offer free choice to the widows to be either inherited or not?
- ❖ What kind or forms of gender based violence is experienced by widows who refuse to be inherited?

- ❖ Who benefits from the traditional practice of wife inheritance? Does the practice serve the interest of widows or the inheritors or the relatives of the deceased? Does the practice accomplish its main aim of protecting the widow and offering support to the widow and her children?

1.9 Organization of the Thesis

The remaining part of this study is structured in the following way; chapter two is the literature review covering mainly studies that have already been conducted on gender based violence studies linked to cultural practices like the wife inheritance. This chapter will also define gender based violence as it has been used in the context of this study. In this chapter I will also explain the focus of the past studies in relation to wife inheritance but also describing and defining more on the topic and the link between culture and the violence against women. Chapter three is the theoretical framework of this study. This chapter has described the theories that this study is based on. These include feminist perspective, which is the main concept or backbone of this study, gender, Intersectionality as a concept, the systems theory, the concept of social construction of reality and anti-oppressive approach. The theoretical framework also covers the definition of structural violence a term that has been used in this study when referring to the violence that is experienced through wife inheritance. Chapter four is the methodology; this mainly discusses how the research was conducted and how it has been analyzed.

Beginning from chapter five is the empirical part of the study that is chapter 5, 6 and 7. These chapters are the presentation of findings. Chapter five is about understanding the tradition of wife inheritance by presenting findings from the key informants. Chapter 6 is the presentation of the experiences of the women who have undergone the practice of wife inheritance. This chapter includes experiences of women who approve of the tradition and are positive about it. Chapter 7 describes the experiences of women who disapprove of the tradition and there reasons as to why they disapprove. This chapter describes the kinds of violence that is experienced by women in the course of the tradition but also the violence faced by widows who refuse to be inherited. The last chapter which is chapter 8 is concluding remarks and general discussions from the entire study. This chapter summarizes the findings of this study. It also presents the state of this practice in modern days and its future. This chapter will also give recommendations according to what has been said by the interviewees in this study.

CHAPTER -:2 LITERATURE REVIEW

This chapter aims at understanding wife inheritance based on the position of women in Malawi. This chapter will look at how the concept of violence is understood and referred to in the context of this study. Literature will be reviewed on studies that have been conducted on culture and how it violates the rights of women in Malawi. This is mainly because there aren't many studies conducted on wife inheritance and gender based violence on its own. Most studies focus on culture in general but they also mention how the practice of wife inheritance abuses women. Focus will also be on the position of women in general, in the African cultural context. The chapter will proceed by reviewing literature on studies that have been conducted with regards to wife inheritance and where the focus is and where gaps do exist.

2.1 Cultural Position of Women in African Context

Genesis 3:16 reads *'I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee.'* Sociologists regard this quotation as a mythological justification for the position of women in most religious societies. Most African communities are religious and in Malawi this entails almost the whole population. This serves as a justification from the bible on the position of women in their relationships with men and since it is from God, it cannot be disputed. This influences the position of women in many religious societies. Related to this Berger and Luckmann stressed another consequence of the process of functional differentiation and the autonomization of the secular spheres, that is, the privatization of religion. According to Luckmann (1967:106), the validity of religious norms became restricted to its proper sphere, that is, that of private life, and Berger (1967:133) stressed the functionality of this for the maintenance of the highly rationalized order of modern economic and political institutions, that is, the public sphere. This implies that religious norms cover the private and public spheres and influences occurrences and perceptions in the society.

Connell (2009) argued that being a man or a woman is not a pre-determined state, it is a becoming, a condition actively under construction. This can be described in practical terms among the Tumbuka of Mzimba. From the time children are born, their sex determines what they are going to be taught and how they are going to be treated and raised. The general notion in this tribe is that a man or a boy is supposed to be a head in all areas including his family and the community. To achieve this, socialization is geared towards training boys into

these roles. Thus from birth a boy is taken to resume a role of a head of household and a bread winner for his family. Bearing this in mind parents try their best to give the boy child, opportunities, so that he can be able to take care of his family someday (Phiri 2000). In the village, this includes giving him land to grow food for his family and also educating him so that he might get a job to provide for his family. All this is done under the impression that men are providers for women and their children. It is therefore not surprising to see boys given preferential treatment. This is with regards to being given opportunities to go to school or being given resources like land which women do not often get when there are in scarcity. Girls on the other hand, are treated differently. In the worlds of Chavula in Story Workshop (2008) girls generally serve two functions to their parents. This is to help their mothers with household chores and to be married so that the parents can receive Lobola. In the article 'daughters for cows' James Chavula expresses how daughters are viewed in the northern regions of Malawi. The article talks about parents' tendency to marry off young girls for cattle to educate their male children which is reportedly rampant in Mzimba. Faced with the responsibility of sending sons and daughters to school, some parents opt to attend to girls as second class beings that must be sacrificed for cattle to address boys' educational needs. A 15 year old girl from Mzimba was quoted in the daily times of 31 may 2007 saying

'Parents openly say that it is useless to educate girls, because we will get married and our money will belong to our husbands. We must marry so that the cattle they get from Lobola can be used to educate our brothers.'

Boys in these communities are usually given preferential treatment. They are given opportunities and are expected to be bread winners. All the other traditional practices like initiation songs, quotes and the language used, constructs this kind of image among the men. While for the girls, they are taught to take care of their husband and children around the house and be good wives to their husbands. This builds an image that a woman is supposed to be taken care of by a man (Story Workshop, 2008).

In most African cultures, women are considered to be inferior to men. They take care of the men and are subordinate to male authority. Women are largely excluded from high status occupations and from positions of power (Akintunde et al 2002). The most basic division of labor appears to be founded on sex or gender. Clearly, women are biologically different from men; but gender roles in most societies are a product of culture rather than biology as argued by Connell (2009). The division of labor on the basis of sex is supported and justified by a value system which considers gender roles as normal, natural, right and proper. In every

society, a higher value is placed on culture rather than on nature, making this true to the statement by Haralambos (1986: 378) that 'Culture is the means by which man controls and regulate nature'. In most patriarchal societies women are socialized into a culture of female subordination. They are not only subordinate to their husbands and the men in their own family of birth, but also to the members of their husband's family be it male or female.

In some parts of Africa, women are born into a culture of male supremacy, hence the general preference for male children in most African societies (Akintunde et al, 2002). This male preference is based on the belief that sons provide economic support for parents and that their presence ensures the continuity of the family name. In most societies women have been brought up to view themselves as child bearers. They devote the bulk of their time raising children, doing household chores and mothering the family (women's world 1994). According to Bossman (1994) a society that sets women in a secondary position to men oppresses women, whether or not women recognize their oppression or attempt to do anything about it. As seen from this study, some women might accept wife inheritance unquestionably, while others view this as oppression to women. It has been argued though that accepting this tradition or supporting it doesn't necessarily mean that the practice does not violate the rights of women (Gwako 1994).

Akintunde et al (2002) stated that when we look at culture which includes; traditional practices, norms and beliefs with a critical and rational mind, it is not bad in itself. What is bad is the way human beings have decided to imprison themselves under the name of cultural practices. It is for this reason that it has become necessary to examine some of the cultural practices that are obstacles to women's rights. Oduyoye (2001) stated that 'culture is not beyond critique'. As soon as women question long established customs in the society especially those customs that keep them enslaved, they automatically find themselves in conflict situations. Many women are ignorant though, of what might be termed oppressive. They believe that failure to abide by the culture will lead to rejection from the society as is stated by Akumadu (1998). This is one of the reasons why some women may not see some practices as abusive. This implies that in some African societies what is termed violence and abusive is not fully understood by everyone.

In Africa the oppression of women is exacerbated by traditional attitudes which are entrenched in many areas of life. This could be religious beliefs and practices; discriminatory practices inherent in traditional sex roles; division of labor, and customary law such as bride-

price, forced marriage, lack of divorce, infibulation and many others. In African countries, a variety of norms and beliefs are particularly powerful in perpetuating violence against women. These include a belief that men are inherently superior to women.

In some cultures, when a woman loses her husband she is subject to sexual harassment from younger male in-laws who view her as part of their relatives' property to be inherited. She is confronted with such physical and psychological abuse. Women in African societies are almost always regarded as their husband's property and it's more often than not unethical for them to aspire too much (Nwankwo 1996). In conclusion to this Odebiyi (1998) in Akintunde (2002), is of the opinion that women are marginalized in various aspects of life-politics, economics, religion and culture. They are not adequately represented in the three arms of government. Thus their interests are not protected. She argues that, this is because of the cultural practices which present women as subordinate to men. Cultural practices like widowhood rites infringe upon women's rights and violate womanhood.

Malawi is a patriarchal society and thus incidents of gender based violence can be linked to the prevailing socio-cultural norms and practices of which the tradition of wife inheritance is included. Many rights in the family and other spheres of life are given to men. For example the property of the family is considered the man's and the same goes for children and decision making in the family. Studies by Bisika (2008), MHRC (2006) and white et al (2002) have agreed on the fact that some cultural values fuel gender based violence but these never focus on one tradition. There is therefore a tendency to generalize things and more especially it does not focus on wife inheritance on its own (MHRC, 2008). The study by MHRC (2006) looked at how culture infringes the rights of women and girls. Bisika (2008), MHRC (2006) and white et al (2002) showed that most of the violence occurring to women cannot occur to a men or boys. This has called for a review of such practices and this study is one of them.

2.2 Definition of Gender Based Violence in the study context

Over the years gender based violence and women issues have received great attention in Malawi by researchers, donor agencies, and the government but also in many communities. This is evidenced from the writings on gender and women issues especially relating to improving women's living conditions with regards to cultural, social, economic and political areas. Mostly, where the term gender is mentioned in Malawi it refers to the marginalization and abuse of women (White et al, 2002). It is widely agreed according to Ntata & Biruk (2009)

that Gender social inequalities and inequities are related to many of the risk factors of violence against women particularly at the society level.

In this study I have adopted the definition by story workshop Malawi (2008) that defines gender based violence as any act or practice that result in the physical, sexual, psychological or economic harm or suffering because of a person's gender. To add on this, the study also adopts the definition of violence against women which is referred to as: 'any act of gender based violence that results in sexual, or psychological harm or suffering to women, including threats to such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life that prevents women from full advancement and enjoyment of their freedoms (UN General Assembly, 1993). 'This study is going to be centered on these definitions of violence bearing in mind that the different types of violence that occur to women when they are widows does not occur to men when they are widowers making any type of violence faced in this regard gender based.

It has been argued that the term violence as it is understood in Malawian context is mostly limited to physical violence. but recently people are now aware that violence could take many forms and this could be verbal where one is being insulted, it could be economical where one is denied the right to fully enjoy their finances or sexual where one is forced into a sexual relationship or being forced to have sexual intercourse against their own will. Lastly violence could also be psychological and this has been defined by White et al (2002) as the spirit injury. This refers to the contemplation of the psychological, spiritual and cultural effects of the multiple assaults on women who are victims of gender violence. Spirit injury leads to the slow death of the psychology, the soul and identity of the individual. Women come to believe in their own inferiority, and that there is a justification for the violence perpetrated against them.

This study is about the different types of violence faced by women in the facets of the tradition of wife inheritance. In this study I will explore the lived experiences of women who have undergone this practice and how they perceive the tradition in light of social work's principal of self-determination of individuals.

2.3 Studies on Wife Inheritance in Other African Countries

The practice of wife inheritance is very popular in Kenya among different tribes. Because of this, many studies about wife inheritance have been conducted in Kenya focusing on different angles of the practice. Others have also written books about widowhood, loss of spouse which

also in part describes wife inheritance. Here I will briefly review two studies of wife inheritance that were conducted in two tribes in Kenya namely the Maragoli and the Luo.

Nyarwath (1994) conducted a study about the Luo care for widows and the contemporary challenges. This paper examines the rationale and the challenges of wife inheritance among the Luo of Kenya. On the one hand this paper acknowledges that wife inheritance ensures the continued family stability by providing for the missed roles and duties of a dead husband. Thus it is regarded as the best alternative for care of widows in the Luo culture. On the rationality of the practice, the study quotes Kayongo-male and Onyango (1984) that wife inheritance is a means of checking the disruptive consequences of death. This is because the practice attempts to cope with the death and its socio-economic and psychological implications, filling the gap created by the death of a husband, thereby maintaining social normalcy for the widow as much as possible. On the other hand the study also admits the challenges of this tradition towards women. This involves violating a widow's right to freedom of choice to remarry or not, perpetuating the spread of HIV/AIDS, and that the practice encourages the economic exploitation of widows and their families. This is done by imposing guardians or inheritors who deny the widow and her children the power to inherit the deceased property. This study quotes Nzamo (1994) who states that the term wife inheritance in itself is repugnant. Nzamo is of the view that one can inherit property, objects and not people. He however argued that this could be understandable in the early days because women were taken as objects of pleasure, sexual and otherwise. This means women were part and parcel of men's property. They basically did not have independent minds. And that is why men thought of the concept of inheriting them (Nzamo, 1994 in Nyarwath 1994). In this study Nyarwath (1994) states that women have no choice in the practice unlike men who can choose whether they will inherit the woman or not. He also links the practice to gender based economic violence because those who say that they are giving support and guidance they are also inheriting immediate property of the deceased and his wife. To add on this Jommo (1994) in Nyarwath (1994) viewed wife inheritance as an institution that commoditizes women, for their domination and exploitation by men. Jommo (1994) argued that inheritors are not interested in inheriting poor widows. And when the inheritors are more interested in the wealth of the widow, then their main concern is not to take care of the widow. The absence of this care makes the whole institution meaningless. This study focused on many areas related to my study but it is in the Kenyan Luo context.

A related study by Gwako (1998) discusses widow inheritance among the Maragoli of western Kenya. This study argued that the practice benefits and serves different and sometimes conflicting interests for various groups of men and women. In a related argument Gwako (1998) quotes Lopata (1996) who suggested that some individuals likely uphold widow inheritance because of anticipated net benefits. The extents to which widows lose or gain status from accepting or rejecting wife inheritance, depends on their control over societal resources. In this case the widows who stand to gain the least may courageously persevere in resisting the practice at all possible costs. The attitude of self-interest on the part of those who derive differential advantage from the practice may also significantly influence its change and continuity. The study quotes Shapiro-Perl (1994)'s argument that sometimes widows may consent wife inheritance because of economic vulnerabilities and family constraints. Thus widows who have no means of supporting themselves economically might comply with the practice in the hope that they get assistance from their in-laws while others consent inheritance because of pressure from their families. Gwako also uses Gruenbaum (1996) argument that the adherence to or deviance from existing social norms can be explained in terms of the intentional acts of individual. This necessitates the question of who benefits from this practice rather than asking what functions it serves. Therefore widow inheritance may also significantly manifest aspects of power relations of cultural patterns which are good for the power or wealth of others (Gruenbaum, 1996) in (Gwako 1994). Thus this study concluded that the practice of wife inheritance is perpetuated by people who benefit from it and mostly these are men who are regarded as inheritors and not the widows.

These two studies provide different understandings and detailed descriptions of wife inheritance. The study by Nyarwath tackles the rationality in the practice and its challenges while the study by Gwako focuses on factors that perpetuate the practice based on who benefits from it. Studies like these have not yet been conducted in the Malawian context. This might be due to the fact that in Kenya the practice is almost practiced in all tribes while in Malawi it is practiced by few tribes. This could be the reason for the lack of interest by many scholars in the area but it still has been mentioned in many studies as it is going to be noted below. The difference is though very clear that the studies in Malawi have not gone into great details of this practice in Malawi and my study will provide detailed experiences of this practice in the Malawian context.

2.4 Studies on Wife Inheritance in Malawi

As far as the issue of wife inheritance is concerned in Malawi, the newspapers have taken a major role in sensitizing people on how women are abused and violated in this tradition. The articles raise quite a growing awareness of the effects of cultural practices that people do not talk about. The newspapers mostly report on the incidents that women have come to complain in the open with regards to the tradition. Thus there are more articles about wife inheritance as a hindrance to women's rights in the newspapers but not many scholarly studies (MHRC, 2008).

The study by Bisika (2008) describes how social and cultural factors perpetuate violence in Malawi. This study revealed that both men and women are victims of cultural based violence although women bear the brunt of the practice. This is why most of the cultural related violence is regarded as gender based violence. The study concluded that there are cultural practices and beliefs that perpetuate gender-based violence. These include “*chiongo*”-dowry related violence, polygamy, “the notion of household head”, male mobility and forced marriage. The study also noted violence related to widowhood rituals that most women are subjected to. The violence included economical and psychological aspects and other violence related to funeral rituals that are expected of the widows. The study acknowledged that there are different kinds of violence faced by widows due to the practice of wife inheritance. The study did not go into details as to what this abuse or violence associated with widowhood and wife inheritance is about. The study looked at all the cultural practices; therefore there is no elaboration as to what constitutes economical or psychological violence associated with wife inheritance.

Another study was conducted by Malawi human rights commission (2006). The study looked at the cultural practices and their impact on the enjoyment of human rights. Focus was particularly on the rights of women and children in Malawi. This study revealed that various cultural beliefs and practices impacted on the extent to which people in the various communities in Malawi enjoyed their human rights. The study found that in most cultural practices women and girls were affected differently from men and boys. It was established in the study that some cultural practices were inimical to the enjoyment of human rights especially to women and girls and therefore required modification or abolition. Some of the negative cultural practices were deeply rooted, that changing them might appear impossible. It

was recommended that if these cultural practices are to be changed then studies should focus on making people understand the hazards and indignity of the practices. The aim of this research is in a way a response to this recommendation. One of these practices was said to be the wife inheritance practice. This study recommended researchers who research on traditional practices to understand the details of the practices. However, it is often difficult to understand the actual physical and mental impact of a practice with regards to traditions like wife inheritance. The study found that on being inherited, some inheritors become so abusive that they force the woman to leave on her own accord without any property. The study highlighted that the practice at times contributed to the suffering of the women who find themselves in marriages where the inheritor was already married. This is because the inherited wife maybe in conflict with the inheritors first wife. The study focused on all the cultural practices in Malawi and how they infringe on the rights of women. This means the study did not go into details of one particular practice. The study was more generalist in nature and this call for a study that could look into details on each practice (MHRC, 2006).

Steinzor (2003) edited a paper on the study on women's property and inheritance rights on improving lives in changing times. The study reviewed the act of helping women to own property in the midst of traditions. With regards to this, a research was done by USAID in four countries that are represented in the small grants program. These countries were Kenya, Malawi, Namibia and Tanzania. The aim of the study was to review the traditions and customs that restrict women from owning land and other properties. The study looked at many traditions of which one of them was the wife inheritance tradition. Focus of the study was on how traditions like wife inheritance enhance economic violence for widows by making it difficult for women to inherit property after the deaths of their husbands. The tradition of wife inheritance was also discussed with regards to the '*lobola*' or dowry payment. Thus in that study, like the other studies reviewed, the tradition of wife inheritance was not described in details focus was only on economic violence. The study was also generalist in nature because focus was on all the traditions that limit the freedom of women in owning property. We can therefore conclude that the study focused on economical violence that is related to property or material ownership than general violence (Steinzor, 2003).

A related study was also conducted by White et al (2002) on dispossessing the widow; gender based violence in Malawi. The study examined how the justice delivery system specifically deals with the problem of dispossession of widows as one form of economical violence

experienced by widows. The study revealed how the entire justice delivery system fails to respond to this form of violence despite the fact that it is a gross violation of human rights. The study uncovered the experiences of the Malawian widows and other women in general. The study showed that widows experience violence both in the private and public spheres. In both spheres, the forms of violence experienced included rape, common assault, economic deprivation, dispossession of widows, verbal and psychological abuse. The study showed that one of the most prevalent and entrenched forms of violence women experience in Malawi had to do with widowhood. Focus was mainly on dispossession of the widow which is termed economic violence. According to the study, this form of violence is usually downplayed although it causes much psychological, economical and physical harm to women. The study embraced many facets related to the current research. The gap in White et al (2002)'s study, is that focus was on property grabbing and the consequences that widows face when their property is taken away. A gap exists to look at violence beyond economical violence.

2.5 Contribution of the Study

On the one hand, many studies have in general focused on gender based violence or violence that can be attributed to culture but not on violence associated with wife inheritance. It is the objective of this study to fill in that gap by going into details with the wife inheritance tradition and the violence against women. On the other hand, studies described above have focused more on economical violence that only focuses on property grabbing after the death of a husband. This applies to all widows and not just the widows involved in wife inheritance. An example is the study on dispossession of widows. This study focused on how women suffer when their husbands die and relatives of their husbands grab their matrimonial property. This though is just one of the kinds of abuse suffered by widows and it is the aim of this study to look further into the practice of wife inheritance and explore what other kinds of violence is suffered by widows who have to follow this tradition and how this economic violence is experienced.

Scarcity of contemporary data on widowhood in developing countries especially Malawi calls for research at the microlevel to discuss experiences and challenges in the face of traditions that directly affect women. This is important to understand how the social and familial realities experienced by widows affect their daily lives. As Owen (1996) argues, "the lack of precise demographic data and research concerning widows contributes to the persistence of

misconceptions about the prevalence and conditions of widowhood in many countries. Lack of credible data and research on the topic leaves people wondering whether it can be called violence or not and if it is, what kind of violence it is. It is only after detailed research and a true knowledge of what happens that one can plan an intervention that is suitable.

According to Giddens, (1991) the rights-based approach requires that women be accorded the due respect and the freedom to choose and live their lives in ways best understood and known to them. Some aspects and rituals involved in wife inheritance, denies women their fundamental human rights. In particular the right to sexual autonomy, the right to the enjoyment of the highest standard of sexual health, the right to property and the right to equitable inheritance is infringed on because of the practice of wife inheritance as it is suggested Burkleys (1997). This study will help to bring in more knowledge on this topic in the Malawian context being an area that has not been researched in depth this study could be reference for those who want to study this topic in future.

CHAPTER-: 3 THEORETICAL FRAMEWORK

This study has made use of several theoretical perspectives in understanding the experiences of widows involved in this practice but also in analyzing the findings. Several theories have been used in different stages of the study. The study has also made use of some concepts developed from theories in understanding and analyzing the findings. This chapter aims at giving an outline briefly of the theories and concepts used in this study and the purposes they serve.

Firstly the theoretical perspective that embraces much of what is discussed in this study is the feminist perspective. By employing this theory the study understands the oppressed position of women in different societies which can also be seen as the case with the widows in this study. The feminist perspective as stated by Payne (2005) focuses on explaining and responding to the oppressed position of women in most societies. The widows in this study are in a way disadvantaged due to the structures that are put in place in their culture that marginalize women. This study has focused on radical and post modernism feminist perspective in order to get a critical practice perspective as used by Fook (2002) and Healy (2000). Related to the feminist perspective, the concepts of gender and intersectionality have been employed to understand some of the findings. In this study, the concept of gender is applied as explained by Connell (2009). The concept of intersectionality, according to Davis (2008) is the interaction of multiple identities and experiences of exclusion and subordination. This concept has been heralded as one of the most important contributions to feminist scholarship.

Another theory that has been employed in this study is the systems theory. Taking the society as a system, the study has taken a view that all areas of the system of the society need to be considered in understanding the events that occur in the society. From the systems theory, the study draws suggestions by Healy (2005), Payne (2005) and Adams et al (1998) that problems rarely have a single straightforward cause. It is therefore often better to see things in the round, from different perspectives. This study is looking at the experiences associated with the wife inheritance practice among the Tumbuka. It is therefore necessary for the study to look at the construction of the society and how this construction attributes to the violence faced by widows in the course of the tradition. Related to the same, the study will also consider Berger and Luckmann (1966) approaches on the social construction of reality. This is to understand how socialization of people in the society leads to the acceptance of some behaviors in the

society but also where some practices originate from. Understanding the construction of reality in this society will highlight how the tradition comes about, and why it might be accepted. This is what has been described by Berger and Luckmann (1966) as constructing reality and how this reality is internalized and institutionalized among the members of the society.

Since the study is looking at structural violence which is an oppressive behavior the study will also employ the anti-oppressive approaches which according to Howe (2009) is a part of critical social work practice. This approach focuses on discrimination that implies people being treated differently and unfairly on grounds that have no justifiable moral relevance. This is important because some of the acts during the wife inheritance tradition can be regarded as violence which is oppressive to women. This view though might not be held by all members of the society. It is therefore of social work's concern to advocate for justice against such oppression.

3.1 Feminist Perspective- Main Concept

As stated earlier this study is built on the ideas of feminist perspective. According to Payne (2005), feminist thinking concerns the political, social, cultural and other forms of women and their social relations by patriarchy. It is about a system of thought and social relations that privileges and empowers men and creates relationships between the genders that disenfranchise, disempower and devalue women's experience. With a link to the study at hand emphasis is placed on radical feminism. According to Payne (ibid), radical feminism focuses on patriarchy, and postmodern feminism which focuses on cultural and social discourses in society that limit conceptions of women and the possibilities of development. This is connected to the study because the practice of wife inheritance is patriarchal in nature and it is a cultural belief. Looking at the practice from this perspective shows how the tradition's patriarchal nature subjects women to violence during wife inheritance.

Radical feminism as suggested by Reynolds (1993) and Dominelli (2002) focuses concern on patriarchy, a social system characterized by men's power and privilege. This view values and celebrates the differences between men and women. Orme (2001, 2003) argued that patriarchy has defined women's role as caring and has claimed the naturalness of women in accepting caring roles. This relates to the socially constructed notion of who a woman is, and what she can do. This makes it more natural to think of women as dependent beings who

cannot live on their own as it is suggested by the wife inheritance tradition and at the same time denoting the powerlessness of women. This also put men in the position of power in their relationships with women as is the case of wife inheritance. Dale & Foster (1986) suggested that the analysis of the feminist theory for social work in the 1980's, shows the agreement about the source of women's oppression, described alternatively as men or patriarchy. Feminist theories challenge masculinity assumptions and recognize the oppressions of patriarchy rather than expecting women to accept this oppression as natural (Cavanagh & Cree, 1996). The underpinning of the patriarchal family as the economic unit of society further affects women's situation. At the center of the tradition of wife inheritance, is its emphasis on property which translates to the economy. The practice ensures that property is with the man and the focus is deviated from caring the widow to taking care of the property.

A radical perspective suggests that the source of women's oppression is the social institution of gender which will be further defined as a concept in this study. For social work, the recognition of sexual politics (firestone, 1971; Millet, 1972) resonated because it emphasized the role of male power in interpersonal relationships within the family. This contributes to women's sense of personal and economic inferiority and helplessness. Socialist critiques argued that both class oppression and male privilege is an explanation of women's oppression. Seeing patriarchy and capitalism as interrelated, socialist feminism is identified as giving a fuller analysis of the position of women in the context of social work (Dale & Foster, 1986; Wearing, 1986).

Howe, (2009) highlighted that women need to understand that the way they perceive and experience themselves is actually defined and determined by men in most cases. He added that ideologically, women live in a man-made world, one that suits male interest. In this regard the study also questions on whose interests are served by the practice of wife inheritance, does it serve male interest as stated by Howe? Knowing that in this tradition men are in charge of events, it can be noted that there is something that they gain from this tradition. This could explain why they advocate for this tradition. Women are expected to accept that they will be judged in terms of their competence as lovers and mothers, wives and carers, sexual objects and paragons of virtue. These measures saturate the content of magazines, newspapers, music, soap operas and male humor. This view shows how men are in control in society and explains what could be the source of patriarchy in some societies.

Feminist theorists have the slogan 'the person is political' which is at the center of feminist social workers. This means that the injustices and inequalities suffered by women are not the result of personal troubles rather they are social and political in origin. This points us to focus on different politics that might be played in society. This mainly concerns the different beliefs, traditions and customs. These insights are applied to try and make sense of women's experiences, including their oppressed positions in society (Orme, 2009). One of the major aims of feminist perspective is to understand how social structures affect social relationships and how both of these subtly shaped their experience and thinking assumptions and expectations. In understanding women's experience in this way, feminist theorists hope that by becoming aware about how experience is shaped by social and economic structures, language and relationships, women can free themselves from oppression. This is also very relevant to the study, because emphasis is also placed on how the society has socialized its members to put the other sex in a position of more power than the other and to make this generally accepted in the society.

On the other part of feminist thinking is the postmodern feminism. Sands and Nuccio (1992); Dominelli (2002) identifies the complexity and sophistication of social relations that involve women by focusing on how discourses in society create social assumptions about how women are and should be treated. One of the important features of postmodern feminism is the concern to interrogate categories rather than accepting them, deriving from Foucault's' (1972) work. In social work, feminist thinking has raised concern about power relations that disadvantage women and reject the need to understand and value women's experiences and lives as separate and different from those of men. Davis (1985) argues that female voices have been suppressed in favor of a male positivist perspective. In this study this argument mainly relates to the division of labor based on gender in the societies where wife inheritance is practiced. Thus the position of women is fixed to certain roles that render them powerless when they want to live independent lives.

Taylor & Daly (1995) considers the historical development of women's role as subservient to men. This is with regards to general social conventions, the law, medical practice and religion, which have had considerable influence on social work. Feminists seek to understand the lives and experiences of women from their own perspectives and values which are different from men's (Hudson 1985).

It is widely accepted that the history of social work and its role in surveillance on behalf of a patriarchal welfare state means that women remain socially oppressed. This though is debatable because in some cases women might be in power and in other cases women might not be of the view that they are being abused as is going to be explained in the empirical chapters of this study. These ideas from feminism provide the backbone in understanding how being a woman in the areas of this study can be related to violation of some women's rights. These ideas also help in understanding how the traditional practices in society define women and hide under the realm of tradition to perpetuate the injustices faced by women in the tradition of wife inheritance.

3.2 Gender

The understanding of gender is very important to this study because it highlights more generally the position of women in their relationships with men. Connell (2009) suggested that an understanding of the situation of gendered societies can help a lot in understanding why women face some of the discriminations in society. This could also be applied to wife inheritance. In this case this relates to not giving opportunities for girls to study like boys, but also not giving girls important resources like land as is done with boys. Most topics about gender starts with a distinction between sex and gender because of how related these two are. While sex is ascribed by biology, for example anatomy, hormones and physiology, Gender is an achieved status which is constructed through psychological, cultural and social means (Connell 2009). It is therefore one thing to be biologically female, and quite another to be shaped by one's culture into a woman. A female with feminine qualities, entails someone who does the kind of things women not men do, someone who has the kinds of thoughts and feelings that make doing these things seem an easy expression of one's feminine nature (Collins 1988). Looking at gender in this way helps us to see how the society shapes men and women differently and expects different things from them but also how the society positions men and women in different roles. The study will therefore focus on how the society has constructed a woman and a man differently. This might in turn give insights on why according to these constructions wife inheritance is necessary but also why women find themselves in the position of powerlessness after the death of their husbands.

According to West & Fenstermaker (1995) examining how gender is accomplished can reveal the mechanisms by which power is exercised and inequality is produced. This can also help in

describing the inequalities that exist between men and women and the same can be applied in the current study. Being competently female or male involves learning to produce behavioral displays of one's essential female or male identity. According to Goffman, gender is a socially scripted dramatization of the culture's idealization of feminine and masculine natures. Accordingly, virtually any activity can be assessed as to its womanly or manly nature. In this regard to do gender is not always to live up to normative conceptions of femininity or masculinity; it is to engage in behavior at the risk of gender assessment by the society that one is in. In relation to this study women might be complying because it is what is expected of them according to how the society has shaped them. This might pose a problem as is going to be seen in this study, when the way the society has shaped these genders does not benefit one gender in this case the women.

West & Zimmerman (1987) explained how members of a society are involved in the process of doing gender. According to them doing gender means creating differences between girls and boys and women and men, differences that are not natural, essential, or biological. This can also be observed in the socialization of members in the research area. Their socialization involves creating differences among them that later justify the need for wife inheritance. Once the differences have been constructed, they are used to reinforce the essentialness of gender. Doing the opposite of what is normally socialized in the society is therefore questionable which expects the state of events to be un-debatable and unquestionable.

West & Zimmerman also (1987) argued that whenever people face issues of allocation, on who is to do what, get what, plan or execute action, direct or be directed, incumbency in significant social categories such as female and male seems to become pointedly relevant. How such issues are resolved conditions the exhibition, dramatization, or celebration of one's essential nature as a woman or a man. This brings in the institutionalization and internalization of the division of labor in society. This view also plays a major role in the current study because the practice of wife inheritance seems to stem from the gendered internalized division of labor in the society. Following Garfinkel (1967), members of the society transform an ascribed status into an achieved status, by moving masculinity and femininity from natural, essential properties of individuals to interactional, social, properties of a system of relationships. It therefore follows that, members of the society "do difference" by creating distinctions among themselves as incumbents of different sex categories. "What is considered 'normal and natural' for a woman is not normal or natural for a man." culture has

concealed what is taken to be one's natural or essential nature (Goffman 1977). This makes sense to the argument that if the society has assigned the role of a provider to a man, it is not normal for a woman to take this role. In trying to make sure that the woman is provided for, a woman must therefore be in a relationship with a man at all times and inheritance in this case is very necessary.

The gendered notion of the societies is highly criticized for its oppressive nature against women. According to West & Zimmerman (2009) the oppressive character of gender rests not just on differences from and the consequences of those differences. The inferences and attendant consequences are linked to and supported by historical and structural circumstances which could also be oppressive. These are displayed in society arrangements; customs, practices, traditions and beliefs as is going to be seen in the case of wife inheritance.

3.3 Intersectionality

The study will also employ the concept of intersectionality which as earlier defined, is the interaction of multiple identities and experiences of exclusion and subordination. In this study this view is grasped because not all women face the same kind of oppression. Their different circumstances might pose challenges or advantages in different situations. Other women might face more oppression because they might be disadvantaged in some factors. In the case of wife inheritance, being a Tumbuka by tribe, being educated and living in the urban areas and other factors could pose as a stepping stone for some women while others have no hope of freeing themselves if they desire to do so based on their circumstances.

Davis (2008) described intersectionality as the interaction between gender, race and other categories. These could be employed in any study in individuals' lives, social practices, institutional arrangements and cultural ideologies and the outcomes of these interactions in terms of power. According to Davis (ibid), the ropes of feminist scholarship, means attending to multiple identities and experiences of subordination. This concept in this study is used to analyze the different experiences of women who are in different situations.

Intersectionality according to Zack (2007) addresses the most central theoretical and normative concern within feminist scholarship; namely the acknowledgement of differences among women. It addresses precisely the issue of differences among women, by providing a handy catchall phrase that aims to make visible the multiple positioning that constitutes

everyday life and the power relations that are central to it (Phoenix, 2006). The notion of intersectionality is built on the basis that with the addition of each new category of inequality, the individual becomes more vulnerable, more marginalized, and more subordinate. The different inequalities interact in the social and material realities of women's lives to produce and transform relations of power (Anthias and Davis, 1983).

The image of a crossroads which is associated with intersectionality seems applicable to nearly any context. It provides a useful way of visualizing how differences intersect within a particular person's identity or in a specific social practice or location. In this regard one other important term is the 'triple oppression' as put by Davis (2006). He explained that the triple oppression notion was basically a claim that black women suffer from different oppressions/disadvantages/discriminations/exploitations. In their case they suffer oppression as blacks, as women and as members of the working class. This is also adopted in this study by categorizing the women who participated in this study. Being a 'gender based structural violence' study, implies that the first oppression or discrimination comes in because they are women. They are other factors that might also play a huge role in the oppression. For example whether one is educated or not, whether they are employed or can be economically independent or not or whether they live in the rural areas or the urban. These factors can be more or less marginalizing. In this regard, Crenshaw (1991/2006) suggested that in the context of violence against women, the elision of difference is problematic. Fundamentally because the violence that many women experience, is often shaped by other dimensions of their identities. This includes economic status, geographical sites or it could also be literacy levels. It is therefore important to analyze the experiences of the women in this study with a focus on intersectionality because then one can think of suitable solutions to suit different categories of people in different situations.

3.4 The Systems Theory

The systems theory in this study is used to understand the context of the tradition of wife inheritance. According to Healy (2005) systemic analyses focus on interactions within and across multiple social systems. This includes the interpersonal system of family and friendship ties, neighborhood system, organizational systems, social policy systems and social structural systems. The systems theory emphasizes the role of these systems in contributing to individual and community well-being. Healy (ibid) continued that the systems theory provides way of understanding problems and issues. However, it is widely agreed that this approach

does not provide intervention methods (Mattani & Meyer 2002, Leighninger 1987). By adopting a wholesome approach in understanding the wife inheritance tradition the study will take the view of the systems approach. In this regard the study is not just limited to studying wife inheritance on its own, but to look at the whole system where this tradition is practiced. In this view the interviews done with the key informants provide a wholesome view to locate the reasons and stories behind the practice.

Howe (2009) stated that our relationships with each other are forever being shaped and reshaped by our mutual interactions in a societal system. We affect and are affected by each other. Due to this interconnectedness when you change one thing, you end up changing other things that are totally unexpected. Howe (ibid) suggested that what lies behind the systems approach is the idea that everything is connected and everything can affect everything else. Society like many other complex systems is made up of many parts. It is therefore not possible to understand the whole without recognizing how the component parts interact, affect and change each other. As these parts interact they create the character and function of the whole. For example in this study the wife inheritance practice is linked with division of labor, socialization of society members and the Lobola tradition changes in the Lobola tradition may affect the dealings of the practice for example.

The society where the tradition of wife inheritance is practiced in this case is considered a system of many parts. Different beliefs, norms and customs affect the whole structure which in this case would be the position of the woman and how she is treated in the society. A view at the picture/system could throw in some other unexpected insights. Howe (2009) highlighted that when you think systematically, you realize that problems rarely have a single, straightforward cause. It's often better to see things in the round, from different perspectives. This theory suggests that when studying about systems that contain people, it's important to study their environment as well. This is because the person is seen to be in constant interaction with her environment, particularly their social environment. Therefore how the people from the study area behave, socialize their children and talk, could be used to understand the existence of the wife inheritance practice. Darley (1994) described society and its cultural perception as a complex system. The complex system parts have the important role of local social interactions in creating reflecting, broader social processes (Mainzer 1996).

3.5 The Social Construction of Reality

The social construction of reality like the systems theory has been applied in this study to understand the cultural context where the tradition of wife inheritance is practiced. The central concept of the social construction of reality as described by Berger & Luckmann (1966) is built on the basis that persons and groups interacting in a social system create, overtime, concepts or mental representations of each other's actions. These concepts eventually become habituated into reciprocal roles played by the actors in relation to each other. When these roles are made available to other members of society to enter into play out, the reciprocal interactions are said to be institutionalized. In this process of institutionalization meaning is embedded in society. Knowledge and people's conception and belief of what reality is, becomes embedded in the institutional fabric of society, reality is therefore said to be socially constructed. Berger & Luckmann (1966) argued that the reality is socially constructed and the sociology of knowledge has to be applied in order to analyze the process in which this reality occurs. This means to understand reality one must first understand how it is constructed. In this case understanding wife inheritance can be achieved when one first understands how it came into existence in the first place.

Reality is defined as quality appertaining to phenomena that we recognize as having a being independent of our own volition and it can't be wished away. In this study, this would help to explain how society creates its way of living which consists of traditional beliefs, customs and other norms. Things like who has to do what? Lobola, marriage processes, cleansing ceremony and the wife inheritance itself are socially constructed by members of the society. When these are institutionalized they become independent to those who brought them. In this regard the social construction of reality helps in understanding how it is that some cultural practices are questionable but highly accepted by the members of the society. In this study this entails people who do not question anything in this practice but fully accept what is agreed in the society.

The sociology of knowledge according to Berger & Luckmann (1966) explains what is known to be real and understood in society. It is concerned with the relationship between human thought and the social context within which it arises. Social construction of reality holds the view that human beings actively construct the reality they find themselves in. Sociology of knowledge and social work theories and practices helps in understanding the facets of human thought. This view is held bearing in mind that no human thought is immune to the ideologies

influences of its social context. The different social contexts that the widows find themselves in could determine whether they support the practice or not.

Even though the reality is socially constructed by individuals in that society, only a few in society are concerned with the theoretical interpretations of the world even though everybody lives in that society or reality. Knowledge is socially distributed and this concerns socialization in society which is also very important to this study. There might be a few individuals who really know the meanings of some of the practices and this knowledge might not be shared by everyone. Because of this some might accept some practices without questioning or knowing more about the practice and its consequences. Lastly, Berger & Luckmann (1966) highlighted that reality may appear in various theoretical perspectives to intellectuals but it must first be understood in the common sense that it would be presented to ordinary society members before you plan on interventions. As social workers and particularly in this study this reality will be the object of my analysis.

3.6 Anti-Oppressive Approach

Burke & Harrison in Adams et al (1998) stated that the complex nature of oppression is witnessed in the lives of people who are marginalized in the society and women are one of the oppressed groups in most societies. The anti-oppressive approach expands the understanding of oppression and lays the foundations for the exploration of the experience of power, powerlessness and oppression. In this view the personal experiences are inextricably linked to and determined by social, cultural, political and economic relationships within specific geographical and historical situations. This study is an indication of who has power in society and how those who do not have it in this case the women are disadvantaged. This reflects that men hold power and this could be used in making decisions that disadvantage women.

Clifford (1995) used the term anti-oppressive to indicate an explicit evaluative position that constructs social divisions like gender as matters of broad social structure. This approach looks at the use and abuse of power not only in relation to individual or organizational behavior, which may be overtly, covertly or indirectly sexist but also in relation to broader social structures like cultural systems and the routine provision of services and rewards for powerful groups at the local level. This means it might not be a case of an individual oppressing another individual, but it might be the whole system the way it is functioning that oppresses certain individuals. These factors impinge on people's life stories in unique ways

that have to be understood in their social-historical complexity. In this understanding the use and abuse of power within relationships on personal, family, community and organizational levels, is interconnected, shaping and determining social reality. In this study, understanding of the links between gender, cultural systems and power sheds more light in how culture can give more power to one gender and oppress the other through beliefs like wife inheritance that is expressed out in the whole society. Thus the society could be the oppressor in this case.

In this study two principles from anti-oppressive approach will be adopted as suggested by Adams et al (1998) these are social difference and power. The social differences arise because of disparities of power between the dominant and dominated social groups. In this case this refers to perpetrators of the practice as the dominant groups and widows as the dominated group. The principle of power is a social concept which can be used to explore the public and private spheres of life (Barker & Roberts, 1993). In practice, power is influenced by social, cultural, economic and psychological factors. All these factors need to be taken into account in any analysis of how individuals or groups gain differential access to resources and positions of power. In the context of this study the understanding of power and powerlessness and how power is abused is important in understanding the position of women in society and how they are disadvantaged. This study will highlight how power embedded in the cultural beliefs and traditions is used to render women powerless and thereby oppress them.

3.7 Structural Gender Based Violence and Wife Inheritance

According to Africa link (1999), gender based violence is a silent crime. It is a violation of human rights that largely goes undetected, hiding behind culture and tradition. It is most often unreported and little addressed by legal structures in most African communities. Mrsevic & Hughes (1997) argued that Violence against women has always been a tactic by which men maintain control over and exploit women but this violence is sometimes vague since most people think of violence as a physical act. This calls for a better term to describe violence that is experienced by women.

For the purposes of this study I have adopted the concept of structural violence as it is described by Galtung (1969) to refer to the violence discussed in this study. He described structural violence in relation to violence that occurs in cultural practices. According to Galtung, structural violence refers to a form of violence where some social structure or social institution purportedly harms people by preventing them from meeting their basic needs or

infringing on their rights. Institutionalized ethnocentrism and cultural values are proposed as some of the structural violence. In this study this could refer to the insitutinalized practices that are done by the members of the society. Rather than conveying a physical image, structural violence is an "avoidable impairment of fundamental human needs." Since structural violence affects people differently in various social structures, it is very closely linked to social injustice, and therefore making it a matter for social work's concern. This term is applied when looking at violence related to cultural values which in turn makes it more applicable when looking at violence related to wife inheritance. Like structural violence, wife inheritance causes an infringement on one's freedom and it is embraced and justified by the culture in this society. This could easily go undetected but it is still considered violent to those concerned and it has serious consequences to the quality of life for those involved. Social workers are concerned with making sure that every individual enjoys their rights as human beings regardless of whether they are men or women, widows or widowers.

Galtung (1969) pointed out cultural violence as one example of structural violence. In this regard cultural violence' refers to aspects of culture that can be used to justify or legitimize direct or structural violence, and may be exemplified by religion and ideology, language and art, empirical science and formal science. Cultural violence makes direct and structural violence look or feel "right," or at least not wrong, according to Galtung. This is because most of the times traditions are regarded as a right way of doing things especially in small societies. Questioning traditions is sometimes considered as an act of rebellion so to avoid being associated with rebels society members accept traditions to the point that doing things traditionally is considered as the right thing to do. The study of cultural violence highlights the way in which the act of direct violence and the fact of structural violence are legitimized and thus made acceptable in society. The violence in structural violence is attributed to the specific organizations of society that injure or harm individuals or masses of individual groups (Galtung, 1969). Gender based violence in the world is perpetuated by various facets of life, community and society. It's argued that the two essential factors underlying violence against women and girls is their subordinate status to men and the general acceptance of interpersonal violence in society (Jewkes, Levin, and Kekanana 2002). Being a country that is deeply rooted in its cultural beliefs, Malawi like many other African countries has some traditions that seem to foster violence against women. It is the aim of this study to point out this structural violence in relation to the tradition of wife inheritance as it is contextualized in the culture.

CHAPTER-: 4 METHODOLOGY

Silverman (2006:15) defines ‘methodology’ as the choices we make about cases to study, methods of data gathering and forms of data analysis in planning and executing a research study. Silverman adds that the methodology defines how one will go about studying any phenomenon. In this chapter I will focus on reporting what I did during the course of the research project. Thus I will highlight as suggested by Berg (2012), what the data consists of and how I collected the data, but also how it is organized and analyzed. Cooper (1984) suggested that in a methodological review the researcher needs to focus on methods that will be used in the research and their definitions. These methods should be discussed with relevance to their strength and weaknesses taking into consideration the importance of choosing some methods over others. The methodology of the study is influenced by the phenomenon under investigation and requires that participants give personal experiences and accounts.

According to Engel and Schutt (2010) although social work researchers study different things or phenomena, social conditions, effects of different programs and also intervention methods, the purpose of these studies can be classified into four categories. These are description, exploration, explanation and evaluation. Without going into details on each one of them I can place my study as the exploratory research because my interest is on the question of how people experience the events associated with wife inheritance in the described setting. According to Engel and Schutt (2010), exploratory research seeks to learn how people get along in the setting in question, what meanings they give to their actions, and what issues concern them. The goal is to dig into their experiences with regards to a particular occurrence. This purpose is often associated with the use of methods that capture large amounts of relatively unstructured information (Engel & Schutt 2010). This to a large extent has influenced my choices in the methods employed but also how the study was carried out.

4.1 Research Method: Why Qualitative?

Barker (1999) in Thyer (2001) defines qualitative research as a systematic investigation that includes inductive, in-depth, non-quantitative studies of individuals, groups, organizations, or communities. Berg (2012) defines it as the meanings, concepts, definitions, characteristics, metaphors, symbols and description of things. He adds that the meanings that we give to

events and things come from their qualities therefore qualitative research is necessary when one wants to understand lives. Rubin & Rubin (2005) stated that there is a clear way to either choose whether one's study will be quantitative or qualitative. For example if one wants to find out how people watch a television program or buy a particular program these are matters that can be counted and thus do not need any explanations. But if what you need to find cannot be answered simply or briefly, if you anticipate that you may need to ask people to explain their answers or give examples or describe their experiences then you rely on qualitative research to achieve this. In my study qualitative research comes in handy because my focus is on what the people are experiencing in their social life with regards to the tradition. In this study there is a clear indication of why I am using qualitative study because my focus is on capturing the experiences of the people who have practiced this tradition before and what this means to them, the meanings that they have ascribed to such experiences and how they feel about it. Thus according to Berg (2012) this study is looking for concepts, characteristics and the description of events, hereby related to the tradition of wife inheritance.

4.2 Research Area and My Role as a Researcher

The research was conducted in Mzimba district. Mzimba is one of the six districts in the Northern Region of Malawi. The district covers an area of 10,430 km² and has a population of 610,944 people. The district consists of people of Tumbuka origin and descendants of Ngoni from South Africa. The main language spoken is '*chitumbuka*' this is not the national language, but it is a language mostly spoken in the northern part of Malawi. The district headquarters is at Mzimba Boma. The study mainly focused on the tribe of the Tumbuka and not the Ngoni. This is because I am a Tumbuka and therefore it is much easier to speak and relate with them much better than the other tribe.

The district has a district commissioner who has to be approached before any research is done in the district. This means the first person to meet when I went for the research was the district commissioner after getting his permission I was advised to go to the police and inform them about my research. This is regarded as the protocol for any research in Malawi. From these officials I was advised to go and talk to the Traditional Authority (T.A) of the area I wanted to do the research. From the T.A I had to go to the Village Head (VH) who now gave me final permission and guided me through the participants that I wanted. Mzimba district is one of the districts where the tradition of wife inheritance has been practiced for a long time. Many people in the district know about these traditions because they have seen and some

experienced it firsthand. Even though there are other districts that also practice wife inheritance I chose Mzimba because I have some knowledge about it since I originally come from Mzimba. This gave me some advantage because I could understand the language much easier than in the other districts. I also found my way around much easier because I had some contacts and this made the going around easier than if I were a total stranger.

4.3 Sampling

Berg (2012) suggested that the logic of using a sample of subjects is to make inferences about some larger population from a smaller one. This is very useful in this study because Mzimba is a very large district and it's very difficult to go through every case or experience so I had to sample a certain population to be included in the study.

Due to the nature of the study I used non probability sampling. Berg (2012), states that, in non-probability sampling the investigator does not base his or her sample selection on probability theory. Non probability samples offer the benefits of not requiring a list of all possible elements in a full population and the ability to access otherwise highly sensitive or difficult to research study populations.

In my study I used what Berg (2012) defines as purposive sampling and snow ball sampling. In Purposive sampling researchers use their special knowledge or expertise about some group to select subjects who represent this population. In some instances, purposive samples are selected after field investigations on some group in order to ensure that certain types of individuals or persons displaying certain attributes are included in the study. In my study I was looking for women whose husbands died and they were asked to practice this tradition. I felt that it would be insensitive to ask each and every household whether they met the description I was looking for. To solve this since the chief knew the people in the village he told me the households that fitted this description so that I could go and do the interviews. I was given 8 households and the chief gave me a guide who is one of the village men to escort me to these places.

While visiting these households I also employed snowball sampling. Some of the participants where I was directed knew some people who had fled from the village but they also fitted the description of my participants. I was given addresses of these people and they were also interviewed. Three participants were interviewed using the snowball sampling.

Silverman (2006) argues that purposive sampling allows us to choose a case because it illustrates some feature or process in which we are interested. Purposive sampling demands that we think critically about the parameters of the population we are interested in and choose our sample case carefully on this basis. In total 11 women who have experienced the wife inheritance tradition were interviewed. Three key informants namely the chief and two of the chief ministers were interviewed as key informants.

4.4 Data Collection Tools

The study used primary data because there isn't a lot of secondary data recorded about wife inheritance in Malawi. The other reason why I chose primary data is that according to the objective of the study, it would be more beneficial to talk to people and hear their voices first hand than get what has been written or documented on the subject. Therefore the study used interviews and there were two kinds that were used in this study. These are un-standardized interviews, and key informant interviews. The following part will describe how these were used and to whom they were conducted to.

4.4.1 Interviews

In this study I have used interviews to collect the data needed. The use of interviews is very important based on the kind of information that I was looking for. Rubin & Rubin (2005) suggested that through qualitative interviews you can understand experiences and reconstruct events in which you did not participate. According to Rubin and Rubin (ibid), one can extend his/her intellectual and emotional reach across age, occupation, class, race and geographical boundaries. With regards to my study this is very important because all the information that I needed was supposed to come from people's experiences of this tradition which means that I depend on what they have to tell me. Creswell, (2009) also states that interviews are good and useful when participants cannot directly observe the things they are trying to study. This tradition is not something that happens on a daily basis. This means one can go in this village and stay there for a month and still not see anything because it is a tradition that happens when there is death of a married man. Therefore the best way to get information is to interview the people who have experienced it. Field work could also be a better way to collect data on this topic, but then it means that one has to stay in this area for a very long time in order to collect such data and due to the limited time that I had the best way that fitted what I was looking for and the time available for me to gather the data was the use of interviews.

The other importance is that participants can provide historical information and what they might have gathered for a long time. The use of interviews also allowed me as a researcher to control over the line of questioning and this also means that I could probe more on what I was interested in and what I wanted to research about.

4.4.2 Un-standardized Interviews

Due to the nature of the study I felt that it would be useful to use open-ended and flexible questions because as Silverman (2006) states, these are more likely to get a more considered response than closed questions and therefore provide better access to interviewees' views, interpretation of events, understandings, experiences and opinions

The un-standardized interviews were done with the women who have experienced the tradition of wife inheritance. This means the women whose husbands died and were asked to perform the tradition were interviewed in depth. This method as suggested by Berg (2012) allowed me as the researcher to encourage the interviewees to lead the conversation. I prepared a loose set of questions but these were not strictly followed. These were guidelines that served as notes to make sure that all the relevant topics are discussed and these indicated the subject matter that was intended by the study. This was done to ensure that I do not lead the interviewees in answering what was in my mind. With this I was able to get the respondents viewpoint of the topic and thus they were free to either talk about violence or be for the topic or against it. By doing this I could actually see that everyone was free to say how they really feel about the tradition without being led into a particular opinion, whether they were happy with it or not and what they would want to be changed in the practice.

With the use of the un-standardized interview Berg (2012) suggests that the interviewer needs to develop, adapt and generate questions and follow up probes appropriate to each given situation and the central purpose of the investigation. This was very helpful in the field because my first assumption was that the women feel violated with the practice and if I had a written questionnaire that could have been my line of questioning. But when I went to the field I discovered that not every woman thinks the tradition is violating their rights, others support this tradition and have so many positive things to say about it. As a social worker this is also prone to my analysis as to why they accept the tradition that seems to oppress them. Still more the interviewees were able to express their true viewpoints and opinions on the tradition without being influenced to answer in a certain way by the researcher.

4.4.3 Key Informant Interviews

The key informant interviews were conducted with the chief, and two of the chiefs' ministers' one man and one woman. In total there were three key informants. These were asked different set of questions a little bit different from what was asked to the individuals who have experienced the tradition. These were regarded as informants who know more about the tradition and have been part of it or have ever participated. The key informant interviews also took the format of in depth interviewing like in the participants interviews. This was to collect more data and also to allow a free conversation from the key informants.

4.5 Ethical Issues in the Study

As researchers anticipate data collection, they need to respect the participants and the sites for research, because many ethical issues arise during this stage of the research. The respect for research site is mainly important in Malawi because all the districts have people who are in leadership positions and no one can do anything in these places if these people do not give consent. This means researchers need permission from these gatekeepers in order to conduct a research in a village or district. One needs to convince the gatekeepers first before they start the research. In my case this involved going to the district commissioner to inform them about my study and there I was advised to go to the police in case I have any problem in the village and after the police I was advised to go and meet the chief because he is regarded as the owner of the village and you cannot interview people without his/her consent.

The other ethical consideration in my study was to make sure that I do not put research participants at risk in anyway. Sieber (1998) suggested that before we carry a research it is good to assess the potential risk, such as physical, psychological, social, economic or legal harm to participants in a study. An informed consent was given to participants at the beginning of each interview. The form acknowledged that participant's rights will be protected during data collection and it also required their signed agreement to take part in the study. Some of the contents of the informed consent as stated by Sarantakos (1995) included an indication of how the participants were selected, identification of the purpose of the research, guarantee of confidentiality to the participants and an assurance that the participants can withdraw anytime. This means the participants were asked if they wanted to participate or not, making the participation in the research voluntary.

Due to the nature of the research another ethical consideration was taken with regards to anonymity of the individuals. This was also put in the consent but it was clarified more to the participants. The participants were told how the study will protect the anonymity of individuals, roles, and any other incidents in the project. Thus in analysis I used Creswell (2009)'s argument that researchers need to disassociate names from responses during the coding and recording process. Thus the usage of pseudonyms and aliases for individuals and places has been used to protect identities of the individuals being studied.

The participants were also assured of confidentiality with their answers and all the conversations that were made in the course of the interviews. This means that the information will only be used for the purposes of academic research and it shall not be leaked to other organizations or anyone who might need that information.

4.6 Limitations of the Study

The tradition of wife inheritance is done in many areas in Malawi and in different districts. The tradition is not the same in every districts and it is not done for the same reasons as in the area that I studied. This might make generalizations of the study difficult because the results and views do not represent or reflect what happens on the national level and the experiences might be different. Thus generalization in this case is limited to the study area.

The sample of this study was to a large extent based on the availability of the participants who fitted the description and there were many other people I was told had the same experience but had to move out of the village due to the problems. There were some that I reached but there were others I could not reach. So the sample could also be another limitation. I tried to solve this though by following some of the people who moved out of the village or who did not stay in the area but as stated earlier not everyone was reached. This means the views presented in the study could fit a biased characteristic and this was a rural area and few from urban areas.

The other limitation is the fact that the language that was used is *chitumbuka and Chichewa*. I understand Chichewa which is the national language very well. I also understand *chitumbuka* but even though I understand it, it is difficult to get everything and some things might be missing from the translating process from *chitumbuka* to English.

The use of interviews also provides some limitations because it provides indirect information filtered through the views of the interviewee. This is different from observing the incidents take place and getting first-hand information. My presence as a researcher may bias responses. Where people might sometimes tell you what you are looking for and try to answer their questions in line with what they think you want to hear. I tried to be neutral as much as possible but this is something that could twist the responses.

4.7 Reliability and Validity of the Research

According to Creswell, (2009) qualitative validity means that the researcher checks for the accuracy of the findings by employing certain procedures. This means how appropriate is the measuring instrument to the task at hand. Validity is one of the strengths of qualitative research, and it is based on determining whether the findings are accurate from the standpoint of the researcher, the participant or the readers of an account (Creswell & Miller, 2000). Briefly put Gilbert (2001), states that valid measurements accurately measure the concept that is being studied. This objective is largely achieved by implying trustworthiness, authenticity and credibility. To ensure validity in this study I documented the procedures of the case studies and also documented the steps of the procedures as possible as I could as it is suggested by Yin (2003).

Qualitative reliability indicates that the researchers approach is consistent across different researchers and different projects (Gibbs, 2007). This means that it has to be consistent from one measurement to the next. Reliability also checks how consistent the results of repeated tests with the chosen measuring instrument are. The interviews were documented and the steps of the procedure were also documented to ensure the reliability of the study.

Berg (2009) highlighted that excellent interviewers are excellent conversationalists and when interviewing for peoples' experiences there is a need to make sure that the interviewees are very comfortable and this is the best way to ensure validity and reliability in interviews. In this study the interviews were in a form of a conversation and the line of questions was determined by the answers gathered from each participant to the next. In doing this I still knew where I was going with the conversation and never lost control of the discussion. The valuable flexibility of open ended questioning exacerbates the validity and reliability issues that are part and parcel of this approach. The Open-ended questioning in the interviews

allowed me as the researcher to know when to probe and how to formulate follow-up questions on the fly.

4.8 A Brief Presentation of the Participants

As stated in the sample eleven people were interviewed. These were women who had undergone the wife inheritance tradition. These were women whose husbands died and they were asked to do the tradition. Three other people were also interviewed as key informants these included the chief and two of his ministers. The names used here are just pseudo names used for clarity.

Maria: 45 years old, married for 10 years had two children with her first husband all under the age of 9. Her husband died and she was inherited by her late husband's brother who is already married. She is now the second wife and she has one child with her inheritor. She recalled some traumatic experiences related to the cleansing tradition and also the inheritance process.

Tina: 40 years old she was married for 12 years with her first husband and had three children all under the age of 11. When her husband died she was forced to be inherited by her late husband's cousin. She was told that they will take her children and property if she does not cooperate with them. She does not belong to the Tumbuka tribe and she was not happy with the change.

Mode: 30 years old. Her husband died when she was 25 years old and she only had one child with her husband. Her child is under the age of 10. She is not a Tumbuka by tribe and she was inherited by her late husband's eldest brother who is 55 years old. She was told that if she does not perform the tradition she would never see her son again and that they would take all her property. She had nowhere to go and was left with the choice of marrying a man who was much older than herself. She has two more children with her inheritor and she is the second wife.

Miyanda: 68 years old, her husband died when she was 60 years old. She has 7 children all of them above the age of 20. She is a Tumbuka by tribe and she was born and raised in the village. She went through the widow cleansing ritual but she refused to be inherited. Her children could not be taken because they are all grown up and she was allowed to stay on the premises on the condition that she will never get involved with any other man and that her

late husband's relatives will take full control of her property. With these conditions she was allowed to stay in her matrimonial home.

Tako: 48 years old. She was married for 24 years and she was working. She is a Tumbuka by tribe and originally comes from the village where the study was conducted, but has spent most of her life in the urban areas and she has four children. Two of her children are in their early 20's and the other two are teenagers now. The time her husband died her children were not very young; they were all above the age of 14. She now lives abroad with her children she refused to be inherited by her late husband's relatives and she ran away from the country since they threatened her that they would take her children. She was able to sell some of her property but some of it was taken by her late husband's relatives. She remarried a man of her choice and she only goes to Malawi to visit her relatives. The time she was interviewed she had come to visit her relatives.

Zeta: 32 years old, she was married for 10 years and her husband died a year ago. She has two children both under the age of 10. She was cleansed by someone she doesn't know. She was inherited by her late husband's brother. She could not narrate all her experiences as she recalled these moments to be traumatic to her. She said she wanted to go on and explain her experiences but it brought back to her so many bad memories of what happened. The interview was stopped as she requested.

Yolanda: 57 years old, a Tumbuka by tribe, born and raised in the village. She has 5 children, 3 with her late husband and 2 with her inheritor. When her husband died she knew what would follow because she knows the tradition she was cleansed and inherited by her late husband's brother. She is now the second wife. She is so happy that there is this tradition because her inheritor is a good man and he takes very good care of her and her children. Her inheritor is very rich and they do not lack anything.

Kamila: 38 years old, Kamila had been married with her late husband for 15 years and she has 3 children with him. She is not a Tumbuka by tribe. When her husband died she was told about the tradition and she cooperated. She was cleansed and inherited by her late husband's brother and now she has been the second wife to the inheritor for 3 years she has one more child with her inheritor. She is educated and she is working but she doesn't make enough money from her job.

Yanja: 27 years old, she was married to her late husband for 4 years and has two children all under the age of 4. She is a Tumbuka by tribe she has been to school but dint go very far and she does not work. When her husband died she was inherited by her late husbands' relative who is 57 years old by the time she was inherited Yanja was 23. She recalls the experience of wife inheritance as traumatic and a violation of women's rights.

Melina: 50 years old, her late husband died 20 years ago and when her husband died she was inherited by her late husbands' brother. The inheritor was already married at the time, so she became the second wife and she has been married to her inheritor for 20 years now. She had 3 children with her late husband and has 1 child with her inheritor. She is a Tumbuka by tribe and she was born and raised in the village. She supports the tradition and feels that it's good for widows but still hopes that some things can be changed to improve it.

Kentina: 45 years old. She is not a Tumbuka by tribe. She is educated and works in the city. She has two children both above the age of 20 now. Her first husband died when she was 30 years old and her children were below the age of 10 then. When her husband died she was asked to marry her late husbands' brother but she refused to be inherited. She ran with her children but her property was taken from her. She remarried and now she stays in the city with her current husband.

4.8.1 Key Informant Interviews

For the purposes of the background and to learn more on the tradition of wife inheritance I had interviews with some key informants. These included the chief of the village; he was born and raised in the village. He is a part of these traditions because he is the one who makes sure that tradition is followed in the village. I also had interviews with two of his ministers' one woman and one man. These were selected based on the knowledge they have of the tradition but also their involvement in the course of this tradition. These key informants provided information with regards to their knowledge of the tradition.

4.9 Data Analysis

According to Berg (2012) data analysis is defined as consisting of three concurrent flows of action: data reduction, data display and conclusions and verification. With regards to the nature of qualitative data there is need to reduce and transform or code it in order to make the data more readily accessible, understandable and to draw out various themes and patterns. In

this study data reduction was very useful because the raw data was voluminous and by reducing it, it directed my attention to focusing, simplifying and transforming the raw data into a more manageable form. In the first step of analysis summaries of the interviews were written and themes were developed, I also identified analytical themes and considered the relevant theoretical explanations in the process. These processes were considered even during the time the study was carried out.

The data was also organized in such a way that it would allow the conclusion to be analytically drawn. Thus I organized summaries and proportions of various statements, phrases and terms, by looking at similarities and patterns in the responses that I was given. These helped a lot in understanding and observing some patterns in the data and it also pointed me to the directions where additional analysis or actions must be taken.

Berg (2012) suggested that the best and obvious way to analyze qualitative data is content analysis, and this is what has been followed in the analysis of this study. To analyze the content I used what Lofland & Lofland (1984) called filing. This is a physical means of maintaining and indexing coded data and sorting data into coded classifications. This was done in order to access the various aspects of the data easily, flexibly and efficiently. Since I did not use the tape recorders for the in-depth interviews I tried as much as possible to make clear verbatim out of the notes that were taken during the interviews. These were done on the same days when the interviews took place to avoid forgetting things and leaving out necessary information. Each verbatim was read and the codable topics, themes and issues were highlighted.

The analysis was mainly done with the data that was collected and the meanings ascribed to it and also taking into consideration the theoretical implications of such meaning. In the analysis of the data I have also taken into consideration those that failed to continue with the interviews due to different reasons. As it is stated by Creswell (2009), when a participant who has agreed to do the study stops answering the questions or chooses to end the interview that on its own is data that has to be analyzed. With regards to this fact I have also taken into consideration the failed or stopped interviews.

CHAPTER-:5 UNDERSTANDING WIFE INHERITANCE IN MALAWI

This chapter and the following chapters will present and discuss the findings of the study and it will reflect the data that was collected. The organization of the presentation of the findings is made in such a way that the topics should be linked in order for the presentation to be clear and easily understood. The first empirical chapter will focus on the perspective of the key informants. This chapter will highlight the cause of the tradition of wife inheritance and why it is practiced based on the information that was collected from the key informants. This information is mostly from the key informants perspective, who are regarded as stakeholders in the community. Chapter 6 will focus on the information collected from the widows who have experienced wife inheritance and they approve of it. The last empirical chapter 7 will present and discuss the findings from widows who disapprove of the tradition. The aim of this order of presentation is to see if the perspective of the key informants is what happens in reality and if it's not, this will give the reasons why this is not so. Thus this chapter will mainly focus on the origination of the wife inheritance tradition and the reasons given by the key informants for doing this tradition.

5.1 The Origin of Wife Inheritance

Berger and Luckmann (1966) have given an account of social construction of reality. They describe Reality as a state that is socially constructed and sociology of knowledge is used to analyze the process in which this occurs. Reality is defined as quality appertaining to phenomena that we recognize as having a being independent of our own volition. This account by Berger and Luckmann is the basis for understanding studies about societies and what happens in the societies. This understanding is very important in this regard because for this study to explain the experiences of the widows involved there is a need to first understand how the society is socially constructed and the events that lead to the practice of wife inheritance. The interview with the key informants gave an account of how their society is created and also how it is socially constructed over time. What people know as reality in their everyday life is knowledge that constitutes the meanings of different traditional beliefs and practices, without these the society could not exist (Berger & Luckmann, 1966).

The key informants described the tradition as something that was socially established in the society. There was no clear account given on who started it or when it was started but this is

recorded in the introductory chapters as written by some scholars. One thing drawn from all the key informants' responses is that they were born and raised in this tradition, and they just followed the tradition. One thing that is clear though is what led to the practice of the tradition. The key informants mentioned the arrangement of the society like gender division of labor, different roles assigned to males and females and the marriage process as the main causes of the practice of wife inheritance. One elder said;-

It is good for people to know what they are in for at the time they are getting married. The problem is you might be asking me about the origin of wife inheritance, but there are so many other things you need to understand related to the tradition before you get to understand why the tradition is practiced. This is because many traditions have different meanings. You need to know the practices surrounding wife inheritance and it will be easy for you to understand wife inheritance.

According to this informant the root and source of this topic is embraced in one domain which is culture and tradition. This meant that the practice of wife inheritance has to be understood in a broader cultural context, connected to other cultural beliefs and practices and not as an isolated practice. This means looking at the practice in anthropological way. Keensing (1987) suggested that when studying culture we need to ask who creates it and who defines cultural meanings and to what ends or for what purpose. The study of culture in the context being discussed in this study is what Keensing has defined as anthropology. He defines anthropology as an exploration, an excavation of the cumulated, embodied symbols of other people, a search for meanings, for hidden connections, for deeper saliencies than those presented by the surface evidence of ethnography. To understand the wife inheritance tradition one needs to use the knowledge of the community elders who are regarded as keepers of knowledge in the village. There were a number of traditions that have deeper meanings but they are not understood by the other members of the society. In this regard one of the explanations given by the key informants gave me some insights, he said;-

The beginning of wife inheritance is the time two people have decided to get married. According to our culture we follow the patriarchal or patrilineal systems, where the status of women and children is intricately bound to their place within a husband's family. In this case we believe that a woman needs a man to survive. To make everything legally binding there is the tradition of Lobola that is practiced before the couple gets married. The Lobola has several meanings but one of them in our culture

is that the woman now belongs to the man and the man's family; this is in life or death of the husband. I wonder how people who have practiced the Lobola tradition tend to question the wife inheritance tradition. To me it seems people do not learn or understand the reason of the Lobola. This is not new in our village it seems like these things are only known by the elders and not the rest of the society.

This account reflected that wife inheritance is a part of a kinship system where kinship and inheritance is traced through the male line. Wife inheritance is seen as a logical consequence of Lobola which is connected to patrilineal kinship systems. For one to understand this they have to know the deeper meanings of the other practices like how Lobola links to wife inheritance. This however is not the reality because in as much as all the socialized Tumbukas' understand the outermost layers of their culture, the layers of meaning that lie beneath is known only by the elders. This shows that not everyone in the community understands the links between these traditions. Keesing (1987) suggested that at each stage new layers of symbolism are revealed and only a few elders and men in a society understand the deepest layers of meaning. Keesing (1987) highlighted that there are probably few societies in which access to knowledge is so open to men and women, young and old. Experts know more deeply, because they sought out knowledge, memorized, more reflectively sought connections between surface details. And these experts in a society are few. This means that many people in the society follow the practice but they might not know how it comes about because they do not understand the meanings of the traditions linked to it.

In my interview with the chief I found that many of the traditions being practiced in this area actually have other sources that are kind of hidden from people who don't understand the tradition very well. Many people do not look for the other meanings of some of the traditions that are practiced that have a very close relation with the tradition of wife inheritance. From what I gathered it seems the very essence of wife inheritance originates from previous traditions of which one of them is the *Lobola*. Many scholars have argued that the Lobola or dowry as it's called in English is also a source of gender based violence.

5.2 The Lobola Tradition and Its Link to Wife Inheritance

Kinship is the primary basis for determining individual rights, duties, residence, marriage, inheritance and succession (Oyise, 1997). Power and authority reside with the male members of the family in most societies. The *Lobola* tradition is actually practiced as a way of making

sure that the women belong to their husbands and the husband's clan. It symbolizes that the woman from the time she is married her husband is responsible for her. One informant said;-

Once the Lobola is paid it is now assumed that the wife or the woman belongs to her husband's people. The tradition of wife inheritance ensures the continuation of providing care to the woman after the death of her husband. It also ensures that the woman remains with members of her husband clan where she belongs.

The link between Lobola and how it contributes to the origination of wife inheritance shows that the tradition of wife inheritance is related to other traditions. According to the key informants people do not understand the meanings of these traditions and they tend to wonder where the tradition is coming from. From this I understood that the tradition of wife inheritance actually has another source that is not at all connected to the funeral rites and what happens after a husband dies. This calls for an understanding of the culture of the society to get a true source of the origin of these practices.

5.3 Culture and the Division of Labor

The key informants explained that the culture in their society moulds women to become better wives and not to take care of themselves and their families financially. On the other hand men are socialized to become bread winners for their families. In this regard men are supposed to see to it that the women are provided for. Women are expected to be good wives to their husbands and do the household chores. One of the elders in regards to this said;-

Men and women from the time they are born they are raised differently. According to our culture women are supposed to be household keepers and raise children. This is why parents stress on teaching their daughters how to cook, how to clean and how to take care of their husbands and families. This is because women are not expected to work later on in life. For boys they are taught how to fend for their families because it is expected that they are going to be breadwinners for their families. It is actually of no use to educate a girl after considering these facts. This is the reason why most attention is given to the male child. Bearing this in mind there is therefore a need to make sure that a woman is well taken care of even after the death of her husband and that is why we have the tradition of wife inheritance to make sure that the woman will continue to have support from a man after the death of her husband.

This reveals how the division of labor within the household generates gender relations as well as work relations. This could be oppressive to women because they are assigned to roles which do not offer them any independence. The culture by assigning these different roles asks the woman to be dependent on a man thereby giving the man an upper hand in the relationship. According to West and Zimmerman (1987) this is oppression in the sense that the oppressive character of gender rests not just on difference but the inferences from and the consequences of those differences. The members of this society are involved in doing gender by creating differences between girls and boys and women and men, differences that are not natural, essential, or biological. Once the differences are constructed, they are used to reinforce the "essentialness" of gender. In an account of the "arrangement between the sexes," Goffman (1977) observes the creation of a variety of institutionalized frameworks through which our "natural, normal sexedness" is enacted. Berk (1985) argued that the current arrangements for the domestic division of labor support two production processes: household goods and services and, at the same time, gender. As she puts it simultaneously, members "do" gender, as they "do" housework and child care, and the division of labor provides for the joint production of household labor and gender.

5.4 Widowhood and Events Surrounding Wife Inheritance

According to the Tumbuka the first thing that happens when a husband dies is the ritual of cleansing the woman. One of the elders described the cleansing ritual and the reason for doing it in the following way;-

The first thing that is done after the death of a married man is cleansing of the woman. When a man dies there are so many speculations that might have to do with the widow or even the whole community. We believe that when someone dies in a community then the community is somewhat dirtied because of the death that has happened. Therefore there is a need to cleanse the community through the widow otherwise if this is not followed there will be consequences upon the remaining members in the community. Sexual cleansing is done soon after the ritual of 'kumeta' where a woman is shaved by members of the deceased clan. The reason for doing this is that we want to allow the spirit of the dead to roam freely in afterlife. We believe that if these rites are not followed the woman is haunted by her late husband's spirits so this is also for her own good. After the death of her husband the woman is considered unholy and disturbed if she does not sleep with a man soon after her husband's death. The sexual cleansing is

done to loosen up the woman. This is because after the death of her husband the woman is tight or rigid and needs to be loosened up. The sexual cleansing is done to set the woman free. This ceremony is administered by 'anyalumbi' who is the head of a clan. They are the ones who decide the one to perform the sexual cleansing but also the one who gets to inherit the wife.

There are many reasons for wife inheritance according to the Tumbukas. Since only men are socialized to be the providers for their families this means that the woman will not be provided for when her husband dies. Therefore wife inheritance serves as a way to ensure the social location and physical survival of a widow and her children and the continuation of the larger family after the death of the husband. With regards to this one of the elders explained that;-

Wife inheritance is just part of the package that follows the Lobola. As a community and tradition we mainly do it to offer security and protection to the widow and her children. This is what was promised to the bride's family at the time she was getting married. The root cause of this is the fact that a woman cannot stay without a man. We believe that in the society and in the family, everyone has a different role. Men and women do not do the same role; a man is responsible for his family and has to take care of his family by providing for them all the basic necessities needed in life. When children are young they are socialized into different roles and men are socialized in such a way that they are going to take care of their families materially and women are not. That is why it is necessary for the woman to have another man when the husband dies. The tradition is made in such a way that a woman should always have someone to take care of her in times like these.

According to this explanation wife inheritance is highly traced to the division of labor in the society. Which means since men and women are socialized differently there is a need to ensure that women are always taken care of and they always have the presence of a man at all times.

5.5 Wife Inheritance Tradition in Modern Days

The wife inheritance tradition has been going on for a long time among the Tumbuka's. The key informants explained that there have been a lot of changes in the tradition lately. This has been due to many things; including modernization, globalization and the exposure of certain

knowledge to women about their rights and the need to protect these rights but also an encouragement for women to live independently. Many women are also becoming providers of the home and they do not want to get married for the sake of having someone to provide for them. According to the key informants they felt the tradition should continue even when women are able to live independently. The reason being that even if the woman does not need a man to provide for her financially there are many other things that this tradition serves. This includes providing a male figure for the children if there are children in the family but also to ensure the continuation of the family that the man left behind. Thus despite the changes in modern times the key informants explained the need for the continuation of the practice. One key informant said;-

The tradition has been practiced for a long time without problems, but in modern times it is getting difficult each day that passes by. The reason for this is that many people do not understand traditions and it is also because of education. It seems like educated women feel like they can take care of themselves economically and therefore they do not need a man. But they forget about their children who need a male figure and to stay with their fathers' people. I can acknowledge now that things are changing a lot and women are changing but we cannot stop this tradition because it serves many other things not just providing for the woman and children. When a man dies the children still need a male figure, a woman needs a man who can help her to raise the children.

This shows that there have been many changes in the tradition that can be attributed to modernization. According to the key informants education has exposed women to knowledge that makes them question traditional practices. In the perspective of the informants widows who are economically secure are more likely to abandon the practice than those who are not. This is because women who are educated are informed about their rights and what they can do to protect themselves than women who are not. Even in the face of modernization and the empowerment of women, the informants think the tradition serves other purposes than just economic benefits for the widow.

5.6 Cross Tribal Marriages

The other reason for the changes and difficulties in the tradition according to the key informants is the cross tribal marriages. It seems when a Tumbuka marries someone who is

not of the same tribe there is a problem to come into agreement on the traditions when the husband dies. This is because these are strange traditions to the members of the other tribes. One key informant in regards to this said;-

We notice that many times when someone from another tribe marries a Tumbuka they bring trouble and refuse the tradition once their husband's die. There are cases whereby other Tumbukas' also refuse the tradition but most of the times its people who do not belong to our tribe who cause us more trouble.

According to this description it seems firstly that refusing to be inherited is considered a problem to the elders. Secondly, cross tribal marriages brings a lot of miss-understanding between the members of different tribes. This is because people from the other tribes do not understand why this tradition is practiced. This could be due to not being informed about these traditions when they were getting married. The informants believe that a lot of resistance to the tradition occurs due to these cross tribal relationships.

5.7 Consequences for Not Following the Tradition

From the information that I gathered from the key informants, initially the widows did not resist to be inherited. This means women did not say no to being inherited and according to the informants women were eager to have the tradition done. This is because then, women could not fend for themselves and they relied on men for several things. The fact that, women were so willing to perform the tradition of being inherited made things easier and the tradition was followed without any problems of resistance on the side of the widows. This doesn't mean there was no one who ever said no to the tradition. There were some women who refused the tradition and there were consequences for refusing to be inherited. The informants said this did not happen a lot in the old days, but it is on the increase now. One informant explained the following as the consequences of not following the tradition;-

There are consequences for not following the tradition; we believe that tradition has to be followed no matter how you talk about rights or no matter how educated a woman is. Long time ago there were very few cases where a woman would deny to be inherited but it seems like these days with the talk of human rights and education there are more women saying no to the tradition. A woman is given two options if she says no to the tradition. The first one is that when you are old and you do not need a husband then one can swear that they will not be involved with any other man outside

the dead husband's family. After this swearing a woman is allowed to remain at the premises of her late husband which is usually at the family compound in the village. One of her in laws is assigned to take full control of the wealth. This means her in-laws are in control of the property.

The consequence explained above only applies to those who are too old to marry again and have agreed not to have anything to do with another man. This can also be linked to violence because the sexual freedom of the woman is limited to being involved with members of her husband clan. The widow in this case also faces economic violence because control of her property is transferred to a male member of her husband's clan and she faces some restrictions on how to handle her own property. Women who refuse to be controlled by the family members of their husband's people face different consequences. They are supposed to leave their children and wealth behind and go to their own family homes. One informant said;-

In other cases a widow might refuse to be inherited and refuse to live with her husband's family. In this case the widow is asked to live behind her children and her property and go home where she came from. This is mostly for the people who do not belong to the Tumbuka tribe. If the widow belongs to the Tumbuka tribe, they also leave behind their children and property and return to their home. But mostly even though the widow is banished, the few who have refused to be inherited do not remain in the village. There are those who stay in the city with their husbands and after the death of their husbands they go and stay in the city because they feel like outcasts if they remain in the village. But the consequences differ depending on the clan where the husband comes from.

This shows that it is very difficult for a woman who has refused to be inherited to continue staying in the village because she is treated like an outcast by the other members of the society. These women are even more exposed to a lot of violence than the first group. It is much easier for people who never stayed in the village in the first place. Another informant said the following with regards to being banished from the village;-

Long time ago the widows who refused to be inherited were banished from the village. In modern times that doesn't seem like a punishment because the women have houses in the city so they would not mind being banished. But lately it seems taking away the children and the property is the best option that is used to force widows to comply.

There is still a problem when it comes to educated women who have many options and opportunities open to them.

This illustrates that the position of women traditionally, made the punishment of banishment unbearable to most women. This is because then, when a woman was banished there was nowhere they could go and they were helpless. This however does not seem to apply in the modern days to women who are economically empowered and are able to take care of themselves outside the village. In modern days it seems the only way to force a woman to give in to the tradition, is to threaten to take away her children. This is a direct show of the violence against women in this practice. The freedom of women is limited in this case and their rights are not respected.

5.8 Discussion and Conclusion

The study has demonstrated that wife inheritance is a tradition that has existed among the members of this society for a long time. One thing that was established from the key informants is that the tradition of wife inheritance is not just an independent practice. This means several structures in the society call for a need for this tradition. Starting from the way children are socialized to the marriage process and the practices surrounding marriages.

Rankin (2003) argued that culture must be viewed not as a given set of relations and ideas structuring social life, but as something that is produced through human intention and action. According to the findings of this study women in this society are raised up looking up to men as their providers. Women are limited to household activities and are not expected to be earning money to support their families. This is justified by the differences that are there with regards to raising a boy or a girl. Following this, women are regarded as belonging to their husbands when they get married. Another tradition that is greatly connected to wife inheritance in this study is Lobola. This study revealed that the payment of Lobola means the woman belongs to the man and the man's family and that is why the woman is supposed to remain with her husband's people even after the death of her husband. Since women are not supposed to be providers in the home then wife inheritance is there to ensure that the woman is provided for by a man. From this study it was discovered that the deeper meanings or origin of the wife inheritance tradition is not shared by everyone. The study found that there are some rituals that accompany wife inheritance. This includes widow cleansing. This is when a relative of the deceased is supposed to have sex with the widow after the death of her husband.

The study concluded that wife inheritance is also highly linked to division of labor in the society. Thus according to the elders it's established that wife inheritance mainly happens because the woman is supposed to stay with her late husband's family because it is where she belongs because of the Lobola that was paid for her when the woman was getting married.

It is evident in the study that in modern days a lot has changed on the tradition and it keeps changing. It was explained that this is due to modernization and exposure to some knowledge on the part of women. The other problem that is faced by this practice in modern times is stated to be cross tribal marriages that often bring misunderstandings.

Lastly, the study found that there are consequences when women refuse to be inherited. These consequences have to do with the sexual freedom of the widows but also issues relating to property grabbing or taking control of the widows property. This can also be described in terms of gender based violence or oppression against the women. Women are subjected to these conditions because they are women and they are not expected to live independently. This shows lack of freedom for the widows but also abuse of power on the part of those who administer this tradition who are mostly men in this case.

The society shapes women in a way that fits the roles that are given to them culturally and the same also happens for the men. Comaroff (1991) suggested the need to understanding how power operates through culture. When power is hegemonic, those in subordinate positions experience the order that oppresses them as self-evident and natural. This means people in the society have accepted the way things are done. In this case women are to be subordinate to men in all the situations of their lives. This is noted in most of the statements of the key informants who kept on stressing the point that a man has to be in charge at all times. In such cases according to (Comaroff, 1991) power hides itself in forms of everyday life and comes to be accepted because its justified by other actions. Sometimes power is ascribed to transcendental, supra historical forces like gods or ancestors, nature or physics, biological instinct or probability. These forms are not easily questioned. Being 'natural' or 'ineffable', they seem to be beyond human agency, notwithstanding the fact that the interests they serve may be all too human.

It is the role of social workers to check operating systems for oppressive behaviors. Social workers are faced with the work of advocating for groups who cannot advocate for their rights. This practice though can be questioned in social work on its role of enhancing the well-being of widows.

CHAPTER-: 6 EXPERIENCES OF THE WOMEN WHO HAVE UNDERGONE THE TRADITION OF WIFE INHERITANCE

6.1 Experiences of Women Who Approve of the Tradition

The main aim of this research was to find out the experiences of the widows who were asked to be inherited and perform the funeral rituals related to wife inheritance and how they experienced violence related to this practice. These widows were asked to narrate their experiences and how they personally felt when they were asked to perform this tradition. Narrating their point of view on the practice gave the study subjective results.

Due to differences in perceptions and views, the interviewed widows were categorized into two. Thus those who said that the practice is beneficial and therefore not related to gender based violence and those who said the practice is related to gender based violence. This section will describe how the widows who support the practice narrated their experiences with regards to reasons for their support for the practice.

From the interviews the widows reactions on wife inheritance being linked to violence were not homogenous. Different widows looked at this tradition differently with regards to how the practice might be associated with gender based violence. Statistically, of the eleven interviewed widows, two widows were of the view that this tradition cannot be regarded as violence. These widows were inherited, but there were other widows who were forcibly inherited against their wish and they regarded the practice as gender based violence.

The two widows suggested that the tradition was a great arrangement that ensures that women are well taken care of after the death of their husbands. Different reasons were given in support of their views. This chapter will describe and analyze these reasons from the social work perspective or view point as described in the theoretical framework.

6.2 Reasons for Approving the Practice

As stated earlier some women feel that this practice is very good and it works for the good of the women. The points that were raised by women who approve of the tradition includes, being Tumbuka by tribe, women's dependence on men, societal expectations from women and the need to be socially accepted and lastly the attributes or qualities of the inheritor. The widows who approved of the practice were Merina and Yolanda.

6.2.1 Belief in the Tradition and Being a Tumbuka by Tribe

The first thing that was noted in the interviews was that of the 11 women who were interviewed the two women who did not link the practice to violence were from the Tumbuka tribe. However there were other women of the Tumbuka tribe who did not approve of the tradition. I noticed that being born in the village and growing up with these customs had a great influence on these women's acceptance of the tradition. For example Merina said;-

Wife inheritance tradition has always been practiced in this village. I was raised by my mothers' inheritor because my father died when I was young. My mother could not raise us all by herself she had 4 children and I was the youngest. Had it not been for the tradition we could not have been where we are now. When my husband died, I knew what would happen so for me it was just history repeating itself. I knew that what happened to my mother will also happen to me.

According to Merina she was raised by a man who inherited her mother. This means to her this practice was something she knew very well. From her statement I noted that she regarded her mother being inherited a good thing in their circumstances. She stated that had it not been for the fact that her mother was inherited things would have been bad for them. In this regard Merina had a very positive view of the practice. When Merina lost her husband she knew what would follow and she was prepared for it. In Merina's situation it would be easier for her to approve of the tradition than those who have never been exposed to it. This reflects the argument by Berger & Luckmann (1966) that once the socially constructed reality has been internalized among the members of the society it becomes part of them and it becomes the normal way of doing things. Therefore for members who have been fully socialized, it is easy for them to accept their way of doing things than to question it. Yolanda who was also born in this society and grew up there said;-

I was born and raised in this village and I know how things are done and I have come to accept how things are done. Attention in this tribe is given to boys they are the ones who are sent to school. As girls we are supposed to help with household chores and we are also trained to be good wives to our husbands.

In this regard it is the same as in Merina's case that the values or beliefs of this society have been internalized and instituted in the members as stated by Berger & Luckmann (1966). This fosters the acceptance of how the society functions as a system. Boys being sent to school and

girls being the ones who are supposed to do household chores reflect the gender theory aspect of division of labor. This might disadvantage the women and be a basis for gender based violence (Connell, 2009). This view though has been socialized to the members of the society and is accepted as the normal or order of things. According to social work the fact that it is accepted does not make it right. This division that determines that men do paid work and women have to take care of the home as discussed by Connell (2009) renders the women economically powerless. This is regarded as the root cause of gender based violence economically because it enhances women's dependence on men for financial security. This puts the men in charge and provides room for better bargaining powers in their relationships with women.

Garfinkel (1958) in West and Zimmerman (1987) argued that culture has concealed the accomplishment of what is taken to be one's natural or essential nature. This follows Goffman (1956) differentiation of sex categorization and gender. According to Goffman, sex categorization involves the display and recognition of socially regulated external insignia of sex. The relationship between sex category and gender is the relationship between being a recognizable incumbent of a sex category and being accountable to cultural conceptions of conduct becoming to or compatible with the essential natures of a woman or a man. Following Garfinkel (1967) we transform an ascribed status into an achieved status, moving masculinity and femininity from natural, essential properties of individuals, to interactional. This refers to social properties of a system of relationships. Fenstermaker and West (2002) suggested that the meanings that people attach to particular gender come from historically specific institutional and collective practices in the natural and thereby regarded as rightful allocation of material and symbolic resources like status. Following these suggestions the socialization that Merina and Yolanda went through in the village, was so internalized, in such a way that according to them this tradition cannot be questioned at all. It is in this regard natural and rightful for a woman to go through this tradition and holding this view gives no room to think of the practice as a violation of their rights.

6.2.2 Dependence of Women on Men

Another reason was the dependence of women on men. This could be linked to the internalization of their cultural practices but it is something that has influences in many areas of their life. It was realized that women depend on men in many other areas more than just economic reasons. From the responses given, division of labor goes well more beyond the

bread winner and household keeper roles. There are other roles that are believed to be performed better by men and not women. Because of this the women feel that there is a need for a man in their lives at all times. In relation to this factor Yolanda said;-

I don't think I can live by myself without a man, and I know with the Lobola I belong to my husbands' people. When my husband died I was cleansed and then I was inherited by my in law. I need a man to do so many things in the house.

Merina also mentioned the dependence of women on men in the matters of raising children. Merina mentioned how difficult it would be if she had to raise the children alone as a single woman. Merina said;-

For me I think it is hard for a woman to raise children by herself. Most of the time the children are not afraid of their mother but a man acts as an authoritative figure and the children cannot misbehave when there is a male figure around.

I relate this more with what West and Zimmerman (1987) have termed as doing gender. In the paper accounting for doing gender, they stated that the oppressive character of gender rests not just on difference but also inferences from the consequences of those differences. These inferences and their consequences are linked to and supported by historical and structural circumstances. What Merina said can be a consequence to the inferences that have been internalized in the society as a system. In this regard I noted that the men are regarded as authoritative figures for the children. They are supposed to ensure that the children are well behaved. I believe that there is a tendency among children to fear one parent more than the other and mostly the mothers can make the feared parent to be the father. This is done by saying statements like 'I will report you to your father' each time a child done something wrong. In this way women socially constructed men as authoritative figures to be feared by their children. On the same note West and Zimmerman (1987) stated that doing gender is undertaken by women whose competence as members of a society is hostage to its production. Thus it involves socially guided perceptual, interactional and micro political activities that cast particular pursuits as expressions of masculine and feminine natures. Some of the differences that appear as a result of constructing gender create dependencies that initially were not intended for but nevertheless they become internalized in the society.

These women also highly depended on the men economically. As stated earlier the society is socially constructed in such a way that men are the ones who take paid jobs and women are

supposed to stay at home and take care of the children and the home. This means the provider of the family is supposed to be the man. When he is dead the practice of wife inheritance is the only mechanism that ensures that the family continues to be taken care of economically. With regards to this reason Merina said;-

Some women who don't like this arrangement are educated and maybe they are better off without a man. That is why they choose to mourn their husbands for a long time and choose who they want to marry in their own times. They have the money so they don't really need a man in their lives to provide for them. For women like me a man is the bread winner who provides for the family and the decision maker in the family.

This description brings in the reflections on intersectionality with regards to the situations that different women find themselves in. In this case even though all women might be rendered powerless by the presence of the practice, the women who are educated can have a chance to fight for their independence as it was also noted from the explanations of key informants earlier. According to Connell (2009) the sexual division of labor remains the centre of most discussion of gender and economical dependences. Social work though is concerned with empowering oppressed individuals who are oppressed by structures of the society to bring about independence and justice to the oppressed groups in this case the widows. It is therefore social work's concern to question some of the acts that have come to be accepted as natural and ensure that everyone has the right to be productive and live an independent life to enhance the well-being of societal members. For Merina if a woman has financial security then she might not need a man which implies that economically empowered women have chances to break from this tradition and it is social work's concern to level the playing field for the women by introducing other alternatives that women can fall back on.

Economic dependence of women on men is a typical consequence of gender and division of labor and is also linked to cases of gender based violence. Connell (2009) highlighted that most women in the world, are economically dependent on men. Some men believe that women who are dependent on them must be their property. This according to Connell (ibid) is a common scenario in domestic violence and of course gender based violence. In many parts of the world men are more likely to have paid job. Connell (2009) also mentions the categorical theory that focuses on the division of labor, emphasizing the economic exploitation of women within the family that was originally proposed by Delphy (1970). The debate is on how to theorize women's domestic labor and whether capitalists or husbands are

the main beneficiaries of women's work (Malos 1980). The customary ideas about the division of labor in the family define women as housewives and cares of children and they cannot have economic security from this line of work which is believed to be done out of love and free will. This then puts women men in charge and women have to depend on the men.

Glucksmann (2000) suggested that there is a need to take into account total social division of labor. In his views there is a larger division between work the realm of paid and production for markets, and home the realm of unpaid labor. The whole economic sphere is culturally defined as men's world regardless of the presence of women in it, while domestic life is defined as a woman's world regardless of the presence of men in it. Hølter (2005) clarified that the social relations that govern work in these two spheres are different. In the economy work is done for pay, labor is bought and sold and the products of labor are placed on a market where profit prevails. In the home work is done for love or mutual obligation, the products of labor is a gift, and the logic of gift exchange prevails. Here the Norwegian sociologist Hølter (2005) argued that from these structural differences flow characteristically different experiences for men and women and our ideas about the different natures of men and women. Hølter (ibid) continues that housework and job-work are done in different social relations and they consequently have very different cultural meanings. Connell (2009) concluded that women in the colonized world which Malawi can be categorized in have been increasingly pressed into the housewife pattern of social isolation and dependence on a male bread winner. This describes the reason why Merina felt that a woman cannot stay on her own without a man, because a woman needs a man for economic support according to how she was socialized.

6.2.3 The Moral Requirements of the Society

The other reason that was noticed amongst the women who approve of the practice had to do with the expectations of the society morally on what is appropriate for women. I noted that the need to remarry or be inherited has much more to do with how the other members of the society look at women who are not married, Merina said;-

In my view a husband is very important for a woman. Here in the village when one is not married people think you are a prostitute and promiscuous. This does not give respect at all. This means a husband / a man is a sign of respect for a woman and a source of pride.

In this regard a man is not just a provider but being associated to one is a sign of respect for the woman. As I understood it when one is not married in the society people think you are a prostitute and according to Merina women wouldn't want to be associated with you because they think you will go out with their husbands. To get rid of this shame one has to get a man to gain the community's respect. In trying to understand this I see the relation that this argument has with the systems theory. Howe (2009) suggested that to understand some thoughts it is good to look at the whole picture in this case looking at the whole system of the society. Relationships with each other in the system are forever being shaped and re shaped by mutual interactions in a natural environment which is considered ordered. Howe (2009) suggested that the systems approach entails that every part in the system serves a function and if that part is disrupted then the whole system is disturbed. In this case the society is socially constructed in such a way that men are the providers of the family, therefore every woman needs to have a man to provide for her. It is thought that when a woman doesn't have a husband, she will still be provided for by men who are not her husband and in this case it will be considered prostitution.

The other point that's also related to this is the fact that the society has pre conceived ideas on women who can get married and who cannot. According to Yolanda it is very hard for someone who has been married before and has kids to find a man to marry them. This means one might perhaps receive rebuke from the society when they marry a widow. The accepted way for widows to remarry in this society is when a woman is inherited, Yolanda stated that;-

I like the arrangement because when you have children and you are widowed it is not very easy for a woman to remarry. I always see some of my friends who refused to be inherited, up to now they do not have husbands. This is because men always want fresh women those who have no children. For me it's a good arrangement. I try my best to please my inheritor as a wife and that's why he loves me so much. I respect him as a man and treat him like my superior so he likes that.

This notion though originates from the fact that they still need to be attached to a man and being inherited is the quickest way to get a man when one is widowed. In other words the market for a husband is hard when you have been married and you also have children. This also shows that being married in this culture is very important for the women. It could therefore also be argued that these women's acceptance of the tradition is drove by their need to be married which as shown here is something they value a lot.

6.2.4 Attributes of the Inheritor

The last thing that also influences why these women approved of the practice had to do with the type of inheritors they got after the deaths of their husbands. I noticed that the 2 women who did not link this practice to gender based violence were inherited by men they described as good men. They were inherited by men who were better off economically than their late husbands. The other feature that made the women look at their husbands favorably is that their inheritors were not very different from their husbands. Yolanda described her situation in the following way;-

I really wanted to be inherited by the man who inherited me. And when the elders proposed him, I was so happy. He looks just like my husband and even more handsome because he is a little younger than my late husband. He is richer than my late husband so I couldn't ask for anything else apart from what I got. My husband and I were not so rich and we struggled at times. Now that am married to his brother who is richer, I have everything I want. He gives me money, we have had two children together and he also loves his late brothers' children. For me wife inheritance is a good thing I wonder what I could have done had it not been for this tradition.

I noticed that according to Yolanda she liked her second marriage with her inheritor more than she did with her first marriage. And as stated some of the reasons for this were the economic status of her inheritor and the attributes that she associated with her inheritor like physical appearance. This is different from Mode's experience who married a man who she considered much older than her late husband. According to Merina, women who hate the tradition are the ones who did not get good men, Merina said;-

Others might hate the practice because their inheritors are not good men. Some inheritors might not be interested in the marriage but to take away what belongs to the widow. And worse still some inheritors abuse their inherited wives. We have seen many of these cases in this village.

In conclusion to this I realized that the reasons that were given by the women who approve of this practice, are very important to be analyzed and they give insight on how the same reasons can reflect an acceptance of oppression by the women. Even though these women approved of this tradition they also had some recommendation on which they thought the practice could be improved. For example Merina suggested that;-

Tradition must be followed but women should be given a choice on whether they want to be inherited or not. But also women should choose the one they want to be inherited by. There are many problems because some women are not happy with their inheritors.

6.3 Discussion and Conclusion

This study has shown that even though the practice of wife inheritance has come in the face of many criticisms, there are a few who approve of this tradition and recognize its need in society. The study established that those who approved of the tradition were Tumbuka by origin, they depended on men in many aspects of their lives, they were also concerned with the society's moral perception of them and the last reason had to do with how they perceived the attributes of the inheritors. Even though these women approved of the tradition, they also recommended that women should be given a choice to state whether they want to be inherited or not. It was suggested that women should not be forced by threats of taking their property or children to follow the tradition.

My initial thought as a researcher but also looking at the topic from social work point of view, this practice is oppressive to women in many ways. Initially I thought all women in the society would share the same view that I had. But in the course of the interview I found unexpected twists when some women supported the practice. In all the reasons that were given except for the reason that concerns the attributes of the inheritor, were directly linked to the systems theory. This means the system has a lot to do with the acceptance of the practice and these women's perception of it.

According to Bossman (1994) a society that sets women in a secondary position to men oppresses women, whether or not the women involved recognize their oppression or attempt to do anything about it or not. It is therefore the concern for social work to help people become aware of this violence and find solutions to it. To add on that, it is gender based violence because widowers are not subjected to the same kind of treatment when the tables are turned. According to Connell (2009) some women fail to recognize oppression and this in itself is one of the results of oppression. Connell argued that oppression has many forms and manifestations. Unfortunately however, while many manifestations of oppression are readily recognized, its causal factors often are not. Some women due to exposure to their rights are able to question aspects of their culture that is oppressive but still some are not. Thus the acceptance of this state of affairs in this case is in itself oppression against the women.

In as much as this study through what these widows said acknowledges the relevance of wife inheritance in the study area, I also conclude that the practice being practiced without free will is oppressive. The reasons that were given by these women also show that their acceptance is shaped by the socialization. There is therefore more than one practice to be checked here. The whole socialization of individuals has to be researched and investigated.

The acceptance of wife inheritance can also be linked to the masculine domination as proposed by Rankin (2003). Just like masculine domination characteristics, wife inheritance is imposed and suffered, as the prime example of a paradoxical submission. The effects are called symbolic violence, a gentle violence, imperceptible and invisible to its victims, exerted for the most part through the purely symbolic channels of communication and cognition more precisely, misrecognition, recognition, or even feeling. These attributes of masculine domination reflect the acceptance behavior of some of the widows on the tradition. Thus the approval of this practice could also show how invisible this violence is to the victims.

The goal of social work is to bring about justice to both men and women. Social work questions some of the aspects of the society that oppresses other individuals in this case the women, even though they might not recognize this as oppression. This is in line with the argument that sometimes social workers have to think on what is in the best interest of the clients even when the clients do not share the same view (Payne, 2005). It is therefore of social work concern to make sure that women are sensitized on their rights and threats to these rights. In as much as social work recognizes self-determination of the individual, it also has to bring change of attitudes where this is questioned as oppressive to some individuals. The hope is that when this happens women can be able to question some oppressive behaviors. Thus in this regard social work has two tasks, to bring awareness of oppression behaviors and acts in their society and once the clients recognize oppression then they can help in the fight for their freedom and independence.

CHAPTER-: 7 THE EXPERIENCES OF WOMEN WHO DISAPPROVE OF THE TRADITION

While the situation of widows largely depends on country, society, religion and economic systems, factors such as protracted grief, bereavement, rituals, loneliness and poverty determine both the physical and psychological health of widows all around the world (Simoni, Martone & Kerwin, 2002). Although most of the participants in this study talked about their disapproval and resistance to the traditional practice of wife inheritance, they acknowledged that widows who try to resist fulfilling the customs are forced into it which adds more misery on top of what is suffered by everyone else. Those who resist being inherited can be declared as outcasts and outsiders by their clans. For different reasons that are going to be explained widows the majority of the widows linked the practice to gender based violence.

The experiences of those who disapproved of the practice tackled so many areas on why they disapproved of the tradition. The widows talked at length about the challenges they face with their in-laws and within their communities. These reasons can be summarized into five main categories. These include economical violence that has been described as a loss of their property and finances to the inheritor, emotional or psychological violence that deals a lot with their feelings of shame and humiliation in some of the acts performed during the practice, physical abuse that relates to the way they are treated physically in some of the acts of the practice, sexual abuse and limited sexual freedom but also for some what they have described as verbal abuse.

7.1 Economic Violence

Malawi has an estimated population of 15,263,400, of which 7,678,700 are women and 7,584,800 are men. The economy is predominantly agricultural, based on farming of sugarcane, cotton, tea and potatoes. Seventy percent of agricultural work is done by women, who produce 80 percent of food for home consumption MDHS (2004). All the widows who gave their views on their disapproval of the practice of wife inheritance cited economic issues as one of the main problems they have with the practice. In the Tumbuka tribe, inheritance is passed through the male members of the tribe. This is in line with their customs, beliefs and also practices. The system amongst the Tumbuka is socially constructed in such a way that it ensures that wealth always stays with the males. The system prevents women from acquiring economic resources and this makes them dependent on their husband. Many women think that

what they have with their husbands belongs to them and that should anything happen to their husbands the wealth will stay with them and their children. Legally this is what is supposed to happen but amongst the Tumbuka this is not the case. This is because even when the husband is dead it is still assumed that the wealth that stays behind is going to be in the hands of the male members of the clan. Wife inheritance is one way of making sure that the wealth is still controlled by men. Many women though, have a problem with this and regard it as gender based economic violence. Miya a 68 year old widow who refused to be inherited said:-

My in laws have taken control of my estate and my husbands' pension. They come to my house and take whatever they want. They say a woman cannot run a house and property so they do it for me. My husband had a small shop and now they are the ones running it but I never see the money from that shop again. It doesn't feel like my home anymore. I don't have freedom in my own house I wish I had a say in my property or distribute it to my children.

Miya is a widow who refused to be inherited because she is old. She was allowed to stay in her home on the condition that her in laws will take control of all her property and she will never marry again. She has no freedom over her property; she says they never had a problem with her on the inheritance subject the moment she approved of her in laws taking care of her property. She was allowed to stay on their premises. In this regard it seems taking care of the woman and her children is not the goal of the tradition. In this case the goal is to make sure that wealth is still in the hands of the men. With regards to this Maria added that:-

The elders think a woman cannot take care of wealth let alone acquire it. They don't really want to protect me and my children. What they want is what belongs to us or what belonged to my husband. In my own opinion it has nothing to do with tradition or culture these people don't really care, it has everything to do with greed. They are more interested in acquiring the wealth that my husband and I acquired.

According to Maria the practice deprives women of the right to acquire or keep their wealth after they have lost their husband. In this regard it concurs with Buitelaar (1995) who argued that the identity of women is very much tied to a man, whether their father, husband or even son. Materially this translates to women losing the power on economic matters to males. This is of social work concern because this translates to injustice against women and it is gender based violence because the men do not face the same situation when the tables are turned. In a case where a woman's position, status, social network, economical survival and worth are

formally tied to being a wife, the negative impact of the loss of a husband is compounded. This is because the society does not expect the woman to manage anything that is regarded as a man's world (Lopata, 1996). This is also pure marginalization of women because this deprives them of their independence. Tina explained her experience and how she thinks the practice violates economical rights for women, Tina said;-

The tradition of wife inheritance is a violation of economic rights for us women. I always hear that the women who live in towns do not tolerate such nonsense but that can never work with women in the village. I really wish I was in town and I was like one of those women in town. Here in the village if you try to talk against what men say or propose you are considered a rebel and no one wants to be the one who causes trouble so here in the village we just follow what we are told.

This is a case of intersectionality as proposed by Crenshaw (1991). Tina felt that the women who are in town might stand a chance to fight for their economic rights since they also work and are educated. This means they are exposed to the knowledge about their rights. Crenshaw argued that even though women might face violence as women, different women might experience this violence differently. This is because some situations of these women might add oppression or marginalization while some women might be at an advantage to fight this oppression. It is therefore a concern for social work to help the more marginalized, in this case the women in the rural areas, by exposing them to knowledge of their rights and empowering them. In the urban areas women can do a lot to enhance their economic status but in the village there are many things that are done that renders women economically powerless this has been described as economic violence.

Economic violence is not just taking the women's property but also according to Kedar and Thakor (2007) preventing women from acquiring resources, such as restricting their ability to find employment and maintain or advance their careers and acquire assets. It also includes limiting the amount of resources to be used by women, by allocating to them what they can use or closely monitoring how they are going to spend their resources. Like in the case of Miya the old widow explained above. In more than one way the whole system of the Tumbuka including the wife inheritance tradition can be termed as a violation of economic rights for women. To start with the system makes sure that women are prevented from doing activities that ensures that they can get a job later in life like education. This is only encouraged amongst the males. Secondly once the husband dies how you are going to use

your resources is decided by the inheritor. Widows have different experiences with regards to how they are treated in matters of their property. Kamila had a different experience because her husband left a will but she was not included in it. Kamila explained that;-

I was inherited by my in law and to make everything worse in my husband's will, he left everything for the one who inherited me. I have no say because I have nothing. And according to the will my inheritor has everything so where do I even start fighting.

In Kamila's case only one thing could be concluded, her late husband was in support of their tribe. While in Kent's situation when her husband died her in laws took everything from her. They took all her property and money yet she was working and whatever they took is something that she also worked very hard for and belonged to her as well.

7.2 Emotional and Psychological Violence

According to Lazarus and Folkman (1984), stress is defined as a relationship between the person and the environment that is appraised by the person as taxing or exceeding his/her resources and endangering his or her wellbeing. Most of the information that was collected during the study was sensitive and it covered many emotional and personal themes. Psychological abuse also referred to as emotional abuse or mental abuse is a form of abuse that's characterized by a person subjecting or exposing another to behavior that may result in psychological trauma. This includes anxiety, chronic depression or post- traumatic stress disorder. The individual women who are victims of wife inheritance violence often experience life-long emotional distress. In so many ways the women who disapproved of this tradition argued that the whole process and the events surrounding the wife inheritance tradition caused emotional and psychological stress to them.

Losing a spouse is one of the stressful things that can happen to an adult. When women lose their husbands there are so many things that they think about. For example how life will go on without the help of their husbands, this could be financially, materially but also emotionally. A spouse at this time needs all the comfort they can get from their relatives and friends. Many women expressed feelings of emotional abuse with regards to the practice which adds on the existing stress of losing a spouse. The first thing that was noted from some women was that they were very much traumatized with what they went through in such a way that they did not want to talk about these experiences. According to Berg (2009) information is not only gathered when the interviewees speak or give information. Information can also be gathered

when participants refuse to speak because of how they feel. I met one of these situations with two of the women that were interviewed. These women were Zeta and Yanja and they were both inherited. When I approached Zeta and explained to her about the interview and what I wanted to talk about, she refused to be interviewed but she gave me a reason why she did not want to be interviewed. In her words Zeta said;-

I don't like talking about my experiences because it's traumatic for me. I don't like going back to those memories because it reminds me of those times it just makes me angry and afraid it's so frustrating. I am sorry I can't be of help in your study but this is something I don't like discussing.

Zeta could not talk about her experiences because she was traumatized by the whole experience in such a way that she was not comfortable to even talk about it. In my own opinion I concluded that she was extremely traumatized by it if she doesn't want to talk to someone about it. On the same note when Yanja was approached she said;-

I am still traumatized by everything that happened to me. I am sorry but I cannot talk more on this. Memories of this are very fresh and talking about it takes me to that fateful day when I was sexually cleansed by a 57 years old man who later became my inheritor husband (she started sobbing and whilst sobbing she continued that) I am sorry I can't do this anymore, I just don't want to recall what I went through and the more I talk about it the more I feel stressed, I cannot go on with this interview.

This showed how traumatized they were by the experience. Apart from Zeta and Yanja the other women who participated in the interview described some of the acts that were conducted during the practice as degrading to women but also shameful to them. Some of the women talked about their trauma in general with regard to the whole experience, while the others mentioned specific acts that they felt were so traumatic and psychologically torturing. Maria described how traumatic the sexual cleansing ritual was for her, Maria said;-

Even though I knew I could be infected with HIV I had no choice but to accept being cleansed and inherited because of community pressure. I have feelings of shame and resignation. I remember hiding my private parts for some time when I was forced to have sex with another man barely days after my husband's death. It felt like I was being legally raped. The image of that day has never left me. I was forced to do this and I had no choice knowing that if I say no the whole village will be against me.

According to what Maria said, she found the sexual cleansing ritual to be so traumatic. I believe after losing her husband and conducting these rituals whilst she was still mourning was so traumatic for her and this has left her traumatized. Tina also specified that what she found more disturbing in the events was what was performed during the wife inheritance practice itself;-

I was introduced to my husbands' nephew in a room. I was told to remove my clothes and rub my body against his. The traumatic thing for me was that some people were in the room watching what was happening. I felt bad and I was so ashamed this really disturbed me psychologically. I have never been able to remove that image from my head each time I remember this I cry, my self-esteem was really crushed.

Tina felt that the acts that she was asked to perform were very shameful. Tina felt bad about herself and she lost her self-esteem because of that. Being asked to be naked in front of other people is psychologically traumatic but also could cause mental stress. Tina explained that after this incident she felt that no other man could ever love her or be interested in her at all. She lost her confidence. Tina concluded that, the practice of wife inheritance is a practice that degrades a woman's dignity and is so humiliating but most women are powerless to resist. This is because if they try to refuse then they will be treated like outcasts in the village. Women who agree these practices just want to be declared clean in the land because it is even more traumatic to be treated like an outcast once you have refused to be inherited. This means the stress is both ways for those who refuse the practice and for those who accept.

7.3 Physical Abuse

Physical abuse has been described as an act of another party involving contact to cause feelings of physical pain, injury, or other physical suffering or bodily harm. In this description it is very hard to call what these women experienced as physical abuse, but some of the women literally used this term to refer to incidents when some of the acts that they were asked to do required a contact with their bodies. Some of the acts included being shaved and being asked to cover themselves in mud. The women described these acts as physically abusive because they had to do with their bodies. Tina described her experience in the following way;-

I was told to cover myself in mud for three days to show mourning and I took a bath the third day. I stayed for three days covered in mud, I felt physically abused because

they wanted me to stay dirty. They said I cannot be looking good when I have just lost a husband.

For Tina, being asked to cover herself in mud was an act of physical abuse. This is because she was asked to be dirty against her will. For her, the elders had control over how she was supposed to look like during this period. Mode explained how she was asked to be shaved and how she found this to be physically abusive;-

During the ceremony they shaved my head I felt this was physical abuse. I don't know what hair has got to do with someone dying. Every one of the elders had to take part in the shaving and I was seated while one by one they took turns in shaving my head.

Mode found this physically abusive because she was shaved against her will. While for Kent she was forced to drink water that was used to bath her dead husband's body. Even though this might not be physically painful Kent felt physically abused by these actions. Kent explained this in the following way;-

They bathed my husbands' dead body and I was asked to drink the water that was used to bath him. This was done to prove my innocence that I did not kill my husband, they said if I dint kill him nothing will happen to me after drinking the water.

7.4 Sexual Abuse

Sexual abuse can be defined in so many ways and the definitions vary according to the one giving the definition or those who are sexually abused. Some widows in the study said they linked the practice to sexual abused based on their experiences. Mode described some of the things that she was asked to do as sexual abuse to her. This was mostly because she was forced to have sex against her will and she was sleeping with another man soon after her husband's death. Mode said:-

I was forced to perform the sex cleansing ritual. I was forced to sleep with a man I didn't even have feelings for. I felt so bad sleeping with another man barely a week after my husband's death. I felt that I was sexually abused here but I just had to do it. I was not given a choice on who I could sleep with and I was not at liberty to refuse the one that was proposed to me. If this is not sexual abuse I don't know what is.

Mode felt that being forced to have sex was sexual abuse to her while on the other hand Kamila felt sexually abused when she felt that her freedom and choice to sleep with who she wanted to sleep with was limited. Kamila was asked to have sexual relationships with members of her husband's clan only and this is the requirement amongst all the Tumbuka widows. Kamila explained that;-

I wish I was left alone with my children and if I want a man I wish I had the freedom to fall in love with the man I wanted, someone of my own choice. This practice deprives women of their right to sexual behavior because they limit who a woman can have a sexual relationship with. This is limited to my late husbands' clan. If not then I should stay unmarried for life. If I go against this they will take my children away. I feel this is an infringement on women's sexual rights.

Women have their rights taken away in many ways but in this regard, this culture in a way perpetrates this kind of infringement. The right to sexual autonomy is threatened by this practice. It is dictated to women who they can be in a relationship with and these might be people that the widows do not want to have a relationship with. All these are acts of injustice among women and it is the role of social work to advocate for the realization of sexual rights of these widows as stated by Payne (2005).

7.5 The Tradition of Wife Inheritance in Present Days

The tradition of wife inheritance has come in the face of many critics lately. The media and other human rights organizations have criticized the tradition arguing that it perpetuates the spread of HIV/AIDS. It is also criticized for the infringement of the rights of women who most of the times have nothing to say on the matter. One of the key informants acknowledged this by saying that;-

Many people of late are criticizing our tradition. I feel like with the emergence of democracy and education for women and the talk about human rights, women feel like they can live without men and they can survive without men. But I think people should not completely lose their tradition.

In this regard the informant acknowledged the raised concerns on the tradition but also a possibility of changing how the practice is carried out. In as much as the practice has reduced in modern days, it can still be noted that it happens and there is a need to do something.

7.6 Discussion and Conclusion

This chapter intended to understand the experiences of the women who did not approve of the tradition of wife inheritance and their reasons for not approving the tradition. Attempts were therefore made in this chapter to explore what these women had to talk about in regards to the violence they experienced in the course of the tradition.

The study revealed that women who try to resist being inherited are forced to be inherited with threats that their children and property will be taken away from them if they do not cooperate with the tradition. The study finds a link between gender based violence and the tradition of wife inheritance. The violence experienced by women in this practice has been categorized into four kinds of violence. The first one is Economic violence which mainly concerns taking away property from the widows or someone taking control of their property. Secondly, emotional and psychological violence, some widows were traumatized by the whole experience while others stated feelings of shame and resignation in connection to some of the acts involved in the practice. Thirdly is physical abuse and lastly, sexual abuse when the widows are forced to sleep with a man during the cleansing ceremony, being forced into a sexual relationship against their will and limiting the widows sexual freedom.

The study also established that even though the main reason for doing wife inheritance as stated by the informants is to offer security and protection to the widows, this is not the case in practice. According to these widows the main interest for the inheritors concerns inheriting the wealth or property of the deceased or to be in sexual relationship with the widow. Therefore perpetrators of the practice are men who hope to benefit from this practice.

According to the UN general assembly (1993) Violence against women is "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threat of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life. This definition fits the experiences of the widows who disapprove of the tradition. Thus the practice of wife inheritance violates the rights and freedoms of women and this is a matter of social work's concern. Banks (2006) mentions self-determination as one of the value principles in social work which means that individuals are in the best position to define what is oppressive to them or how to solve it. By allowing the widows to define themselves what they find oppressive this study enhances the values of self-determination.

CHAPTER-: 8 CONCLUDING REMARKS

This study has attempted to describe and analyze the experience of widows who have undergone the practice of wife inheritance or were asked to follow this tradition. Firstly the study gathered the opinion of the widows, in regards to whether they approved of the practice or not. The purpose of the study was to see how gender based violence is enhanced through the practice of wife inheritance. Related to this the study also aimed at exploring the different kinds of violence that women were subjected to in the wife inheritance process. Statistically, of the 11 widow respondents only two approved of the practice while the rest linked the practice to gender based violence, citing different kinds of abuse associated with the practice. The study also analyzed the views and knowledge of community elders in the study area who have been regarded as key informants. This is because of their roles as custodians of cultural knowledge in the community. The interview with key informants has established reasons for the practice in the study area but also a detailed understanding of what is involved in the practice. The study has also established what happens to widows who refuse to be inherited. It is also in evidence that for those who find the practice violating and abusive, they relate this practice to economic violence, sexual abuse and emotional/psychological abuse.

The study used several theories to understand and analyze the findings. The feminist perspective and the concepts of gender and intersectionality have been used mainly to provide understanding and meanings in social work's point of view. The systems theory and the construction of reality have given this study an approach in understanding the events by taking a wholesome approach in understanding the society and the practice. Social construction of reality has also provided a means of understanding the behavior of some respondents and their responses by focusing on the socialization and internalization of societal beliefs and values. The anti-oppressive approach has been employed to understand the violence discussed in the study.

The study has exhibited that the practice of wife inheritance serves a just cause in the society, according to how the society traditionally functioned. It concludes that the culture has a paternalistic attitude that favors boys by giving them opportunities so they can earn a living and this follows that women are bled to be dependent on men. From the community elders' point of view, it can be stipulated that the practice of wife inheritance is the best alternative available to the widows and for the care of her children if she has any. This practice shows the mutual responsibility in society to care for one another. Wife inheritance customarily attempts

to cope with the death of a husband and its adverse socio-economic and psychological implications filling the gaps created by the death of a husband thereby maintaining social normalcy as much as possible. In this regard as Kayongo-male and Onyango (1984) stated, wife inheritance is a means of checking the disruptive consequences of death. Nyarwath (1994) added that this ensures the continued family stability by providing for the missed roles and duties of a dead husband. The intended reason given for wife inheritance in this research area is to offer security and protection to the widow and her children. This means well in a society where women have no means of supporting themselves. A problem however arises when the intention of the inheritor is not to offer security and protection, but also when a widow is forced to do so against her will.

In regards to the above argument the study has analyzed the different interests of the people involved in these practices. This study found that most of the times even though the practice is to benefit the widows; they are not usually the ones who benefit in this arrangement. This has brought the question of who really benefits from this tradition and the study has in a way answered this question. Focus has also gone to the realization that there is a great change that has been brought by modernity in the practice of this tradition. This has brought some discussions on traditional versus modernity in the view of the practice.

8.1 Tradition vs. Modernity

Schmidt (2006) argued that some cultural practices or customs have only become oppressive in the modern context. He suggested that in today's society women have become more conscious about discriminating behavior structures that oppress them. Women are articulating more openly their expectations to be treated as equal citizens endowed with inalienable rights. This is particularly very true in this study, as described by one key informant that, this custom did not pose any problem long time ago, but now there are many questions and criticisms to it with regards to limiting the rights of women. The main problem is to define discrimination cross culturally because women from different cultures and eras/times do not necessarily agree on what that means in practice. It has been observed in this study that there is a lot of tension between tradition and modernity as seen from those women who approve of the tradition and those who do not.

Issues of tradition and modernity also emerge on the perceptions attached to the definition of violence. It has been observed in this study that the meaning of the concept violence has

changed over the years. The key informant in chapter 5 described how traditionally women did not look at this as violence unlike in modern days. Therefore the definition of violence in modern days is different from the meaning of this concept traditionally. While modern women have an all-encompassing definition of what violence is, traditionally this definition was limited to physical violence only. For example the concept of structural violence as used in this study as proposed by Galtung (1969) refers to a form of violence where some social structure or social institution purportedly harms people by preventing them from meeting their basic needs or infringing on their rights. Institutionalized ethnocentrism and cultural values are proposed as some of the examples of structural violence. In this case structural violence addresses violence that is related to cultural practices. This concept of violence is not well understood amongst most traditional women. Traditionally one could talk about violence if there has been physical harm inflicted on another individual. In several parts of Malawi women who were beaten would not report this as violence because in most societies it is accepted as a way of correcting a woman. This means even though the definition was restricted to physical violence where this violence is justified it would not be considered violence at all (MHRC 2006). In modern days the definition includes several other factors and thus it is rightly argued that what modern women might call violence is normal way of life for traditional women. This would also reinforce the realization that most of the rites involved in wife inheritance are actually abusive to women. Even though the realization of this might be limited among some women and hence the acceptance of the tradition. The study has shown that even women in the villages also recognize it as violence.

Traditionally education was given to boys. Women were not considered capable of making responsible, autonomous decisions and it followed the belief that women need help from their husbands or other men. This traditional institution provided some justice among the sexes traditionally, but often these institutions don't function any more in modern society. This is due to changes that have happened in the society with regard to women empowerment which allows women to be bread winners just like men.

The findings of this study show that women who live in the traditional context do not understand the modern struggle for equal rights as is done by modern women. The women in the traditional context naturally accept that the community and its tradition is more important than the individual. Therefore conforming to male subordination is one way of ensuring stability in the community which is regarded as more important than equality. It is also naturally accepted that the societal division of labor has defined clear role models which helps

the people to live according to the tradition. An acceptance of the roles created by division of labor in the community makes the acceptance of the consequences easy for traditional women.

It can be concluded that women in this study are torn between traditional and modern values. The desire for individual rights is a foreign idea that is embraced by those who are brought up in modern society. It has been noted though that some village women have begun to look at things differently from the way they used. This is done by demanding for freedom to live an independent life and be free to decide for them-selves. This study found that the women who disapprove of the tradition do so in terms of fighting for gender equality from the perspective of the individual well-being and the right to self-realization. Sometimes these women see a struggle in linking their goals and the practice of wife inheritance. It must therefore be argued that widows as a distinct category of women are neither homogenous nor necessarily victims who accept the inevitability of patriarchal dominance. In adherence to both customary values and modern values, some widows consent to, accommodate, ignore, resist or protest the institution of widow inheritance. As Nzamo (1997) stipulated, this study agrees that some women have been gradually overcoming their socialization and no longer regard themselves as inferior to men

The study has also concluded that the behavior of bereaved women towards widow inheritance is influenced by many factors. This is shaped by how members of a cultural group ascribe meanings to the practice and by whether the widows themselves embrace or disown such meanings. Modern women find all aspects of the funeral rites which eventually climax in widow inheritance to be outdated and inconsistent with the norms of the civil society which they have come to appreciate through their exposure to new lifestyles. They indicated that they were hostile and uncooperative towards anyone who tried to convince them to participate in traditional rites associated with the death of their husbands like the cleansing ritual and wife inheritance practice. They felt the participation in these rites dehumanizes them by subjecting them to restrictions which do not apply equally to widowers. They pointed out that widowers are not subjected to any rules related to funeral of their wives and are at liberty to marry when they want and to whom they want.

8.2 Who Benefits From the Wife Inheritance Practice?

Norms and values regarding widow inheritance may benefit specific groups and sometimes it does not benefit the intended beneficiary. The study attempted to answer the question about

who benefits from this practice by analyzing the findings of the research. This question comes in mainly because it is clearly stated by the informants from this study that the practice is there to help the widow by offering support like security and protection but also financial assistance to the widow after the death of her husband. But from the findings of this study these reasons are highly in conflict with what happens in practice or in reality. This brings the study to the question about who really benefits from this arrangement. Is it the widow, the children, the inheritor or relatives of the inheritor who benefit in this practice? Schmidt (2006) argued that with reference to wife inheritance the reason for the critical attitude towards this practice is the experience that the traditional system, if it ever worked was doing justice to women but surely it is not working in modern days to many modern women. Looking at this statement critically, the study observed that the main role of the men in this tradition was to provide support economically or physically, but from the findings of this study it seems interest has moved from taking care of the widow to taking from the widow. In this view, it is not the woman who has abandoned the old value systems, but the man has done that by refusing to be a responsible caretaker of the widow and in so doing using the practice to take the property of the widow to his own benefit. This mainly focuses at men who look at widows in terms of what they can extract from them but not in terms of what they can do to make their lives more comfortable and meaningful. It is therefore evident in this study that the main reason why some men would want to be associated with the widow is not financial dependence of women on the men but to take away their property. This evidence is drawn from several grounds in this study and it is that deviation from the normal plan that can be the root cause of violence or abuse experienced by women in this practice more especially economically.

From the findings of this study it has been revealed that the practice of wife inheritance benefits and serves different and sometimes conflicting interests for various groups of people. Lopata (1996) argued that some individuals likely uphold widow inheritance because of anticipated net benefits. The extents to which widows lose or gain status from accepting or rejecting wife inheritance, depends on their control over societal resources. In Lopata (ibid)'s argument widows who stand to gain the least may courageously persevere in resisting the practice at all possible costs. Some widows find themselves at the losing end with respect to land and property previously owned by their husbands. The strategy of forcing or chasing the widow out of her husband's home in order to take control of the property seemed very common in the experiences of widows in this study and this directly benefits the one who is to

inherit the widow and his clansmen. Since it is rare for husbands to leave a will, customary rules of inheritance are the only methods for distribution of property. These rules do not make provision for the widows and thereby benefiting the inheritor. As stated by Owen (1996), inheritance rules and wife inheritance is therefore used as an excuse to gain control over a widow so as to acquire property and not to protect the widow.

The study has found that adherence to or deviance from the existing social norms can also be explained in terms of the intentional acts of individual social actors. Thus asking who benefits, rather than what functions widow inheritance serves has allowed the research to explore the different and conflicting interests among various groups within society. As it is argued by Gruenbaum (1996) that some acts don't necessarily serve the functions they portray to serve there might be hidden agendas in some practices. This agrees to Edgerton (1992) argument that in different societies, some people are better served than others by the existing cultural practices. Widow inheritance may also significantly manifest aspects and power relations of cultural patterns which are good for the power or wealth of others.

The study concluded that widows who are economically secure are more likely to resist widow inheritance because they know that it will not benefit them. It was also found that some widows' resistance is enhanced by their increasing and assertive bargaining power which may derive from the substantial resources they control. Thus some widows in this study had the power to resist widow inheritance because they could withstand the consequences of violating the social norm. It can be concluded that the presence or absence of benefits associated with widow inheritance affects the incentive structure which either encourages or inhibits the practice.

The study has also concluded that the inheritors are more concerned with issues of inheritance when they know that they are going to benefit materially when they inherit the widow and her property. These inheritors think about the immediate sexual gratification and the material benefits they will have access to, by inheriting widows left behind by financially well-established deceased men. The study has revealed that many inheritors are much more concerned with the widow when there is wealth or property involved and for the widows who do not have a lot of wealth then the inheritors interest is mainly in relation to sexual relationship with the widow. In this regard the study found that this practice encourages the economic exploitation of widows by imposing on the widow an inheritor who in most cases denies the widow and her children the power to inherit the deceased property. Nzamo (1997)

stated that women have no choice because those who say that they are giving support and guidance they are also inheriting immediate property of the deceased and his wife, so in real fact the financial support that is said to be given to the widow is actually the real property which should have gone to the widow in the first place. Not only is she given her own property but it is also taken away from her when the inheritor takes control of the widows' property. Mode a widow from this study said

I was told I am being inherited so they can take care of me and my children. I was told they would give me financial support but instead of helping me, they have taken all my property away. So I wonder who they wanted to help in this case. Is it me or themselves.?

In this case the practice highly benefits the one who is inheriting because if the role was really to take care of the widow, it would make sense for inheritors to shun away from this responsibility and not forcing responsibility on themselves. This is because inheriting another family would be adding more responsibilities to the inheritor. This study agrees with Jommo (1994) that the wife inheritance becomes especially attractive when there is property involved and it is therefore a means of disinheriting the widow. According to Jommo (1994) inheritors are not interested in inheriting poor widows. When the inheritors are more interested in the wealth of the widow, then their main concern is not to take care of the widow, and the absence of this care makes the whole institution meaningless.

The study has concluded that some existing incentives favor the continuation of widow inheritance; this is true for those widows and men who stand to benefit economically or otherwise from the practice.

8.3 Consenting Inheritance or Not? Intersectionality in practice

Intersectionality as earlier defined is the interaction of multiple identities and experiences of exclusion and subordination (Crenshaw 1991). It is based on the assumption that not all women face the same kind of oppression due to their different situations and circumstances. Their different circumstances might pose challenges or advantages in different situations. Other women might face more oppression because they might be disadvantaged in some factors. This is also in evidence in this study because of the widows who disapproved of the practice some consented inheritance while others did not. The study found that those who dint approve of the tradition but consented inheritance had some factors that forced them to do so.

The widows who did not consent inheritance possessed some characteristics that helped them to fight for their rights. The study shows that the status of the widow determines whether one would consent to being inherited or not. The study found that the widows who refused to be inherited were fairly well educated, engaged in well-paying occupations or had business plans, they were economically secure and were very assertive of their rights. It could be argued that the high levels of formal education reinforced their self-confidence while formal employment and high independent cash earnings strengthened the widows' resistance to wife inheritance.

The study found that the widows who resisted being inherited were financially well established and did not need a clan proposed inheritor to live comfortably. Thus the need for an inheritor to them was not necessary. They argued strongly against the tendency of the in-laws or clansmen of their deceased husbands to treat women as beings who can't decide on themselves by telling widows when and with whom they could have sexual relationship with. This study established that this is another root cause where the women feel abused or violated. The study therefore agrees with Jommo (1994) that the practice of wife inheritance violates widows' rights to freedom of choice. This mainly concerns the choice to remarry or not to do so after her husband's death. This can be looked at in two ways, firstly, it denies the widow the right to choose to either marry or not and secondly, the widows' choice of who she can be involved with in sexual relationship is limited to the members of her late husband clan. This requirement is an infringement on the widows' personal liberty (Nzamo 1994).

While some have mastered the courage to stand against wife inheritance, other widows are unable to resist the cultural pressure, and cannot live in a state of reprisals from the community. These situations have forced some widows to take the initiative to consent to being inherited. The rationales given by inherited widows shows that their options are highly dependent upon a web of considerations, including the need for access to productive resources such as their deceased husband's estates, right to land, residence and other forms of property. The widows, who consented to inheritance because of these reasons, exhibited little independence and little control over their own lives. This situation is worse when widows have no steady sources of income and have nowhere else to go.

The study therefore found that most of the widow who disapproved of the practice but were inherited, ventured into the relationship because of implicit familial pressure and feelings of helplessness deriving from both their insecure economic bases and their need for accessibility to basic needs. Due to this evidence this study concludes that some widows may consent to

the practice of widow inheritance because of what Shapiro-Perl (1984) calls the economic vulnerability and family constraints. It must be noted though that even with limited economic independence, village women demonstrated a sense of personal disapproval to the practice. Nevertheless some widows were very happy and comfortable in their inherited relationships.

8.4 The Societal System

Throughout the study it is evident that the society as a system has a main role in the practice. Just as it is proposed by Healy (2005) and Howe (2009), in the system, everything affects everything else. According to this study the division of labor affects the roles played by a man and a woman in a family, where the man is supposed to be the bread winner and the woman to take care of the house. Customs like Lobola in this system as established in this study also has several other connections to the whole institution of marriage and most importantly the practice of wife inheritance. If the family of the bride received Lobola it reduces their bargaining powers when the husband dies.

The payment of Lobola seems to be a major factor which shapes clansmen chances of recommending the inheritance of widows. It was noted that some of the conservative clansmen tend to hold the view that if bride wealth was paid for a widow, then she must be inherited. At the same time if bride wealth wasn't paid and the widow resists inheritance then she might as well return to her natal kin but she is not allowed to take any property or her children. This attitude leaves widows who have no economic security in an extremely precarious situation especially when they feel it is in their best interest not to be inherited. As suggested by Hakanson (1988), the payment of bride wealth is necessary to legitimize inheritance in most societies. Bride wealth in this regard is a legal instrument affecting other property relationship and is very important in many east African societies Hakanson (1997). In other societies bride wealth is paid before a deceased husband or wife is buried in order to secure that the deceased person's survivors have access to inheritance and property. As noted by Schmidt (2006), despite affirmations that bride wealth is not meant to buy a woman, many men and their relatives claim a right on the wife that comes close to attaining an asset. In Schmidt's words, the woman has to generate the amount of bride wealth that has been paid for her by working hard in the farm, like a cow is expected to produce enough milk to compensate for the investment.

8.5 Conclusion and Areas of Social Work Intervention

The experience of widows regarding widow inheritance is not homogenous, meaning that not all widows link the practice to gender based violence. Even though widow inheritance is a strategy which facilitates some bereaved widows' adjustments to normal family life, it can be an extremely frustrating practice to individual women who do not wish to be subjected to any of the rites associated with it. The practice may have been customarily well intentioned, with the aim of ensuring that all bereaved women were well taken care of while adapting to the new circumstances brought about by the deaths of their husbands. But the insensitivity of some clansmen to the changing needs and the unique circumstances specific to each contemporary widow's situation is very disappointing to some widows. This situation is exemplified by some clansmen's efforts to coerce some widows into accepting inheritance in spite of the fact that the widowers are left free to marry any woman of their choice at any time they choose. Therefore one needs to understand the various interested groups conceptualization and justification of the practice before arriving at any conclusion and suitable interventions. This is because as social workers one needs to encourage individuals to keep their traditions which enhances their identity, but also at the same time question some practices in the tradition that discriminate some groups.

Firstly, there is need to change both the intensity of the rites and the procedures involved in its implementation. The study acknowledges that this practice is still happening but it's not as common as it used to be. The fact that not many people practice it in modern days, gives hope to the belief that those who are still practicing it can introduce better ways of achieving the same results believed to have been accomplished by some of the rites. For example, healthier changes could be introduced in form of substitutions. With regards to the cleansing ritual which aims at stabilizing the psychological aspects that come with the loss of a husband; they can adopt counseling for widows who lose their husbands. This would help the widows to come to terms with the death of their husbands psychologically and complete the grieving process without being sexually abused which can also spread HIV/AIDS.

With the practice of wife inheritance deeply rooted in the tradition and culture, changes in the social structure are required that would alter the way wife inheritance is practiced. Such changes though, should not be restricted to the level of the widows only, but should necessarily involve all levels that impinge upon widows' experience. Families and communities should be educated to be sensitive to the needs and rights of widows. Efforts to

help the women who feel abused or violated must involve the participation of key stakeholders in the community. This is because if the stakeholders understand how the widows are abused and violated and decide to make a change, they will be listened to more easily by the members of the community than if an outsider goes to tell them what to do. If they are the ones initiating the changes it will be more acceptable by the community at large. This will bring more success in any intervention plans.

The government through social workers also has an obligation to do all within their powers to intervene in helping women who feel abused or violated with such practices. The government should acknowledge the exact extent of the problem and develop, implement and monitor programs aimed at primary prevention of any violence or abuse to the widows. These could include public awareness activities aimed at changing the attitudes, socio-cultural beliefs and values that perpetuate any kind of discrimination or violence against the widows. The government also needs to recognize the power of cultural influences of the acts of both men and women. By doing this it will show that any efforts to intervene in these practices however well meaning, are undertaken with a high level of cultural sensitivity. The government through social workers can assist by offering services for women who are at risk of facing abuse or violation whether economically, physically or psychologically. As stated most women do not report cases of violence. Mostly, when women report, they do not get the necessary help that they need. This discourages women from reporting anything at all. It is therefore necessary to address the barriers and stigma that prevents abused widows to seek help.

Women should also be sensitized to demand from their community respect for their rights that is guaranteed under different instruments that work to ensure that women's rights are upheld, and to modify their value systems away from the violating behavior in these practices. This is because the fight for women's rights is still an enterprise for a few educated urban women. In order to move in the right direction, women of all levels of society should articulate their experiences, needs and hopes for a society where their interests are safeguarded (Gordon, 1996).

Widows can also work together and help each other by taking control through collective action. This could be in form of empowerment. In this case the concept of empowerment refers to a process of awareness and capacity building leading to greater participation, decision making power and control and to transformative action as described by Karl (1995).

It is useful to note that in a culture where the individual is firmly enmeshed in the community, empowerment of the individual comes primarily, through empowerment of the community (Luginaah et al, 2004). Widows can help each other by forming associations that offer counseling, loans to set up income generating projects, continuing education, advice and legal representation in any related disputes and social workers can help in these interventions.

Lastly, as mentioned by some widows, the greatest concern on this tradition is the lack of choice amongst the widows. This is a choice to either be inherited or not or to have an inheritor to help with the property or not. There is a need to give the widows a choice to be the ones to decide if they want to be inherited or not. If choice is introduced in the way the practice is handled I believe there will be less problems and concerns by the women. Women should be able to refuse if they don't want to be inherited and still be able to inherit their husband's property but also keep their children. Women should be given a chance to self-determination a principle of social work that in this case seems to only go to men. The government, the community and non-governmental organizations can work to ensure that women have this choice without facing detrimental effects from their in-laws.

REFERENCES

- Adams R, Dominalli L & Payne M (1998) *Social Work Themes, Issues and Critical Debate*,
Mcmillan Press, London.
- Africa Link (1999) *A Publication Of The International Planned Parenthood Federation*,
Africa Region
- Akintunde & Labeodan (2002) *Women and the Culture of Violence in Traditional Africa*.
Sefer. Ibadan. Nigeria.
- Anthias F & Davis-Yuval (1983) *Contextualizing Feminism: Gender Ethnic and Cross
Divisions*, *Feminist Review* 15: 62-75
- Banks S (2006) *Ethics and Values in Social Work* (3rd ed) Palgrave Macmillan
- Barker R & Roberts H (1993) *The Uses Of The Concept Of Power* In Morgan D & Stanley L
(Eds) *Debates In Sociology*, Manchester University Press. Manchester
- Beauvoir (1953) *The Second Sex*. New York. Knopf
- Berg L.B & Lune H. (2012), *Qualitative Research Methods for the Social Sciences* (8th ed).
New York. Pearson.
- Berg LB (2009). *Qualitative Research Methods*. New York: Allyn and Bacon.
- Berger, P. L (1967) *The Sacred Canopy*. Garden City, New York. Doubleday
- Berger And Luckmann (1966) *The Social Construction Of Reality: A Treatise In Sociology Of
Knowledge*. Anchor. New York, USA
- Berk, Sarah F. 1985. *The Gender Factory: The Apportionment of Work in American
Households*. New York: Plenum.
- Bisika T (2008) *Do Social And Cultural Factors Perpetuate Gender Based Violence In
Malawi?* *Gender and Behavior*. Vol 6(2) 2008: 1884-1896.
- Bond J. (2005) *Voices Of African Women*, Carolina Academic Press. Usa
- Bossmann D (1994) *Presenting The Issue: Biblical Theology's Path Past Patriarchy*, *Biblical
Theology, Bulletin* Vol 24 Summer No. 2

- Burke B & Harrison P, (2002) *Anti Oppressive Practice* in Adams Eta Al (Ed) *Social Work Themes, Issues and Critical Debates*. Palgrave. Basingstoke.
- Burkleys S. (1997) *Wife Inheritance Spurs AIDS Rise in Kenya*
[Http://Www.Washingtonpost.Com/Wp-Srv/Inatl/Longterm/Africanlives/Kenya/Kenya_Aids.Htm](http://www.washingtonpost.com/wp-srv/inatl/longterm/africanlives/kenya/kenya_aids.htm) Accessed On 4/28/2012
- Buitelaar, M. (2006) “*I Am the Ultimate Challenge*”: *Accounts of Intersectionality in the Life-Story of a Well-Known Daughter of Moroccan Migrant Workers in the Netherlands*, *European Journal of Women’s Studies* 13(3): 259–76.
- Buitelaar, M. (1995). *Widow’s worlds*. In J. Bremmer, & L. Ven Den Bosch (Eds.). *Between poverty and the pyre: moments in a the history of widowhood* (pp. 1–18). London: Routledge.
- Cavanagh K And Cree V.E (1996) *Working With Men: Feminism And Social Work, The State Of Welfare*. Rout ledge. London.
- Clifford D (1995) *Methods In Oral History And Social Work*; *Journal Of The Oral History Society* 23(2)
- Collins B (1986) *Defining Feminist Social Work, Social Work*. London. Routlegde.
- Collins P.H (1990) *Black Feminist Thought*. New York: Routledge.
- Connell R (2009) *Short Introductions to Gender*. 2nd Ed. Polity Press, Cambridge.
- Cooper H.M. (1984) *The Integrative Research Review: A Systemic Approach*. London. Sage
- Crenshaw K (1991) *Mapping the Margins Intersectionality Identity Politics And Violence Against Women Of Color*. *Standard Law Review*. 43(6): 1241-1299.
- Crenshaw, K. 1989. “*Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*.” *University of Chicago Legal Forum* 1989:139–67.
- Creswell J.W. & Miller D.L. (2000). *Determining Validity in Qualitative Inquiry. Theory Into Practice* 39. 124-130.
- Creswell (2009) *Qualitative Inquiry & Research Design: Choosing Among Five Approaches*. (2nd ed). Thousand Oaks. Sage

- Creswell J.W. (2009) *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. (3rd ed). Los Angeles. Sage
- Dale S & Foster P (1986) *Feminists and State Welfare*. Routledge and Kegan Paul. London.
- Davies M (1985) *The Essential Social Worker: A Guide To Positive Practice* 2nd ed. Aldershot: Gower.
- Davis K (2008) *Intersectionality As Buzzword: A Sociology Of Science Perspective On What Makes A Feminist Theory Successful*. *Feminist Theory Journal* 9(1): 67-85.
- Dominelli, L. (2002). *Feminist Theory and Practice*. Basingstoke; Palgrave Macmillan.
- Edgerton,R ., (1992) *Sick Societies: Challenging the Myth of Primitive Harmony*. New York: Free Press.
- Ember C.R & Ember M. (2004) *Cultural Anthropology* 11th Ed, New Jersey, Prentice Hall
- Engel R.J. & Schutt R.K (2010) *fundamentals of social work research*. Los Angeles. Sage
- Fenstermaker S. & Candace W. (2002). *“Doing Difference” Revisited: Problems, Prospects, And The Dialogue In Feminist Theory*. New York: Routledge.
- Firestone S (1971) *The Dialect Of Sex*. Jonathan Cape. London.
- Fook J (2002) *Social Work: Critical Theory and Practice*. London. Sage.
- Foucault M (1972) *The Archaeology Of Knowledge And The Discourse On Language*. Tavistock Press. London.
- Foucault M. (1972). *The Archaeology of Knowledge and the Discourse on Language*. New York: Random House.
- Galtung (1969) *Violence, Peace and Peace Research*, *Journal Of Peace Research*, Vol.6, No.3
- Garfinkel H. (1967). *Studies in Ethnomethodology*. Englewood Cliffs, NJ: Prentice-Hall.
- Gibbs G.R. (2007). *Analyzing Qualitative Data*. Los Angeles, CA. Sage.
- Giddens A, (1991), *Modernity and Self Identity*. Cambridge. Polity Press.

- Gilbert K (2001) *The Emotional Nature Of Qualitative Research*. Boca Raton, FL: CRC Press
- Goffman E. (1956). *The Arrangement Between The Sexes*. Theory and Society 4:301-31.
- Goffman E. (1977) *The Arrangement Between The Sexes*. Theory and society (4) pp. 301-331
- Gordon A.A (1996) *Transforming Capitalism And Patriarchy: Gender And Development In Africa*. Boulder, Colo: Lynne Rienner Publishers.
- Gruenbaum, E. (1996), *The Cultural Debate over Female Circumcision: The Sudanese Are Arguing This One Out for Themselves*. Medical Anthropology Quarterly 10:455- 75.
- Hakansson, T. (1988) *Bride Wealth, Women, and Land*. Stockholm: Almqvist and Wiksell International.
- Hakansson, T. (1997), *Comment*. Current Anthropology (38):15-16.
- Haralambos M & Heald R.M (1986) *Sociology: Themes and Perspectives*. (2nd Ed) Bell & Hyman Ltd. London.
- Healy K (2005) *Social Work Theories in Context*. Bangstoke, Palgrave Macmillan
- Healy K (2000) *Social Work Practices: Contemporary Perspectives On Change*. Sage. London.
- Holter, Øystein Gullvåg (2003) *Can Men Do It? Men and Gender Equality-The Nordic Experience*. Copenhagen: Nordic Council of Ministers.
- Howe D. (2009) *A Brief Introduction to Social Work Theory*. Palgrave Macmillan. US.
- Hudson A. (1985) *Feminism and Social Work: Resistance Or Dialogue*. British Journal of Social Work. 15(6): 635-655.
- Jewkes R. Levin J. & Kekana L. (2002) *Risk Factors for Domestic Violence: Finding From A South Cross Sectional Study*. Journal of Social Science and Medicine. 55(9): 1603-1017.
- Jommo, R.B. (1994). "Wife Inheritance a male creation." Sunday Nation. Nairobi, March 20 (Mailbox).

- Karl, M. (1995) *Women and Empowerment: Participation and Decision Making*. London: Zed Books.
- Kayongo-Male, D. and Philista Onyango. (1984). *The Sociology of the African Family*. London: Longman group Ltd.
- Kirkpatrick, L. A. (1992). *An Attachment-Theory Approach to the Psychology of Religion*. International Journal for the Psychology of Religion, 2, 3–28
- Lazarus, S. R. & Folkman, S. (1984). *Stress, Appraisal and Coping*. New York: Springer.
- Leighninger R (1978) *Systems Theory*, Journal of Sociology and Social Welfare. 5(6) Pp. 446-466
- Lofland J.A & Lofland L.H (1984) *Analyzing Social Setting: A Guide to Qualitative Observations and Analysis*. Belmont, CA: Wards worth.
- Lopata, H. Z. (1996) *Current Widowhood: Myths And Realities*. Thousand Oaks: Sage.
- Luckmann, T (1967) *The Invisible Religion*. New York: Macmillan
- Luginaah I, Elkins D, Maticka-Tyndale E, Landry T & Mathui M. (2005) *Challenges Of A Pandemic: HIV/AIDS- Related Problems Affecting Kenyan Widows*. Journal of Social Science And Medicine Vol. 60. Pp. 1291-1228. Elsevier.
- Mainzer K (1996) *Thinking In Complexity: The Complex Dynamics Of Matter, Mind And Mankind*. Springer publications. Berlin.
- Malawi Human Rights Commission (2008) *Cultural Practices And Their Impact On The Enjoyment Of Human Rights, Particularly The Rights Of Women And Children In Malawi* [Http://Www.Medcol.Mw/Commhealth/Publications/Cultural Practices Report.Pdf](http://www.Medcol.Mw/Commhealth/Publications/Cultural_Practices_Report.Pdf) Accessed On 4/20/2012
- Malawi Human Rights Commission (2002) *Report On The Investigation And Research Into Harmful Cultural Practices In Kasungu District*.
- Mattaini M. & Meyer C. (2002) *The Ecosystem Perspective: Implications For Practice*. National Association Of Social Workers Press
- Millet K. (1972) *Sexual Politics*. Abacus, London.
- Mrsevic Z & Hughes D.M (1997) *Violence Against Women In Beigrade Serbia: Violence*

- Against Women-An International Interdisciplinary Journal. 3(2): 101-128
- Mullaly R. (1993) *Structural Social Work: Ideology, Theory And Practice*. McClelland And Stewart: Toronto
- Murdock G.P. (1949), *Social Structure*. New York, McMillan Press.
- National Statistical Office (2004) *Malawi Demographic And Health Survey*. Zomba. Malawi.
- Ntata And Biruk (2009) *The Challenges Of Doing Gender Research In Developing Countries: Focus On Malawi*: Journal On Comparative Social Work.
- Nyarwath O. (2012) *The Luo Care For Widows (Lako) And Contemporary Challenges: Thought And Practice*: A Journal Of The Philosophical Association Of Kenya. Vol. 4, No.1. pp. 91-110
- Odebiyi A.I (1998) *Women And Health In Nigeria*. Ibadan. Dokun publishing house
- Oduyoye (2001) *Keynote Address In Akintunde D.O (Ed) African Culture And The Quest For Women's Rights*. Safer Books Ltd. Ibadan.
- Orme J (2001) *Gender And Community Care: Social Work And Social Care*. Palgrave McMillan. Basingstoke.
- Orme J. (2003) *Its Feminist Because I Say So! Feminism, Social Work And A Critical Practice in UK*, Qualitative Social Work. 2(2): Pp. 131-153
- Orme 2009 *Feminist Social Work*. In Gray M & Webb S.A. *Eds Social Work Theories And Methods*. London: Sage. Pp. 65-75.
- Owen M. (1996), *A World of Widows*. London: Zed Books.
- Oyise, E. (1977). *An Introduction To The Study Of African Culture*. London: Heinemann.
- Payne M (2005) *Modern Social Work Theory*, 3rd Ed. Palgrave McMillan. New York.
- Phiri D.D (2000) *History of The Tumbuka*. Dzuka Publishing Co. Blantyre. Malawi.
- Phoenix, A. (2006) 'Editorial: Intersectionality', European Journal of Women's Studies 13(3): 187-92.
- Potash B. (1986) *Widows in African Society*. Stanford, Calif: Stanford University Press.

- Reynolds J. (1993) *Feminist Theory And Strategy In Social Work*. Sage. London.
- Rubin H.J & Rubin I.S. (2005) *Qualitative Interviewing: The Art of Hearing Data* (2nd ed)
 Thousand Oaks. Sage
- Sands R.G (1996) *The Elusiveness Of Identity In Social Work Practice With Women: A Postmodern Feminist Perspective*. *Clinical Social Work Journal* 24(2) Pp 167-186.
- Sands R.G & Nuccio K (1992) *Postmodern Feminist Theory And Social Work*. *Journal of Social Work*. Vol 37(6) Pp. 489-494.
- Sarantakos S. (2005) *Social Research* (3rd Ed). New York: Palgrave Macmillan.
- Schmidt G. (2006) *Violation of Women Rights*. Maryknoll Institute of African Studies.
 Nairobi.
- Shapiro-Perl, N. (1984) *Resistance Strategies: The Routine Struggle for Bread and Roses*. Pp.
 193-208 in *My Troubles Are Going to Have Trouble with Me: Everyday Trials and Triumphs of Women Workers* (ed. by K. Sacks and D. Remy). New Brunswick, N.J.: Rutgers University Press
- Sieber J.E. (1998) *Planning Ethically Responsible Research*. In Bickman & Rog. Thousand
 Oaks. Sage
- Silverman (2006) *Interpreting Qualitative Data* (3rd ed). London. Sage publications.
- Simoni, J. M., Martone, M. G., & Kerwin, J. F. (2002). *Spirituality And Psychological
 Adaptation Among Women*
- Spelman, E. (1988) *Inessential Woman: Problems of Exclusion in Feminist Thought*. Boston:
 Beacon Press.
- Steinzor, (2003) *Women's Property And Inheritance Rights: Improving Lives In A Changing
 Time* [Http://Pdf.Usaid.Gov/Pdf_Docs/PNADA958.Pdf](http://Pdf.Usaid.Gov/Pdf_Docs/PNADA958.Pdf) Accessed On 3/29/2012
- Story Workshop (2008) *Kamanga Zula, Stop Gender Based Violence*. Kachere Series:
 Zomba. Malawi.
- Taylor P & Daly C (1995) *Gender Dilemmas In Social Work: Issues Affecting Women In The
 Profession*. Canadian Scholars Press. Toronto.

United Nations (1995), *The World's Women: Trends and Statistics*. 2nd ed. New York: United Nations.

United Nations General Assembly (1993) *Declaration on the Elimination of Violence Against Women*. UN Department Of Public Information.

UNFPA (2005) *State Of World Population 2005, The Promise Of Equality, Gender Equity Reproductive Health and MDGs Technical Report*. UN Population Fund. New York.

Wearing B (1986) *Feminist Theory and Social Work*

West C. & Festermaker S. (1995) *Doing Difference*. Gender and Society Journal. Vol. 9, No. 1 pp 8-37

West C. & Zimmerman (1987) *Doing Gender*. Journal of Gender and Society. Vol. 1, No. 2. PP. 125-151. Sage

White S, Kamanga D, Kachika T, Chiweza A, Chidyaonga F, (2002) *Dispossessing The Widow: Gender Based Violence In Malawi*. Blantyre: CLAIM Mabuku.

Who (2002) *World Health Report*. Geneva. Switzeland.

Women's World (1994) No.27, Uganda

Yin R.K. (2003) *Case Study Research*. (3rd ed). Thousand Oaks, CA. Sage

Yuval Davis (2006) *Intersectionality And Feminist Politics*. European Journal of Women's Studies. 13(3): 193-209.

Zack, N. (2007) 'Can Third Wave Feminism Be Inclusive? Intersectionality, its Problems, and New Directions', pp. 193–207 in L. M. Alcoff and E. F. Kittay (eds) *Feminist Philosophy*. Oxford: Blackwell Publishing.

Informed Consent to Collect Data for a Master Thesis in Social Work with Comparative perspective

TITTLE: Gender Based Structural Violence In Relation To the Tradition of Wife Inheritance: The Case of Malawi

I am a Master student in social work with a comparative perspective at the Department of Social Science, University of Nordland, Bodø, Norway. I would like to request your participation in a Master thesis research about the experiences of widows who were inherited as part of the wife inheritance tradition or widows who were asked to be inherited. This study is an academic one and will be shared amongst my supervisor and other appropriate members related to university of Nordland. The master thesis that results from this work will be published in hard copy and will be housed at the University of Nordland, Norway.

Your participation will be taken in the form of interviews. This research will be conducted with a guarantee of confidentiality and will maintain the anonymity of the participants. Pseudonyms instead of your real name will be used in the thesis in order to protect your identity. In terms of possible risks to participants, there are virtually none.

Your participation is voluntary and you also have the right to ask for more information about this study and to withdraw from the study any time during the interview without the need for providing any reasons and without any consequences.

The data will be destroyed after finishing my thesis i.e. on 15th May 2013.

The research will be conducted fully within NESH guidelines.

I appreciate your cooperation in this study.

Thank you!

Memory J Tembo.....

University of Nordland, Department of Social Science

Name of Supervisor: Agnete Wiborg

University of Nordland, Department of Social Science, 8049, Bodø, Norway

(Please sign below if you are willing to participate in the interview process for the Master thesis research outlined above.)

Signature:

Print Name:

Date

Key Informant Interview Guide

This guide line tool was used to collect data from key informants. The respondents of this guideline were the community elders in different positions. The aim of this tool was to collect data regarding the practice of wife inheritance. Its origination, reasons for the practice and what is involved in the practice.

Establishing rapport with the interviewee

Greetings, followed by an introduction of myself to the interviewee and explaining the objectives of the study and the kind of information I wanted from them.

Asking for consent

Giving the participant the consent form and let them read. Explain to the participant what is in the consent form and letting them understand the consent before asking for their consent. If they consent to taking part in the study they should sign the consent form and we proceed with the interview.

Personal information

Name

Age

Which tribe do you belong to?

What position do you hold in the community?

Marital status

General information on wife inheritance

What is wife inheritance?

What is involved in wife inheritance?

Who is likely to inherit the widow?

Who has the power in inheritance process and who decides which inheritor can inherit the widow?

What other traditions are linked to wife inheritance?

What are the reasons for the practice of wife inheritance?

Refusing to be inherited

Who is likely to refuse to be inherited in your experience in the community?

How often do widows refuse to be inherited?

Can a man refuse to inherit a widow?

What happens to widows who refuse to be inherited?

Economically

Physically

Are the widows forced to take part in the tradition?

If yes, what is done to force widows who refuse to be inherited to comply with the practice?

Who forces the widows to comply?

Is there any (traditional) consequence if a widow refuses to be inherited?

What is the community's attitude towards widows who refuse to be inherited?

The tradition of wife inheritance in modern days

What has changed with regards to the tradition over the years?

What do you think has caused the changes in the practice?

Your opinion on the tradition

What is your opinion on the tradition? Do you think the practice advantages or disadvantages women?

If you are of the opinion that it advantages women why is that so? How does the practice benefit women?

If you are of the opinion that it disadvantages women why is that so? What are the disadvantages of this tradition towards women?

The future of the tradition

What is the reaction of different organizations towards the practice?

What is the future of the practice?

If you would want to change anything on the practice, what will it be and how would you change it?

Do you have anything else to say related to what we have been discussing?

Thank you so much for your time

In depth interview guide

This guide line tool was used to collect data from widows who were inherited or were asked to be inherited. The aim of this tool was to collect data regarding the experiences of different widows who were involved in the practice of wife inheritance. Their opinion on the tradition and the different kinds of violence they experienced in the course of the practice.

Establishing rapport with the interviewee

Greetings, followed by an introduction of myself to the interviewee and explaining the objectives of the study and the kind of information I wanted from them.

Asking for consent

Giving the participant the consent form and let them read or read to them if they cannot read. Explain to the participant what is in the consent form and letting them understand the consent before asking for their consent. If they consent to taking part in the study they should sign the consent form and we proceed with the interview.

Personal information

Name

Age

Which tribe do you belong to?

Where do you originally come from in Malawi?

Education level, did you go to school or not?

If yes, up to what level, primary, secondary or tertiary level?

Do you have any means of making money? Are you employed or do you own a business of your own where you can generate money from?

How many children do you have?

How old were you when your husband died?

Events after the death of your husband

Where were you living with your husband? Urban or rural

Where did your husband die?

What happened when your husband died?

Practices related to the death of their husband

Were you cleansed?

If yes, what happened during the cleansing ceremony?

Were you shaved?

If yes, what happened during the shaving ceremony?

Issues of inheritance

Were you inherited or not?

Section for those who were inherited

Who inherited you?

How old was he when he inherited you?

How would you describe your inheritor in comparative to your late husband?

Economic status

Age

Any other attributes

How would you describe your relationship with your inheritor?

What has changed from your past marriage to your new marriage?

Was your inheritor married before he inherited you?

If yes, what is your relationship with the inheritors' old family?

Do you have any children with your inheritor?

What is your inheritors' position with regards to issues of the property that belonged to you and your husband?

Does the inheritor provide economic support and protection for you and your children?

How would you describe the practice of wife inheritance has it been of benefit to you or not?

If yes, how has it been of benefit?

If not, how has it not been of benefit?

Section for those who were not inherited

Why were you not inherited? Did you refuse or was there any other reason?

If you refused to be inherited, why did you refuse?

What happened when you refused to be inherited?

Were you threatened or forced to cooperate into inheritance?

If yes, how were you forced or with what?

How did your in-laws treat you when you refused to be inherited?

Did you receive any support from your relatives or friends on your decision not to be inherited?

What happened to your property?

Were there any abusive words used by your in-laws to force you to cooperate?

What happened to your children?

What gave you the courage to refuse?

Section for all participants

How did you feel emotionally or psychologically about the whole experience?

According to your experiences, does the practice serve the purpose it portrays to serve?

The future of the tradition

If this practice could change, what do you want to be changed?

What is the future of the practice as you see it?

Do you have anything else to say in regards to what we were discussing?

Thank you very much for your time and contributions.