

The Emergence of Female Village Headwomen in Rumphi and Implications for Land Use and Management

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Abstract:

The Tumbuka are normally described as patrilineal where inheritance of property including land, cattle and village headmanship is from the father to the son. Historical evidence, however, is increasingly suggesting that initially the Tumbuka were matrilineal. It has been argued that it was the coming and interaction with the Ngoni and the behaviour of one of the chiefs, among other factors, that transformed the Tumbuka into a patrilineal society. As a patrilineal society, village heads are *normally* men and land and other property is owned and inherited by men. Increasingly, however, there is an emergence of female village *headmen* in this patrilineal society. This paper, using data from the Malawian Land Tenure and Social Capital (MLTSC) project, examines the factors that have led to this transformation, implications for matrimonial residence and access to and ownership of land by women. Preliminary analysis of the data is showing that female chiefs are largely single and have qualities of leadership including *umunthu*. They are also chosen because there is no son or eligible male in the lineage to inherit the village headmanship. In terms of land inheritance, although land is largely inherited by sons there is evidence from the data that in cases where there are no sons land can be inherited by daughters and daughters also have access to land if they are divorced and they return to their villages. These changes in the patrilineal Tumbuka society have wider policy implications which need to be examined.

Introduction

Malawi has both matrilineal and patrilineal descent systems and the inheritance of property including village headmanship largely depends on the descent systems operating in a particular area. In matrilineal systems, a family is an integral part of the wife's lineage. The wife's brothers, commonly referred to as *ankhoswe*, have the responsibility to ensure their sisters' families have access to production resources including land. Upon marriage, the husband moves from the village and stays with the wife's family. The matrilineal system of descent is prevalent among the Chewa of central Malawi and Yao of southern Malawi (see Mtika and Doctor, 2002). In this type of descent a husband does not have any decision making powers on the transfer of the wife's land rights. Upon the death of the wife or divorce the husband loses the right to use his wife's land and has to go return to his village while the children remain in his wife's village (see Takane, 2007). It has been observed however that among the Chewa there is a change happening in that they are changing to a patrilineal system of descent (see Phiri, 1983; Mtika and Doctor, 2002). In patrilineal systems of descent,

however, upon marriage the husband remains in the village of birth and wives move from their villages to join the husband and the family becomes an integral part of the husband's lineage and children become the responsibility of the male line. A legitimate marriage among the Tumbuka is where the man and his family pays bride wealth and if this is not paid the woman and her children belong to her family. Children, therefore, have access to their father's wealth including land (Mtika and Doctor, 2002). In Malawi the patrilineal system are found mostly in the northern region.

Scholars and human rights groups for example have argued that patrilineal systems tend to disfavour women in that they do not have access to land and other forms of property. While this is the case, this paper explores the changing position of women among the Tumbuka of Rumphi and argues that while women are indeed disadvantaged, some changes are taking place which provide evidence that women have access to land under certain conditions and more recently the emergence of female chiefs which is not an expected order in patrilineal communities such as the Tumbuka. Forty five in-depth interviews were conducted with people in three selected villages in Rumphi District in the area of Paramount Chief Chikulamayembe and these were Matupi and Wamzale villages in Rumphi West and Mwahangula in Rumphi Central. These in-depth interviews were aimed at, among other things, exploring how land is inherited among the Tumbuka, the changes that have taken place in land inheritance and access and whether female children can inherit or access land from their parents (just like their brothers) and under what circumstances.

While village heads who oversee cases of land have traditionally been men, over the years, female headwomen have emerged who are equally handling land issues. Using key informants such as village headmen and other influential people in the communities where this study was done, the study explored factors that contributed to the emergence of female village headwomen which, as alluded to earlier, is against the expected order. Using literature we also argue that the Tumbuka were initially a matrilineal system but their interaction with the patrilineal Ngoni among other factors that led to the change to patrilineal system of descent. The paper first of all looks at the fact that the Tumbuka, who are now strongly patrilineal and refuse any connection to matriliney, were actually matrilineal and then it explores issues relating to land inheritance and the conditions under which women can have access to inherit land from their parents and finally it looks at the factors that have led to the emergence of female village heads.

The Tumbuka were initially a patrilineal society: some evidence from literature

The Tumbuka people are found in the northern region of Malawi particularly in Rumphi and in some parts of Nkhata Bay and Mzimba Districts. Like the Chewa of central and southern Malawi, the Tumbuka came from Zaire and settled in

northern Malawi between 14th and 16th century (Phiri, 1982). Around 1780 a group of people known as Balowoka came in and settled among the Tumbuka; they themselves were not Tumbukas. They were led by Mulowoka whose real name was Kakalala but was given the name *Mulowoka* because he crossed Lake Malawi. Very little, however, is known about the Tumbuka before the coming of Mulowoka (see Vail, 1972). At the time Mulowoka settled among the Tumbuka, the Luhanga clan was the most dominant and influential (Vail, 1972 and Kalinga, 1984) and were organised in small clans and did not have any centralised form of chieftainship until the coming of Mulowoka (see Young 1932).

Mulowoka and his people were traders looking for ivory and the Tumbuka sold ivory to him in exchange for cloths, beads and conus shells (Kalinga, 1984). After crossing Lake Malawi, Mulowoka and his group continued up to eastern Zambia. Mulowoka however finally returned and settled among the Tumbuka in Nkhamanga. He built his headquarters at Bolero. He used to distribute clothes and hoes among local people for free and because of his generosity the Luhangas, which was an influential clan at the time, gave him a wife but he did not have any children from that marriage. After this, the Kumwendas also gave him a wife from which he had one child. As he lived happily with the people and he was also generous, the Tumbuka elected him a chief of the area. At the time the Tumbuka did not object as they did not have any centralised system of government. This chieftaincy assumed the name of Chikulamayembe which is a Swahiri term which meaning picking up or carrying holes. The first Chikulamayembe was Gonapamuhanya and, when he died, a decision was made to give chieftainship to his nephew Kamphungu Nkhonjera which is characteristic of the matrilineal descent. Nkhonjera was exceedingly fierce and during his reign he reportedly went on rampage, killing and chasing away members of the Chikulamayembe lineage (his uncle's lineage) and all those who were against him with the aim of eventually taking over the chieftaincy.

Dissatisfied with what Kamphungu was doing his subjects drove him into a hut, surrounded it with thorns and set it on fire. Kamphungu was killed after which the Chikulamayembe lineage repossessed the chieftainship. Around the 1860s the Chikulamayembe Kingdom was invaded by the Ngoni and fighting continued until the establishment of colonial rule in 1891. The Balowoka spoke Kiswahili but later they adopted the Tumbuka language (Fraser, 1922). It has been argued that the Ngoni invasion and settlement of Mulowoka among them changed the social organisation of the Tumbuka, notably the establishment of a centralised form of chieftainship, patriliney and virilocal residence and the payment of bride wealth (see Young, 1932 and Forster, 1989). Before this it has been argued that the Tumbuka were matrilineal.

The rise of women village headmen among the Tumbuka: a departure from the normal order

Apart from the time Kamphungu Nkhonjera, Chikulamayembe's nephew became Chikulamayembe, chieftainship among these chiefs has moved in this male lineage: either the son took over after the death of the father or a male person within the lineage. The current Chief Chikulamayembe is the 12th in line and he took over from his father in 1978. Although he was not the eldest, he was nevertheless chosen to be the successor. His village headmen as well ascend to the throne through inheriting from the father or uncle. While the government recognises that there are village headmen and group village headmen, Chief Chikulamayembe has introduced other ranks such as Senior group Village Headman and principal Village Headman. We see therefore that among the Tumbuka village heads have been men and this is passed from father to son and if sons are very young then a younger brother may be installed village head. At a later stage when the sons of the original chief grow, they can as well start demanding their chieftaincy back and this has resulted into splitting of villages in certain cases. There are also situations when the person who is supposed to be installed chief is so old that he refuses to be made chief and instead he recommends a younger person, not necessarily his son, to be the chief. While sons are preferred, they may be sidelined because they are very young (see Munthali, 2003).

During interviews with some village heads they reported that while sons, and the first born sons in particular, are preferred to inherit chieftainship, it is not automatic that when a village head dies the son will take over as there are a number of factors that are looked into when choosing a chief. A village headman is supposed to be mature and well behaved and is supposed to be exemplary: he should have qualities of *umunthu*. He should also have some leadership qualities. A number of examples were cited in which sons and first born sons in particular have been left because they were not well behaved. It is important though that chieftainship remains within the same patrilineal family hence brothers or cousins have ascended to chieftainship at the expense of sons.

While among the patrilineal Tumbuka men are supposed to be village headmen, over the years, female village headmen have emerged. Currently, there are 8 female village heads. Previously it was only in the central and southern regions of Malawi which are mostly follow the matrilineal systems of descent where female village headmen were and are quite common. Some of the key informants in the study mentioned that there are a number of reasons why female chiefs have emerged. Nearly all the female village headmen among the Tumbuka currently are single: they got married but were either divorced or their husbands died and they decided to return to their home village where they were installed as village headmen after the deaths of their fathers. In the majority of cases the dead male chiefs did not have sons who could take over or that even though there were sons they did not qualify because they were not well behaved. There being no males to take over decisions were made to install female chiefs who had qualities of leadership such as *umunthu*.

Some key informants went further and said that it is difficult to install as chief women who are married because of the implications it may have on matrimonial residence. As has been mentioned earlier, upon marriage a woman moves to the husband's family and becomes part of the family. This is the norm among the Tumbuka and while there have been isolated cases in which men have decided to reside in the wives' village, it is not normally socially approved. There is one village headwoman in the area of chief Chikulamayembe whose husband resides at her village. There is also one who is a village head but operates from her husband's village. The patrilineal system in which men are the rulers and women the ruled is therefore being challenged among the patrilineal Tumbuka people. Because of the confusion that arises in terms of matrimonial residence, female village headmen should preferably be single so that it should not involve movement of men as this is against '*expected order*'. In addition to this, one key informant mentioned that government is promoting gender and hence the choice of female chiefs is as a result of trying to address gender as being promoted by government.

Inheriting land among the Tumbuka: do women stand a chance?

One common feature between Mwachangula village and Matupi Village is that these villages were mainly formed by people who were relocated when Nyika became a national park in the 1970s. In these two villages very few people lived there before the mass relocation in the 1970s. Both villages are located near the boundary with Nyika National Park. Wanzale village is also not very far from Nyika National Park and some of the residents of this village were also relocated from Nyika. Hence a number of respondents from both Mwachangula and Matupi Villages mentioned that the land they were cultivating they were the first people to use it as initially it was all bush. One female respondent in Mwachangula said that as they were being relocated land in their village was being acquired without the village head intervening. She says that this happened in the early days of settlement after being chased from the Nyika National Park. Village headman Mwachangula joined them later after a number of households had already identified their land. However, as a matter of principle, the village head went around the identified lands by households. She says that land has not changed hands since they started cultivating it in the 1970s and they have children who are growing and should the father of children (husband) die first, she will take the responsibility of the land till when one of her first male child reaches mature stage. As is the case with many others, land was acquired either through this process or they got it through the village headman. It is therefore useful to explore how land is being inherited or accessed among the Tumbuka and whether females have a chance to access or inherit land.

The norm: male children inherit the land, some however are not eligible

In matrilineal societies of the central and southern Malawi land belongs to a woman as land is in the woman's village and she inherited it from her parents

(Ngwira, not dated). In all the interviews respondents mentioned that the land that a family owns is passed through male children: sons have the right to inherit, not only land, but other property as well. One of the major reasons given by respondents on why sons inherit land is that the Tumbuka follow patrilineal form of descent with a virilocal residence: at marriage wives move from their homes and join their husbands at their homes where they live with the husbands' relatives and the man pays *lobola*. It is therefore not proper, as was mentioned by most respondents, both male and female, for females to inherit land and indeed any property as they are transient namely they are expected to get married and live in the husband's village, hence they do not inherit property and they will have access to land belonging to her husband's family.

The land belongs to the male children as they are permanent residents of their village and will remain there until they die: they do not move away from their villages; hence they have the right to inherit land. In cases where there are several children, while the father may decide to distribute land among all of them, in some cases this is entrusted to the eldest male child who will then take care of the brothers. In a number of interviews, it was also mentioned that while sons may be given the land at anytime, this mostly happens when they get married as they are starting a new family away from their parents and hence independent. In most cases respondents mentioned that they did not see any problem with their sons inheriting the land even though the land was not registered.

While sons may inherit their fathers' land, other male relatives or uncles may also have that land as can be seen from the following case: Tinkhani, a male respondent in Mwahangula village, reported that he inherited land from his late brother. The late brother acquired the land from the village head and that land is inherited by male children because traditionally male children are heir to property left by their father. He says that in the case of his late brother, he had only female children and, by tradition, these could not be allocated land hence he was appointed to take control of the situation. To achieve this, he had to first inherit his late brother's wife and this meant everything fell under his control including land and children left by his late brother. Female children are believed to get married once grown up and automatically follow their husbands as such could not be entrusted with resource control by their parents. Tinkhani further says that even if one happens to have all female children, no such arrangements are made for them. Male adults will still have to be identified within the clan to inherit the property. No written contracts, witness, village leaders are involved during land transfer. It may involve internal relations only.

Among the patrilineal Tumbuka people, as is the case elsewhere and as Tinkhani's case confirms, land rights belong to the men and are transferred mostly from fathers to sons. If a man does not have sons, then his male relatives have to take control. It has been argued that in societies such as the Tumbuka where wife inheritance is practised, this is done with the belief that women can't take care of themselves: they need to be taken care of. Upon the death of their

husbands, men, who in most cases are deceased men's brothers should inherit the wife and children and provide for them. Wife inheritance is practised because the payment of *lobola* is a family matter. This has been interpreted as providing informal social security to the children and their mothers (see Munthali, 2003). It can also be argued that inheriting wives can be interpreted as a way of creating access to the deceased man's wealth including land. However, this practice is now on the decrease mainly because of the HIV and AIDS epidemic (Malawi Human Rights Commission, 2005)

While sons are eligible to inherit the land, some sons are not and cannot enjoy this privilege. One male respondent from Matupi Village said that he was living with his stepfather who got married to his mother. In 1999 he got married and his stepfather gave him land where he is currently growing his crops. His original home is Mzimba but there is no land there. When he was asked if his children will inherit the land that he was given by his stepfather he reported that he was very sure that his children will not inherit that land because '*he was not part of the system*'. He was like a stranger and that it was only biological children who were eligible to inherit land. For him his children do not belong to Matupi Village and his stepfather hence they have no right to inherit that land.

While this is the case, in some cases "*strangers children*" may have the right to land depending on several factors as the following case shows: Suzgo says that he was born in the western part of Rumphu at a place called Hewe which is on the border with Zambia. He moved to Matupi Village when he was very young to live with his uncle who was the village head. When he got married, the village head gave him the land in 1971. The land used to be a forest reserve and anyone would just open land by clearing the bush. He is the first user of that land. The father was at Chikamwini and he did not pay *lobola*. The father wrote a will that the children should be kept by the uncles and the papers are at the Themba written in 1947. That is Suzgo was found in Matupi village. Matupi was a relatively new village at the time Suzgo moved there as most of the people who settled in this village had been displaced from Nyika National Park. At the time, there was a lot of forest and people who wanted land and settle in the village were allocated land by the village head. Suzgo came at a time when there was adequate land and his uncle gave him virgin land which he cleared and currently owns. Even though he does not belong to this village, he has been there for a long time and he now considers himself as part of the village and this is why he says that his children and spouse will be able to inherit this land, especially his male children unlike the case of the man who came to live with his stepfather.

Non-relatives can be allocated another person's land but problems may arise

In almost all the interviews conducted in Rumphu, we see that the village headmen have unequivocal powers to allocate land while in some cases they may make decisions with the help of village committees. People may migrate

from their villages for various reasons and once they are gone, while remaining relatives may take over the land, in some cases the village head may make a decision and allocate the land to another person. While idle land is scarce in the three villages where this study was done, the interviews also reveal that the village heads have a lot of powers to make decisions on what should be done with that land. As African societies modernize, it is expected that witchcraft beliefs will be considered archaic and disappear. However, beliefs about witchcraft and incidences of witchcraft accusations are on the increase (see Commaroff and Commaroff, 1999). People accused of practicing witchcraft have been killed or chased from their villages and Niehaus reports of witchcraft villages in South Africa where people accused of witchcraft are staying (Niehaus, 2001).

In one of the study villages, Chimbizgani acquired land from the village head. Prior to getting this land, Chiukepo was cultivating it in the 1980s. But Chiukepo was chased away from the village because of witchcraft accusations. The respondent said that once one is chased away from the village all issues relating to land fall in the hands of the village chief. The village chief, using powers at his discretion, allocated the land to Chimbizgani in 1993. A decade later, Chiukepo came back and settled in another village just a couple of kilometers away from his original village. Since 2005 Chiukepo has been threatening Chimbizgani not to cultivate his legitimate land anymore. At first Chimbizgani thought the man was just joking but as the years went by the man became more serious and aggressive. Chimbizgani's friends could at times assure him that probably the man was just trying to scare him. Chimbizgani however has no doubt that Chiukepo is serious about the issue and would soon take the issue to higher authorities for redress. When the land was being allocated to Chimbizgani, the village committee members were even responsible for establishing the boundary of his main parcel of land. With the wrangle that is being experienced now, Chimbizgani foresees problems of inheritance of the land by his children and spouse. He says that in the event that he dies earlier before the issue has been resolved, it would be better that the village chief take full responsibility over the land. He has trusts the chief and would be the only one who can fairly distribute this contested land to his children.

This case of Chimbizgani reveals the reality of the existence of witchcraft in African societies: it cannot just be wished away. One other respondent in the same village also mentioned that children and spouses have the right to take over or inherit land as people fear being bewitched by relatives of the deceased. Because of the powers that chiefs have they may allocate land as was the case with Chimbizgani but if such issues were brought before the law, then Chimbizgani would lose the case as witchcraft is not recognised in the laws of Malawi: it is those who accuse others of witchcraft that are guilty. While non-relatives may access land in the same way as Chimbizgani did, problems are bound to arise at a later stage and may affect inheritance rights.

Divorced women, widows and single women with children can inherit land as well

While all respondents mentioned that sons have the right to inherit the land, it was also mentioned that females also may have a share of their fathers' land if they are divorced or if the husband dies and they return to their natal villages. They share this land with their brothers upon their return to their homes. One female respondent in Matupi Village said that she was married in Mzimba, a neighbouring district, but was divorced and her father gave her the land that she was using. She returned to her village with all her children and she says that her children have no right to inherit the land that she was using because her children had land in Mzimba where they belonged. While an agreement may be made between the husband and the wife where children should go after a divorce, traditionally children belong to the man and his family. However, if the man did not pay *lobola* then the woman can take with her her children upon divorce or death of the husband (see Munthali, 2003). Even though this respondent did not mention this, one possibility of going away with her children was that the man did not pay *lobola*.

Respondents also mentioned that single women with children can also inherit or access the land from parents. Vitima reported that her father died in Zambia and her mother decided to go back to her village with all the children; hence Vitima was not from Wamzale Village. She reported that she could not find any husband but had children; hence the mother gave her the land as her brothers were still young at the time. She further said that even though her brothers are men and are married there are no conflicts because they have a lot of land. A number of respondents mentioned that even though divorced and widowed women may inherit or access land upon their return to their homes, this is in some cases temporary as they tend to remarry.

If there are no male children, female children can inherit the land

Towera from Matupi village was once married but she was divorced and came back to her village to live with her mother who was a widow. Her mother did not have any male children hence had no option but to give the land to her female children. There were no legal transactions but the chief and some elders were present at the time Towera was inheriting the land and hence were witnesses. She also feels that her children will inherit the land she is working on without any problems especially her male children and this is despite the fact that she is not from this village. This case from Matupi village demonstrates that even though among the Tumbuka sons are the ones who inherit the land there are exceptions. If the family does not have male children, female children will also inherit the land especially if they are also staying with their parents and if they also have children they do not hesitate that their children will also inherit the land from them. One of the major concerns from a number of respondents was that the land was getting smaller as it was being divided among the sons and daughters. The male

relatives of their fathers in cases where females have inherited the land are not perceived as threats because they also know that their relative only had female children who have the right to inherit land as well. The in-depth interviews demonstrate that some of the females who have inherited land from their fathers or mothers have not been harassed by their male relatives which shows that there is some change in inheritance patterns but individuals like Tinkhani are slowing down this process of change.

Women resident in their husband's village can be rent land by parents, albeit temporarily

Renting out land to other people is a common practice as this study has revealed. Sometimes those renting land have to pay a fee while at times renting of land can be done without any payment. As has been mentioned earlier, female children do not normally inherit land: land and other property inheritance is the domain of the men except where in some cases single, divorced or widowed women return to their homes. In Wamzale village, there was a case in which a woman and her children were farming in a neighbour's village, the natal home of the woman. She had rented a garden belonging to her brother as the brother was away in Blantyre working. Even though she was married, she lent a garden in her home because what she had in the husband's village was inadequate and was also water logged. She was able to rent this land because her home was a neighbouring village. This renting of land is *temporary* as the brother will take back the garden when he returns from Blantyre. One respondent in Mwachangula village also reiterated that in general female children are not entitled to land because they get married and follow their husbands. However, she added that if the daughter and her husband live near them and have expressed interest to cultivate part of her land, she would lend them land on temporarily basis not forever. Such an arrangement would be conducted at a household level.

Conclusion

This study generally demonstrates that culture is not static; it is changing every time. As early as 1983, Phiri (1983) demonstrated that among Chewa of Dedza there was change taking place from being a matrilineal system to a patrilineal system. Even within descent systems quite a lot of changes are taking place. While we acknowledge that in patrilineal systems land is inherited by sons, that it is also sons who inherit village headmanship, and that women have no inheritance rights as far as land is concerned, through case studies from three villages in the area of TA Chikulamayembe we show that things are changing: women are becoming village heads (not ceremonial) and we have given a profile of such women; that single, divorced and widowed women staying in their natal villages have a *"right"* to inherit or access land of their fathers; and that some men have accepted the reality of women achieving better things. Even women who are married in neighbouring village tend to have access to land belong to their brothers. There is a need to conduct more studies in order to understand

the processes of change that are taking place among the patrilineal Tumbuka people.

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