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## Research Report

# Changing patterns of land access, inheritance and emerging female village headpersons in a patriarchal society among the Tumbuka in Northern Malawi

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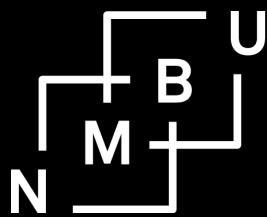
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# Changing Patterns of Land Access, Inheritance and Emerging Female Village Headpersons in a Patriarchal Society among the Tumbuka in Northern Malawi

Alister C. Munthali, Erling Berge, Stanley Khaila,  
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written by

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# Changing Patterns of Land Access, Inheritance and Emerging Female Village Headpersons in a Patriarchal Society among the Tumbuka in Northern Malawi

by

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## Abstract

The Tumbuka are normally described as patrilineal where inheritance of property including land, cattle and village headmanship is from father to son. There is evidence that initially the Tumbuka were matrilineal. In this society, village heads are *normally* men, and land and other property are owned and inherited by men. However, there is an emergence of female village *headpersons* in this patrilineal society. This paper, using data from the Malawi Land Tenure and Social Capital (MLTSC) project, examines the factors that have led to this change and implications for residence at marriage. The study found that female village headpersons are largely single and that 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. Daughters also have access to land if they are divorced and they return to their natal villages. While inheritance rules exist, this paper shows that they are not as rigid.

**Keywords:** *Malawi, land tenure, village headperson, gender, Tumbuka*

**JEL Codes:** Q15, P48, K15, K38

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**Preface**

In 2008 the Malawian Land Tenure and Social Capital (MLTSC) project organized 3 sessions at the 12<sup>th</sup> conference of the International Association for the Study of Commons (IASC) in Cheltenham, U.K. These sessions presented 9 papers based on data collected by the MLTSC (Berge et al. 2009). Five papers were by researchers from the project and 4 were by students who during a period were included for their own fieldwork.

The present paper was first presented at this conference. We thought then it was an important topic and an interesting paper. We still do. In 2014-15 a major revision was done. Due to many unfortunate coincidences the revised paper was never finalized. For the presentation here some updates, particularly on literature has been included.

Erling Berge, Aas, May 2024

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# Changing Patterns of Land Access, Inheritance and Emerging Female Village Headpersons in a Patriarchal Society among the Tumbuka in Northern Malawi

By

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## Introduction

Scholars and human rights groups have generally argued that in Africa where patrilineal systems of descent exist, women do not own or have access to land and other forms of property as these belong to men. In such patrilineal systems of descent, as is the case among the Tumbuka people of Northern Malawi, land inheritance is through the male lineage and women will only have access to land and other property through their husbands and sons (see Deere and Doss (2006)). Throughout history village headpersons among the Tumbuka have been men and land has always been inherited by men.

Ibik (1971, 123-131) describes the rules of succession among the Tumbuka in the late 1960s and observes that land could be allocated to any person of whom the chief approved and that in practice land is not allocated to females. In this paper we argue that things are changing and that there is evidence that women can and do inherit or have access to land. We present a number of case studies which demonstrate this. More recently, female village headpersons have emerged which was not the case previously in this patrilineal system. The emergence of female headpersons *has not been* and *is not* an expected order among the dominantly patrilineal Tumbuka people. This paper also discusses the conditions under which females have become village headpersons.

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### **Background: descent systems in Malawi**

Malawi has both matrilineal and patrilineal descent systems and the inheritance of property including village headmanship largely depends on prevailing descent systems. In patrilineal systems of descent where virilocal residence is the rule, upon marriage the man remains in his natal village while the woman moves from her village and relatives to join the husband. The new family then becomes an integral part of the husband's lineage and children from the marriage become the responsibility of the male line. A legitimate marriage among the Tumbuka is where the man and his family pay bride-wealth. If this is not paid, the woman and her children belong to her family. Bride-wealth can be in the form of cattle. With the monetisation of the economy people have the option of paying *lobola* in cash equivalent to the value of the number of heads of cattle demanded by the woman's parents. If the woman dies before the husband pays bride-wealth, her family may demand that she should not be buried until it has been paid (Munthali 2003). The payment of bride-wealth legitimises the marriage (Dekker and Hoogeveen 2002). In Malawi the patrilineal system is found mostly in the northern region for example among the Ngoni of Mzimba and the Tumbuka of Rumphi (Ngwira (2002); Place and Otsuka (1997)). But it is also found among the Nsanje and Chikwawa in southern Malawi. In patrilineal systems children, especially sons, inherit their father's wealth including land (Mtika and Doctor 2002). However, in a survey of "Some Types of Family Structure amongst the Central Bantu"<sup>2</sup> Richards (1950, 238) notes that "A woman in fact can become so wealthy that she is chosen as a chief."<sup>3</sup>

In matrilineal systems of descent a family is an integral part of the woman's lineage. Brothers have the responsibility to ensure their sisters' families have access to production resources including land. There are two types of marriage systems among matrilineal societies in Malawi namely *chikamwini* and *chitengwa*. In *Chikamwini* a man moves from his natal village to his wife's village and stays with her kin, and lineage is traced through the woman. *Chitengwa*, on the other hand, is a practice where the woman goes to live in the man's village but the children belong to the woman's lineage (Ngwira (2002); Place and Otsuka (1997)). *Chikamwini* is practised among the Yao, Nyanja and Lomwe of southern Malawi ((Peters 1997, 2002); Mtika

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<sup>2</sup> In Malawi the following tribes belong among the Bantu peoples: Chewa, Tumbuka, Yao, Lomwe, Sena, Tonga, Ngoni, Ngonde ([https://en.wikipedia.org/wiki/Bantu\\_peoples](https://en.wikipedia.org/wiki/Bantu_peoples)).

<sup>3</sup> He refers to Smith and Dale (1920, 380-381). This document has not been accessible to us. But Richards' survey shows that male chiefs seem to be the normal state of affairs.



and Doctor (2002); Peters and Kambewa (2007); Takane (2008)). *Chitengwa* is more practised in the central region among the Chewa people of central Malawi. Where *chikamwini* is practised, 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 return to his village while the children remain in his wife's village (Takane 2008).

While in Malawi the majority of the population in the central and southern regions follow the matrilineal descent systems (with both virilocal and uxorilocal residence forms), globally matriliney, as a form of social organisation, constitutes about 17% of the cultures (Holden and Mace 2003). Village headpersons tend to inherit the village headmanship "*by right of inheritance within a kinship system, be it patriliney, matriliney, or by choice from either of these lines*" (Gluckman 1949). While these rules of inheritance exist, in this paper we demonstrate that such rules are quite flexible as there are always exceptions.

### **Methodology**

This paper is based on the Malawi Land Tenure and Social Capital Project (Berge et al. 2009) which was implemented collaboratively by the Norwegian Institute of Urban and Regional Research (NIBR) in Norway and the University of Malawi. Primary data were collected in Malawi during the period June-August 2007. Field work was preceded by a week of training for the Research Assistants. The study was conducted in 6 districts: Rumphi and Mzimba in the north, Kasungu and Dowa in the central and Chiradzulu and Phalombe in the south. In each district one Traditional Authority (TA) was chosen where the data collection took place. The choice of districts and TAs was purposively done. Three enumeration areas (EAs) in each TA were randomly selected. In each EA, a list of villages was drawn and one village was randomly selected which implies that in each district 3 villages were selected. A total of 9 Research Assistants (RAs) were recruited. One RA was assigned to work in one of the selected villages where he or she spent a maximum of 6 weeks after which they moved to a second district in each region.

In each village 15 households were randomly selected to participate in the study. A household questionnaire was administered to all the 15 households. For each of the participating households

an in-depth interview was conducted which was aimed at understanding land tenure and social capital issues in the sampled districts and villages. Key informant interviews were also conducted with village headpersons and group village headpersons in the selected communities. A total of 270 in-depth interviews, 270 household questionnaires and 18 key informant interviews with village heads were conducted. The research teams worked with village heads and members of the selected villages in order to find accommodation within the villages.

## RESULTS

### **The emergence of village headwomen: a departure from the normal order**

Traditionally all the village headmen in Rumphi ascended to the throne through inheriting from their fathers. Village heads have always been men. If the village headman died and his sons were very young, his younger brother would inherit the chieftainship. But the rightful heir would reclaim the throne when he grew up (see Munthali (2003)). During interviews, some village heads in Rumphi reported that it is not automatic that when a village headperson dies, his first born son will inherit the chieftainship as a number of factors are looked into when choosing a successor. A village headperson is supposed to be mature, well behaved, exemplary, and should demonstrate good leadership qualities. Examples were cited in which sons, and first born sons in particular, never became chiefs after the death of their father because they were not well behaved. The chieftainship, however, remains within the same patrilineal family and brothers or cousins ascend to the chieftainship at the expense of first born sons.

While among the patrilineal Tumbuka people, men are supposed to be village headpersons, over the years, female village headpersons have emerged. At the time of the study in 2007, there were over 8 female village heads in the area of Chief Chikulamayembe. Key informants reported that there are a number of reasons why female chiefs have emerged. Nearly all the female village heads at the time of the study were single: they married but were either divorced or their husbands died and they decided to return to their natal villages where they were installed as village heads after the deaths of their fathers. In the majority of cases, the dead male chiefs did not have sons who could take over, or the sons could not qualify because they were not well behaved. Because there were no “appropriate” sons to take over, daughters who were well

behaved or had qualities of leadership were installed as village heads. Some key informants mentioned that the government is promoting gender equality and that the installation of female chiefs was addressing gender as being promoted by the government.

Some key informants said that it is difficult to install as village heads married women because of the implications this may have on residence. At marriage a woman moves to the husband's family and becomes part of the family. This is the norm among the Tumbuka and other patrilineal societies. There have been isolated cases in which men have decided to reside in their wives' village. This is not normally *socially* approved. There was one female village headperson in the study area whose husband resided in her village. Such a man has no control over land and other resources that belong to the wife's family. His children, since they are strangers cannot inherit the village headmanship from the "mother". It is the village headperson's patrikin who will succeed her. There was also another woman who was a village head but operated from her husband's village.

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

One common feature about two of the villages in Rumphu that participated in this study was that they were mainly formed by people who were relocated by the Government of Malawi when Nyika became a national park in the 1970s. Very few people lived there before the mass relocation in the 1970s. Both villages are located near the boundary with Nyika National Park. A number of informants from the first two villages mentioned that they were the first people to use the land they were cultivating as initially it was all bush. The allocation of land is one of the responsibilities of the village head. One female respondent, Josephine (not her real name), said that as they were being relocated from Nyika, land in their 'new' village was being acquired without the village head intervening. This happened in the early days of settlement after being chased from the Nyika National Park. The village headperson for one of the villages joined them later after a number of households had already identified their land. However, as a matter of principle, the village head went around to formally know the lands that were being used by households. Josephine said that land had not changed hands since her family started cultivating it in the 1970s. She said that if her husband should die first, she will take over responsibility for the land until one of her male children became an adult. As was the case with Josephine's family,

land for others was acquired either through this process or they got it through the village headperson.

### ***Sons inherit the land***

In all the interviews informants mentioned that the land a family owns is inherited by sons. Inheritance rules also apply to other property as well. Sons inherit land because at marriage daughters move to their husbands' village at their homes where they live with the husbands' relatives and the man pays *lobola*. Most informants felt that it was not proper 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. These females will have access to land belonging to the husband's family.

The land, therefore, belongs to male children as they are permanent residents of their village and will remain there until they die. They have the right to inherit land from their fathers. In cases where there are several sons, while the father may decide to distribute land among all of them, in some cases land is entrusted to the eldest son who will then take care of his brothers. In a number of interviews, it was also mentioned that while sons may be given the land at any time, this mostly happens when they get married as they are starting a new family away from their parents. In most cases informants mentioned that they did not see any problem with their sons inheriting land even though it (the land) was not (formally) 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 informant in Rumphi, 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 they are heir to property left by their father. His late brother had female children only and, by tradition, these could not be allocated land. He was appointed to take over the land. To achieve this, he first inherited his late brother's wife and this meant everything fell under his control including his late brother's wife, children and the land. He explained that his late brother's daughters were to get married and automatically live with their husbands. They could therefore not inherit their

father's property. Male adults will still have to be identified within the clan to inherit the property. No written contracts, witness, or village leaders are involved during land transfer. It may involve patrikin only.

Among the Tumbuka, as Tinkhani's case confirms, land rights belong to men and are transferred mostly from fathers to sons. If a man does not have sons, then his male relatives have to take control of the land. Upon the death of their husband, a man, who in most cases is their deceased man's brother, should inherit the wives and children and provide for them. This has been interpreted as providing (informal) social security to the children and their mothers. In the absence of formal social security systems, inheritance of wife aims at providing for the children and the widow. This involves provision of food and other necessities.

While sons are eligible to inherit the land, step-sons are not and cannot enjoy this privilege:

One male informant said he was staying with his stepfather who gave him land when he got married in 1999. His original home is in neighbouring Mzimba District. He said that he was very sure that his children will not inherit the land he was using because '*he was not a member of the local patrilineage*'. In other words, because he was not a patrilineal heir, he was like a 'stranger'; only patrilineal (male) children of the local patrilineage are eligible to inherit land. His children did not belong to that village hence they had no right to inherit that land.

One female respondent said that she was married in Mzimba, a neighbouring district, but was divorced and, on her return, her father gave her the land that she was using. She had returned to her village with all her children and she says that her children have no right to inherit the land that she is using because her children are expected to obtain land in Mzimba, their father's home, 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.

### ***Re-allocation of land to non-relatives***

Almost all informants in Rumphi mentioned that village headpersons have unequivocal powers to allocate land. In some cases these village heads may make decisions with the help of village

committees. People leave their villages for various reasons and settle elsewhere. While remaining relatives may take over the land they owned, in some cases the village head may make a decision and allocate the land to other persons. Idle land was scarce in the villages where this study was done. The village heads have powers to make decisions on what should be done with idle land as the following case shows:

Chimbizgani was allocated land by the village head. Prior to getting this land, Chiukepo who owned the land was chased away from the village because he was accused of witchcraft. The village head then allocated Chiukepo's land to Chimbizgani in 1993. Once one is chased from the village all issues relating to land fall to the village headperson. A decade later, Chiukepo returned and settled in another village a couple of kilometers away from his natal village. From 2005 Chiukepo started threatening Chimbizgani and warned him not to cultivate the land that Chiukepo claims was his. 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. Because of this dispute, Chimbizgani foresees problems of inheritance of the land by his children and spouse. He says that in the event that he dies before the issue has been resolved, it would be better for the village headperson to take full responsibility over the land. He trusts the village headperson to fairly distribute this contested land to his children.

Witchcraft constitutes one of the major reasons why individuals can be driven out of their villages and in the process lose land. One other informant 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.

***Divorced women, widows and single women with children can be allocated land as well***

The above results emphasise the expected order of land inheritance and succession to village headmanship among the Tumbuka. There is no deviation from what Ibik (1971) observed in the 1960s. While all respondents in Rumphi 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 widowed and they return to their natal villages and this is new compared to what Ibik (1971) described. They share this land with their brothers upon their return to their homes. Informants reported that unmarried women with children can also inherit or access land from their parents as shown in the example below:

**Case 1:** Vitima said that when her father died in Zambia, her mother decided to go back to her natal village with all the children. Vitima was not from her mother's village. In this context it is Vitima's mother who got land from her father but this land is being passed on to her children namely Vitima and her brothers. Vitima 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 informants 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 re-marry.

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

Traditionally sons are the ones who inherit their fathers' land. The following two cases from Rumphi generally demonstrate that female children can also have access to land and even inherit it if there are no male children in the family.

**Case 2:** Margret was married in Chikwawa but she was widowed and she returned to her natal home, Kunda Village, where she was given land by her brother who was allocated this land by Village Headperson Kunda. Margret had a daughter by the name of Towera from her marriage in Chikwawa. In an interview with us Towera said that she inherited the land she was cultivating from her mother in 1999. Towera's mother did not have any male children and she just handed over land to her female children. Towera is not

married. She was divorced sometime back. She says that no legal transactions were made during the change in ownership but that the village headperson knew about these transactions.

**Case 3:** Agnes says that the land she is cultivating was given to her in 1988 by her mother who in turn got the land from her brother (Agnes' uncle). Both Agnes and her mother stay in Kunda village. Agnes's uncle got the land from the then Village Headperson Kunda. The trend in Rumphu is that land is passed over to male children but her case was different. This was because her mother did not have any male children who could take over land. Agnes is not married. She was at one time married in Mlowe, along Lake Malawi, but was divorced. No formal transactions were made. Only the village head and the neighbours were aware of the change in ownership of the land.

These cases are unique because both Towera and Agnes were staying in their uncle's village and not in their father's village. Their mothers did not have any male children; hence they gave the land to their female children. There were no legal transactions but the village head and some elders were present at the time Towera and Agnes were inheriting the land. These cases demonstrate that even though among the Tumbuka sons are the ones who inherit the land there are exceptions. If the family does not have sons, daughters will inherit the land especially if they are also living with their parents. If they also have children they expect that their children will also inherit the land from them. One of the major concerns from a number of informants was that the land was getting smaller as it was being divided among the sons and daughters. Some informants said that 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 or accessed/ land from their fathers or mothers have not been harassed by their male relatives.

## **Discussion**

The Tumbuka today are a patrilineal society and, as has been demonstrated in this study, upon marriage the woman moves into the home of the husband. While this is the case some scholars



argue that initially the Tumbuka people were matrilineal (Kalinga 1984). Chikulamayembe is the paramount chief for the Tumbuka people. After the first Chikulamayembe died, his nephew succeeded him, a practice prevalent in matrilineal descent systems. The nephew, however, was exceedingly fierce and during his reign he killed and chased away members of the Chikulamayembe lineage (his uncle's lineage). He was overthrown and killed and the chieftainship went back to the Chikulamayembe patrilineage.

Around the 1860s, the Chikulamayembe Kingdom was invaded by the Ngoni who came from South Africa and fighting continued until Malawi became a British colony in 1891. Due to less prestige and power of the Ngoni and the greater persistence of the cultures of the peoples who were numerically superior in their home, the use of the Ngoni language for purposes of communication started to decline. The Ngoni language was also not a practical choice for missionaries to use as it was not a medium of everyday communication. The indigenous Tumbuka language was used as it was spoken by all the people among whom the Ngoni settled (Pascal J. Kishindo (2002)). As early as 1936, the Ngoni were bilingual with an exception of the old ones and they had started speaking Tumbuka (Read 1936). It has been argued that the Ngoni invasion and settlement of Chikulamayembe family among the Tumbuka changed the social organisation of the Tumbuka, from matrilineal and clan-based to a centralised form of chieftainship, with patrilineal descent and virilocal residence and the payment of bridewealth (Young 1970 [1932]; Forster 1989). As warriors it was imperative for the Ngoni that men had to stay in their villages as they had to fight while females were married out (Philip 1963 [1955]).

Missionaries such as T. Cullen Young (1970 [1932]) and other scholars such as Forster (1989) have also documented that the Tumbuka people were initially matrilineal. Holden and Mace (2003) have also suggested that the wider Bantu speaking cultures of East and Southern Africa were initially matrilineal. These authors argue that such a conclusion is supported by historical linguistics. The change from matrilineal to patrilineal descent has been attributed to acquisition of cattle (Holden and Mace 2003). The gradual disappearance of matrilineal inheritance has been observed and that it is being replaced with patrilineal inheritance not only in Africa but also in Asia (Agarwal 1995). Such a discussion implies that the change from matrilineal to patrilineal

descent systems did not occur among the Tumbuka only but also among other ethnic groups in the region.

The current Chief Chikulamayembe of the Tumbuka people is the 12<sup>th</sup> in line and all of them have been men. Village headpersons have always been men. It is only recently that female village heads have emerged as demonstrated by this study. It is only in the central and southern regions of Malawi in which matrilineal systems of descent are prevalent where female village heads are found for example the matrilineal societies residing around the Shire Highlands of southern Malawi. Even in these communities most village heads are men (Peters 1997). The patrilineal system among the Tumbuka in which men are the rulers and women the ruled is therefore being challenged with the rise of female village headpersons. Because of the confusion that arises in terms of residence at marriage, village headwomen are preferably single or widowed so that it should not involve movement of men as this is against the '*expected order*'. While it can be argued that female village heads are acting as 'caretakers' until the next generation of males (Peters 1997), it should be stressed that it is nevertheless succession or inheritance of chieftainship. Previously it was normal to choose another male member of the family within the lineage to take over as village head.

Most informants felt that it is not proper for daughters 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. These females will have access to land belonging to the husband's family. In such patrilineal societies divorced women are expected to return to their own villages and relinquish all land rights they had to their husband's land (Kishindo 2004). While sons inherit land and other properties from their fathers and this is the *expected order*, this study has demonstrated that wives can take over land in a caretaker capacity as the case of Josephine demonstrated: their land had not changed hands since her family started cultivating it in the 1970s. She did indicate that if her husband died first, she would take over responsibility for the land until one of her male children grew into adulthood. The taking over of the land by a widowed woman is therefore in a caretaker capacity as has also been reported elsewhere (Matashane-Marite 2005; Strickland 2004; LeBeau 2005). In other countries such as Lesotho it has also been documented that women also do not have the authority to own and control land because of patriarchal customs in which the heir to

land is the first born male child of the first married wife. If at the death of the father the heir is under-age the widow is entrusted to use the property in consultation with paternal uncles until the heir comes of age. The widow, therefore, holds property in trust for their heir (Matashane-Marite 2005). The situation among the Basotho in Lesotho also obtains among the Tumbuka where women do not own property in their own right. Once widowed a woman in a patrilineal system inherits the stewardship of the household's property through her association with her children (Strickland 2004). Women therefore are allowed to continue using the home and other assets but they are not allowed to sell the land or retain it if they remarry (Cooper 2011).

Among the Tumbuka, as Tinkhani's case above confirms, land rights belong to men and are transferred mostly from fathers to sons. If a man does not have sons, then his male relatives have to take control of the land. 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, a man, who in most cases is their deceased man's brother, should inherit the wives and children and provide for them. This has been interpreted as providing (informal) social security to the children and their mothers (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 as was the case with Tinkhani. However, widow inheritance is now on the decline, mainly because of the HIV and AIDS epidemic (Malawi Human Rights Commission 2006). Ibik (1971, 124, note 6) observes "The institution of widow inheritance *stricto sensu* is in rapid decline; today it is largely displaced by a form of voluntary union in which the widow is entitled to decide whether to marry a substitute husband or not. It is not strictly accurate to talk of the "inheritance" of the deceased's children and other dependents as proprietary rights do not necessarily accrue therefrom."

This study has also shown that men can also get land from their mothers' side but their continued use of the land by their sons is debatable. Other studies done among the Tumbuka have also shown that cases exist in which men have received land from their mothers' side even though such people do not belong to the same patrikin. What matters is their closeness in everyday life and they may pass on land to their children even though this may be challenged at some point

(Takane 2008). As long as women are in their natal villages they will have access to land and this can be passed on to their children as demonstrated through some cases in this study.

Lastly, witchcraft constitutes one of the major reasons why individuals can be driven out of their villages and in the process lose land. There has been a considerable amount of literature produced in the past 10+ years on witchcraft (Fisiy and Geschiere 2003; Ashforth 2005; Niehaus, Mohlala, and Shokane 2001). As African societies modernize, it was expected that witchcraft beliefs would disappear. However, research across Africa suggests that beliefs about witchcraft and incidences of witchcraft accusations are on the increase (Comaroff and Comaroff 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, Mohlala, and Shokane 2001). Just as it happens elsewhere, in Africa, Chimbizgani was accused of witchcraft and chased from his natal village. The village head got his land and allocated it to another person. This is in line with Ibik (1971) who says that the land rights revert to the guarantor who in most cases obviously will be the village headman. After several years Chimbizgani went back and settled in a neighboring village and started demanding that whoever was using his piece of land should relinquish it. It is doubtful if the new user would pass on this land to his sons. If this case of witchcraft was to be brought before the law, then Chimbizgani and the village head, who chased him from the village, would lose as witchcraft is not recognised in the laws of Malawi: it is those who accuse others of witchcraft who are guilty.

What we see among the Tumbuka is that 1) divorced women and widows can be allocated land (as shown by the first case) but their children have no right to inherit land as they belong to another patrilineage; and 2) they can actually inherit land in their natal villages as shown by Vitima's case in which even the children inherit the land from their mother (in her natal village). However, in some cases, even if daughters are given land they will have it (the land) temporarily as they tend to remarry. It can be argued that the distribution of land to daughters is a moral responsibility that the patrilineage has towards their daughters once they are widowed or divorced and they return to their home villages: it constitutes a social security upon which such women can fall; otherwise they would not have farming land. Inheritance is therefore a complex process: "in

most cases there is more than a single system at work” (Widlok 2005, 24) as this paper has demonstrated.

### **Conclusion**

This study has shown that while previously there were no female village headpersons among the patriarchal Tumbuka the situation has changed and currently there are female village heads. The emergence of these female village headwomen has been attributed to the campaigns that are being conducted by gender activists and the non-availability of males in the patrilineage who have characteristics of *umunthu* either because they are young or because they are not there. In Malawi this change has only been observed among the Tumbuka of Rumphu while the neighbouring Ngoni of Mzimba who are also patrilineal, denied that women can become village heads. In the matrilineal south, as has been observed by Peters (1997) there are female village heads. However, these are much fewer compared to male village heads. Peters (1997) further argues that even though there are these female heads, their status is lower than that of men in other spheres of life.

Through cases that have been presented here, we also see that among the Tumbuka females have access to land and can even inherit it and pass it on to their children if they are single with children, divorced or widowed and they *return to their natal homes*. Such a finding may not be necessarily new as Tumbuka villages have had, from time immemorial, divorced, single and widowed women who have returned to their natal villages. Having a home to which they can return and access land after the breaking up of marriages therefore constitutes a major social security and coping mechanism for such women. Divorced women in Southern Africa are denied access to land belonging to their former husbands. Widowed women on the other hand can only access their deceased husband’s land through their sons.

Patrilineal inheritance rules seem not to be applied rigidly because if they did some of the cases of women and men as presented in this paper would not have accessed land (see Takane (2008)). 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 which may have wider implications on access and inheritance of resources. It is difficult using the data that is available to make conclusions on

whether the emergence of female village heads has had any impact on women's access to land. It can, however, be argued that as village heads they also have powers to allocate land and make decisions on land conflicts as any other village headperson does; hence they have influence on land administration and management which needs further investigation. It can therefore be concluded that as far as Malawi is concerned the rights of women regarding land ownership and management vary dramatically according to the prevailing descent system in the locality where they are born and where they marry.

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