

**Very Long Engagements:
Legal Consciousness and the Persistent Authority of Bridewealth
in a South African Community***

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ABSTRACT

For centuries many isiZulu-speaking communities in southern Africa have formed marriages via *ilobolo*, a complex practice whose core is a large gift from the groom or his family to the bride's

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family. Having adapted to colonial and apartheid circumstances, *ilobolo* remains widely practiced today even as many blame it for sharp declines in marriage rates. Based on intensive ethnographic research in a quasi-rural KwaZulu-Natal community, this article examines how *ilobolo* maintains its authority amid this discontent. Drawing on the concepts of legal consciousness scholarship, I argue that the contemporary practice of *ilobolo* often enacts multiple, even contradictory understandings of marriage that not only do not undermine *ilobolo*'s authority but in fact help shore it up, by providing multiple legitimating narratives of the practice suited to varying social positions in a context of profound ideological, legal, political, and economic change. In particular, I argue that orthodox "affinal" understandings framing *ilobolo* as a practice for bringing two extended families together in marriage are increasingly supplemented by less explicitly recognized "conjugal" understandings framing *ilobolo* as a practice that helps produce dyadic, intimate, and even egalitarian marriages uniting two individuals.

I. Introduction

The first time I attended a Zulu wedding, the groom was already dead. His role in the wedding was played by his brother, playfully high-kicking an iconic Zulu dance step for the crowds bearing camera-phones to his family's yard. The bride sat motionless under a black umbrella, eyes diverted down to her grass mat in respect for her new family. In pink icing letters a cake cheered, "We welcome you, Mrs. Dlomo!"¹ After many years and three children with the now deceased Mr. Dlomo, today she would finally take his name, enter his home, and become his wife.

The groom's physical absence from his own wedding was sad yet unremarkable. During the fieldwork for this article I encountered numerous engagements of a decade or more,² including at least one more also punctured—yet perhaps not severed—by death. For a generation of young adults in the KwaZulu-Natal village of Maqongqo where my fieldwork was centered, marriage is more aspiration than experience. Many blamed this on young men's difficulty amassing *ilobolo*, the bedrock practice upon which marriage is built in many isiZulu-speaking communities.³ Comprising a series of prestations from each spouse's family to the other,

¹ *Siyakwamukela Nkk. Dlomo*. I have changed the names and potentially identifying details of all research participants.

² Although the English term "engagement" suggests Western notions of marriage, many of my research respondents applied it to periods such as these, in part because an engagement proposal often precedes *ilobolo* negotiations. Such hybridities form a major focus of this paper.

³ The isiZulu noun for the payment is *ilobolo* and the infinitive for the practice is *ukulobola*. "Lobola" as a noun has become a commonly used, lingua franca term for similar practices across

ilobolo's centerpiece is a large gift of "cattle," today usually at least partly in the form of cash, from the groom's family to the bride's. Grooms themselves assumed primary responsibility for *ilobolo* as colonial political economies increasingly pushed African men into wage labor (Carton 2000; Hunter 2010), but unemployment has ravaged most of post-apartheid South Africa, Maqongqo included. Today, many young men in Maqongqo begin *ilobolo* but few complete it,⁴ and weddings there have all but disappeared.⁵ As in many places around the world, the death of marriage is among Maqongqo residents' most frequent laments.

Yet despite these laments *ilobolo* persists, at once marriage's central pillar and, in the stated views of Maqongqo residents, its biggest obstacle. Indeed, bridewealth practices are perhaps the most persistent "traditional"⁶ attribute of African marriage throughout much of rural and urban South Africa (Burman & van der Werff 1993; Haas 1987; Murray 1977; Nkosi 2011; Posel et al. 2011; Rudwick & Posel 2014; Shope 2006; Vorster et al. 2000; Walker 1992),

many language groups in southern Africa (South African Law Commission 1996). I use the term *ilobolo* because this article's empirical focus is an almost completely Zulu-identified community.

⁴ I say more about what constitutes "completing" *ilobolo* below.

⁵ Much the same is generally true of KwaZulu-Natal (Hosegood et al. 2009) and South Africa (Posel et al. 2011). As I discuss below, scholars debate how much this is a consequence of *ilobolo* per se or of other factors. The important fact for my purposes is that Maqongqo residents widely perceive *ilobolo* as responsible for marriage's decline.

⁶ Bridewealth's salience varies across region and ethnic group, and in those contexts such as Maqongqo where its salience is paramount this may reflect significant colonial influence (Claassens & Smythe 2013). I say more on this below.

insisted upon by old and young, men and women,⁷ even as other aspects of African marriage, most notably polygyny, decline. So pervasively is *ilobolo* expected in many communities that it often functions as a kind of non-state law, informally defined and privately sustained but as deeply significant for kinship relations as state law. In the eyes of many, a marriage without *ilobolo* is not one,⁸ and claiming otherwise invites quarrels from those relatives and others upon whose recognition a marriage's existence *as* a marriage ultimately depends (Rudwick & Posel 2014).

What needs explaining is thus not just *ilobolo*'s practice but also, more deeply, its authority. This persistent authority is even more remarkable given that the recent statute offering indigenous marriages full state recognition for the first time in South African history, the Recognition of Customary Marriages Act (RCMA) of 1998, says little on *ilobolo* or similar practices.⁹ *Ilobolo* plays out almost entirely between private individuals and families, sustained

⁷ The centerpiece gift of "cattle"/cash goes to a bride's family, not the bride herself.

⁸ While Maqongqo residents widely expect full *ilobolo* before a valid marriage is recognized to exist, many other southern African communities tend to view marriage as a status that accrues over time and thus do not tie a marriage's existence to *ilobolo*'s full payment. However, even in these latter contexts marital status usually only begins accruing with at least *some* payment of *ilobolo* or its local analogue, so I argue that in such contexts *ilobolo* also constitutes an authoritative process, albeit one with different dynamics.

⁹ The Recognition of Customary Marriages Act (RCMA) of 1998. The RCMA legally defines the term "lobolo" to include a range of analogues in other local languages and requires registering officers to record "any lobolo agreed to," (section 4(4)), but does not require *ilobolo* for the marriage to be valid. The primary reason for its omission was to leave it a private,

by shared practice more than by any concrete institutional support. The beliefs motivating this shared practice are thus a key source of *ilobolo*'s authority.

I argue that these beliefs encompass not only persistent “traditional” ideas but also newer understandings tying *ilobolo* to themes of romantic love, autonomy, and even gender equality. Historically, *ilobolo*'s authority overwhelmingly drew on what anthropologists call an *affinal* understanding of marriage as a union of two extended kinship lines. The orthodox narrative of *ilobolo* represents it as the practice that constituted this affinal union, circulating resources among the spouses' extended kin and introducing the wife to her husband's deceased ancestors so she may legitimately enter their home (Kuper 1982). This affinal understanding of marriage remains widespread, ritually enacted in most bridewealth ceremonies and routinely repeated by those who speak as experts on African traditions.

Alongside this affinal narrative, however, I argue the contemporary practice of *ilobolo* also sometimes draws on more *conjugal* understandings of marriage as a union of two individuals. Having long circulated in southern Africa, conjugal understandings of marriage increasingly infused the practice of *ilobolo* as grooms took over the responsibility for paying it themselves, and as older norms against brides knowing the amount of their own *ilobolo* began to disappear. Based on my Maqongqo fieldwork I argue these broad historical shifts have helped enable more ad hoc enactments of conjugal themes in *ilobolo*'s practice, especially among

voluntary matter (Albertyn & Mbatha 2004). As I discuss below, there is some evidence that despite this statutory silence state officers are expecting *ilobolo* or its analogue before registering a customary marriage. Most evidence suggests relatively few people attempt to register customary marriages, however, and in Maqongqo most wedded couples register their marriages under the civil marriage statute to which customary marriage requirements do not apply.

women who sometimes undertake backstage actions to lower their families' *ilobolo* requests and who often implicitly treat lengthy *ilobolo* processes as a test of their intended husbands' fitness for economically strong and emotionally intimate marital relationships. Many young men also emphasize marriage's conjugal dimensions but find their responsibility for *ilobolo* places them right where conjugal dreams and affinal norms most directly conflict, a friction these men often manage by treating *ilobolo* as a kind of quest for earning an adult masculinity whose content synthesizes tropes of both African and Western provenance.

I argue that, in Maqongqo and quite possibly elsewhere, *ilobolo* is tied to these conjugal understandings of marriage more frequently than many recognize, and that this link supplements the more explicitly recognized affinal narrative without replacing it. In this time of democratic and neoliberal transformation, different people inhabiting different circumstances and holding different beliefs about marriage can all support the shared practice of *ilobolo* because multiple understandings of it suited to these varying experiences circulate in the local social landscape. By drawing on these understandings in their practice of *ilobolo*, South Africans recirculate them and reconnect them to *ilobolo*'s authority.

To build this argument I draw on the tools of legal consciousness scholarship, which asks how laypeople's ideas, representations, and actions help to sustain law's authority (Ewick & Silbey 1998; Silbey 2005). Like *ilobolo*, law's promises are optimistic but its practice far messier: Perhaps the defining finding of law and society research is the pervasive "gap" between the law on the books and the law in action (Sarat 1985). That law's authority nonetheless endures is in turn a critical puzzle. Prominent legal consciousness scholars Patricia Ewick and Susan Silbey (1998) argue that, at least in the contemporary United States, this endurance is enabled by the multiple, contradictory narratives available to people for understanding their own varying

experiences with law. Like *ilobolo*, law has its own quasi-official narrative, a majestic story portraying law as the impartial and rational arbiter removed from the messiness of everyday life (53-107). This is the aspirational standard toward which the legal system ostensibly strives and against which people measure their actual experiences with law. Thanks to the well-documented gap, however, people's experiences with law are often quite different from this ideal. Ewick and Silbey argue these different experiences do not undermine law's authority because two other well-established narratives about law circulate in their participants' social environments: as a game to be played with skill and strategy for personal gain (108-64), and as an unjust, oppressive tool of the powerful (165-220). While these latter two narratives might seem to undermine law's authority, Ewick and Silbey argue they have the opposite effect, channeling individual frustrations with law into well-worn paths that do not disturb law's more idealistic, quasi-official narrative (248).

I argue that less recognized but widely circulating conjugal understandings of *ilobolo* serve a similar function, helping neutralize potential threats to *ilobolo*'s authority by narrating a continued place for it in a context where people increasingly frame marriage within the pursuit of interpersonal, romantic love. My argument contributes to two main scholarly literatures. First, it extends the post-apartheid literature documenting that *ilobolo* and similar practices carry diverse, even contradictory meanings (e.g., Rudwick & Posel 2014; Shope 2006; Walker 1992), by building a theory of *how* these different meanings can actually work together in practice without undermining *ilobolo*'s legitimacy. Second, it contributes to the literature on legal consciousness by providing a strong example of how practices of legal consciousness can help sustain the law-like authority of a practice that has virtually no current ties to the state.

The next section begins with a brief review of the history of *ilobolo* and similar practices in southern Africa, focusing especially on the area now known as KwaZulu-Natal where my field site is located, followed by a review of the scholarship on bridewealth's post-apartheid persistence and variation. I then introduce legal consciousness theory at greater length, adapting the theory for application to the particular case of *ilobolo*. I then discuss my methodological approach in greater detail, including a discussion of Maqongqo and its particular fitness for a study of this topic. The bulk of the article discusses the empirical material, beginning with the affinal forms of marital consciousness that dominate *ilobolo*'s orthodox narrative, followed by a discussion of more conjugal themes, especially as these ramify in the actions of young women, and the ways young men manage the tension between conjugal and affinal forms of marital consciousness.

II. Literature Review

A. iLobolo's History

Different communities practice bridewealth in different ways, reflecting in part the differential impact of state regulation and different regional innovations in response to that regulation. Perhaps no region of southern Africa saw more systematic colonial regulation of bridewealth than the Natal Colony, thanks in large part to Sir Theophilus Shepstone. Serving as Natal's Native Commissioner for several decades in the mid-19th century, Shepstone was the original innovator of indirect rule tactics that would come to characterize British colonialism around the globe (Mamdani 1996; Myers 2008). His general strategy of partially incorporating

“native” practices and structures into colonial law struck many of his colonist contemporaries as uncomfortably sympathetic to Africans, yet this strategy ultimately dominated customary law in the region for over a century. Regarding *ilobolo* specifically, Shepstone’s most significant intervention was to limit to ten the number of cattle transferred in commoner marriages, plus one beast for the bride’s mother; *ilobolo* cattle above that amount could be seized by the chief of the bride’s family for his own use (Welsh 1971:79). Intended to mitigate the consolidation of large herds and polygynous families by older, richer men, this upper limit quickly became *ilobolo*’s standard expected amount when families demanded as many cattle for their daughters’ marriages as colonial law would allow. The ten-cow limit lived on after the colonial era, incorporated into the law of Natal province by the nationwide Native Administration Act (NAA) enacted in 1927 by the young Union of South Africa.¹⁰ When the apartheid government carved the purportedly independent “nation” of KwaZulu out of Natal province in the 1970s, that jurisdiction’s parliament once again incorporated the ten-cow limit into its own KwaZulu Code of customary law. Many throughout KwaZulu-Natal today, including in Maqongqo, continue to believe that

¹⁰ It should be noted that the NAA only recognized customary marriages for certain limited purposes and called them “customary unions” rather than marriages (Albertyn & Mbatha 2004; Posel 1995). Several future executive proclamations authorized by the NAA updated the Natal Code of customary law but left in place all provisions discussed in this article. For more detail on all this, see Bennett 2004:46–47, 70–74, 190–91. The RCMA enacted in 1998 to extend full state recognition to customary marriages requires only that such marriages be valid “according to customary law,” rendering uncertain the current legal status of the 10+1 *ilobolo* standard, or indeed of any *ilobolo* standard at all.

complete *ilobolo* comprises 10+1 cows (Rudwick & Posel 2014)¹¹, a requirement widely understood to be cultural¹² rather than colonial in origin.

Other Natal Colony regulations had more mixed effects at the time and, by extension, live on today more in some places than in others. Of particular importance are provisions aiming to draw a bright line distinguishing the married from the unmarried. Like many other Africans, Zulu people at the time of colonial encounter tended to believe that marital status progressively accrued to a couple as the relationship developed, an immensely frustrating view for colonial administrators who prized certainty. To address this and other perceived problems, Shepstone's regulations defined a customary marriage to exist in Natal law only after *ilobolo* was paid in full and the bride publicly consented to marry at an African wedding ceremony, after which the chief's *iphoyisa* (policeman) registered the marriage in writing. Also incorporated into Natal law with the NAA and later into the KwaZulu Code, these requirements were amended by the RCMA's own registration provisions but remain common in some communities today, including Maqongqo, where many spontaneously recounted them to me in precise detail.¹³ Numerous participants who had begun *ilobolo* emphatically described themselves as "not married"¹⁴

¹¹ As discussed just below, *ilobolo* today primarily takes the form of cash, but negotiated amounts are widely denoted in a vocabulary of "cows."

¹² It is this understanding that might render the 10+1 standard still valid under the RCMA and the post-apartheid Constitution.

¹³ One older woman participant used the isiZulu verb *ukugunyaza*, meaning "to make official," to describe the *iphoyisa*'s written registration of the wedding.

¹⁴ *Cha, angishadile* or *asishadile*, meaning "No, I'm not married," or "we're not married," respectively. Some used the terms *-ganile* (for brides) or *-ganiwe* (for grooms) to describe

because they had not yet “signed”¹⁵ any official document at a wedding ceremony. In other KwaZulu-Natal communities, however, the more gradual approach to marital status still prevails. For example, researchers working in the community of Msinga, some 100 kilometers to the north of Maqongqo and much more remote from major urban areas, have found that locals there consider a customary marriage to exist once *ilobolo* has begun (Cousins 2013; Mnisi Weeks 2013). In order to facilitate state registration under the RCMA, one traditional council has even begun providing residents in such situations with letters affirming their customary marriages to exist (Cousins 2013); state officials in the area, however, have not accepted such letters, incorrectly insisting that the RCMA requires *ilobolo*’s completion before validating a customary marriage (de Souza 2013). There is not yet sufficient contemporary research to know why a progressive approach to marital status prevails in some areas while a more bright-line, binary approach holds in others such as Maqongqo, but one likely explanation is that Shepstonian regulations were unevenly enforced. Lying just outside Pietermaritzburg, the capital of Natal from the colonial period right through to today, Maqongqo may have been more susceptible to colonial regulation than other villages. Moreover, as discussed below, the chiefly line that governs Maqongqo was installed by the colonial government in the early 20th century, so perhaps

themselves as having begun *ilobolo*. While these terms do denote a changed status, my participants still clearly distinguished them from marriage, for which they always used *-shadile*. As discussed below, this is not necessarily so in other communities.

¹⁵ Participants frequently used the isiZulu loan word *ukusayina* to describe signing the register of either an *iphoyisa* (for a customary marriage) or a cleric (for a religiously performed marriage registered under the Marriage Act of 1961).

Maqongqo chiefs more assiduously administered state family laws to help maintain their good standing with the government.

Economic concerns may also play a role, for, as poor as Maqongqo is, its economic struggles are less acute than those in more rural villages. This is especially important given perhaps the largest transformation wrought in bridewealth practices by settler colonialism, namely the violent replacement of a largely pastoral economy with one based on (low) wages earned primarily through migrant labor for white employers (Hunter 2010; Murray 1977, 1981). This transition was itself forced in part through state laws, such as private property laws forcibly conveying African farmlands into white hands (Beinart et al. 1986) and “hut taxes” assessed on each building located on an African family’s homestead (MacKinnon 1999; Welsh 1971). Payable only in cash, hut taxes both discouraged polygyny—each wife typically living with her uterine children in her own hut—and virtually required men to work for white employers. The rise of cash did not end *ilobolo*, but it did transform both its primary medium and the social relations surrounding it. To the first point, *ilobolo* transfers are now largely conveyed in cash payments that, while still often narrated in the vocabulary of “cows,” are almost inherently more fungible than living, breathing cattle.¹⁶ Many African southern Africans believe this has commercialized *ilobolo* into a profit-seeking enterprise out of keeping with the practice’s “true” purpose (Rudwick & Posel 2014; Shope 2006). The rise of cash, and wage labor more generally,

¹⁶ My participants widely distinguished the two with the terms *izinkomo ezihamba ngenyawo* (cows that travel on foot) versus *izinkomo zemali* (cows of money) or *izinkomo ezihamba ekhukhwini* (cows that travel in the pocket). The transition toward cash has probably helped the “10+1” standard endure in KwaZulu-Natal, a widely variable range of negotiated agreements existing underneath the ubiquitous headline expectation.

has also pushed primary responsibility for paying *ilobolo* from the groom's father to the groom himself (Hunter 2010), a development that I argue below has helped facilitate conjugal understandings of *ilobolo*. For many decades this shift helped to release younger generations from elders' control, but the precipitous decline of wage employment from the 1970s until now has left many of today's young men suspended in a kind of prolonged adolescence (Hunter 2010:94; Morrell 2001; Shefer 2007). During my Maqongqo fieldwork, the ironies of this transition appeared on a popular nightly soap opera aptly called *Generations*. In a plot that would have been almost totally incomprehensible a century or so earlier, a young urban professional man worried what it meant for his manhood that he had to turn to his father, a Zulu chief, to help pay his own *ilobolo*.

All these pressures left *ilobolo* transformed yet resilient in the early 1990s, when constitutional gender equality guarantees raised new questions about its place in the post-apartheid order. Many perceived these guarantees to sit uneasily alongside a number of other constitutional provisions protecting "cultural" practices and institutions, and *ilobolo* was a common issue around which the perceived conflict between gender equality and culture was staged (e.g., Bennett 1994; Sachs 1990). The formal legal and political debate regarding *ilobolo* was largely put to rest with the RCMA's 1998 enactment. While the RCMA occasioned vigorous debate between gender-rights activists and African traditionalists on a number of issues—most importantly the legal status of polygyny and the authority of traditional versus state institutions to form, regulate, and dissolve customary marriages—the leading stakeholders in each camp came to agree that *ilobolo* should be left a largely private matter, not explicitly required for a

state-recognized customary marriage to exist (Albertyn & Mbatha 2004).¹⁷ In any event, the RCMA's concrete impact appears to have been minimal. Reasons include irregular implementation (de Souza 2013) and, more directly relevant to this article, the widespread practice in many regions of "dual" marriages combining African rites, including *ilobolo*, with Christian wedding ceremonies whose marriages are formally recognized under the mainstream Marriage Act that has been in place since 1961 (Mbatha n.d.). This, too, is a more common practice in some areas than others, owing perhaps to differential rates and forms of Christianization. As discussed below, Maqongqo is highly Christianized, and dual weddings are there widely seen as the ideal.

B. *Contemporary Scholarly Analysis of iLobolo*

Even across the differences just discussed, *ilobolo* remains widely expected if not always executed, and it is rare in KwaZulu-Natal to encounter African marriages in which at least some *ilobolo* has not been paid. This has provoked a small but growing number of scholarly inquiries into *ilobolo*'s post-apartheid persistence, building on similar work from earlier eras. This work broadly agrees that *ilobolo* carries a range of diverse and sometimes contested meanings. The most sustained investigation comes from a team of researchers led by development economist

¹⁷ The RCMA does require that a marriage have been performed "in accordance with customary law," a requirement that courts in many regions might reasonably interpret to require *ilobolo* or its local analogue, and section 4(4) of the RCMA requires the registering officer to record "any lobolo agreed to" with the record of the marriage. But this requirement was deliberately kept distinct from the requirements for the validity of marriage, contained in section 3 of the Act.

Dorrit Posel, who has published with her colleagues Daniela Casale, also an economist, and Stephanie Rudwick, a linguistic anthropologist, a series of articles looking at contemporary *ilobolo* from numerous angles. Their work both documents that many African South Africans believe *ilobolo*'s difficulties have contributed to declining marriage rates (Posel et al. 2011) and advances statistical data congruent with that hypothesis (Casale & Posel 2010; Posel & Casale 2013). At the same time, their qualitative research confirms that both marriage and *ilobolo* remain deeply valued by their Zulu-speaking participants for a range of reasons (Rudwick & Posel 2014). Reasons offered for *ilobolo*'s importance include circulating resources within and across families, building caring relationships between the families (130-31), constructing appropriate ethnic and gendered identities (125-29), and maintaining good spiritual relations with deceased ancestors (131-32). Their participants' views on *ilobolo* were not only diverse but sometimes conflicting; a few women, in particular, expressed reservations about *ilobolo*'s materially and symbolically gendered implications. Their findings echo in fuller form the work of numerous other recent scholars (Burman & van der Werff 1993; Shope 2006; Walker 1992).

Meanwhile, social geographer Mark Hunter's work on *ilobolo* suggests another significant meaning for many: love. Hunter (2010:16) argues that many young African women in his research valued what he calls "provider love," viewing a loved man's provision of monetary assistance as a kind of materialized devotion. Producing relationships that defy simplistic dichotomies between transactional sex and authentic affection, provider love draws heavily, Hunter suggests, from *ilobolo*'s enactment of similar ideas on a grander scale ever since migrant labor forced husbands to pay their own *ilobolo* and maintain their rural households from afar. Situated within his examination of high HIV rates in KwaZulu-Natal, Hunter's argument constructs perhaps the most nuanced existing scholarly description of contemporary *ilobolo*'s

complex meanings, capturing especially well the constraints poor African women face from gendered labor markets and cultural norms and the creative agency with which they navigate those constraints.

In this article I build on this scholarship's emphasis on *ilobolo*'s diverse and contested meanings while pushing further to theorize how these significant variations manage to produce a practice that is not only shared but, more pointedly, *authoritative*. For *ilobolo* is not merely a practice some people perform while others do not. It is instead a major structuring institution of African southern African communities, constituting some of the most fundamental relations and identities through which these communities come into being as such. Even those critical of *ilobolo* understand what it is and know that others define the existence of recognizable obligations around it; such critics typically feel compelled either to practice it or to explain themselves if they forgo it. This is true whether the local community regards *ilobolo*'s completion or only its initiation as necessary to create a recognized marriage. Yet while some of the above scholarship acknowledges this authoritative dimension of *ilobolo*, none has yet theorized how it works. Indeed, Rudwick and Posel (2014) downplay *ilobolo*'s contemporary role in "legitimizing" marriage because few of their participants mentioned it explicitly. I would propose a different interpretation: that its legitimating¹⁸ role seemed so obvious that it barely needed stating. Such an interpretation is bolstered by the fact that some of their participants, as did mine, mentioned reprisals from relatives both living and dead should *ilobolo* not be performed.

¹⁸ It may be that our differing interpretations derive from different understandings of "legitimation." While Rudwick and Posel do not define what they mean, what I mean here is to bring a marriage into recognized being.

In fact, I would suggest that *ilobolo* remains the *primary* legitimating institution over marriage in many southern African communities,¹⁹ more important for day-to-day marital recognition than even the state. My research participants overwhelmingly described processes of state recognition as bureaucratic and dry, useful for “putting it in the computer”²⁰ to prove a marriage existed should it become necessary, but not for constituting that existence as such. That honor remains with *ilobolo* and the weddings that follow its sufficient completion. From this perspective, the central question about *ilobolo* is not merely why people continue to practice it but how it continues to command such authority, even amid such diverse and contested interpretations as those outlined above. Taken-for-granted authority is easy to comprehend in a context of widespread agreement, but far more puzzling in a context of dissensus and disappointment.

C. *A New Approach: Legal Consciousness and iLobolo*

¹⁹ Its role might be especially important in KwaZulu-Natal, where the 19th century colonial regulations discussed above imposed registration requirements tied to *ilobolo*. Moreover, there is reason to believe that Nguni communities (i.e., those speaking isiZulu, isiXhosa, isiNdebele, or siSwati) may have historically placed more importance on bridewealth’s legitimating role in marriage than did Sotho-Tswana and other southern African communities (Comaroff 1980; Kuper 1982).

²⁰ *Ukufaka e-computer*.

I find the tools for addressing such a puzzle in the scholarship on legal consciousness and, in particular, the strand of legal consciousness work conceptualizing law and society as mutually constitutive, as embedded within and producing each other rather than as discrete entities acting upon each other for limited purposes under specified circumstances. In this view, law is not so much *affected by society* as itself a *dimension of society*, a relatively institutionalized yet dynamic subset of social practices, institutions, and meanings gathered under the name “law.”²¹ Without social action, there is no law. It follows from this that not only law’s existence but also its authority is produced through social action, and legal consciousness scholars Patricia Ewick and Susan Silbey (1998) argue this production is a more remarkable achievement than most appreciate because, as I have argued is also true of *ilobolo*, law’s claims and its consequences frequently diverge, pervasive gaps separating the “law on the books” from the “law in action.” How do these gaps not delegitimize the whole enterprise?

To answer this question, legal consciousness scholars exit the legislatures, courtrooms, and precincts of official law and enter the “streets, homes, and workplaces” of everyday life (Ewick & Silbey 1998:33). Although it may seem the authority of law or any other institution emanates from within its own structures—from its rules or enforcement mechanisms—in fact authority, to truly be authority, must not only be claimed by those who administer it but also in

²¹ I regard *ilobolo* as a form of non-state law, thus this theoretical framework is appropriate. Indeed, isiZulu speakers use the isiZulu word for “law,” *umthetho*, to refer both to state law and to binding customary practices, including *ilobolo*. Moreover, there are clear affinities between the mutually constitutive conception of the law-society relationship and the notion of “living customary law” that posits customary law as emerging out of the changing practices of indigenous communities rather than codified from above by the state.

some sense acknowledged (which is not to say freely granted) by those it governs. An authority not recognized as such may be capable of exerting extreme material power, but it is not properly regarded as possessing authority unless the basic legitimacy of its governance is generally recognized by those it governs. Indeed, most of the authority enjoyed by law or any other governing institution occurs not as a conscious reaction to the threat of punishment but as a relatively unconscious, routine accordance with the taken-for-granted terms of the era (Silbey 2005). Thus, while the courtroom or the prison may be the most ostentatious stage for performing state law's authority, everyday life is its most capacious.

Much law and society research has documented that most laypeople do recognize law's authority most of the time,²² even when they feel themselves to have been wronged by it. Few have theorized this phenomenon more completely than Ewick and Silbey themselves, who locate one major source of this authority's maintenance in the varying yet patterned stories people tell about the law. Drawing on open-ended interviews with a wide range of legal laypeople residing in 1990s New Jersey, they trace three ideal typical narratives participants told about law: as magisterial and remote, a narrative Ewick and Silbey call "before the law"; as a tool to use and manipulate for personal gain ("with the law"); and as an unjust oppressive force ("against the law"). While these three narratives contradict each other, together they provide tools for making sense of virtually all legal experiences (248). "Gaps" between law's aims and effects are thus

²² People often disagree with a particular law while still granting legitimate authority to law in general, as can be seen in the many legal consciousness studies focusing on law-reform social movements (e.g., Hull 2006; McCann 1994).

experienced not as evidence undermining law's claim to legitimacy²³ but instead as readily understandable, typical experiences one may have with law. These contradictory narratives have become so socially institutionalized that they effectively neutralize threats law may generate against its own authority when its principles and practices diverge. Legality thus remains a structuring force in people's lives even when people feel themselves to have been outplayed by a legal opponent or unjustly oppressed by overweening legal institutions.

Ewick and Silbey conceptualize these three narratives of law as varieties of legal consciousness. Arguing that "consciousness" must mean something more than mere "attitudes" or an epiphenomenon of "deeper" material structures, Ewick and Silbey (1998:38–39) define legal consciousness as cultural practice, as actions and expressions that participate in constructing legality.²⁴ This concept of cultural practice has several benefits. First, it emphasizes how social behavior *qua* social behavior necessarily entails connections between meaning and action, an especially important point for understanding processes of legitimation. I argued above that legitimate authority is at root a question of meaning, yet thoughts without action are

²³ One weakness of Ewick and Silbey's account is that it would have a difficult time explaining situations where law has lost legitimacy (Fritsvold 2009). Ewick and Silbey are right to emphasize the remarkable endurance of this legitimacy in the contemporary U.S. and other settings, yet in explaining this endurance they have produced an account that seems to render such endurance virtually inevitable, even though surely it is not.

²⁴ As I explain more fully below, they use the term "legality" as a broader replacement for official law, defining it to encompass those "meanings, sources of authority, and cultural practices that are commonly recognized as legal" (Ewick & Silbey 1998: 22).

insufficient to create any institution's legitimacy. By the same token, an action's significance for legitimacy is unknowable without understanding the meanings that attend that action.

Second, the concept of cultural practice usefully highlights the complex interplay between structure and agency. Actions almost by definition represent enactments of agency, but conceptualizing these actions as *cultural* practice emphasizes how these actions are legible only within a particular set of cultural vocabularies that pre-exist the actor.²⁵ To tie this abstract point to the terms of their specific argument, Ewick and Silbey conceptualize the three ideal-typical forms of legal consciousness as narratives, "sequences of statements connected in such a way as to have both a temporal and a moral ordering" (29). To be legible *as* narratives, the forms of legal consciousness draw on "schemas," which are relatively congealed tropes carrying recognized semiotic meanings (40), such as the notion of a "game" as a competition won through skill that forms the central trope of the "with the law" form of legal consciousness. Laypeople enact legible narratives about law in their everyday words and deeds by deploying schemas from among those available to them, the usable collection of which varies across time, region, and social position. In this way, the forms of legal consciousness together form a dimension of social structure, constraining what it is possible to believe and represent about law.

²⁵ Indeed, to an important extent, these cultural vocabularies constitute the actor as such, for example by forming the relevant categories of identity through which actor's personhood becomes knowable to herself and others and that facilitate her historically and situationally specific capacities for action. I emphasize cultural dimensions of structure here because they are especially important to questions of legitimacy, but do not intend to deny that structure also includes important material dimensions.

That said, acts of narrative deployment open the possibility of subtle shifts in the narratives' content as actors combine and rework schemas in unexpected ways, which leads to the third major benefit of Ewick and Silbey's notion of cultural practice: Out of its attention to both structure and agency flows a closely related capacity to explain both persistence and change. As individuals deploy and rework existing narratives to suit changing circumstances, existing narratives can be the source of social change, helping to "make familiar what may be new and strange" and to "appropriate the legitimacy attached to the familiar to authorize what is unconventional" (40). Interpretive innovations that prove widely resonant enough can themselves become institutionalized, forming part of the cultural structures within which future laypeople will make sense of their experiences with law. In this way state law's authority can persist even as the bases of that legitimacy differ across people and shift over time.

This theoretical architecture presents clear promise for unraveling the puzzle of *ilobolo*'s persistent authority. As with state law, *ilobolo* clearly occasions a diverse and contested range of meanings that have changed over time. Also as with state law, some of these meanings concern a perceived gap between *ilobolo*'s promise and its practice, with widespread worries that *ilobolo* today prevents as many marriages as it produces. Yet, again as with state law, *ilobolo*'s authority remains resilient despite all this. I thus argue that, as with state law, *ilobolo*'s diverse and contested meanings are a source of its enduring strength because they contain a set of recognizable patterns plotting *ilobolo* as a key tool for realizing the central purpose of marriage as depicted in the two dominant narratives of marriage circulating in contemporary South Africa: that it unites two extended families, and that it unites two individuals.

III. Methods

A. *Application of Legal Consciousness Tools*

To build this argument, my analysis takes up the tools of legal consciousness scholarship while modifying them to fit the terms of my particular case. First, the research and analysis have focused throughout on everyday people's own understandings. Methodologically, this meant making my research design as open as possible, including a wide range of people in the research and opening my first phase of interviews on as neutral relevant ground as I could, by asking, "When you think of all the people in your life, who is the most important to you?" This approach avoided presuming participants saw either state law or *ilobolo*—or even marriage²⁶—as necessarily relevant to their lives. Only at the end of these first interviews did I raise questions about state law (Ewick & Silbey 1998: 25-27), and only after analyzing the first phase of research did I return in 2014 to ask more focused questions about *ilobolo*. This open approach was further supported by participant observation I conducted by living in Maqongqo throughout both phases of research, recording field notes at a wide range of religious, political, and community events, including weddings, funerals, and other ritual ceremonies. I coded all research data inductively, looking for relevant identifiable patterns in participants' own understandings.

Second, I approached this coding and the subsequent analysis attentive to the possibility that repeated tropes might sit side-by-side with other, divergent and even conflicting tropes. As

²⁶ In this respect my methods followed "new kinship studies" in anthropology, which attempt to revive that discipline's older interest in kinship but without the rigid etic presumptions of earlier, structural-functionalist scholarship (Schneider 1968, 1984; Weston 1991).

Ewick and Silbey found of New Jersey residents' stories about state law, Maqongqo residents represented *ilobolo* as awe-inspiring, useful, and oppressive, and my interpretations below thus do loosely draw on the "before, with, against" typology developed by Ewick and Silbey. But the more relevant patterns in the data concerned marriage's dual character as a union both of two families and of two individuals. Drawing on anthropological terminology, I grouped these patterns into two forms of marital consciousness I call "affinal" and "conjugal." Affinal marital consciousness portrayed marriage, and by extension *ilobolo*, as ideally linking two extended family networks, while conjugal forms of marital consciousness presented marriage primarily as a relation among two individuals, and *ilobolo* as a tool for fostering that dyadic intimacy. Because the affinal narrative is more fully institutionalized it takes a more stable form, and the conjugal narrative correspondingly appeared in more variable forms, revealed more often in actual practices than in self-conscious explanations of *ilobolo*'s meaning.

Third, I attempted as far as possible to document not only participants' representations but also their actions. Ideally this would have entailed participant observation of *ilobolo* negotiations, but the rarity of marriage combined with my own home base's location far from South Africa made this logistically unfeasible. I was able to directly observe two weddings and two *ilobolo*-related ceremonies during my fieldwork, which somewhat mitigated this problem. As I discuss below, however, for predictable reasons ritual ceremonies tend to embody the more "official," affinal account of *ilobolo*, and had my research been limited to them I would not have picked up on the conjugal forms of consciousness more commonly enacted behind the scenes. When I saw that my 2011 interviews contained numerous conjugal understandings of marriage, and some tantalizing suggestions that these conjugal understandings sometimes connected to *ilobolo* itself, I returned in 2014 to ask more focused questions about people's experiences and

actions in specific *ilobolo* processes. Framed in more specific terms than before, many of these interviews unsurprisingly first provoked orthodox accounts of *ilobolo*'s normative ritual steps. When I turned to participants' own specific histories with *ilobolo*, however, the narratives became more complicated, especially among the many women who revealed backstage actions they had taken to influence *ilobolo* negotiations and facilitate marriages they saw as desirable for, at least in part, romantic reasons. In these and other ways, conjugal forms of marital consciousness do in fact sometimes influence the practice of *ilobolo* at precisely those moments when affinal forms of consciousness might send it in a different direction, and thereby helped *ilobolo* maintain its authority amid significant ideological, political, legal, and economic changes.

B. *The Setting of Maqongqo*

As mentioned above, I gathered the data for this argument in two phases, during approximately eight months of fieldwork from April to November 2011 and five weeks of follow-up research in July and August 2014. This fieldwork forms part of a broader project comparing how two groups of people conceptualize marriage and kinship relations now that they have full marriage rights under post-apartheid state law: people living in customarily governed communities such as Maqongqo; and people who identify as lesbian, gay, bisexual, and/or transgender.²⁷ As this purpose suggests, one important feature of the broader structural

²⁷ South Africa is the world's only jurisdiction to have recently expanded its state marriage laws to two major groups of people, and thus constitutes an excellent case study for thinking through these questions.

environment is a transformed legal landscape officially guaranteeing (if not always actually delivering) constitutional rights to both gender equality and cultural freedom. Neoliberal economic transformation and intensifying unemployment form another critical structural context. To better understand how these broader structural contexts ramify in Maqongqo, I now turn to a summary of the setting.

Lying within easy reach of more urban areas and featuring strong cooperation between civil and customary legal structures, Maqongqo is the sort of place where one would expect “traditional” and “modern” ways of doing things to have interpenetrated. The road to Maqongqo winds from Pietermaritzburg through several kilometers of white-owned, kelly-green quilts of sugarcane until the vista opens up onto South Africa’s “other” Table Mountain, its gentle front-facing slope sprinkled with the cone-roofed huts that epitomize rural South Africa alongside an increasing number of more “modern” rectangular buildings. When I first visited Maqongqo in 2004, the road was brown and muddy. By the time I returned in 2011 it had been paved, cutting auto travel time into town to under half an hour. Were there more jobs to be had, this development may well have transformed Maqongqo into a commuter suburb. The few residents with permanent jobs do inhabit it that way, sleeping in Maqongqo and working in town as domestic workers, gardeners, or—for those with plenty of English and more luck—sales clerks at the mall or casino. The vast majority of Maqongqo residents commute less frequently, collecting their monthly child or disability grant from government offices, buying groceries, or splurging at a pub or fast-food restaurant.

Maqongqo is thus punctuated by the rhythms of urban life but not (yet?) engulfed by them. This ambiguity has grown with post-apartheid development, as the village’s many supporters of the ruling African National Congress (ANC) repeatedly reminded me. “*Amanzi*,

ugesi, umgwaqo,” went the refrain of ANC-provided amenities: running water, electricity, and the aforementioned road. The ANC’s increasing popularity today in Maqongqo follows a much more complicated and sometimes violent political history. The current chief, Nhlakanipho Maphumulo, is descended from a line created by the colonial Natal government in 1905 (Kelly 2012:102–03), in part to help manage a nearby chief whose authority rests on a hereditary line extending back to the pre-Shakan late 18th century and whom the colonial Natal government found difficult. Shepstonian marriage regulations were still in force at this time, and it is possible that the chief’s dependence on government favor led him to administer such laws more assiduously than did other chiefs. Beginning in 1937, much of the Maphumulo nation was moved from just across the valley to its current location in what is now known as Maqongqo to make way for a dam to nourish the growing city of Durban (129-46). Yet the neighboring hereditary chief saw much of this newly occupied land as his own, and disputes persisted for decades before erupting into full-fledged violence during the tense post-apartheid transition years from the late 1980s through the early 1990s.

Nhlakanipho’s father, Mhlabunzima Maphumulo, was chief for much of that transitional period, playing an extremely important role in local politics and a not-insignificant one on the national stage. Assuming the chieftaincy in 1973, as the anti-apartheid struggle wore on he increasingly aligned himself with the more “progressive” politics of the United Democratic Front (UDF), more or less the ANC’s presence in South Africa during the years it was legally banned (Kelly 2012:244–316). His shift in that direction followed years of tensions with the Zulu nationalist organization, and effectively the ruling party of the KwaZulu bantustan, Inkatha Yenkululeko Yesizwe (“Inkatha”), during which had been “beaten unconscious” (220) on the steps of the Ulundi parliament of which he was one of very few independent elected members.

When violence began to wrack the Table Mountain region in the late 1980s, he accepted hundreds of refugees fleeing violence in other villages governed mostly by more traditionalist, Inkatha-aligned chiefs. His election as the first president of the Congress of Traditional Leaders (Contralesa), a nationwide UDF-aligned non-governmental organization of “progressive” chiefs, was another sticking point with Inkatha, and he was ultimately assassinated in 1991 in Pietermaritzburg by hit-men widely believed to have been hired by apartheid police (329-38). Tens of thousands filled a soccer stadium to mourn him, a fitting tribute to the accessible chief who, as one older Maqongqo woman remembered to me, loved to dart into children’s pick-up soccer games as a spontaneous extra player. Many of my research participants were refugees who entered Maqongqo during this period, and it may be that these events helped produced a somewhat more relaxed approach to traditional matters in Maqongqo than in other villages.

Mhlabunzima Maphumulo’s brother, an Inkatha supporter, held the chieftancy as regent for about a decade after the assassination until Mhlabunzima’s son Nhlakanipho finished college in the early 2000s and became chief in his own right. With seemingly deep links to the ANC, Chief Nhlakanipho Maphumulo has facilitated economic development in the village and carried forward his father’s relatively progressive governing philosophy, which includes a measure of gender equality. My interviews suggested at least some women were able to access homesteads in their own name soon after the 1994 democratic transition, and during my research Mhlabunzima’s widow (and Nhlakanipho’s mother) facilitated local boys’ participation in gender-equality workshops organized by a national non-governmental organization. This widow and mother, Thobekile Maphumulo, is a powerful and popular ANC political figure in her own right, winning re-appointment during my fieldwork as the mayor of the local municipality encompassing Maqongqo and neighboring communities. In reference to this position, many

Maqongqo residents affectionately call her “Ma Meya” (i.e., “Mother Mayor”). Another prominent resident, Dr. Meshack Hadebe, had become a provincial Minister of Social Development; early in my research (and, perhaps not coincidentally, one week before municipal elections), Hadebe opened a local Social Development office bearing Mhlabunzima Maphumulo’s name. The relationship between Hadebe and the Maphumulo family was not without occasional tension, but post-apartheid Maqongqo has generally enjoyed far greater cooperation than most villages between customary governance structures and the state—and the ANC with which the state can, in Maqongqo as elsewhere in South Africa, sometimes seem synonymous. This cooperation facilitates a regular parade of government workshops educating residents about such matters as agriculture, economic development, and climate change. Whatever the concrete impact of these programs may be, Maqongqo’s institutions and setting generally support the interpenetration of “traditional” and “modern” discourses, making it especially fertile ground for hybrid understandings of *ilobolo*.

C. My Research Approach in Maqongqo

Maqongqo’s political stability and (modest) economic development, combined with its relative proximity to the University of KwaZulu-Natal’s Pietermaritzburg campus, helped facilitate for several years a short annual isiZulu-language immersion program for United States university students, in which I myself participated in 2004. I relied on university personnel to help organize my return for fieldwork in 2011 but also renewed my own old relationships with some community residents to help diversify my range of research participants. For the duration of my fieldwork I stayed with a local family headed by a single mother in her fifties. The

domestic worker in the home of Chief Nhlakanipho Maphumulo, she and her family helped me establish contact with local political structures.

Six members of my extended host family worked with me as research assistants, helping me to recruit participants who were usually of the same gender and similar age as themselves as well as, most importantly, their friends. I chose this approach as the technique most likely to put participants at ease when speaking with me, a white American male stranger. While there were likely some things participants did not wish to share in front of intimates, I reasoned, on the advice of other ethnographers who have worked in the region, that most were probably even less likely to share such information with me alone or with a research assistant whom they did not know. Moreover, I was less interested in dredging up topics likely to cause embarrassment than in getting a sense of participants' daily lives and the place of marriage and *ilobolo* within their histories and hopes. I conducted all the interviews myself in isiZulu, but my research assistants proved adept at formulating their own follow-up questions as well as helping translate when necessary. I did all translations in this article myself with help from my research assistants, and they were double-checked with first-language isiZulu-speaking graduate students in social science prior to systematic analysis.

Even so, aware that some significant silences were inevitable, I opted to focus especially on recruiting participants who were related to each other as family, friends, and neighbors. This allowed me to put together more complete pictures of participants' lives as viewed from multiple perspectives, to identify some things omitted by certain participants while mentioned by others close to them, and to trace similarities and differences between linked participants in how they understood both their own concrete relationships with each other and the norms and meanings of different relationship types in the abstract. Of the 46 people I formally interviewed in 2011 and

21 in 2014 (four of whom were repeat participants from before), approximately four-fifths lived in a small neighborhood near my host family. This geographical focus further enriched the strengths just mentioned and helped me construct a more finely textured picture of the setting within which most participants lived their daily lives. On the other hand, it also introduced some representational skews. With the local Roman Catholic church perched just below the neighborhood on a triangular plateau, the neighborhood includes a disproportionate selection of Catholics, although a number of participants have converted in recent years to syncretic denominations synthesizing traditional African practice and Christian theology, and others follow non-Catholic mainline denominations.²⁸ ANC support was also heavily represented in my sample, especially because one of my research assistants was himself a prominent local ANC activist. Because political affiliation likely co-varied at least to some extent with attitudes about “tradition,” Zulu identity, gender, and so forth, I made it a point to draw on my own pre-existing relationships to recruit non-ANC participants living in other areas of Maqongqo, interviews I conducted myself in order to minimize these participants’ potential unease speaking about such issues in front of ANC-affiliated research assistants. These participants were also not Catholic, thereby improving the religious diversity of my sample.

IV. Findings and Analysis

This fieldwork revealed many important things, but none more significant than one foundational fact: There are few weddings these days in Maqongqo. If exceptional social status was once indicated by marrying a particularly desirable spouse or throwing an especially elegant

²⁸ All participants were Christian, and there is no sizable non-Christian population in Maqongqo.

wedding, today it often means the mere fact of marrying.²⁹ I witnessed only one wedding in Maqongqo proper during my nine months of fieldwork, celebrated by a groom who, after growing up there, had left to start his own successful company.³⁰ Almost all young adults I met still lived with their parents and/or their grandparents, usually to their (and, in some cases, their elders') annoyance. With child and old-age grants meagerly filling some of the gap left by unemployment, many households had taken on a female-centered, even matriarchal character (Khunou 2012; Mosoetsa 2011; O'Laughlin 1998). Yet despite marriage's almost complete disappearance as an actual practice it remained a weightily present aspiration, many young couples having begun *ilobolo* despite uncertain prospects for its completion.

A. *Affinal Forms of Marital Consciousness and iLobolo*

At the center of this unrequited longing for marriage stood a persistent respect for *ilobolo*. Complaints about *ilobolo*'s expense abounded, but suggestions for change focused on making *ilobolo*'s achievement possible rather than making its demands less onerous. As striking as its pervasive centrality was the wide variety of ways Maqongqo residents understood it. I start with the interpretations of *ilobolo* that most closely track its dominant portrayal in the scholarly

²⁹ Similar observations have been made about the United States (Edin & Kefalas 2005)(Edin and Kefalas 2005).

³⁰ The wedding that opened this article took place in a nearby village, among the extended family of some Maqongqo research participants. I also attended two *ilobolo*-related ceremonies during fieldwork, one in Maqongqo itself and one in Pietermaritzburg with the extended family of another Maqongqo resident.

literature and in political discourse about “traditional” African marriage, namely those that emphasize its entanglement with multi-generational, extended family lines.

Few elaborated this imagery more fully than a man I call Mkhulu, a retired elder in one of Maqongqo’s most prominent families. When I suggested that many young men find paying *ilobolo* difficult today, he agreed. “How will they pay *ilobolo*?...Because it’s expensive, yeah. But it’s necessary to pay *ilobolo* because a wife must be known in the house. When she is not known [by the ancestors], among we Zulus, even if she is dead she doesn’t enter the family.”³¹ In its most traditionalist form, the affinal representation of *ilobolo* orients it toward the groom’s deceased ancestors, enabling them to welcome a new woman into their home (Rudwick & Posel 2014). For Mkhulu, this ancestral link made *ilobolo* essential despite its contemporary difficulties, which in his view derived from not only economics but also cultural and religious politics. Pointing at me, he said, “It’s you [white people] who built this thing of churches...that aren’t in [Zulu] law. You made us forget...Yeah, they made us forget, saying we must leave tradition so that I never sacrifice an animal, that we must not sacrifice animals, it’s demonic.”³² Dating this shift to the pre-apartheid period, Mkhulu even fondly suggested that apartheid had mitigated the problem by “say[ing we] must return to our culture.”³³ But by then the influence of churches had taken hold, teaching Africans that “the father who begat you is a demon,” and that

³¹ “Ngoba kuyabiza. Yeah. Kodwa kudinga ulobolile ngoba unkosikazi kudinga aziwa ekhaya mayengaziwa thina amaZulu noma esefile akayi emdenini, yeah.”

³² “Yinina enakha lento izinkonzo ezingekho emthethweni. Niyasikhohlisa... Yeah. Basikhohlisa bethe masiphume emasikweni ukuthi ngeke ngihlabi mangingahlabi, yidemoni.”

³³ “Ubandlululo uthi makubuyelwe emasikweni ethu.”

“you [must] go tell him, ‘Fuck off!’ and throw him away.”³⁴ Christian churches’ opposition to *ilobolo* and other “traditional” African practices had insulted the community’s deceased relatives, because it was around these revered dead that these practices revolved.

Affinal representations of marriage and *ilobolo* emphasize living extended family at least as often as the deceased. For example, some weeks later I interviewed Mkhulu’s second wife, Ma Khumalo. She walked me through the process of a Zulu marriage, saying that once a man has finished school and obtained a job,³⁵ he visits the family of the woman he wishes to marry, bearing gifts. He stands before her “father’s people, the grandparents, the grandmothers, the mothers,” and says “I request a woman, a wife.”³⁶ The bride-to-be sits demurely as an agreement is reached, then “he pays *ilobolo* for her and [they] marry.”³⁷ Ma Khumalo’s tidy story briskly ticked off the steps to marriage without a word for the delays most endure as they tread those steps today. (The peripheral presence during our interview of her own new daughter-in-law, quietly bustling through her chores in the rooms around us, indicated such delays’ absence in this relatively advantaged family.) Where her husband had focused on the challenges of *ilobolo*, Ma

³⁴ “Wena njengoba nguweni nje, ungambiza ubaba wakho uthi yisihoko ... Uhambe kuyomlahla lapha uthi, ‘Voetsek.’”

³⁵ The insertion of school and a wage-earning job into the typical sequence for a Zulu wedding shows how even the most “traditional” narrations of traditional practice are not untouched by colonial and post-colonial transformations.

³⁶ “Uyaroya banike awobaba abomkhulu nogogo nomama. Ngicela ukuthola unkosikazi, umakoti.”

³⁷ “Umlobole nishade.”

Khumalo focused on the problems of marriage. These, too, concerned the extended family more than the spouse.

If there is an argument or a problem in the house, the wife mustn't take it to another house or another family. It's a matter for this house because you, the wife, were bought as a wife. This is now your primary relationship....A newly arrived wife...if there is a problem we sit down and she says, "No, Ma, here I'm not treated well."³⁸

"Yes, wife, we hear you. We thank you for letting us know there is a problem and sitting with us. If there is a problem in this house, we don't want it going outside, just as we don't want someone from outside bringing their problems here."

If for some reason a wife chooses to call someone outside the family about her concern, "that person must come to us and let us know." Ma Khumalo's pat narrative drew clear boundaries protecting family privacy from the outside world and clear expectations that intra-communication generally functions well. Outsiders may help relay the wife's concerns should that not be true, but only in a way that respects her new family's privacy and authority.

³⁸ "Makunengxabano-ke ekhona noma inkinga ekhona umakoti ayiphumele indaba ngaphandle komunye umuzi noma komunye umndeni. Indaba yale ikhaya ngoba wena umakoti uthengiwe umakoti sekweyinsila yakho.... Umakoti ekhaya efikile, thina-ke la, uma ekhona inkinga sihlala phansi, asho ukuthi, 'Cha, Ma, la angiphathile kahle.'"

Importantly, the husband of Ma Khumalo's abstract narrative disappeared immediately upon paying *ilobolo*, unnamed among the family members who gather to discuss the wife's concerns as she adjusts to her new home. Several minutes passed before he reappeared, tacked to the end of a list of people for whom Ma Khumalo insisted the new wife must cook, clean, and gather firewood. The bride and groom's own relationship took center stage only in nostalgic scenes of courtship Ma Khumalo painted later in the interview, of a boy playing guitar by the river while his beloved girl coyly refuses him for months on end. And even here Ma Khumalo expected the couple's behavior to implicitly acknowledge the extended family's proper role in negotiating their marriage when the time came. "This was we in the olden times! Nowadays they don't go to all this trouble. They get on the phone saying 'Oh, oh, I love you!' in just one day. The girl likes to say about the boy, 'I'm going to tell him that I love him.' That's wrong!"³⁹ Ma Khumalo's admonition here drew on a worldview where sex belongs in a marriage concluded by families through a deliberate process.

In its idealized form, this affinal character of marriage is realized chiefly through *ilobolo* itself as it works through and on extended family relations. The process begins, many told me, with an early morning shout as the groom's negotiators arrive bearing gifts to the bride's family's gate: "*Sicela isihlobo esihle!*" ("We request a good relation!")⁴⁰ The bride's father or other male relative invites the negotiators into the living room while the bride and her women kin

³⁹ "Kwathatha amafoni, umka ah ah athi ngiyakuthanda. Ngosuku olulodwa. Uthanda uthi ngalo umfana uyamthella that I'm uyamthanda. Yinto ewrong le."

⁴⁰ The following description tracks that which I heard most frequently, but there were differences in some of the interviews that participants understood to reflect ethnic, regional, or familial differences of custom.

cook in the kitchen, and negotiations commence. If a satisfactory deal is reached, the negotiators return to the groom to secure his assent, upon which he begins to gather and pay the gift of cattle—whether they “travel on foot” or “in the pocket” as cash—that constitute the process’s core. An *umembeso* ceremony at the bride’s home marks the *ilobolo* gift’s start and, often many years later, an *umbondo* ceremony at the groom’s home its end.⁴¹ Both celebrations feature plentiful gifts from one family to the other, typically including a blanket, shirt, or apron given to every individual in the extended family and even in neighboring homesteads,⁴² each recipient laying down on a mattress in the yard then “waking” to discover the gift placed upon her body and celebrating with a playful dance or ululation.⁴³ Through this process the families build a deeper relationship, knowing each other well by the time of the actual wedding whose core moment is the “delivery” of the bride to her new home.

This notion of a bride’s moving from one family to another is the fulcrum around which an affinal marital consciousness turns. Such transitions can be difficult in any cultural context—hence the mother-in-law routines that are American stand-up comics’ clichéd stock-in-trade—and for many Africans this transition requires managing relatives both living and dead. The spirits of deceased ancestors can be notoriously cantankerous, especially when someone

⁴¹ Rituals differ across locations and even families, and one participant insisted the *umbondo* need not occur at the end of *ilobolo*. All others who discussed it placed it there, however.

⁴² Two different middle-aged women complained privately to me that other families were giving too many gifts in these ceremonies nowadays, creating an ostentatious performance that further increased the pressure on poorer families who already have difficulty completing marriages.

⁴³ In the ceremonies I witnessed, many of the male recipients sent a woman or child to represent them while they stayed back, drinking beer on the homestead’s periphery.

inappropriate is in their home. This was vividly demonstrated to me when my host family invited me—but not my host mother’s unmarried, live-in partner—to witness a goat sacrifice requesting the ancestors’ help with a problem one of the children was having. In the round hut where my host mother usually slept a traditional healer burned herbs and called upon the ancestors to approach while a son and a nephew⁴⁴ slit the goat’s throat, bleeding it into a wintergreen, enamel bowl in the center of the floor. When I asked my host mother why I could attend but her partner could not, she told me the ancestors were happy to see me as a guest of the family⁴⁵ but that his presence would anger them. They don’t like boyfriends, she concluded, covering her face as she trailed off into nervous laughter.⁴⁶

It is *ilobolo* that prevents such ancestor displeasure at the similar presence of an unmarried woman in their home because, aware that their descendants paid her *ilobolo*, they see and, to use Mkhulu’s term, “know” her as a wife. Regarding living relatives, *ilobolo*’s

⁴⁴ The son of her paternal female cousin, who according to more traditional Zulu ways of figuring kinship is her sister. She and her cousin are also very close emotionally.

⁴⁵ It is possible that my status as a non-Zulu, white person made my presence more or less irrelevant, not fully a person cosmologically speaking. It is also possible my host mother did not want her partner at the ceremony for her own personal reasons. By the time I returned in 2014, she had kicked the “rude” (*uyadelela*) partner out of her home for good.

⁴⁶ If my host mother and her partner were married, this ceremony likely would not have taken place in this household at all, since she would have moved into her husband’s homestead and then, ideally, their own home. But in an interesting twist caused in part by “traditional” kinship rules, she became the custodian of her father’s household or, in her words, “the man of the house” (*indoda yasekhaya*) because she was the only of her siblings who failed to marry.

completion also pushes the bride's relationship with her family of birth into the background.⁴⁷ When Ma Khumalo worried about a new wife taking her troubles to outsiders, it is safe to surmise that these birth relatives were the outsiders who most worried her. While nosy neighbors were also a likely concern, her insistence that "this is your primary relationship" implicitly invoked the family of birth who had been the wife's primary relationship before her marriage. If she approaches these now-outsiders, they must relay her concerns directly back to her married family, an obligation it is easy to imagine as arising out of the cattle they received for her marriage. This is obviously a patriarchal narrative, an observation to which Ma Khumalo's description of the wife as having been "bought" (*-thengiwe* in isiZulu) may appear a crude exclamation point. Such an intuition is somewhat justified yet deserves further clarification. A new wife is doubtless near the bottom of the family hierarchy, at least among adults, but in Ma Khumalo and Mkhulu's household she is not totally powerless. (In other households she may well be.) Ma Khumalo did emphasize that a new wife could receive the family's gratitude for raising her concerns in a family meeting, a principle my private conversations with other young women in their family led me to believe they did in fact generally observe.

In other words, the patriarchy very often enacted in the exchange of "wives for cattle" is not best understood as a simple instrumental purchase of an object with cash (Kuper 1982).⁴⁸

Rather, *ilobolo* densely encodes a rich range of semiotic associations that are critical to its

⁴⁷ This is another point that reflects colonial law influence, as Shepstone's regulations attempted to sever wives' legal ties with their families of birth.

⁴⁸ Even exchanges of objects for cash in contemporary Euro-American societies can take on a range of distinct meanings and enact a range of different relations between persons (Zelizer 1997, 2005).

enactment of affinal forms of marital consciousness. As already noted above, the cash in a contemporary *ilobolo* transaction is still usually called “cattle,” marking the differences often understood by many to inhere between this cash and other, more purely fungible currency.⁴⁹ A major element of this difference is that cattle, in general, are key markers of prestige and vehicles of cosmological significance in a range of ceremonial practices. Historically, these meanings of cattle were directly linked to the prevailing pre-colonial gender order in which men tended cattle while women raised crops,⁵⁰ a division of agricultural labor semiotically mapped onto women’s capacities for childbearing and human reproduction. The exchange of wives for cattle drew meaning from this opposition by traversing it, enabling a family to extend itself into the future by securing the reproductive capacities of a wife born to a different family line. The strictest dimensions of this gender framework seemed to have diminished long ago; for example, many researchers report that the link between *ilobolo* and reproductive capacity has greatly decreased, if not disappeared, in this era of widespread single motherhood (Rudwick & Posel 2014). Yet the basic affinal notion remains that, through cattle, a woman travels from the family line of her birth to the new one of her marriage. In this way, affinal representations of *ilobolo* enact a narrative whose patriarchy is very real yet more complex than it may appear at first blush. The next

⁴⁹ It is important to note that, in practice, cash *ilobolo* often does prove all too fungible, being spent by the bride’s birth relatives on various things that prevent it from performing the functions once performed by more durable cattle *ilobolo* (Burman & van der Werff 1993).

⁵⁰ Claassens 2013 highlights how the shift towards a cash economy coincided with a reduction in women’s agricultural labor in the home because of land dispossession, thereby undermining women’s position in the home.

section reveals how conjugal forms of marital consciousness complicate *ilobolo*'s gender politics even further.

B. Conjugal Forms of Marital Consciousness and iLobolo

For conjugal forms of marital consciousness were easy to find, especially but not exclusively among the young. I asked all my participants in their 20s and 30s, none of whom were yet married, to describe what they imagined marriage might be like.⁵¹ A young man I call Jabulani was particularly thoughtful:

Everything if you are careful starts between the two of you. You treat each other well, you listen to each other, you love each other, you're married. Nothing will come between you and split you up. 'Cause you made your vows in church in front of a preacher...no person enters between us; we don't need a third person. So [if] we have a problem we just talk about it. There's never any need for it to come about that a person says, "Me, I'm the head of the house, right, I'm the head of the house, I'm the boss of the house." No, both of us are equal. We listen. If your wife comes saying, "Husband, it's like this. I ask that we do it this way, I don't know if you see it that way [also]?" You look at [her] suggestion, "OK, let's do your idea. You know I see that we [should] do it that way." That would be very right....

⁵¹ All those unmarried told me they would like to marry, and most had already begun *ilobolo*.

Jabulani dreamed of an intimacy that was explicitly dyadic—as well as gender egalitarian, a theme to which I return below. “No person enters between us,” he said. “We don’t need a third person.” Many others began their dream of marriage with the image of a house in a yard—surrounded, in one participant’s laughingly deliberate English, by a “white picket fence.” Seemingly in tension with the affinal consciousness thought by many to define African forms of marriage, such conjugal themes in fact have a long history in southern Africa. Mark Hunter (2005) has pointed out the highly elaborate nature of “traditional” Zulu courting rituals (Krige 1957), and the idealized account of marriage in Maqongqo, a version of which Ma Khumalo invoked above, begins with a young man who “-shela”s (literally “burns for”) a woman with sweet talk until she eventually “-qoma”s (“chooses”) him (Hunter 2005). In the colonial period migrant laborers began to write love letters home whose public nature—many recipients taking them to be read by a literate relative or neighbor—did not efface their intimately romantic contents (Breckenridge 2000). Similar sentiments today find their home in Facebook, WhatsApp, and text messages.

Although many young people today maintain multiple relationships (Hunter 2010), women quietly and men boastfully, when it comes to marriage almost all my young participants firmly opposed polygyny, at least for themselves. Such distaste was particularly vociferous and widespread among young women, who worried that legally recognized polygyny would encourage unfairness and uncertainty in their married lives. Nomusa and her sisters, for example, were astonished when I informed them that the government would now recognize multiple

wives. “It’s bad. I definitely don’t like it,” Nomusa said. “You can go out and just marry a married man, here you see his wife and you go marry him? He’ll marry another one after you.”⁵²

Many young men also had no desire for polygyny, frequently arguing that, however appropriate polygyny may have been in the past, it was no longer workable today thanks to the economy and HIV/AIDS. I chatted about this one morning with Hlubi as his friends shared a joint around the corner, just out of earshot. The firstborn son of a polygynous family, he was adamantly opposed to polygyny for himself. “They say we mustn’t lose our culture. That thing in Zulu culture where a man must be with more than one wife. But no, me, no.”⁵³ Earlier he had explained his devotion to his girlfriend and mother of his child. “You see, if you have a person who loves you, you must respect that person.... Things have changed. It was better in the past [having multiple wives] because, of course, there weren’t all these things that are here now. I’m thinking especially, you see, of HIV.... It’s incurable, a very bad thing. It’s better maybe that the person [you’re with] not be so afraid.”⁵⁴ Note how Hlubi worried about HIV’s consequences not

⁵² “Hhayi, kubi. Angilithandi impela angikuboni ukuthi ungasuka uyogana nendoda eganiwe nje nawu unkosikazi uyambonawayo nawe uhamba uyoyigana?”

⁵³ “Hhayi phela, baye bathi akufuneki silahle i-culture yethu. Leyo nto kufana nokuthi i-culture yamaZulu ukuthi kufanele indoda ibenamakhosikazi ama-more than one. Kodwa hhayi, mina, hhayi.”

⁵⁴ “[U]ma ngabe usunomuntu othandana naye, kufunakale umhloniphe....Kwakungcono kuqala. Kwakungcono kuqala ngoba vele, zazingekho zonke lezinto esezikhona manje. Uyabon' nje kakhulukazi ha! Uma ngicabanga i-HIV.... Futhi asilapheki [incurable] into, into ebheda kakhulu. Kungcono ukuthi mhlawumbe isifo esilaphekayo, hhayi ngabe umuntu akasabi kangaka.”

so much for his himself, but for his wife's emotional well-being. He assumed that a husband should care about his wife's mental state, protecting her not simply in a conventional patriarchal sense, but in a way that acknowledges her own feelings and anxieties.

The monogamous parameters most young people hoped to achieve in marriage point to yet another tight association in many people's minds between marriage and autonomy. This connection manifested both with respect to individuals' choices to enter, remain in, or leave marriage, as well as the independence they hoped marriage would afford them from the parents with whom virtually all young adults live today. One woman had in fact managed to achieve such autonomy in divorce. A warm neighbor and strict mother in her mid-50s, Susan fondly remembered her divorce, her moonbeam face frequently breaking into triumphant laughter. She declined to detail life with her then-husband except to say that it had been very difficult. When she decided to leave him, she received help through the white couple for whom she had long been a domestic worker. With connections to the local university's law faculty, they put her in touch with a free law clinic that helped her draw up the divorce papers. She declined to fight for any property, not wanting to see her soon-to-be ex-husband ever again, and simply signed papers the lawyers then messengered to him. Several weeks later the court date arrived. Her husband failed to show, and in a flash it was all decisively over.

Susan dismissed as irrelevant any disagreement her own, quite tradition-minded mother might have with the divorce. "It's my choice!" she insisted. His family, for their part, never asked that she return the *ilobolo* her ex-husband had paid, perhaps indicating some awareness that their kinsman had imposed undue difficulties on Susan. It seems more likely that the matter was never seriously considered, for by many accounts the return of *ilobolo* has become rare (Burman & van der Werff 1993; Hunter 2010). Whatever calculus may have gone on behind the

scenes, a marriage begun with intertwined Zulu and Christian rites was cleanly dissolved by the courts, Susan even legally reassuming her birth surname to allow her, under cultural rules, to be buried in her own homestead rather than her ex-husband's. Importantly, however, Susan's access to such options depended on the rather unusual contingencies of her employment. I met only one other divorced person in my fieldwork, who, on the advice of two Catholic priests, reluctantly signed the papers sent by her husband in order to protect her rights to his property but who still considered herself married in both culture and faith.

Susan extended the same sense of autonomy she experienced in divorce to others in same-sex marriages, having come to love the gay son of the family for whom she worked. Her opinion was much more widely shared in my research than existing accounts might have predicted. While hardly any of my 2011 participants had heard of the RCMA, everyone knew of the new law authorizing state recognition for same-sex marriages. A majority disapproved, but a sizeable minority supported the law, often saying that they did not personally approve of homosexuality but thought in a democracy it was rightfully someone's free choice. A smaller number directly connected this to representations of romantic love's irreducibly individual nature, suggesting that a person could not possibly control whom she or he loved. "That's the way they were created,"⁵⁵ one woman in her 20s told me. I more fully consider possible explanations for this support in other work (Yarbrough 2013), but what is important here is how seamlessly the support that did exist flowed out of a broader sense of autonomy's importance in marital choice. Indeed, many of those opposed to polygyny were equally careful to say that they did not oppose it for others, should it be their free choice.

⁵⁵ "...kusuke kuyindlela abadalwe ngayo."

For many participants, autonomy was not only marriage's ideal condition but also its imagined outcome. In particular, many participants explicitly framed marriage as a kind of escape from their families of origin. For example, a man in his 30s I call Nkinsela expected marriage to help free him of financial obligations to his mother.

You see, if I can get a job now, I'll go and work for my mother [who] will ask one month from me. My wife, I mean my fiancée will want one month from me. Everybody. But once I marry someone, they can see that I've got my own house, I've got my own responsibilities.

Yeah, I'll give them the money I give them, but I won't be forced because now I've got my own house, I've got my own responsibility. I must look after my kids, my children, and after my wife. But when I come here, my mother doesn't have mealie-meal [i.e., cornmeal] or maybe rice, I buy that thing for her. But she mustn't expect every time I buy it because I've got my other commitment now.⁵⁶

There is a certain irony in Nkinsela's statement here, his mom's current claims frustrating his ability to complete *ilobolo* and thereby, in his telling, to escape those claims. Yet most of his younger contemporaries also imagined marriage as a heavenly autonomy from the parental obligations and discipline under which many now chafe well into their 30s and beyond.

These themes of autonomy and choice also found expression in a prominent current of support for gender equality. While conjugal forms of marital consciousness do not necessarily

⁵⁶ This entire quote was originally in English.

imply gender-egalitarian attitudes, many younger participants saw the two as linked. For example, Jabulani continued his deeply conjugal image of marriage I quoted above in this way:

[For example, imagine] a situation when I go to buy a TV. It can't be that I'm the father, I'm the head of the family, [so] I will go buy a TV. [And your wife replies,] "No, husband, maybe you start with a stove because the way I'm cooking now is a pain."

[And you respond,] "No, I have spoken, my word is final!" No, it doesn't work that way. It worked that way in the past. [But] the times have changed.⁵⁷

According to Jabulani, if a man could declare himself the head of the house in the past, today that would risk splitting up the marriage and breaking the couple's vows to each other before God. Perhaps recalling his own unmarried mother's struggles, Jabulani drew a tight link between a marriage's persistence and relative gender equality (if not, as the "stove" and "TV" references reveal, total gender-neutrality). Implying that a wife may legitimately choose to leave a marriage should she find it unfair, Jabulani argued that the husband must also respect her role as the primary relationship in his life, not permitting any "third person" to come between them.

Jabulani's interview provided an excellent example of what he and many others called a "50/50" marriage. Mark Hunter (Hunter 2010:130) has traced the term, also widely encountered

⁵⁷ "Indaba yokuthi kuzozwa mina ngizofika namhlanje ngizothenga i-TV. Yingani ngingubaba mina, I'm the head of the family, ngizothenga i-TV, "Hawu baba, kungabe uqala nestovu ngoba manje lendlela esipheka nayo iyahlupha." "Hhayi, sengishile, my word is final!" Hhayi ayisebenzi kanjalo. Yayisebenza ngalesa sikhathi. Isikhathi sesiyashintsha."

his fieldwork, to a popular 2001 song by superstar kwaito⁵⁸ musicians Mandoza and Mdu. Ironically interpolating international smash hit “Independent Women” by United States R&B girl group Destiny’s Child, Mandoza and Mdu sarcastically instructed all those newly independent South African women to start paying their own way: “All the women, who independent, let’s go 50/50.” Apparently helping popularize the “50/50” trope as a signifier of equality in love, this ditty’s tones of anti-feminist backlash were lost by the time the term appeared in my 2011 interviews.

To be sure, many young people who advanced primarily conjugal views on marriage were skeptical of gender equality at home. Nkinsela put it this way:

You see, because now [women] do not understand the word “equally” [sic] and “parity.” You know the difference?...

To me, equally it’s when we equally by job, position at work, I can be a manager, she can be a manager. That’s what I’m speaking, she can have a position same like me, we can be equal. But when it comes to parity at home, she must know her rights as a woman and her responsibilities as a woman. You see, she can’t come and sit in the sofa like this and expect me to cook unless if I say, no, today my baby I’m going to cook for you. She must know her rights. You know the thing that, now they want us to do anything. Parity is a matter of doing

⁵⁸ Kwaito was an extremely popular South African genre in the late 1990s and early 2000s combining hip hop- and house-inflected beats with vernacular rapping.

things in pair equally. But it's slightly different from equal, I don't know how I can put it.⁵⁹

Indicating clear forethought and conversation with others, Nkinsela's distinction between "equality" and "parity" seemed a relatively well-rehearsed technique for retaining "traditional" Zulu distinctions in gender roles while gesturing to women's constitutional equality rights. When Nkinsela says that a woman "must know her rights," his real referent is what English-speakers would usually call "responsibilities," and indeed the isiZulu word *ilungelo* can be translated as either "right" or "responsibility," melding the two concepts even more completely than in the English cliché holding each to be the other's flip-side. While the 50/50 trope carried numerous meanings, over time I came to believe that most people compartmentalized it in a manner similar to Nkinsela here, attaching it primarily to authority and decision-making within marriage, such as that emphasized by Jabulani, while retaining a highly gendered sense of how to divide household labor.

Many non-African readers may consider no practice more hostile to 50/50 gender equality and women's autonomy than *ilobolo*. But my research echoed many others scholars in finding young women to be among *ilobolo*'s strongest defenders (Hunter 2010; Rudwick & Posel 2014). Women's reasons were multiple and complex, including both patriarchal and feminist themes. Regarding the latter, many saw *ilobolo* as the best means they had to guarantee that any husband they should marry would honor the conjugal themes of intimacy, autonomy, and equality outlined above.

⁵⁹ This entire passage was originally in English.

These concerns often manifested in conversations about regional variations in *ilobolo*'s amount, conversations extended even to me. "How much do you pay for *ilobolo* in America?" The question so surprised me the first time I heard it, at a barbecue celebrating the ANC's recent municipal election victories, that I was sure I had misunderstood. The stylish young women repeated their query. Confused, I mumbled that Americans usually sealed our marital promises with only a ring. They laughed in disbelief and dismissed me with predictions of surefire divorce. I would go on to be asked the question repeatedly, more frequently than almost any other. Over time I started to see these exchanges as extending into new terrain a conversation topic heard almost every day in Maqongqo: regional variations in *ilobolo*'s going rate. An especially rich iteration occurred in my interview with Nomusa, whose mother had moved their family to Maqongqo a few years back from a more remote village to the northwest. Among the many things Nomusa preferred about her new home of Maqongqo was that *ilobolo* was more reasonable. Drawing her sisters, eavesdropping nearby, and her friend and my research assistant Nonjabulo into a spirited quartet of conversation, Nomusa told me, "I think that here [in Maqongqo] *ilobolo* is small, you see. The first cow is 5,000 [rand]. When we were there at home [in the previous village] it was 10,000 [rand]." ⁶⁰

"Ha!" exclaimed Nonjabulo. "Just the beginning? Gosh, you all are truly suffering. People will definitely never get married there." ⁶¹ In Maqongqo, by contrast, the assembled women estimated the amount for all *ilobolo* (not just the "first cow") usually totaled about fifteen to seventeen thousand rand—at the time, approximately US\$2000.

⁶⁰ "Ngicabanga ukuthi ngoba ilobolo lalana lincane, awuboni kanjalo? Ngale ekhaya libiza R5000."

⁶¹ "Just the beginning? Hhayi bo! Niyabhubha phela ngeke kushadwe ngempela lapho."

The young women approved of this amount with a Goldilocksian logic: high enough to mean something, but not so high as to prevent marriage.⁶² And indeed a number of women, young and old, told me about backstage actions they took to lower *ilobolo*'s amount in order to facilitate their own or their children's marriages. One married woman in her late 30s described a kind of shuttle diplomacy her mother conducted between her and her father, at the end of which he agreed to a low *ilobolo* request provided the couple purchase their own furniture for the marital home. For it has become common for the bride's family to use some *ilobolo* to purchase the *umabo* wedding gift of marital furniture, another way conjugal themes inflect *ilobolo*'s contemporary practice (Burman & van der Werff 1993).

Yet women's backstage actions to lower *ilobolo* are balanced by a concern that it not be *too* low. So what exactly did a sufficiently large amount of *ilobolo* mean to them? Of particular relevance to this article, recall Hunter's concept of "provider love," introduced above. While colonial logics often viewed *ilobolo* as simply the commodification of women, and therefore the polar opposite of romantic love, Hunter suggests instead that isiZulu-speakers, and perhaps African southern Africans more broadly, themselves came to see *ilobolo* and love as deeply intertwined. This became especially true when migrant labor displaced the primary responsibility for paying *ilobolo* from the groom's father to the groom himself and came to signify that groom's capacity to earn and send cash remittances to the wife maintaining his village homestead.

Hunter distinguished provider from romantic love, seeing *ilobolo* as primarily associated with the former. Yet among at least some of the young women I interviewed, *ilobolo* could

⁶² That this normative price was in fact preventing many marriages seemed not to matter in these conversations.

signify romantic love as well. As an *ilobolo* process wears on, a woman can observe not only a man's economic capacities and financial responsibility, but also his emotional and interactive habits in a context where (unlike before *ilobolo*'s start) he had already secured from her a measure of commitment. Will he openly communicate with her? Share decision-making? Refrain from violence? Women assess this in many ways, of course, of which *ilobolo* is only one. But most young women nonetheless hoped against hope to unite provider and romantic love into ideal husbands of their dreams.

For while virtually all women wanted to marry in the abstract, virtually none were willing to accept just any marriage. To the contrary, they worried deeply about the *quality* of a prospective marriage. Young women's definitions of a good marriage varied. While virtually all wanted a husband with financial stability, some also insisted on 50/50 equality, at least regarding major decision-making, while others desired a more gendered order in the marital home. Yet almost all young women strongly preferred single motherhood and continued life in their natal home over a marriage they did not trust. Within a broader context that affords poor African women very few options, high *ilobolo* fits this set of ordered preferences remarkably well. *Ilobolo*'s expense renders it almost by definition unachievable by men of limited financial standing, while the time it takes offers an extended chance to test a prospective husband's more interactional qualities. The very long engagements produced by contemporary *ilobolo* may even serve a similar function to the kind of pre-marital testing ground played by unmarried cohabitation in other social groups, including white South Africans. Unmarried cohabitation itself is rarely seen as a viable option, always triggering an embarrassed laugh when I brought it up. The most commonly cited reason was cultural norms (see also Posel & Rudwick 2014), while many women also worried cohabitation would give them all of marriage's vulnerabilities

with none of its protections (see Goldblatt 2001). Yet *ilobolo*'s initiation triggers a change in status that renders the isiZulu term for unmarried cohabitation, *ukukipita*, no longer applicable, in part because it helps address both the culture and vulnerability concerns (Posel & Rudwick 2014). Even among those many more numerous women who do not live with their groom during *ilobolo*'s duration, visits from one to the other become more frequent and sustained and sexual relations legitimated, enabling them to observe in more sustained ways the kind of husband their fiancé might become.

While women's agency helps insert conjugal forms of consciousness into *ilobolo*'s practice through backstage negotiating tactics and the use of *ilobolo* as a pre-marital testing ground, one cannot forget the broader context of profoundly gendered disadvantage that constrains this agency's scope. The very need for testing is engendered by widespread mistrust between women and men (Hunter 2010), and the preference for singlehood if a good marriage cannot be found crucially depends on good relations with one's natal family. For example, one woman whose parents and siblings were all dead explicitly told me she had agreed to a marriage she did not want, implying she had few other financially viable options. Single motherhood, meanwhile, is a highly path-dependent family formation, with countless young women worrying to me that a new husband would force her to leave her children behind, either rejecting her children for cultural reasons or mistreating them. Even *ilobolo*'s utility as a conjugal tool can be compromised by its affinal entanglement: One woman worried the employed boyfriend she did not love would offer *ilobolo* before the boyfriend she did could find a job, placing her under considerable pressure to enter a loveless marriage. This woman spoke both to her hope that love and *ilobolo* could be united and to the friction between affinal and conjugal forms of marital

consciousness in a community where both circulate widely. The next section explores such tensions, primarily from the perspective of the young men working at its coalface.

C. *Conjugal Dreams, Affinal Challenges*

For despite all the above, another widespread narrative in Maqongqo portrayed *ilobolo* as more an obstacle than a path to conjugal bliss. Emerging from the friction between affinal and conjugal forms of marital consciousness, this narrative often portrayed *ilobolo* as a disembodied, immovable force in the world for which no particular actors, living or dead, were responsible. Some did blame specific extended families for particular *ilobolo* demands, but the more common narrative was simply that *ilobolo*, in general, was expensive. The abstraction of this narrative is notable for several reasons. First, it reveals how thoroughly *ilobolo*'s authority endures even in the eyes of those great many who chafe underneath its demands. Even while openly resenting their own parents, young Maqongqo residents were no less likely than those parents to find my occasional queries about possibly abolishing *ilobolo* incomprehensibly ludicrous. Second, a common variation on this narrative portrayed *ilobolo* as more expensive now than in the past, tying it directly to long-term economic trends away from agriculture and pastoralism toward the wage economy—and, more pointedly, to the harsh undersupply of actual wage-paying jobs in that economy today. In this way, I suggest that *ilobolo*'s high price has become a kind of metonymic symbol for the broader economy, especially for the young men charged with finding a job to pay it. Among many young men, tales of *ilobolo*'s difficulty intertwined with images of marital autonomy in ways that suggested a kind of congealed fusion between what might once have been called African and Western notions of masculinity. Perhaps precisely because of its

nearly insurmountable challenge, *ilobolo* today appears to many young men as a tantalizing test for achieving both marriage and manhood through economic independence.

The previous sub-section showed how many young adults saw marriage as a way of escaping the oversight they still chafed underneath in their parents' homes. Young people spoke quite freely of such irritations in both formal interviews and informal chats. One woman claimed her mother beat her for being seen drinking at a Pietermaritzburg pub; another that her father almost cast her out over a pregnancy; yet another that she cooked her meals on a hot plate in her bedroom, barred from cooking in the kitchen because of an unmarried sexual relationship she maintained with a boyfriend in another village. If young unmarried men were generally permitted a somewhat wider range of behavior, they were no less irritated by the constraints they did face, for these were tangible reminders of their as-yet incomplete manhood. This elusive manhood drew on connotations of both Zulu and Western derivation. Historically, the most important act through which a Zulu man achieved his maturity was to build an *umuzi* of his own with his wife and increasing brood of children. Hlubi, whom we met earlier, blended new inflections into this traditional symbol:

The most important thing if you are a Zulu, it's the law that if you are male you must in the end marry, so that you can be *umnumzane* (head of the household). If you don't marry, I mean if it comes about that you are a grandfather [who hasn't yet married], you'll be a grandfather with a bad history. "He never married! Whoa, that grandfather says he's a grandfather, but how did he grow up, how did he do that [fail to get married] for so long in his life?" You see?

Oh, truly, the thing I finally hope for, that maybe [inaudible] I hope that I can finally marry, have my own *umuzi*, I get around by [my own] car, that I be... that I can just do for my children anything that I wish, that I can do it for them. I do it for them.⁶³

Hlubi began by discussing the shame of an unmarried grandfather, suggesting that despite his children and grandchildren, he cannot be an *umnumzane* if he has not married and established his own homestead. Often translated as “gentleman,” the term *umnumzane* literally means the head of the *umuzi*, the “umz” forming a concrete etymological tie between the two words.

Historically, a true *umnumzane* would not just have his own homestead but also be married to the wife or wives who help tend it.

Yet Hlubi’s account continued to roll two additional themes into the image of the *umnumzane* he hopes to become: of getting around in his own car, and of doing for his children anything he should wish to do for them. The first of these, with its undeniably modern flair, arose

⁶³ “Ikakhulukazi nje mangabe uwumZulu, kuwumthetho ukuthi uma ungumuntu wesilisa kufanele ekugcineni ushade, ukuze phela ube umnumzane. Uma angabe ungashadile ngisho noma ungaze ube umkhulu, uzoba umkhulu one-history embi. ‘Akakaze ashade! Hhayi, umkhulu lo kusho ukuthi umkhulu yena ukhule kanjani kanti, kade enzanjani empilweni yakhe?’

Uyabona?

Hhayi, kona phela, ngike nje into engike ngiyifise, hhayi ukuthi mhlawumbe [inaud] ngiyafisa ukuthi ngingake ngishade nami, ngibenomuzi wami, ngigibele nemoto, ngibe-- ngikwazi nokwenzela nje izingane zami yonke into engifisa ukuthi ngabe ngiyayenzela leyo nto.

Ngibenzele leyonto.”

repeatedly in my interviews with young men. It hardly needs stating that the automobile signifies freedom of an oft-masculinized sort, especially in the American culture whose movies and television programs have penetrated Maqongqo popular entertainment as thoroughly as they have most every place around the world. This association is even more keenly felt in a context where most people, Hlubi included, get around primarily by packed, uncomfortable minibus taxis. Recalling Jabulani's interview above, a car also represents a major purchase only a successful working man could afford. Similar associations are evoked by Hlubi's hope that he could provide for his children whatever he wished to. This particular image certainly draws in part on Zulu roots, as demonstrated in the affinal narratives discussed above. This is underlined, I believe, by his seemingly deliberate invocation of multiple "children," Hlubi having fathered at the time of our interview but one daughter and still waiting to find a job and complete *ilobolo* for her mother before having more. The imperative to have multiple children is deeply entrenched in the most "traditional" understandings of Zulu culture in a way that is increasingly less true of Western cultures, and in fact there was once a quite tight link between this imperative and *ilobolo* itself (Jeffreys 1951). Nonetheless, the abstract boundlessness of what he hoped to provide for them introduced, I suggest, elements from Western-derived consumer culture. His hopes included not just food or shelter or *ilobolo* for his sons, but "anything" that he should wish to provide. If we consider this in light of Nkinsela's "responsibilities" to his wife and children rather than his voluntary "help" to his mother, discussed earlier, the difference from purely "traditional" affinal obligations becomes that much clearer. The manhood Hlubi hoped to achieve, in part, through marriage synthesizes what might once have considered distinctively "Zulu" and "Western" notions of masculinity, and the biggest barrier keeping Hlubi, Nkinsela,

and others from achieving this synthesized manhood is the *ilobolo* each had long been trying to pay his intended bride's parents.

Discerning quite early in my fieldwork that most everyone saw *ilobolo*'s high cost as the proximate cause of marriage's collapse (see also Posel et al. 2011), I began trying to poke around for the boundaries of *ilobolo*'s flexibility. Women's back-channel negotiations discussed above were one response, as were occasional agreements that a marriage could proceed while some *ilobolo* remained outstanding.⁶⁴ But these ad hoc arrangements left *ilobolo*'s prevailing expectations in place. Why not just reduce *ilobolo*, I asked? Or eliminate it altogether? Very rarely did I receive any response more detailed than that it simply could not be done. Some invoked the ancestors, responding to my lighthearted follow-up questions that, no, it would not be possible to work out some sort of compromise. Sitting one sunny winter afternoon outside the Catholic church where he was a deacon, one older man told me that what was needed was not to reduce *ilobolo*, which was in any event impossible, but to increase Zulus' capacity to pay it. The government, he insisted, should give each family two cattle, one bull and one cow, so they could rebuild stocks of the kind from which their ancestors paid *ilobolo* themselves.

Over time I came to see in my interactions a pronounced tendency for people to speak of *ilobolo* as a disembodied force with its own characteristics, seemingly independent of anyone's

⁶⁴ This practice is similar to the pre-colonial notion of marital status progressively accruing over time and to the contemporary practice common in other villages such as Msinga, discussed above, of considering a marriage to begin with *ilobolo*'s initiation. That it is not (yet?) more common in Maqongqo underlines how important *ilobolo*'s completion generally is there, but I suggest in the conclusion below that it may become more common if marriage rates continue to decline for an extended time.

action. “Gosh, it’s expensive,” was the constant refrain, as if nothing was to be done. Few traced its expense to any sort of cause or to have considered the possibility of such a thought experiment. The 10+1 cows once colonially prescribed as *ilobolo*’s upper limit are now widely presumed to be *ilobolo*’s culturally mandated amount. Of the many times I shared this history in conversation, not once was I believed. Though accurate, this provenance spoke no truth Maqongqo residents recognized, perhaps all the more so now that the “cows” have become more a ritually invoked reference point than an actual practice. With very few people raising many cattle these days, negotiations occur primarily over a cash value that is at least loosely related to cattle’s prevailing market rate. So perhaps, to pick up this article’s central theme once again, the disembodied and seemingly immovable actor represented by *ilobolo* is not only putatively ancient “culture” but also the omnipotent, thoroughly modern market. This interpretation then ties back to the synthesized masculinity discussed above, for the same market that inscrutably sets the price of cattle, and therefore indirectly the price of *ilobolo*, also leaves young men almost perpetually unemployed. As a man I call Muzi told me of his still-ongoing *ilobolo*:

M: What am I still lacking? I still need to pay the money of the cows....They are expensive.

AU: Why do you think they’re so expensive today?

M: Truly, before, money was small, there wasn’t money....Also before, people were taking cows out of the kraal. They took the cows here and delivered them. Now cows aren’t here, you see? You have to pay money....

AU: And there aren’t jobs.

M: There aren’t. Yes, there aren’t.

Yet Muzi, like most young men, persisted in hoping that he might become one of the lucky few to bring the market to heel and command the sort of financial security of which either a traditional or modern Zulu man could be proud. Perhaps young men, too, see *ilobolo* as a kind of test.

V. Conclusion

If so, perhaps this view helps young men maintain their support for *ilobolo*. Although one wonders how long such a view can survive prolonged widespread unemployment, this is not the first time in South African history that young men have struggled under *ilobolo*'s demands without endangering the institution itself. Increasing pursuit of unmarried cohabitation might represent another path to *ilobolo*'s decline, and these rates have indeed crept up—but not nearly as quickly as one might expect (Posel & Rudwick 2014). Perhaps the most likely scenario involves an increasing pursuit of “unmarried cohabitation” not defined as such because it has been legitimated by partial payment of *ilobolo*, a possibility that would maintain *ilobolo*'s authority in (yet again) transformed form. A variation on this possibility already exists in villages such as Msinga, discussed above, where marital status is understood to begin accruing with *ilobolo*'s initiation.

For now, at least, *ilobolo*'s authority is as resilient as it has been for centuries. Like many other scholars, I find that this authority rests on a range of diverse and even contradictory understandings, and push further to explore in detail *how* these diverse and contradicting

understandings actually manage to work together. Affinal forms of marital consciousness continue to dominate *ilobolo*'s most explicit, "official" representations, ritually enacted in its ceremonies and its normative accounts. Yet conjugal forms of marital consciousness have worked their way into *ilobolo*'s actual practice. This is seen in the broad historical trends displacing *ilobolo*'s payment from the groom's family to the groom himself and allowing the bride to know the terms of her own *ilobolo*, which have in turn the stage for more ad hoc localized practices, especially by women, to negotiate lower *ilobolo* amounts behind the scenes and to treat *ilobolo* as a test of a groom's economic and emotional fitness for conjugal marriage. Young men find themselves especially caught in the tension between their conjugal dreams and the affinal demands of paying *ilobolo* to a bride's family, yet for now they often legitimate their concrete struggles within a broader narrative of *ilobolo* as a quest for achieving a culturally hybridized manhood appropriate to the complex circumstances of the present.

With these young men sitting most directly on the friction between conjugal dreams and affinal obligations, and their participation definitionally required for *ilobolo*'s persistence, further research focused on them would be especially useful. So too would further research on the meanings of other forms of ritual payment that undergird kinship relations, especially on *inhlawulo* payments for children born out of wedlock, which have become the dominant trend in contemporary South African family life. It would also be useful to see fine-grained research into bridewealth's meanings in a range of locations. No one setting can stand in for the whole country, and Maqongqo's proximity to urban Pietermaritzburg and history of relatively progressive gender politics undoubtedly separate it from more rural and/or patriarchal settings in KwaZulu-Natal. So, too, does its setting in KwaZulu-Natal separate it from the other provinces where colonial law never so deeply emphasized bridewealth, and from those Sotho-Tswana

ethnic contexts where ethnographers of previous eras found bridewealth to be an even more flexible practice.

I would expect to find much variation in the substantive findings of such research. Yet I also think some of the themes emphasized in this article, drawn from legal consciousness scholarship, could provide useful theoretical and methodological anchors for such inquiries. This approach emphasizes attention to local meanings in all their complexity and contradiction, but with a perspective that does not dissolve this variation into a mere diversity of individual attitudes. Rather, a legal consciousness approach attends to the ways diverse meanings play off and with each other, deployed within and recreating a broader system that is neither wholly constraining nor wholly unconstrained.

BIBLIOGRAPHY

- Albertyn, Catherine, & Likhapha Mbatha (2004) "Customary Law Reform in the New South Africa," *Gender, Citizenship and Governance: A Global Sourcebook*. Oxford: Oxfam Publishing.
- Beinart, William, et al., eds. (1986) *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa, 1850-1930*. Johannesburg: Raven Press.
- Bennett, T. W (1994) "The Equality Clause and Customary Law," 10 *South African Journal on Human Rights* 122.
- (2004) *Customary Law in South Africa*. Lansdowne, South Africa: Juta.
- Breckenridge, Keith (2000) "Love Letters and Amanuenses: Beginning the Cultural History of the Working Class Private Sphere in Southern Africa, 1900-1933," 26 *Journal of Southern African Studies* 337–48.
- Burman, Sandra, & Nicolette van der Werff (1993) "Rethinking Customary Law on Bridewealth," 19 *Social Dynamics: A Journal of African studies* 111–27.
- Carton, Benedict (2000) *Blood from Your Children: The Colonial Origins of Generational Conflict in South Africa*. Charlottesville, VA: University Press of Virginia.
- Casale, Daniela, & Dorrit Posel (2010) "The Male Marital Earnings Premium in the Context of Bride Wealth Payments: Evidence from South Africa," 58 *Economic Development and Cultural Change* 211–30.
- Claassens, Aninka (2013) "Recent Changes in Women's Land Rights and Contested Customary Law in South Africa," 13 *Journal of Agrarian Change* 71–92.

- Claassens, Aninka, & Dee Smythe (2013) "Marriage, Land, and Custom: What's Law Got to Do with It," *Acta Juridica* 1–27.
- Comaroff, John L. (1980) "Bridewealth and the Control of Ambiguity in a Tswana Chiefdom," in J. L. Comaroff, ed., *The Meaning of Marriage Payments*. London: Academic Press.
- Cousins, Ben (2013) "Women's Land Rights and Social Change in Rural South Africa: The Case of Msinga, KwaZulu-Natal," *Acta Juridica* 73–99.
- Edin, Kathryn, & Maria Kefalas (2005) *Promises I Can Keep: Why Poor Women Put Motherhood Before Marriage*. Berkeley, CA: University of California Press.
- Etherington, Norman (1978) *Preachers, Peasants, and Politics in Southeast Africa, 1835-1880: African Christian Communities in Natal, Pondoland, and Zululand*. London: Royal Historical Society.
- Ewick, Patricia, & Susan S. Silbey (1998) *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press.
- Felstiner, William L. F., et al. (1980) "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming ...," 15 *Law & Society Review* 631.
- Fritsvold, Erik D. (2009) "Under the Law: Legal Consciousness and Radical Environmental Activism," 34 *Law & Social Inquiry* 799–824.
- Goldblatt, B. (2001) *Cohabitation and Gender in the South African Context—Implications for Law Reform' Research Report*. November.
- Griffiths, John (1986) "What Is Legal Pluralism," 24 *Journal of Legal Pluralism and Unofficial Law* 1–55.
- Guy, Jeff (1990) "Gender Oppression in Southern Africa's Precapitalist Societies," in C. Walker, ed., *Women and Gender in Southern Africa to 1945*. London: James Currey.

- Haas, Mary De (1987) "Is There Anything More to Say about Lobolo?," 46 *African Studies* 33–55.
- Hosegood, Victoria, et al. (2009) "Dispensing with Marriage: Marital and Partnership Trends in Rural KwaZulu-Natal, South Africa 2000-2006," 20 *Demographic Research* 279–312.
- Huffman, T. N. (1998) "Presidential Address: The Antiquity of Lobola," 53 *The South African Archaeological Bulletin* 57–62.
- Hull, Kathleen (2006) *Same-Sex Marriage: The Cultural Politics of Love and Law*. Cambridge, UK: Cambridge University Press.
- Hunter, Mark (2005) "Courting Desire?: Love and Intimacy in Late 19th and Early 20th Century Kwazulu-Natal," 2 *passages*.
- (2010) *Love in the Time of AIDS: Inequality, Gender, and Rights in South Africa*. Bloomington, IN: Indiana University Press.
- Jeffreys, M. D. W. (1951) "Lobolo Is Child-price," 10 *African Studies* 145–84.
- Kelly, Jill Elizabeth (2012) "'Only the Fourth Chief': Conflict, Land, and Chiefly Authority in 20th Century KwaZulu-Natal, South Africa," Ph.D., History, Michigan State University.
- Khunou, Grace (2012) "Money and Gender Relations in the South African Maintenance System," 43 *South African Review of Sociology* 4–22.
- Krige, Eileen Jensen (1957) *The Social System of the Zulus*. Pietermaritzburg: Shuter and Shooter.
- Kuper, Adam (1982) *Wives for Cattle*. London: Routledge & Kegan Paul.
- MacKinnon, Aran S. (1999) "The Persistence of the Cattle Economy in Zululand, South Africa, 1900-50," 33 *Canadian Journal of African Studies / Revue Canadienne des Études Africaines* 98–135.

- Mamdani, Mahmood (1996) *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton, NJ: Princeton University Press.
- Marshall, Anna-Maria (2005) *Confronting Sexual Harassment: The Law and Politics of Everyday Life*. Burlington, VT: Ashgate.
- Mbatha, Likhapha (n.d.) *How Black South Africans Marry*. CALS Research Report.
- McCann, Michael W. (1994) *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press.
- Merry, Sally Engle (1988) "Legal Pluralism," 22 *Law & Society Review* 869–96.
- Mnisi Weeks, Sindiso (2013) "Women's Eviction in Msinga: The Uncertainties of Seeking Justice," *Acta Juridica* 118–42.
- Morrell, Robert, ed. (2001) *Changing Men in Southern Africa*. Pietermaritzburg: University of Natal Press.
- Mosoetsa, Sarah (2011) *Eating from One Pot: The Dynamics of Survival in Poor South African Households*. Witwatersrand University Press.
- Murray, Colin (1977) "High Bridewealth, Migrant Labour and the Position of Women in Lesotho," 21 *Journal of African Law* 79–96.
- (1981) *Families Divided: The Impact of Migrant Labour in Lesotho*. Cambridge, UK: Cambridge University Press.
- Myers, J.C. (2008) *Indirect Rule in South Africa: Tradition, Modernity, and the Costuming of Political Power*. Rochester, NY: University of Rochester Press.
- Nielsen, Laura Beth (2006) *License to Harass: Law, Hierarchy, and Offensive Public Speech*. Princeton, NJ: Princeton University Press.

- Nkosi, Sebenzile (2011) “Lobola : Black Students’ Perceptions of Its Role on Gender Power Dynamics,” M.A., Johannesburg, South Africa: University of the Witswatersrand.
- O’Laughlin, Bridget (1998) “Missing Men? The Debate over Rural Poverty and Women-Headed Households in Southern Africa,” 25 *Journal of Peasant Studies* 1–48.
- Posel, Deborah (1995) “State, Power and Gender: Conflict over the Registration of African Customary Marriage in South Africa C. 1910-1970,” 8 *Journal of Historical Sociology* 223–56.
- Posel, Dorrit, et al. (2011) “Is Marriage a Dying Institution in South Africa? Exploring Changes in Marriage in the Context of Ilobolo Payments,” 25 *Agenda* 102–11.
- Posel, Dorrit, & Daniela Casale (2013) “The Relationship between Sex Ratios and Marriage Rates in South Africa,” 45 *Applied Economics* 663–76.
- Posel, Dorrit, & Stephanie Rudwick (2014) “Ukukupita (Cohabiting): Socio-Cultural Constraints in Urban Zulu Society,” 49 *Journal of Asian and African Studies* 282–97.
- Rudwick, Stephanie, & Dorrit Posel (2014) “Contemporary Functions of Ilobolo (Bridewealth) in Urban South African Zulu Society,” 32 *Journal of Contemporary African Studies* 118–36.
- Sachs, Albie (1990) “The Family in a Democratic South Africa: Its Constitutional Position,” *Agenda* 40–54.
- Sarat, Austin (1985) “Legal Effectiveness and Social Studies of Law: On the Unfortunate Persistence of a Research Tradition,” 9 *Legal Studies Forum* 23.
- Schneider, David Murray (1968) *American Kinship: A Cultural Account*. Englewood Cliffs, NJ: Prentice-Hall.
- (1984) *A Critique of the Study of Kinship*. Ann Arbor, MI: University of Michigan Press.

- Shefer, Tamara, ed. (2007) *From Boys to Men: Social Constructions of Masculinity in Contemporary Society*. Lansdowne, South Africa: UCT Press.
- Shope, Janet Hinson (2006) “‘Lobola Is Here to Stay’: Rural Black Women and the Contradictory Meanings of Lobolo in Post-Apartheid South Africa,” 20 *Agenda* 64–72.
- Silbey, Susan S. (2005) “After Legal Consciousness,” 1 *Annual Review of Law and Social Science* 323–68.
- South African Law Commission (1996) *The Harmonisation of the Common Law and Indigenous Law (Project 90) Issue Paper Customary Marriages*. South African Law Commission.
- De Souza, Monica (2013) “When Non-Registration Becomes Non-Recognition: Examining the Law and Practice of Customary Marriage Registration in South Africa,” *Acta Juridica* 239–72.
- Vorster, L.P., et al. (2000) *Urbanites’ Perceptions of Lobolo: Mamelodi and Atteridgeville*. Pretoria: University of South Africa.
- Walker, Cheryl (1992) “Attitudes to Lobola,” 8 *Agenda* 57–58.
- Welsh, David John (1971) *The Roots of Segregation: Native Policy in Colonial Natal, 1845-1910*. Cape Town: Oxford University Press.
- Weston, Kath (1991) *Families We Choose: Lesbians, Gays, Kinship*. New York: Columbia University Press.
- Zelizer, Viviana A. (1997) *The Social Meaning of Money: Pin Money, Paychecks, Poor Relief, and Other Currencies*. Princeton, NJ: Princeton University Press.
- Zelizer, Viviana A. (2005) *The Purchase of Intimacy*. Princeton, N.J: Princeton University Press.