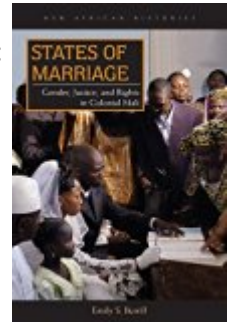


Emily Burrill. *States of Marriage: Gender, Justice, and Rights in Colonial Mali.* Athens: Ohio University Press, 2015. 248 pp. \$32.95, paper, ISBN 978-0-8214-2145-1.



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Within African studies there is increasing interest in the intersection of law and society and in legal regimes in Africa. This interest has inspired a growing body of literature that analyzes the evolution of colonial legal regimes in Africa. Recent scholarship has examined the gendered aspects of these legal regimes.[1] *States of Marriage* is an important contribution to this body of literature and other research focusing on the intersection of marriage, law, and power. In *States of Marriage*, Emily Burrill skillfully argues that marriage is a powerful element in state-making and gendering citizenship.

The book begins with a discussion of the 2009 protests in Mali over the passing of a new Personal Status and Family Code. The new code alters the age of consent, inheritance rights, and requirements for divorce in Mali. Protests against the marriage code reforms have centered on the identification of marriage as a secular act and the removal of the word “obedience” from the description of women’s marriage obligations. Burrill

highlights these contemporary protests to argue for the importance of understanding a longer, complex history of the politics of marriage codes that dates back to colonial Mali (French Sudan).

Burrill traces how marriage was understood and practiced during colonial rule in French Sudan to theorize how marriages shape communities, colonies, and citizenship. Drawing upon work by James Scott, she identifies what she labels the “marriage legibility project” as evidence that marriage was at the center of state-making in French Sudan. The marriage legibility project was a tool not only for governing the colonial subjects, but also for creating the illusion that human rights—and “gendered justice” in particular—were being upheld within colonial contexts. Vital to this project was the codification of African marriage to maintain what the colonial administration considered “good” and bring it closer in alignment with French civilization.

States of Marriage evidences how the marriage legibility project was appropriated by different actors at three different levels: the local, the colonial, and the transnational. Burrill shares the personal stories of locals who engaged with colonial courts to resist and/or promote different understandings of African marriage. These stories demonstrate the role of chiefs, and elder men in particular, in creating knowledge about marriage practices and arrangements that not only informed the basis of colonial enforced customary law in French Sudan, but also bolstered their own authority and power. However, the politics of marriage go did not go uncontested. Women sought to shape their own marriages in ways that reflected their own interests and those of their families. Early on, women brought the majority of divorce cases heard before the courts. Seeking to break the unsatisfactory bonds of their marriage, they utilized the court process to negotiate more leverage in defining the terms of marriage.

At the level of the colony, marriage was a tool for maintaining order and control over the African population. Through marriage law, colonial administrators were able to grant particular rights and benefits that, ultimately, benefited the larger colonial project. Burrill argues that legal reforms were undertaken to reflect colonial understandings of African families as “uniformly coherent and naturally predisposed for governance by the modern state” (p. 81). This superimposed uniformity effectively erased nuances of power among African wives, labor obligations tied to matrilineal connections and marriage intentions, and other gendered familial expectations. Burrill employs the concept of “gender justice” “to refer to the efforts of social groups, individuals or institutions at defining gendered privilege, rights, and obligations in law and society” (p. 3). Examining the practices of slavery and brideswealth, she demonstrates how the colonial administration’s conceptualization of gender justice changed over

time and both helped and hurt women’s positions within their family and society.

At the transnational level, *States of Marriage* links the changing institution of marriage in French Sudan to the broader French civilizing mission rooted in liberalism and notions of human rights and freedom. By attempting to identify and enforce universal and inalienable rights through marriage laws, colonial administrators ignored the social and economic changes taking place in French Sudan as well as the local practices of negotiation and contestation. As changing marriage laws began to disrupt customary practices for gaining wealth in people and wealth in goods, courts became sites where both men and women attempted to lay claim to their rights to wealth. This wealth, Burrill contests, is thus “gendered at its core” (p. 7).

Methodology is a strength of *States of Marriage*. Informed by the research methodology found in *Law in Colonial Africa* (1991), Burrill examines court cases and testimony to trace the social history of marriage reform in French Sudan. [2] In particular, she draws from previously unexamined civil-led and criminal-led court case testimony, civil court records from Sikasso, Mali, classified court records in the National Archives of Mali, and unclassified court records in archival holdings at the Sikasso Prefecture. This material is further contextualized through colonial reports, travelogues, and interviews conducted in Sikasso, Mali. The use of previously unexamined documents and the attention to the multidirectional and multilevel (re)definition of rights and citizenship through marriage reform, positions *States of Marriage* to be a seminal text for future research on gender, justice, and rights in colonial Mali and West Africa.

Notes

[1]. Sahhed Aderinto, *When Sex Threatened the State: Illicit Sexuality, Nationalism, and Politics in Colonial Nigeria, 1900-1958* (Champaign, IL: University of Illinois Press, 2014); Tabitha

Kanogo, *African Womanhood in Colonial Kenya, 1900-50* (Athens, OH: Ohio University Press, 2005).

[2]. K. Mann and R. L. Roberts, eds., *Law in Colonial Africa* (London: James Currey, 1991).

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