



Understanding Child Marriage through Communicative Practices

Ethnomethodological Study on Order-Seeking Communicative Practices that Accomplish Child Marriage: A Contribution to Informing the Advocacy to Stop Child Marriage Practice

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ABSTRACT:

The study finds that child marriage places the girl's life in a specific order, maintaining the order and cohesion of her family and the community. Marrying off the girl at a young age provides protection and a secure future for her, especially in harsh environments where resources are limited, calamities and armed conflicts are prevalent, and government services are inadequate. Although child marriage is officially a crime under Philippine law, it has been ingrained in the social order of communities even before the concept of human rights emerged. Understanding the communicative practices can help feminists stop the practice.

Key Words: *Child marriage, rights, indigenous, Philippines, Mindanao*

1. Introduction.

The United Nations Population Fund (UNFPA) estimate for child, early, forced marriages in the country is 1 in 5. Northern Mindanao, where the studied communities are located, has a 15 percent rate of teen pregnancies based on the National Demographic Health Survey (NDHS) 2017. According to the Field Health Service Information System (FHSIS) 2019, the region's teen pregnancy rate is 13 percent. Statistical information has placed government and civil society organizations on the alert to address teen pregnancies, which eventually involves addressing child marriages.

On the one hand, child marriage is currently defined as a harmful cultural practice and is approached by advocates from this 'rights argument.' It has already been described as a crime under Philippine law. On the other hand, the defense is grounded as cultural practice even before the human rights framework—tagged locally as coming from Western or colonial thought—came.

In the Philippines, child marriage has been labeled as a fundamental human rights violation and a crime. The Girls Not Brides Act, also known as Republic Act 11596, prohibits the marriage of a person under 18 years old. Section 1. Declaration of State Policy states:

Consistent with Section 13, Article II of the Philippine Constitution, the State recognizes the vital role of the youth in nation-building and promotes and protects their physical, moral, spiritual, intellectual, and social well-being. In the pursuit of this policy, the State shall abolish all traditional and cultural practices and structures that perpetuate discrimination, abuse, and exploitation of children, such as the practice of child marriage. Feminists and human rights advocates will be challenged to stop child marriage practice. Child marriage has been part of the usual life of communities even before any child rights advocacy came onshore and the criminalization of child marriage came into effect.

2. Literature review and rationale.

In reviewing the literature on child marriage, human rights advocacy has been very vocal, visible, and heard loudly. Child marriage came to be recognized as a social problem in the 1950s when health researchers gave attention to the marrying of girls and boys in India. The terminology later came to be used more in the 1990s, in global efforts at the time that human rights advocates asserted women's rights as human rights during the Fourth World Conference of Women in Beijing, China, in 1995.

However, even if child marriage as a practice existed way before international human rights instruments came to life., the voices of those who are involved, defend, support, promote, tolerate, and implement the practice have been muted in study publications. Even if they have been documented, inquiry has been chiefly grounded in human rights (Nissa-Ulhaqq, 2009; Nancy, 2018; Mortada, 2017; Menz, 2016; Gage, 2013; Espesor, 2012). Through ethnomethodology, understanding the contexts and root causes can eventually lead to improved efforts to apprehend child marriage offenders.

The Nissa study on child marriages in Mindanao, Philippines, was conducted in 2009. The study gathered 593 respondents in the five provinces in the region who were married before reaching 18 years old. The study's conclusion pointed out that early marriage is a cultural practice. The study

recommended that ending child marriage will need solid evidence to respond to cultural arguments with data that supports counterarguments that are also cultural. The study recognized the resistance of the Muslim and indigenous public, community, and traditional/religious leaders to accept marriage under 18 years old as a harmful practice. Presidential Decree 1083 on the Code of Muslim and Personal Laws that dates to the regime of Former President Ferdinand E. Marcos¹ allows marriages for those under 18 on religious and cultural grounds.

The recent enactment of the Girls Not Brides Law puts in place the state-enforced mechanism to prohibit child marriage and prosecute promoters and facilitators of child marriages. However, even with a law to stand on, achieving an end to child marriages will more likely be a long struggle, just like in the case of Malawi. In 2017, the Malawi parliament adopted a constitutional amendment to outlaw child marriage. Years later, however, despite the constitutional amendment, Malawi is still trying to end child marriages. In response, female chieftains were engaged and trained to help implement the law.² How the female chieftains are ending the practice is yet unpublished.

The presence of a law criminalizing child marriage does not guarantee the end of the practice. What is seen is the use of argument for the human rights of girls to survival and development on the one hand, against the opinion of cultural or religious argument that includes marrying at an early age on the other hand.

This study can hopefully contribute to ending child marriages by helping feminists and rights advocates understand it first as a practice through making sense of communicative practices, which, in the ethnomethodological tradition, create or sustain social order and cohesion (Garfinkel, 2002). Especially in communities where social relations are tightly knit to cope with fluctuating availability of food and resources, absentee government, and vulnerability to armed conflicts and natural disasters (Lalang Hu Mga Laga Organization, Inc., 2020), the context of communicative practices that accomplish child marriage should be understood.

3. Research Problem

The study's main question was: What do communicative practices accomplish in child marriages?

What the study wanted to understand is the meaning of child marriage from the muted voices of those who practice or are involved in it. Perhaps when human rights advocates and crime fighters understand the practice from the members of the practicing communities, efforts to stop the practice will transform into something that can be understood and promoted by those who practice child marriage. This study hopes to give the muted voices the privilege to speak (West, R. & Turner, L., 2018).

4. Methodology

Ten (10) women were interviewed on their life stories to perform ethnomethodology, and community observations were conducted.

The study followed the four principles in ethnomethodology (Francis, D. & Hester, S., 2004, p. 34-40), namely:

- The life story is told as it is without labels or social categorizations;
- Narrating the orientation or understanding of the actors through the words used by the interviewed;
- Situatedness of talk and actions; and,
- A transcript of the interviews can be provided upon request.

The researcher has already been immersed in the communities through more than seven (7) years of feminist engagement with women and girls since 2017 and, from time to time, has been assisting victims of gender-based violence in reporting cases to the police and bringing the cases to prosecutors. There is already a sense that the researcher partially knows "what the participants know, can see what they see, recognize the problems that they recognize and understand the implications of events in the ways that they do" (Francis, D. & Hester, S., 2004, p.183).

There is a deliberate attempt to avoid the mention of culture and stick to the context of communicative practices as told in the stories of women during the interviews. This is to remain in the methodological study avenue that Rhoads pointed to: Ethnomethodology does "not accept the determining impact of cultural norms [this is] a gross over-simplification to conclude that a person acted in a given way because he followed a rule." (Rhoads, J.K., 1981, p. 285). Activities, including conversations, are situationally constructed such that they have indexical properties. Ethnomethodology shifts from a focus on the given to the process by investigating the procedures of meaning generation.

Research location, informants, and dates of data gathering. The studied areas were the upland Higaonon indigenous community of Iligan City in Lanao del Norte province and the Higaonon neighborhood in Claveria in Misamis Oriental province, where the researcher personally knew the informants. Both communities are within Mindanao, Philippines. Ten (10) informants volunteered through the feminist indigenous women's organization, Lalang Hu Mga Laga Organization, where some members were married early between 12 to 16 years old. The members who are now between 18 to 45 years old volunteered to take part in this study by telling their stories. As an independent and legally registered non-profit organization by indigenous women,

¹ Ruled the Philippines under Martial Law before being ousted through the People Power Revolution in 1986.

² Female Chiefs vow to end child marriage. URL: <https://reliefweb.int/report/Malawi/female-chiefs-vow-end-child-marriage-Malawi>

organization members exercised the right to tell their stories on their own terms. The interviews and community observations began in January 2021 and concluded in December 2022.

As a backdrop, both the studied communities in Iligan and Claveria rely on subsistence farming, are affected by the armed conflict between non-state armed groups and government troops and are isolated from the *Población* or city centers.³ Non-state armed groups include the New People's Army of the Communist Party of the Philippines, ISIS-affiliated groups, and, formerly, the Moro Islamic Liberation Front prior to the 2014 peace agreement with the government. Elementary and High School education is available in the community in Iligan but only grades one to six education is served within the community in Claveria. The researcher's immersion in the households and daily community life showed low-income living with some hard days with little or no food.

5. Discussion of Findings:

Communicative Practices that accomplish child marriage

Evidently, **courtship conversation** leading to accomplishing child marriages involves the parents, usually the mother, in several conversations with the husband-to-be or male who is usually older. During the conversation, the male expresses his desire to marry the girl. The amount of money to be given to the girl's parents is decided during these conversations. This ritual involves the male showing his qualifications as a good husband and provider by his character, property, and economic capacities. His capacity to protect the girl from danger is also a consideration. These are demonstrated to the girl's parents through gifts. The courtship ritual is for the girl's parents, the mother in particular, and not for the girl. Prior to and/or during the time of the conversations, the male has already begun expressing his desire to marry the girl by giving rice, coffee, vegetables, livestock, or any item that has practical use. "*Ayaw ko talaga magpakasal pero sabi ni mama (mother) magpapakamatay daw siya kapag hindi ako pumayag dahil marami nang nabigay sa kanya,*" one of married girls said. (I really did not want to get married, but my mother said she would commit suicide if I did not consent, so I just consented because the man already gave many things to my mother.)

Suspicious and rumors are communicative practices that could lead to child marriage. "*Kapag ang laylayan ng palda ng babae ay naupuan ng lalaki, dapat daw ipakasal na sila.*" (It is said that when the ends of a girl's dress have been touched by a man, she should be married to the man.) According to Gina, the girl's purity is protected so much that up to the present time, there are still indigenous communities who believe that when a girl is seen with a man who is not her relative, something sexual is already happening between them. This disturbs the peace of the girl's family. When rumored to having been "taken" by a man, no other man will take interest in her. Purity, which means having no carnal knowledge of a man other than her husband/would-be husband, ensures that all the children come from the male's lineage. Lineage ensures that all property, mostly from the male side, is handed down to his biological children. Carnal knowledge of another man is believed to make the woman aware of other pleasures the husband might not be able to give. Fidelity is an expectation for women who stay at home while their husbands are busy outside the home to work on the farm, hunt, or earn income. In a setting where peace and security are not in place, the men go outside and defend themselves if they encounter trouble along the way. In this set-up, the husband will most likely not know if the wife is having sexual relations with another person.

Arranging marriages is a way of **communicating clan protection** for the girl. Early marriage was also meant to keep young Gina from undesirable suitors or falling prey to sexual predators who have been circling around her even at a young age. "*Nung nagkakasuso na ako, simisimulan na akong hipuan ng stepfather ko. Kaya sabi ko sa nanay ko, aalis at mag-aaral ako sa ibang lugar,*" she said (When I was growing breasts, my stepfather made sexual advances. I told my mother that I would leave home and study somewhere else.) In response, Gina's mother married her off. Being married early was then one of ways that Gina's mother thought of to keep Gina safe. Growing breasts catch the attention of the males. Biological womanhood is a sign of readiness for marriage and family life. Early arrangement for marriage communicates that the girl has the protection of the other party, and so is relatively safer from other suitors or sexual predators.

When local authorities who can act quickly on cases are nowhere within or near the community, parents fear for their daughter's safety. In this scenario, the male is seen as having the capacity to protect the girl. The role of the protector has been on the male since the time of inter-tribal conflicts and the dangerous times during the foreign occupations of the Philippines. The protector role is much valued such that in earlier times and some communities, the female carries the heavier load while also carrying the child, while the male carries a light load so he can wield his bolo for defense. The male's hands should always be free to carry or wield a weapon even during mealtime, such as he sometimes eats with his left hand while his right hand is free to hold a weapon on the right. In this context, all other non-defense duties fall on the female.

Gisaad, the Higaonon term for "promise," pertains to agreements made in arranging the marriage. It is done through conversations between the parents of both parties and with the male as himself if he is of mature age. Where people rely on subsistence farming that sometimes turns low in harvest or where armed groups, bandits, and criminal gangs sometimes disturb the peace, *gisaad* puts the family and the girl's life in order. Concerns with continuing family lineage, inheritance, preserving property, and indigenous community life — especially when living in times and areas vulnerable to food scarcity, calamity, banditry, and lawlessness and far from government centers, including police visibility— are practical considerations for parties in *gisaad*. In

³ It takes one hour of motorcycle ride to reach the community in Iligan City. The community in Claveria is near the *población*, but the rough and muddy roads isolate it from government services and opportunities, according to Lalang Hu Mga Laga's experience Facebook page: <http://www.facebook.com/storiesofwomencampaign>

such areas, people in communities need each other for safety and survival. The *gisaad* communicates the expectations and capacities of the negotiating parties.

However, unlike in marriage arrangements where the woman is already of age, arranging child marriage keeps the girl away from the discussions because the child is not yet able to comprehend what is going on. “*Sila-sila lang nag-uusap*,” (they just talk among themselves) one of the mothers recalled. Most times, she said the girls are still busy playing with friends, “*Tumatalon-talon pa kami sa mga puno, naglalaro. Paano ako kakausapin ng lalaki kung hindi ko naman maintindihan sinasabi niya tungkol sa pag-aasawa?*” (My playmates and I were still playing, jumping around the trees. How can I speak with the male who wants to marry me when I do not even know what marriage was?) The *gisaad* is outside of the girl’s world and understood only between the male/male’s family and the girl’s parents. In this context, child marriage arrangement puts into order the promises between adults on behalf of the child.

Sharing of food and resources is a **non-verbal behavior** that exhibits interest in marrying the girl. Bringing a portion of the male’s family harvest for the girl’s parents signifies sincerity in intention and commitment to provide for the girl and their would-be children. Survival is not the only reason for child marriages in low-income families; arranged marriages emanate from the desire for an orderly life and future for the girl and her children.

Presence in and around the girl’s house is also a form of communication by the interested male. Male presence is sometimes mistaken for a sexual relationship between the male and the girl, fueling the desire of parents to marry the girl to the interested male. Gina related “*palagi nasa bahay ang lalaki. Minsan pumapasok sa kwarto ko. Wala namang nangyari sa amin pero sinasabi ng mga kapitbahay meron. Wala pa akong alam noon. Ang gusto ko lang mag-aral.*” (The man was always in the house. He sometimes enters my room. Nothing happened between the two of us, but our neighbors kept saying we had sex. I did not know anything about that yet. I just wanted to study.)

Pamintod or dowry communicates and makes evident the formality and commitment of the male and/or his family in the *gisaad*. It also communicates the appreciation of the girl’s value. The amount of cash given varies depending on the estimated “purity,”⁴ capacities, educational background, and the girl’s physical attributes. Dowry communicates the trust and respect between the parties. Trust is important in communities where lives are intertwined by interdependence on food, livelihood, and safety from harm.

“*Pinagtatawanan ako ng mga kaibigan ko at kapitbahay kasi hindi na daw ako virgin. Five thousand na lang daw halaga ko,*” one girl said. (My friends were laughing at me. They say I am just worth 5,000 pesos because I am no longer a virgin.) Here, the community members expect the girl to protect herself from assault. Failure to do so is her own fault. To bring down the dowry amount, some males force themselves on the girls they like and offer marriage. This act intends to create order but eventually creates disorder in the girl, affecting her psychological and emotional well-being. There have been many instances where unhappy wives regularly undergo abortions and/or leave their husbands and children altogether to live somewhere else. An earlier age of marriage attempts to put this in order by placing the girl blooming into womanhood in the care of the male who promises to care for and protect her.

6. Analysis.

There are implications for the efforts to stop child marriage practice. The communicative practices show how child marriages attempt to put into order the lives of the vulnerable girls, secure the provisions for the children and family, and keep the safety of the girls, family, and community from want and harm. The communities “do social order” (Zimmerman, D.H. & Pollner, M., 1970, p. 94 as cited by Saludadez, 2021) in accomplishing child marriages. Child marriages are knitted into the social order, and uncalculated attempts to stop it will involve re-ordering or disordering that social order. Stomping down on child marriages without recognizing their integral part in society could be taken by practicing communities as disturbing the order and the way the community has been living. In one instance, as an example personally witnessed by the researcher, a women’s group’s advocacy to expose child marriage practices in their community fell on deaf ears. Instead of being able to end the practice, a member of the group was forced by her own mother to leave the group because the mother thought the advocacy was disturbing the peace in the community when police personnel came to investigate. In their community, “*walang batas-batas*” (there is no law) because they have their own way of living. With this mindset, indigenous communities in Mindanao will not likely end child marriages abruptly.

Child marriages have also been an ongoing debate in the Bangsamoro Muslim region in the Philippines, where the code of Muslim laws allows marriages under 18 years of age.⁵ In an official public statement, the Office of the Chief Minister (OCM) of the Bangsamoro government released a statement hoping that the “Girls Not Brides bill (when the law was still being proposed) not be made to Muslim Filipinos and indigenous peoples” for the reason that “certain provisions therein are antithetic to established laws, Islamic principles, and other cultural practices” and that “criminalizing early marriages” will lead to “instigate litigation among immediate family members at the expense of the family as a social institution.”⁶

⁴ Virginity

⁵ Colobong, F and Bautista, J. “Bangsamoro body tackles child marriage,” 31 January 2021, Philippine Daily Inquirer. URL: <https://newsinfo.inquirer.net/1390222/bangsamoro-body-tackles-child-marriage-legal-yes-but-moral>

⁶ “Bangsamoro government pens position paper on a bill declaring child marriage illegal,” 23 September 2021. URL: <https://bangsamoro.gov.ph/news/latest-news/bangsamoro-govt-pens-position-paper-on-bill-declaring-child-marriage-illegal-underscores-muslim-filipino->

This study suggests that understanding the practice from the perspective of the practicing communities can bring more insight for the advocacy to effectively stop child marriages while minimizing or avoiding resistance and the abrupt tearing down of the social order of communities.

7. Recommendations.

The communicative practices mentioned in this study hopefully shed light on the efforts to end child marriages and move forward with the implementation of the Girls Not Brides Act in the Philippines. There is a need to study approaches by looking at practical considerations made evident by the communicative practices. While the human rights-based approach continues, context and social order through the ethnomethodological lens should also inform the approach and lead to strategies such as cultural reform, social and behavioral change, and locally driven implementing policies and programs to end child marriages.

For further study, the findings can help guide the advocacy, strategies, and the police forces' implementation of the Girls Not Brides Act by using communicative practices as an avenue for transformational work within the social order and social cohesion framework. However, a larger study should be considered to cover more indigenous areas in Mindanao, the Philippines, or in other countries with similar criminal practices. On a related note, the social order that child marriage practice supports, as reported in this study, still brings, at present time, a disorder in the lives of indigenous girls and young women who are survivors of child marriage. This disorder deserves a related inquiry.

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