ELIMINATING CHILD MARRIAGE IN ETHIOPIA: EMERGING REGULARITIES AND PRACTICAL NORMS

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INTRODUCTION

The aim of this working paper is to make a convincing case for the introduction and utilization of the emerging concept of practical norms—'the various informal, de facto, tacit or latent norms that underlie the practices of actors which diverge from the official norms (or social norms)' (Olivier de Sardan 2008: 26)—to explain the large gap between national legal and policy commitments to reduce and eliminate gender-based violence (GBV) and the reality and practice of GBV. Hitherto explanations mainly centre on the conflict between and social and official norms, and the stubbornness of the former. The aim in this paper is to go beyond this dichotomy to examine what happens in the 'in-between spaces'. While the stubbornness of social norms only brings home to us the slow pace of change, it does not tell us what guides the emerging practices that contribute towards change. This paper aims to draw out some indications of the rules that undergird these new practices.

Decades of activism and programming aimed at eliminating GBV have not had marked success primarily because of the resistance of deeply entrenched social values and customs. According to Merry (2005), since the 1980s various actors - multi- and bilateral, state and non-state, NGOs and IOs - have endeavoured to transplant 'modern' secular norms from the global to the national level. These need to go through localisation and vernacularisation before effecting change on the ground. As such, success presupposes that what is made or transplanted in the public or official sphere, both globally and nationally, imbibes and becomes part of social norms to eliminate violent gender-based acts permanently.

However, many of the beliefs undergirding GBV are normative in nature and are difficult to change over a short time period (Bicchieri and Mercier 2014), nor will an external agent coming in and introducing a change will be effective. While a serious deficit of trust and authority will constrain the success of external actors, to have an insider, such as a religious leader or local elder, introduce the changes could be more effective (ibid.).

Even then, there will be a temporal lag, sometimes a long one, between the introduction of the new norms and/or their adoption by pioneers and the new norms becoming pervasive. In effect, for a widespread change in actual behaviour - in this working paper reducing GBV - there should be a change in norms, i.e., changing the behaviour expected by the community. If the new legal and official norms are distant from the prevailing social norms, imposing them on society will not be a successful strategy (ibid.), at best merely changing empirical expectations, including feigned resistance through false compliance. As such, interventions expect the making, transplanting and localization of GBV norms to eliminate such socially entrenched behaviour (ibid.).

Significant deviations from normative expectations, despite the potential social benefits, will impose sanctions on the pioneer, the wide gap between official gender-equality norms and actual behaviour remaining intact. Thus, various policy interventions and academic studies have attempted to bridge the gap between officially adopted normative positions and actual practice on the ground, in Africa and beyond. However, this does not tell us why behavioural changes start before widely shared changes occur in social norms, and more importantly why these go unpunished.

The 'gap' is palpably visible in Ethiopia. Feyissa (2020) focuses on understanding the roots of this 'gap'. While offering 'a political interpretation of the lag in the enforcement of VAW policies and laws in Ethiopia', he attributes the gap between official or bureaucratic norms and actual behaviour to 'the type of regime and its ideological constitution, with its core basis of political legitimacy built around the primacy of cultural rights and entrenched authoritarianism, especially since the contested national election in 2005' (Feyissa 2020: 8). Although centrally important, these are macro-level national explanations: one would be correct in assuming that, if these national political factors are changed, there will be better success in reducing and eliminating GBV. However, GBV continues to occur irrespective of which political system or world region we examine, thus making a lag inevitable. Moreover, such explanations do not explain recorded changes, thus narrowing of the gap, in recent decades.

Nor is this 'gap' between the adoption of norms at the national or expert level and actual practice unique to works on gender equality. The conventional literature on African development and governance is replete with examples and conceptualizations of how public space in Africa functions very differently from the expected ideal-typical bureaucracy (Bayart 1993; Chabal and Daloz 2006). The divergence from the official norm in the practices of officials and experts on the ground is attributed to the influence of culture or tradition. Some tend to argue that since independence Africa has maintained the 'form (procedures)' of the bureaucratic state while 'restoring substance (culture)' from the pre-colonial period (Olivier de Sardan 2008: 3-4). Often culture, in the form of social norms, is blamed for seeping across the not so non-porous boundary with public norms and reducing the latter's effectiveness (ibid.).

To be sure, such deviations between official legal or bureaucratic norms and actual behaviour happens everywhere, and what is often presented as the 'ideal-typical Weberian state' is constructed only because such 'old sociologists are much more frequently cited than read' (De Herdt 2015: 114). In practice hybridity is inevitable. What we have in Africa is simply a much larger gap between officially prescribed norms and reality in practice (Olivier de Sardan 2008, 2015).

Taking its cue from pioneering works by Olivier de Sardan (2008, 2015), this working paper makes a case for a systematic examination of the 'gap' mentioned above by adopting a third typology of norms, 'practical norms' (see section below). This is done by duly recognizing that 'public, official and legal' space and norms are a recent product of the modern state, not by viewing it as one term of a

dichotomy with the 'private, social, cultural' (and vice versa) (Olivier de Sardan 2015). That is, 'practical norms' are used as analytical tool to examine what happens as we move along the continuum from social to official norms. This helps us capture why routinized, coordinated and socially acceptable new practices occur before the major social norms change.

In this working paper I focus particularly on the case of child marriage, though the arguments presented here could be extended to other types of gender-based violations. The arguments made here are based on a systematic review of the literature on child marriage in Ethiopia. When it comes to child marriage, Ethiopia's legal and policy framework 'mirrors the international human rights instruments which are primarily based on setting [a] uniform minimum age for marriage and the requirement of individual consent' (Moges 2018: 16). As such, one could argue that while the 'transplanting' has already occurred nationally, the practice is lagging behind this nationally adopted normative position, particularly in some localities. Some progress and improvement has been recorded in reducing child marriage, and the age at first marriage has been pushed up, but this improvement has not been brought about by changes in social norms within the community.

The remainder of this working paper is divided into five parts. The first has introduced the notion of 'practical norms' from the literature on governance and development studies. The second section reviews the literature on the prevalence of child marriage in Ethiopia and variations across regions, while the third provides a brief review of the legal norms relating to child marriage. The fourth section discusses the major explanations for the successes and shortcomings of interventions to eliminate child marriage. The last section provides a conclusion.

BRINGING 'PRACTICAL NORMS' TO THE STUDY OF GBV NORM-MAKING AND IMPLEMENTATION

The literature on GBV norm-making and implementation assumes that official and bureaucratic norms made or adopted at globally, regionally or nationally are accepted by society in the interests of durable changes in behaviour. Success depends on the extent to which these norms are accepted by society (localisation or vernacularisation), rather than introduced by imposing and enforcing laws. Despite the resources and effort invested in eliminating gender-based violent acts, success in recent decades has been limited and progress very slow. This is mainly attributed to the difficulty of fitting norms that have been drawn up in very general terms and that are devoid of 'the social' dimension at higher levels to local religious and cultural specifics (Merry 2005).

As such, the challenge is not so much related to 'transplanting' global norms nationally as how to 'translate' them effectively and efficiently for adoption at local levels. In effect, the challenge for policy-makers and practitioners is not primarily how to 'nationalise' global norms but rather to find mechanisms to encourage society and local communities to accept them and allow them to replace existing

norms that condone and even justify GBV. If we follow the proverbial 'semi-permeable membrane' allegory (Goffman 1983) as separating the public and private spheres, what appears to be hindering success is the limited 'diffusion' of norms from the public (global or national) to the private (social) sphere.

However, this standard view dichotomizes norms into official and social, thus hindering examination of what happens in the 'in-between' liminal space. Nor does the standard view explain how or why limited changes occur in the first place. Olivier de Sardan's works (2008, 2015) help us deal with these limitations by focusing on what he dubs 'practical norms'. Practical norms may be articulated and agreed upon or implicit and semi-opaque, as such requiring empirical research into their diversity (Olivier de Sardan 2008). Practical norms could therefore be defined as:

> 'the various informal, de facto, tacit or latent norms that underlie the practices of actors which diverge from the official norms (or social norms)'. They express the relative convergence and recurrence of these practices and make it possible to describe and understand the gaps or the 'game' played with the official and the social norms. In effect, official, social and practical norms are superimposed, interwoven and entangled (Olivier de Sardan 2008: 26)

His position on practical norms builds on prior works, for example, that of Bailey (2001), who differentiated between normative and pragmatic rules. Accordingly, Olivier de Sardan stresses that social change is more often adaptive, incremental and cumulative, and as such '*stems from pragmatic rules; in other words from practical norms*' (2008: 14, italics in original).

Despite differences regarding sources of authority, both social and official norms are formal, taught, legitimate and prescribed. Practical norms do not have these qualities: they are informal, are not taught, are not legitimized and do not exist in public or social discourses (Olivier de Sardan 2008, 2015; De Herdt and Olivier de Sardan 2015a). In effect, practical norms are implicit in their very nature, which is where they diverge from official and social norms (Olivier de Sardan 2015: 38). Moreover, unlike social and official norms that exist outside practice, practical norms are 'always embedded or hidden in practices' such that their substantive content remains 'relatively fluid and indefinite' (ibid.: 31).[1] The scant literature on practical norms is limited to public action, and what is meant by practical norms varies greatly:

> Certain practical norms strongly resemble routines; others are similar to know-how or coordinative frames; others are closer to the recurrent strategies of actors (coping strategies, metis, opportunistic behaviour, etc.); others, again, express transversal *social logics* (risk minimization

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[1] Olivier de Sardan (2015: 31) further asks: 'Are they more a matter of regularities or regulations? To what point are they truly "normative" and encourage or forbid people from doing things? Do they simply reduce the uncertainty of interactions or do they express the intentionality of actors? In some respects, the term "pattern" would convey this uncertainty if it is firmly rooted in practice.'

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logic, logic of widespread exchange of favours, logics of debt, shame, honour, opportunistic logics, etc.). It may also be considered that the practical norms feature among the constitutive elements of these 'social mechanisms that some researchers are looking for, rather than excessively general theories, to explain the behaviour of actors. (ibid.)

This does not imply that practical norms are accepted or rejected uniformly by a community: some could enjoy wide acceptance in those who practice them and invite explicit agreement, while others remain hidden. This diversity in practical norms contrasts with the homogenizing tendencies of social norms as being virtually shared, understood and adhered to by society (Olivier de Sardan 2008; 2015).

Therefore, practical norms could be adopted by calculating agents to maximize self-interest, to create a moral justification for certain acts (that is, against official norms), attempt the contextual mobilization of a certain practical norm to fit a particular situation or simply for reasons of social conformity (Olivier de Sardan 2015: 39). Accordingly Olivier de Sardan (2015: 46-48) puts forward four major typologies of practical norms: (i) adaptive (adapting official and social norms to suit local specifics during operationalization); (ii) semi-tolerated (within the 'spirit' of the norm, but deviating to a limited extent to avoid warning and punishment); (iii) transgressive (deviating squarely from both the letter *and* the spirit of the public, professional or social norm); and (iv) palliative (deviating to secure the spirit of the norm).

There is no explicit social enforceability in practical norms: rather, the concept helps 'capture ... subtleties and varieties' and 'account for the numerous and diverse latent regulations' (De Herdt and Olivier de Sardan 2015a: 3). Moreover, as an exploratory norm, the intention in using a practical norm is not to develop models that organize social change or to give substantive content to the phenomenon under examination (as in the case of analytical norms): rather, it is primarily to draw attention to diverse processes of social regulation and patterns of behaviour (Olivier de Sardan 2008, 2015).

Moreover, practical norms help us investigate the 'black box' of the (wide) gap between officially prescribed norms and actions. Rather than explaining this as a problem that should be handled by ridding social norms from official spaces (or the reverse), this notion gives us the tools and necessary gaze to examine the 'problem of the gap' itself. This gap is 'not a space where norms are forgotten or missing, but a space where alternative norms are in use' (Olivier de Sardan 2015: 21). De Herdt and Olivier de Sardan (2015a: 6) highlight three major consequences of using this relatively new concept of the practical norm. First, practical norms help account for the 'stubbornness of practices', meaning the inertia of past practices and as such the difficulty (or impossibility) of bringing about transformative change in brief periods of time. Second, it helps account for the multiple sources of authority and sources of legitimacy regarding norms by going from the dichotomous view to public action. Third, taking practical norms into account 'enlarges the space of the game' from dealing only with explicitly stated and enforced social and official norms,

thereby enriching the academic debate. Moreover, these are liminal spaces of creativity and change.

The 'bringing in' of practical norms to discussions of GBV norms will not only benefit academic discourse on gender equality. Currently available work is typically one-sided, focusing on what social norms that seep into 'official' or 'public' spaces do to bureaucratic processes of development and governance. The opposite tendency—the challenges of official norms seeping into social space—is recognized, but left unexplored (see, for example, de Herdt and Olivier de Sardan's major work on the topic, 2015b). In effect, practical norms are viewed as important in understanding 'real governance' through a realistic examination of the regularities of public action. In this paper it is argued that in the case of GBV interventions, while the intention is for official norms to influence and replace social norms regarding patriarchal gender attitudes and bringing about a change in behaviour, in actual terms practical norms will be more helpful in understanding regular changes in behaviour.

THE PREVALENCE AND IMPACTS OF CHILD MARRIAGE IN ETHIOPIA

There are three perspectives on why child marriage is highly prevalent in some communities and how to reduce it: socio-cultural framework, economic framework, and rights-based framework (Kassegne et al. 2018; Emirie 2005; Watson 2014). The socio-cultural framework explains the drivers related to social norms regarding control of girls' sexuality and virginity, most importantly the fear of the family losing its honour due to marriage being delayed and pregnancies out of wedlock (Kassegne et al. 2018; Emirie 2005; Jones et al. 2015). The economic framework often centres on families' strategic decisions in allocating resources, for example, by having 'one less mouth to feed' and in matching and forming an alliance with a 'good family' for the sake of their daughter's future (Emirie 2005: 133-139). Rights-based explanations focus on the difficulties of enforcing legal provisions related to the minimum age of marriage (see Emirie 2005; Moges 2018).

Ethiopia ranks eighteenth in the world in terms of the incidence of child marriages (International Center for Research on Women (2015) cited in Jones et al., 2018a).[2] Data from the Ethiopian Demographic and Health Survey (EDHS) over the past decade show a significant decline in the prevalence of child marriage as a consequence of various government and NGO interventions, both direct and indirect, especially among the youngest sections of the surveyed (Jones et al. 2019a). The proportion of women who marry before they turn fifteen has declined from 30% for those born in the 1970s to 10% to those born in the 1990s (CSA and IFC 2016). The latest EDHS data from 2016 show that four out of ten girls (40.3%) in the 20-24 age group married before turning 18, 14.1% of those in the 20-24 age group

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did before turning 15, and 6% of those in the 15-19 age group were married by the time they were 15 (CSA and ICF 2016). Compared to the 2011 EDHS data, the median age at first marriage slightly increased for women in the 25-49 age group (from 16.5 to 17.1 years). The proportions of those marrying before 18 dropped from 63 to 58 percent, and of those marrying before 15 from 8 to 6 percent (CSA and ICF 2016).

Thus, the strides Ethiopia has made become clear when the data are disaggregated by age: for example, the proportion of women who married before turning 15 amounted to 29% for the 45-49 age group, 14% for the 20-24 age group, and 6% for the youngest, 15-19 age group (CSA and ICF 2016). These changes are judged 'impressive' by those who are closely studying child marriage in Ethiopia (Jones et al. 2018b).

The median age at first marriage depends on region and socio-economic background. Comparing Ethiopia's different regions, the lowest median age is in Amhara (15.7 years) and the highest in Addis Ababa (23.9 years). In general, women in urban areas marry later than their counterparts in rural areas. Schooling pushes age at first marriage from 16.3 years for those with no schooling to 17.8 years to those with primary education, 22.4 years to those with secondary education, and 24 years to those above-secondary education (for details, see Table 4.4 in CSA and ICF 2016). Wealth has little significance in influencing age at first marriage for women in the bottom eight quintiles, reflecting the low level of economic inequality in Ethiopia (Presler-Marshall et al. 2016).

The incidence, whether of the extent of child marriage or of age at first marriage, and the rate of decline in child marriage also differ across *woreda*s and *kebele*s, including within the same region (Jones et al. 2019a). For example, while there has been a drop in the rate of child marriage in South Gonder and East Hararghe, no perceptible change is visible[3] in Afar's Zone 5 (Jones et al. 2019a, 2019b). In Amhara region in general marriage has been delayed by 4-12 years in the most recent two generations, but while it is common for girls to marry before 15 in lowland areas, 18 is becoming increasingly common in the highlands (Jones et al. 2018a). In Amhara, age at first marriage is increasing, while limited change is observed in Afar and Oromia, for women of all age groups (Jones et al. 2019b).

A closer examination of the data disaggregated by *woreda* shows the risks involved in making regional comparisons. Regional comparisons show that the Amhara region has the lowest median age for child marriage. A study based on data disaggregated by *woreda* shows that only two of the top ten *woreda*s are in Amhara (as in the Somali region), while Oromia has four. When it comes to the marriages of older girls, Amhara has six of the top ten *woreda*s, with Oromia and Benishangul-Gumuz having two *woreda*s each (Jones et al. 2016b).

Despite the significant progress in reducing child marriage since the 2000s, many girls continue to face the risk of becoming brides before their eighteenth birthday

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[3] This is attributed to the *absuma* marriage system of the Afar, which is discussed below.

(Ministry of Women, Children and Youth (MoWCY) 2019). The Covid-19 pandemic has revealed that the changes witnessed thus far are not deeply entrenched. Cases of sexual and gender-based violence, including child marriage, have experienced an immediate increase in many parts of the country following the restrictions on mobility and the closure of schools imposed by the government (UNFPA and UNICEF 2020). This shows that the decline in child marriage has yet to strike roots, and that the social norms driving it remain influential (on the latter, see Mjaaland 2016).

The pace at which change has occurred thus far is therefore very slow compared to the pace that should be attained to meet the pledges made to eliminate child marriage by 2025 (at the 2014 Girl Summit in London) or by 2030 (according to SDG 5). Reduction should happen at ten times the pace of the past decade if child marriage is to be eliminated in the next five years, and at six times if elimination is to be realized in a decade (MoWCY, 2019).

Victims of child marriage are compelled to live with the impacts of the practice throughout their lives, impacts that cover the health, social and economic aspects of their lives. The health impacts are mainly due to sexual activity taking place before the girl's reproductive organs are fully developed. This risk is compounded if she becomes pregnant – a very likely scenario, given the low utilization of and access to contraceptives – as child birth at very young ages can cause obstetric fistula, which Ethiopia experiences a lot of (Andargie and Debu 2017).

The child bride also faces negative social and cultural consequences. Given the inevitably large age difference from their husbands, girl brides will not be in any position to negotiate better conditions in married life. The husband will have his way in both socio-economic and sexual situations. This essentially reduces the woman to fulfilling her husband's productive and reproductive needs, rather than living a life of equality. Moreover, marrying a female child cuts the chances of her pursuing education or other alternatives to build her capabilities (Emirie 2005). Such opportunities will be sealed off in many cases if and when the bride goes through her first pregnancy. These social and economic impacts will last throughout her life. Conversely, delaying the girl's marriage for an extra year of primary and secondary schooling will increase her wage as a woman by 10-20 percent and 15-25 percent respectively (Verveer 2011).

The economic impacts are significant at the national level too. According to studies reviewed by MoWCY (2019: 5), 1) elimination of the practice could contribute to an additional 1.5% in economic growth annually; 2) completion of secondary school by all girls would add 646 million USD to the national economy annually; 3) close to 1.6 billion USD is lost in additional wages foregone by child marriage; 4) if child marriage and child childbirth had ended in 2019, there would be a 1% population decline in one decade, with significant implications to national budget; 5) stopping child marriage in 2014 will yield a benefit of 117 million USD the following year, cumulatively reaching 4.9 billion USD by 2030.

To summarize, the prevalence of child marriage in Ethiopia remains one of the highest in the world, although a perceptible decline has been recorded over the last

two decades. This not only affects the health conditions, social and economic potential and rights of the girl in question, it also has ramifications for the national economy. Various laws and policies have been promulgated and implemented to reduce and eventually eliminate child marriage, although the recorded success in enforcing them has been low, as the following sections show.

RELEVANT LEGAL NORMS AND POLICY FRAMEWORKS

The Constitution of the Federal Democratic Republic of Ethiopia provides a general framework for the drafting and promulgation of laws and policies protecting and promoting the rights of women. One example is the express provision for protection from harmful traditional practices (Article 35(4)), which is interpreted as including child marriage. The major legal development regarding the banning of child marriage is the revision of the 1960 Civil Law, which set the minimum age for marriage at 15 for women and 18 for men (for the debates during the revision, see Belay 2016: 252-253). The 2004 Criminal Law also criminalized child marriage, making it punishable by imprisonment.

Moreover, various policies explicitly state the government's intention to deal decisively with child marriage. Among these are the National Policy on Ethiopian Women, the Ethiopian Women's Development and Change Package, and the National Strategy and Action Plan on HTPs against Women and Children in Ethiopia. The second Growth and Transformation Plan (GTP II) (2015/16–2019/20) also expressly committed the government to reducing child marriage. Moreover, the most recent Ten-Year Prosperity Plan also commits it to completely eliminating child marriage by 2029/30 from the 2015/16 levels of 6% (Planning and Development Commission 2021: 64). This is in line with the pledges Ethiopia made at the Girl Summit in London in 2014 to eliminate child marriage completely within the coming decade. Furthermore, at the 2015 Girl Summit held in Addis Ababa, the government also committed itself to increasing the budget allocated to ending child marriage and FGM/C by 10 per cent (MoWCY 2019).

Ethiopia is also party to various continental and global human rights instruments, which have been ratified as part of the national law. These include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), and the African Charter on the Rights and Welfare of the Child. The Ethiopian government receives support from various international institutions in its efforts to end child marriage, the most important being the United Nations Population Fund (UNFPA), United Nations Children's Fund (UNICEF) and the UN's Global Programme to Accelerate Action to End Child Marriage (see MoWCY 2019; Moges 2018).

The current laws came into force after a lengthy and contested process of revision. The minimum age of legal marriage is not an issue everyone agrees on. This was

one of the contested issues during the revision of the 1960 Civil Law as part of the current Family Law (Article 7 of Proclamation No. 213/2000) in 1998-2000.[4] The old law sets the minimum age at 15 for girls and 18 for boys. Those pushing for the minimum age for girls to be increased stressed that a minor (anyone under 18 years of age) cannot give consent and as such could not legally marry under the constitution (Article 34(2)). The continuation of the existing law was condemned as discriminatory. There was also a utilitarian argument, based on the recommendation of the 1996/97 demography and population policy, which recommended increasing the minimum age of marriage for women to reduce population growth and the fertility rate. On the other side, critics of this change argued that a universal minimum age cannot be set. This argument was focused on social age, which depends on physical development, mental acuity, living and health conditions, and whether the person in question lives in an urban or rural area. The minimum age was later increased to 18 for women as well by the federal Family Law (Belay 2016: 252-253).

Some years later, the revision of the penal code also included provisions which aimed to deter child marriage by focusing on the perpetrators of child marriage (see Article 648 of Proclamation No. 414/2004). A man marrying a girl younger than 13 faces imprisonment for up to 7 years, and if the girl is between 13 and 18 the imprisonment will be for up to 3 years, which is the same as the penalties for those officiating at a child marriage.

DRIVERS OF CHANGE AND LIMITS OF THE EFFECTIVENESS OF INTERVENTIONS

The improvements brought about by the various policy and legal commitments at the national level to adolescent girl's lives—including, since the 1993 Women's Policy and 1995 Constitution, increases in girl's attendance at school, the provision of health extension and the commitment to eradicate HTPs (including in GTP II)—have been declared to be 'uneven at best' (Jones et al. 2018b). Jones et al. (2018b) attribute this situation to 'sticky' gender norms and complex political economy influencing implementation of the commitments. A disaggregated study of eleven hotspot *woreda*s with regional representation found that social norms remain the most important explanatory variable for the stubbornly high levels of child marriage. Against that, education was found to be more important in helping girls delay marriage, while rural women were catching up with urban women in respect of age at first marriage (Jones et al. 2015, 2016a).

In discussions about the drivers of child marriages and the policy alternatives, it is often the case that academics, policy-makers and practitioners divide these drivers

[4] This is not unique to Ethiopia. There is also no agreement on the universality and appropriateness of a minimum age to marry, nor on whether focusing on avoiding the risks associated with child marriage would be better (Emirie 2005: 54).

in terms of economic and socio-cultural factors. However, real life cannot be categorized that neatly, as the drivers interact with each other (Presler-Marshall et al. 2016). Despite recognizing this complex calculus, I categorize the drivers and entry points for policy into three for ease of discussion below:

Changing entrenched 'sticky' social norms: an impossible challenge?

Gendered norms are the basic explanation for why the practice persists. Such norms mainly relate to social constructions regarding a girl's worth, which in many contexts in Ethiopia centre on her 'purity', that is, her virginity at the time of her first marriage (Rodgers 2012; Jones et al. 2018 in Berhanu et al. 2019). Moreover, socio-cultural norms exist that push girls to marry early, among others by labelling older girls *Kumo Qer* ('unmarriageable')[5] (Jones et al. 2016a).

In parts of Amhara region, there was a practice of having a 'ceremonial marriage' for very young girls (as young as five) with the intention of solidifying family ties and enhancing one's prestige (Jones et al. 2016a, cited in Jones et al. 2019b). Ceremonial marriages are now on the decline, and with it the say girls have in their marriages is increasing (Jones et al. 2019b). Moreover, there is the important role of the 'practice of "wife in training"' to enable the child bride to become a good wife and mother—often meaning being submissive and having a high level of fertility—under supervision of the groom's family (Kassegne et al. 2018; see also Greene et al. 2015). Despite its comprehensive influence on social life, vulnerability to such norms increases with inequalities, for example, with poverty or the loss of a parent (McDougal et al. 2018).

These patriarchal gender norms broadly allow men to control the sexuality of girls and women. These norms are further justified and reified by patriarchal social, associational and religious teachings and leaders. As such, in attempting to change these entrenched social norms, governmental and non-governmental organizations will have to confront these gatekeepers, in addition to dealing with parents and girls themselves (Kassegne et al. 2018; Greene et al. 2015). Through sensitization work and by providing better opportunities for girls' schooling, the role of parents in marriage decisions is becoming eroded, though they remain influential (Berhanu et al. 2019).

These 'stubbornly entrenched norms' or 'sticky discriminatory gender norms' see girls 'as little more than symbols of family honour [i.e., sexual purity] and a critical source of domestic labour [i.e., helping her mother]' (Jones et al. 2018a: 44). The slightest deviation a girl displays will be met with a harsh response, as those pushing for these changes and the girls themselves will then find themselves in conflict with 'gatekeepers'—the older generation, especially men and religious and customary institutional leaders—who will feel that tradition is being eroded and that disobedience by children is on the rise. This will further slowdown the pace of change and make changes to norms non-linear (Jones et al. 2015, 2018a; ODI 2015; Watson 2014). As Jones, Presler-Marshall and Samuels (2018) stress, children are

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[5] Those as old as 14 would have been labelled *Kumo Qer* in the past (Emirie 2005).

socialized into gendered norms very early, and these patriarchally gendered discriminatory norms dominate everyday lives, effectively making the task of policy-makers particularly very difficult, as this will involve:

> Peel[ing] away the many layers of control over girls, challeng[ing] discriminatory familial and community norms, and confront[ing] male attitudes and behaviors that are damaging to girls . . . and 'invent[ing]' a value for girls by counteracting customary perceptions of girls (and the legal frameworks that often support them) and by promoting the 'novel' concept of girls' rights and capabilities apart from reproduction. (Mensch et al. 1998: 79–80, cited in Jones, Presler-Marshall and Samuels 2018: 3)

Therefore, without understanding and addressing the crucial issue of controlling girls' sexuality, child marriage will not end (Greene et al. 2018, cited in Berhanu et al. 2019). Although the government's reach extends to villages, whether fathers, elders and religious leaders adopt government-initiated and -led reforms positively is crucial in determining whether these changes will happen (Jones et al. 2014b).

The resistance to top-down change to such norms will be stiffer if the marriage system and the norms associated with it are linked with ethno-cultural identity. This is the case with the Afar's *absuma* marriage system, 'which dictates that marriage partners are maternal cousins, and mandates that girls have no say in who they marry and when' (Jones et al. 2019a: 12). Parents decide issues of marriage, aside from giving the future groom some room to disagree, while the girl has no say on who and when she will be marrying. Age at first marriage for men will depend on the availability of other, younger boys to take care of the household's livestock, and the husband could be much older (10-20 years) than his bride. The average age at first marriage for Afar girls has hovered around 16 and half since the early 2000s (Jones et al. 2019b). Men continue to view the system as a way of continuing the family line, which girls cannot contest (Jones et al. 2019a). While a girl does not have any leeway to object to this kind of arranged marriage, it will be very costly—involving both violence and financial penalties—for a boy to marry outside his *absuma*, as he will be 'taking' another person's future wife (Jones et al. 2019b).

Despite decades of work to change such norms, social gender norms (especially in parts of Amhara region) linking a daughter's virginity to status ensure levels of child marriage remain stubbornly high (Jones et al. 2015, 2018b). Some gender norms (e.g. in relation to girl's education) were quick to change, while others (e.g. regarding virginity, family honour and the shame associated with it) remain very 'sticky' and rigid (Watson 2014). Thus, behaviour (e.g. age at first marriage, women joining the labour force) could change for the better if faced with a central guiding norm (e.g. on virginity, women's equal pay). Thus, changes to practice and norms do not happen simultaneously (Watson 2014), and changes to norms could lag behind for decades. The recorded decline in child marriages and the increase in age at first marriage for younger women is not attributable to changes in the gender norms that undergird the practice (Jones et al. 2018a).

This sub-section has shown that there are no inroads in terms of changing the entrenched social norms that drive the practice of child marriage. This invites two questions: (1) If erosion of these 'sticky norms' is not a significant, nor a primary, factor explaining the increase in age at first marriage and the decline in child marriage, what explains it? (2) Why do we see tacit agreement over these emerging practices and patterns, rather than 'punishments'? (3) If the new practices are not guided by neither social nor official norms, what are the norms and rules that do guide them and coordinate social practice? The next two sub-sections provide other possible explanations for the recorded improvements, but the working paper will not attempt to answer the second question directly.

Limits to enforcing legal norms

Enforcing the legal and official norms and policies could be one possible avenue to bring about the desired change, as criminalizing the practice and making it punishable is a necessary step, but it is not sufficient. A case in point is India, which banned child marriages almost nine decades back, but continues to have the largest number of girl brides in the world (Greene et al. 2015). Thus, changes in the legal sphere are not sufficient to eliminate child marriage, as knowing the law and practicing it are very different (Kassegne et al. 2018).

The greatest challenge is in the enforceability of such laws. Generally speaking, national and local governments have lower ability to sanction transgressions related to child marriage compared to the social sanctions against delayed or cancelled marriages. Thus, it is much easier to ignore laws (McDougal et al. 2018). This in effect will result in parents and community leaders deciding to observe normative expectations of the relevant social norm rather than the official legal norm.

Furthermore, while the greatest commitment, whether to providing resources or to the law, are required at the grassroots level, which is closer to the people, the number of government officials and the resources at their disposal are insufficient to face the mammoth challenge involved. Moreover, many government authorities tend to turn a blind eye or act in ways they are not supposed to (i.e., themselves following the social norm), in many instances to avoid social sanctions (Kassegne et al. 2018). This makes success in this regard 'patchy' at best (Jones et al. 2015).

Even if there are committed and well-funded authorities, attempts to enforce the law seriously in the context of such socially entrenched norms will only push the practice underground, whether by falsifying documents or conducting marriage ceremonies at night out of sight of the government. Thus, law enforcement should be preceded by or co-occur with sensitization and awareness-raising works (ODI 2015). Awareness about and acceptance of the law are as important as law enforcement (ODI 2015; see also Presler-Marshall et al. 2016).

Awareness-raising work regarding child marriage is mainly done through schools, where teachers can play crucial roles, health-extension agents, 1-to-5 women's networks and the Women Development Army (WDA). Teachers closely follow up the absenteeism of female students and check on the reasons for it in collaboration with local government officials, particularly the *Woreda* Women and Youth Affairs

Bureau (Kassegne et al. 2018; Jones et al. 2014b). Although the health-extension system and 1-to-5 networks have played irreplaceable roles in awareness-raising, this is just one of the long list of activities they are tasked with (Kassegne et al. 2018; Jones et al. 2015). The works reviewed by Jones et al. (2016c) indicate that strict enforcement of the law is virtually ineffective in bringing about the desired change.

However, this should not conceal the fact that there are many cases of the authorities, including the police, helping parents circumvent the law (Kassegne et al. 2018). This is mainly justified by invoking the embeddedness of the police and other authorities themselves in customary practices and norms, and also by the belief that customary norms will protect girls from major harms (e.g. the *Gaido/Guido* norm obliges the in-laws to protect a girl bride from sexual intercourse until puberty) (Jones et al. 2018b). On top of this, recent gains in pushing up the age at marriage for girls is considered sufficient change, thus reducing the initiative to push it further up to 18 or beyond (ibid.).

This sub-section has shown how enforcement of the legal norms is undercut by various factors, including local officials themselves being influenced by the same social norms they are supposed to be combatting. For parents themselves it is more costly to break a social norm than an official norm, which makes it easier for them to break the law. Moreover, the community will create a range of innovative tactics to bypass the law and continue the practice. What appears more successful is awareness-raising work through teachers and health-extension workers, which in effect set a slow process of changing norms into motion.

Socio-political and economic explanations

Parents force their daughters into marriage because they view this as one of the most viable and secure avenues to a good life. On top of the entrenched norms, the lack of genuine alternatives for girls in leading a good life is also used to justify child marriage (Jones et al. 2015, cited in Berhanu et al. 2019; Greene et al. 2015). Thus, marriage could be viewed as a 'default position' for a girl (Jones et al. 2015). This thinking might not be expressed as the most important very often (McDougal et al. 2018), but the fact still is that parents are engaged in a trade-off to secure the best economic outcome for their daughter through marriage (Jones et al. 2018a; Presler-Marshall et al. 2016).

Although now discredited, poverty is often brought up as a major explanation for child marriage, the view being that marriage is a coping mechanism for the poor, as it reduces the number of mouths that have to be fed (Jones et al. 2018a). Moreover, expectations of dowry and brideprice payments also compel child marriage. Thus, the younger the girl is, the lower the dowry will be. Moreover, bridewealth payments are viewed as a culturally sanctioned process of exchanging a girl for cash or raising enough to allow her brother to marry (Presler-Marshall et al. 2016).

Despite the tendency to see poverty as a driver, one study that used disaggregated data and focused on hotspot *woreda*s found that poverty is not seen as a factor pushing parents into the promotion of child marriage, except in the Somali region. In the hotspot *woreda*s, economic issues are raised in the sense of consolidating

wealth. In Jikao, Gambella, girls are essentially viewed as 'currency', prompting marriage to be seen through that lens. Thus, what drives child marriage is not 'not desperation, but aspiration' (Jones et al. 2016a, 2016b). If economic issues are a major driver, it takes the form of the aspiration to join a wealthy family and consolidate wealth which is the factor, not poverty.

This is seen more clearly in the case of farming land. In the context of the pervasive lack of land for young people and the small size of land-holdings (Rahmato 2018), girls from rich backgrounds who expect to inherit land, either now or in the future, are more vulnerable to child marriage (Presler-Marshall et al. 2016; Jones et al. 2018a, 2014b). In some cases there is open agreement that young men give more weight to a girl's potential to inherit land, or whether she has done so already, than her beauty or school achievements (FGD, cited in Jones et al. 2014b). Moreover, the hardships associated with landlessness and small land-holdings are also leading to large family sizes being seen as a burden and to changing attitudes towards fertility –one of the main reasons for child marriage (Jones et al. 2014b).

If child marriage is viewed as one major alternative to a good life, it will be interesting to look into the implications of emerging alternatives to girls' empowerment, particularly labour migration and education. Labour migration, which is mainly irregular and international, is increasingly becoming an option for the young, including women, in many parts of Ethiopia, despite the risks involved. In some places, migration is also an option for women wishing to avoid child marriage. In other cases, parents aim to confirm their social status by marrying their daughter before she migrates, thus making sure that she loses her virginity in wedlock (Jones et al. 2014a, 2014b; Gezahegne 2021).

Education is widening the worlds of female adolescents. This is linked to the fact that girls are now more likely to attend elementary schools especially than boys, although they are more likely to face higher fail rates, including in national exams (Jones et al. 2014b, 2018a, 2018b; Mjaaland 2016). However, this option is undermined by the long distances students have to walk to school or their having to live in the nearest towns, particularly for high-school students. This exposes girls to the risks of rape or pre-marital sex, which tarnish parents' social prestige (Berhanu et al. 2019; Jones et al. 2014b).

Accordingly, interventions by governmental and non-governmental actors in social and economic sectors that are indirectly related to the norms buttressing child marriage are more effective in bringing about the changes being witnessed. However, these are complicated by various political economy considerations. Firsy, although net enrolment rates are increasing for girls in all regions, some localities are lagging considerably behind. Comparing the Amhara and Tigray regions, Jones et al. (2018b) state that the net enrolment rates for girls in first-cycle secondary schools are 22.2% in Amhara but 54% in Tigray. They attribute this to the 'stronger enforcement record' of the Tigray regional government than the Amhara one (ibid.: 68). One implication of this is that the contribution of education in pushing a girl's age at first marriage is less in the Amhara region.

Secondly, major macro-structural factors, such as land fragmentation, inflationary pressures and modernization, are affecting the socio-cultural factors that justify child marriage, most importantly the value that is placed on the high fertility of women (Presler-Marshall et al. 2016). Third is the contribution of 1-to-5 networks, the Women Development Army (WDA) and health-extension workers to reducing the pervasiveness of child marriage (Jones et al. 2018b). Jones et al. (2018b) found out that in contexts where the WDA functions well and smoothly, often in collaboration with NGOs, it is more likely to be more effective in reducing child marriage. A range of factors also influence the effectiveness of government interventions in social and economic matters, including institutional weaknesses, whether related to economic shortcomings (opening more schools closer to villages); resources (motor bikes, workload) to enable social workers and WDAs to function better; limited capacity and restrictive laws, primarily the 2009 CSO law; and the government's intentions to divert the work of WDAs to mobilizing women's labour for public works, including terracing and natural resource conservation (Jones et al. 2014b, 2018b).

CONCLUDING REMARKS

Based on a review of the literature on child marriage practices and interventions that are designed to reduce and eliminate the practice, this working paper has shown that the key social norms that undergird child marriage remain more or less intact and that the enforcement of legal norms is often not effective. As such, most of the advances made in pushing the median age at the first marriage of girls and in reducing child marriage rates are attributable to the socio-economic changes that have happened in the past two decades. These have positively changed the productive role of women, significantly eroding the thinking that the right place for girls and women is in the kitchen and home, not in public. More and more girls are attending school and opting to migrate to destinations that are considered lucrative centres of labour demand. This is empowering them and giving them a greater say on their marriages. Conversely, youth landlessness and unemployment are not helping men to realize their marriage projects, thus indirectly relieving many young women from becoming girl brides, while increasing the targeting of girls with inherited land and/or those from land-rich families.

When it comes to explaining these improvements, there is little use in invoking social or official norms as being behind the changes, as neither sort of norm informs social practices. In adapting to changing socio-economic realities, new regularities and patterns relating to child marriage are emerging. By treating practical norms as descriptive norms (telling the audience that 'people behave in this way'), rather than injunctive norms (dictating that 'people should behave this way') (see Olivier de Sardan 2015: 31), one can argue strongly that it is practical norms that are at play in creating the regularities and patterns in social practice.

When it comes to typologies of practical norms, they appear to have the characteristics of 'palliative' and 'adaptive' practical norms (Olivier de Sardan 2015:

46-48). On the one hand, these regularities and the norms implicit in socio-economic factors and practices are coercing parents into delaying the age at marriage of their girls (i.e., adaptive). On the other hand, the crucial social norm that seeks to control girls' virginity and sexuality remains intact. As such, these practices could be taken as necessary detours in order to remain ultimately with the same normative framework, that centred on age-old patriarchal social norms (i.e., palliative).

The scarce literature on practical norms focuses exclusively on 'patterns of "real governance" and "professional routines"' (Olivier de Sardan 2015: 31-32). This is helpful, as it enables us to examine and pay attention to what really happens in the public sphere, rather than blaming the situation on a lack of bureaucratic discipline and following the rules. The present attempt highlights the importance of not limiting studies of GBV to the social and official norms, but also getting closer to society to understand the new emerging regularities. The potential for transformation is there.

The ideal way forward would have been to establish this potential firmly through a properly designed empirical research project. Within the limits of a literature study, this paper has attempted to make a strong case for the study of practical norms to be taken seriously in GBV research and in social studies more generally. Hopefully, future researchers will take up this plea.

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