



Commission  
on Legal  
Pluralism



## **Invitation**

**keynote lecture Michael W. Yarbrough**

**“I Now Declare You...”:**

**Marital Status as Legal Technology in South Africa, Past and Present**

**4 April 2024**

**12 noon – 1 pm CEST**

**Online**

On the 4<sup>th</sup> of April at 12:00 noon CEST Michael W. Yarbrough (CUNY, New York) will hold an online Keynote lecture, jointly organized by the Commission on Legal Pluralism and the Van Vollenhoven Institute for law, governance and society (Leiden University). Below you will find the abstract and a short bio of our speaker. Waheeda Amien (UCT, Cape Town) has kindly agreed to act as discussant.

### **“I Now Declare You...”: Marital Status as Legal Technology in South Africa, Past and Present**

Marriage rates in South Africa have plummeted, and marriage has become a minority experience. Even so, marriage remains highly normative across many domains of South African law and society. My current book manuscript explores where this paradox came from, how it is sustained, and what its consequences are for South Africans today. In this talk I will argue that one key root of the paradox lies in the colonial governance of indigenous marriages. Christian and colonial state legalities understood marriage as a stable status conferred by an outside authority—i.e., by themselves—while indigenous legalities instead treated marriage as an ongoing process of recognition between two families. I argue that colonizing institutions deployed marital status as a legal technology for establishing authority over indigenous practices of sexuality, labor, property, and more. Their efforts were only partially successful,

and indigenous legalities of marriage recognition remained robust. But understandings of marriage as a status grew over time, gradually reducing the range of conjugal relationships that enjoyed social and legal recognition. One outcome is that many South Africans today sustain their lives through intimate relationships that are only partially recognized by any legality, if at all.

**A short bio of our speaker:**

Michael W. Yarbrough is an Associate Professor in the Political Science Department at John Jay College of Criminal Justice (CUNY), where his teaching focuses on the Law & Society major. He is also a member of the doctoral faculty in sociology at the CUNY Graduate Center. Yarbrough's research examines how law shapes the ways we understand marriage and other interpersonal relationships in our everyday lives. He is currently writing a book on South Africa, where the law recognizes a broader range of marriages than anywhere in the world but actual marriage rates have dramatically declined. The book uses historical and ethnographic lenses to explore this paradox, tracing how marriage has functioned in southern Africa as a site for constructing and contesting different forms of normativity and legal authority. This project has received multiple awards, including the Law & Society Association Article Prize. Yarbrough also co-edited the *After Marriage Equality series* (2018), three volumes that examine how queer families, activism, and political priorities are changing after same-sex marriage. Another co-edited collection, the *Research Handbook on Law, Movements, and Social Change*, was published by Edward Elgar Press in 2023.

Please register for this online lecture via this link:

<https://www.formdesk.com/universiteitleiden/clp-yarbrough>