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The Impact of Age of Marriage on Fertility in Niger



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I. Introduction

Marriage trends are important determinants of fertility levels due to their link with the initiation of sexual relations and subsequent births. In countries with high fertility/low contraceptive use (such as Niger), delays in marriage could potentially have a substantial impact on the country's fertility level, and thus on overall population growth. The purpose of this paper is to explore this relationship in Niger and determine how changes in marriage patterns could alter fertility levels.

Niger seeks a population growth rate that is compatible with its rate of economic growth and its social development goals (Politique Nationale en Matière de Population, Niger, 1992). The current annual growth rate of 3.2 percent impedes any governmental efforts designed to achieve these goals, especially considering the country's economic stagnation in recent years. Slowing the rate of population growth allows a country additional time to identify and develop areas of comparative advantage that will enable an acceleration of economic development and, concomitantly, a rise in the population's standard of living. This paper closely examines one rarely-discussed factor: the age of first marriage, which plays an important role in the country's rate of growth.

Young age of marriage is typically defined as under age 20 due to the physiological immaturity of teenagers for childbirth. While young marriage does not have to mean early childbirth, most societies link the two so closely that marriage is largely celebrated for the subsequent childbearing that will result.

The first part of the paper examines marriage as a proximate determinant of fertility, while the second part systematically reviews the benefits of delayed marriage. The situation of Niger and the cultural reasons for young (early) and universal marriage are discussed in sections 3 and 4 and potential impacts of changes in marriage patterns are explored in section 5. The African experience in general is examined in section 6. Based on the findings from the examination of these issues, decisive actions for policymakers are proposed in the final section. Methodologically, this study summarizes and interprets previous research findings in Niger and other countries, thus relying on secondary analysis for its recommendations and conclusions. This analysis is merely relational and cannot result in causal inference. However, this analysis will allow greater clarification and identification of important issues requiring further study in Niger.

II. Age of Marriage as a Proximate Determinant of Fertility

Researchers (Davis and Blake, 1956; Bongaarts, 1982) have identified the "proximate" determinants of fertility as those factors directly related to fertility levels in populations. While seven determinants exist -- 1) the proportion of females married; 2) contraceptive use and effectiveness; 3) the prevalence of induced abortion; 4) the duration of post-partum infecundability; 5) fecundability; 6) spontaneous intrauterine mortality; and 7) the prevalence of permanent sterility -- researchers have found that the first four determinants have the largest impact on fertility levels and vary widely among populations throughout the world. Cultural, economic and social

differences among couples affect and determine these proximate variables. Thus, education, urbanization, modernization, aspirations and social values all affect fertility levels through their influence on the proximate determinants.

Evidence suggests that fertility levels are especially sensitive to changes in two proximate determinants. The proportion of women married (due to the relationship of this variable and the birth of children) and the percent of couples using contraception (and its effectiveness) account for the greatest amount of fertility change (Bongaarts, 1982). These two variables differ widely throughout the world and their levels correspond with very different levels of fertility. However, patterns are obvious. When large proportions of a population use modern contraceptives, fertility rates decline. Further, as a smaller proportion of women marry or marriage is postponed, fertility levels also decline.

This paper focuses on age of marriage since research has shown that the first stage in a fertility decline typically results from increasing age at marriage and first birth. In fact, estimates show that the total fertility rate (TFR), the average number of children a woman will have assuming that current age-specific fertility rates will remain constant throughout her childbearing years (usually ages 15-49), decreases by 5-6 percent for each year increase in age of marriage (Westoff, 1992). These findings caused the United Nations to conclude, "delayed marriage remains a potentially significant factor likely to reduce family size in high fertility African countries when contraception is at very low levels" (*ibid*). Although increases in age at marriage will not be effective unless delays in first births result, Westoff asserts that comprehensive population policies aimed at reducing or stabilizing the rate of population growth should include attempts to increase age at marriage. Age of marriage in Niger and the impact of increasing age of marriage are examined below.

III. Benefits of Delayed Age at First Marriage

There are important benefits associated with delays in age at first marriage and subsequent childbirth; this section explores the social and economic advantages. The social benefits associated with increases in age at first marriage are twofold: first, on the individual family level, the health of the mother and her children improves; and second, on the national level, the society at large gains from lessened demographic pressures.

A. Health benefits at the family level

In sub-Saharan African countries, the mean age at menarche is between 13 and 15 years (Ascadi and Ascadi, 1990). Young women who enter marital unions at the onset of their reproductive life span are more likely to experience pregnancy-related complications since many have not matured physiologically; thus, they have trouble conceiving and carrying to term a healthy baby. In addition, research indicates that young mothers more often experience painful labor and physical injury -- such as fistulas and ruptured uterus -- during delivery. Young women, especially those physically weakened due to pregnancy, are more susceptible to sexually-transmitted diseases

(STDs). The physical injury and STDs due to exposure to pregnancy at an early age could cause sterility and lead to social ostracism.

Early pregnancy has detrimental impacts on the offspring as well. There is a high probability that an early pregnancy will produce a nonviable fetus, or a low birth weight, premature baby. These infants have less favorable chances of survival than those born of normal weight, and often die, thus contributing to the high rates of infant mortality. Not surprisingly, maternal age has considerable effect upon the incidence of infant, child and maternal mortality. In fact, research demonstrates that countries with high infant mortality rates are those that also exhibit first pregnancies among women of very young ages (*ibid*).

B. Economic benefits at the family level

In addition to the immediate health implications of early marriage and childbearing to both mothers and children, there are several long-term socioeconomic advantages to families whose mothers began childbearing at an older age. Generally, women in developing countries do not continue formal schooling once married due to the demands of their new role as wife, and often soon thereafter, as mother. Therefore, young wives tend to attain lower educational levels than women who marry at later ages. Moreover, data suggest that women with higher levels of education are more likely to engage in wage earning activities. Educated women are more likely to contribute to the formal and informal productivity of their country than uneducated women; through education they gain employment skills and have greater access to credit and vocational programs. Consequently, those young wives who do not attend or continue in school are less likely to engage in income-generating activities, which can have adverse affects on the well-being of their families.

Similarly, there is evidence that women who attain an education (thus marrying at a later age) can care better for their children and family. One reason is that increased resources available to the family have positive ramifications on the well-being of children, husbands and wives. For example, as women engage in productive activities and gain access to better employment opportunities, their families benefit through improved consumption and better nutrition. Educated women have healthier and fewer children who survive childbirth and childhood more often, and have longer life expectancies. They tend to use health clinics more frequently, perhaps due to their exposure to institutions such as schools, and have more informed and respected decision-making ability within the household.¹

Another long-term impact of early motherhood is the likelihood of numerous, closely-spaced births (due to the longer exposure to risk of pregnancy), with health and economic impacts affecting both the mother and children. A family with many children will have greater difficulty

¹It is important to highlight that increased female enrollment in school and increased age at marriage are associated with changes in socioeconomic status and can represent substantial modernization of a society.

nourishing, educating and caring for them since limited household resources will be divided among more individuals.

C. Implications at the national level

When combined, these individual factors have tremendous impact on a society at large. A healthy nation will be more productive, and thus will contribute more to the economic development of the country; it will also incur fewer health expenses. In a country that provides health care free of charge to its citizens (e.g., Niger), this could reduce demands for curative health care since an effective preventive health care system could be achieved.

The implications of a national TFR greater than the national rate of economic growth are far-reaching and detrimental. Larger numbers of people will be forced to share limited resources in the social sectors, such as health and education. In addition, the depletion of natural resources, such as water systems, forests and cultivable land, will continue and accelerate. Evidence of diminishing resources already exists in Niger: the disappearance of Lake Tchad in the Department of Diffa and the steady encroachment of the desert are two examples. Employment opportunities will also become scarcer as more individuals will vie for the same number of jobs; thus, the educated population will be more frustrated at the inability of the government to provide an adequate number of jobs. Curbing rapid population growth can contribute to a country's economic development. In sum, the benefits of raising the age of first marriage are numerous in both the long and short term.

IV. Situation in Niger

In a traditional society such as Niger, where social mores deter women from engaging in non-marital sexual relations, marriage and initiation of sexual activity are virtually synonymous. In addition, the norms and customs favor both early marriage and high fertility.

The table below compares the age at first marriage in Niger to other sub-Saharan African countries. It is clear that marriage in Niger occurs at a very young age and is universal. According to the 1992 Niger Demographic and Health Survey (NDHS), the median age at marriage is 15, which is among the lowest in Africa. Almost half of Nigerien women marry by the age of 15 (47.5%), and by age 20 nearly all are married (93%). A considerably higher proportion of Nigerien women are married than women in neighboring Sahelian countries until the age of 22 is reached, where the proportions start to converge.

Table 1. Proportions Married by Age

Proportion Married before age:	Country				
	Niger	Nigeria	Burkina Faso	Senegal	Cameroon
15	47.5	28.0	21.2	20.0	26.3
18	87.3	56.4	63.5	62.2	63.2
20	93.0	70.6	86.7	73.6	78.4
22	96.0	81.2	94.0	81.0	85.5
25	97.3	88.2	96.9	85.2	90.3
Median	15.1	17.1	17.5	16.6	16.7

Source: Demographic and Health Surveys.

Not only is the age at first marriage young, but fertility in Niger is high. The TFR in Niger is 7.4 children per woman. To give comparison, the TFR among other Sahelian countries is 6.2; in Africa the TFR is 5.8; and throughout the world, women bear on average 3.1 children (Population Reference Bureau, 1995).

Secondary data analysis of the 1992 NDHS was completed for this study to demonstrate the relation between age at first marriage and various indicators, including residence, education level attained, mean age at first birth, TFR, ever use of contraception by method type, and median birth interval. Married women were separated into the following three groups according to their stated age at first marriage: those first married at an age younger than 15 years (<15), those first married between the ages 15 and 19 years (15-19), and those first married at age 20 years or older (20+).

Residence is one factor that distinguishes among the groups' age at first marriage. Although most Nigeriens live in a rural area (83 percent), there seems to be a tendency among those who marry at later ages to reside in urban areas. As Table 2 demonstrates, the majority of rural residents (54.4 percent) marry before the age of 15. However, a higher proportion of urban residents marry at later ages than those residing in rural areas.

Table 2. Age at First Marriage by Residence

Residence	Age at First Marriage		
	Under 15 years	15-19 years	20 years and above
Urban	42.3	48.3	9.3
Rural	54.5	42.2	3.3

Source: 1992 NDHS.

A clear relationship exists between age at first marriage and the level of education attained. Table 3 suggests that there is a relation between later age at first marriage and the attainment of higher educational status. While only 3.9 percent of women who marry before age 15 acquire any education, a steady incline in education can be seen among women who marry between ages 15 and 19 and over the age of 19 (10.4 percent and 23.9 percent, respectively). Although socioeconomic status is not considered in this table, data from other countries suggest that higher socioeconomic status is also a relevant variable influencing both the age at first marriage and the level of education attained.

Another variable that exemplifies a similar relationship with age at marriage is mean age at first birth: as the median age at marriage increases, so does the median age at first birth. On average, women who marry younger than age 15 have their first child at age 16. In contrast, women who marry older than age 19 have their first birth at age 23. Interim are those who marry between age 15 and 19 who give birth to their first child at age 18 (See Table 3 below.).

It follows that total fertility would be higher among women who marry at younger ages and thus initiate childbearing at younger ages. Total fertility among both the two first age groups is high, at 7.8 children per woman among women first married younger than age 15, and at 8.1 children per woman among those married between ages 15-19. However, there is a considerable decline in fertility -- one child less -- among those who marry at age 20 or later (6.5 children per woman). Table 3 illustrates this relationship.

This decrease in fertility may be due in part to the tendency of women who marry at later ages to use modern contraceptive methods more often than women who marry at younger ages. According to the NDHS, ever use of modern contraceptive methods increases as the age at first marriage increases: where only 2.7 percent of women who first marry below age 15 have ever used a modern method, 14 percent of women who first marry at age 20 or older have used modern contraceptives to space births. (See Table 3.)

The last indicator reviewed in Table 3 is the mean birth interval classified by age at first marriage. There was not a marked difference between the birth intervals of the three groups of women categorized by their age at first marriage. This may be due to the common practice of breast-feeding for long periods of time after pregnancy.

Table 3. Age at First Marriage by Various Indicators

Indicators	Age at First Marriage		
	Under 15	15-19 years	20 years and above
Education Level			
None	96.1	89.3	76.1
Any	3.9	10.7	23.9
Mean Age at First Birth	16.4	18.4	22.9
Total Fertility Rate	7.8	8.1	6.5
Contraceptive Use			
None	90.9	86.9	78
Folk or Traditional	6.5	7.6	7.9
Modern	2.7	5.5	14.1
Mean Birth Interval (months)	23.7	21.3	22.5

Source: 1992 NDHS.

A. Reasons for young age at marriage in Niger

The reasons for young age at marriage in Niger are rooted in tradition. Successive generations have wed at young ages due to the low life expectancy in the past, as well as religious/cultural and economic reasons. Further, despite marriage laws and rules (see Section VI), there is widespread lack of knowledge and enforcement of these laws.

1) Shorter life spans

While life expectancy in Niger remains relatively low (46 years in 1991, according to the World Bank), this expectancy has increased 24 percent from age 37 in 1960, around the time of independence. Given these low levels of life expectancy due primarily to high infant and child mortality, early childbearing was promoted to enable families to have enough surviving children to assist with the family livelihood, protect family property and care for parents in their old age. While early age at marriage for women may have been initiated based on survival reasons, as life expectancy has increased, early marriage has continued to be prevalent as it has become part of the culture; the tendency to marry early survives even as the fundamental conditions for it have changed over time.

2) Religious/Cultural reasons

Religion and culture have become so intertwined in Niger that it is difficult to determine the separate effect of each and the origin of certain beliefs. An important cultural incentive for young age at marriage is the need of the family to control the sexuality of girls. In Niger, unmarried girls having sexual relations (pregnancy being the worst and most public outcome) leads to the dishonor of the family and the community since parents are perceived as having been lax in their oversight. The fear that girls will dishonor the family by such behavior reinforces the pattern of early marriage as a way of ensuring that female sexuality only occurs within the culturally-acceptable institution of marriage. Viewed in this context, early marriage prevents a large potential problem for the family.

Early marriage is also accepted in Islam, which considers a woman of appropriate age for marriage when she begins to menstruate. As nutrition and health have improved, the age of first menstruation has historically declined, often now beginning by age 13. The need to appropriately channel female sexuality and the definition of maturity in Islam reinforce each other and are strong supports of early female marriage.

Additionally, children are greatly valued in Nigerien society as economic assets, security and linkages between families that ensure social cohesion (Touré, Goubet, and Abdoulaye, 1995). Since children are so valuable, the society pressures young people (especially girls) to marry and begin having children as soon as possible. Childbearing also bestows status upon girls in the society and within their husbands' families, thus giving an incentive to the girls themselves to marry young and begin childbearing immediately.

3) Economic reasons

Nigerien women have numerous daily chores in the fields and in the home that make their lives primarily devoted to work. One way for a woman to receive help and to diminish her workload is to increase the number of females in the household. A mother can retain her position of authority and receive assistance in her work from her daughter-in-law through the marriage of her son. Thus, sons are encouraged to marry as soon as possible to help their mothers and to begin contributing to the family by having children.

4) Ignorance or disregard of the marriage law

The reality of Nigerien life is that in rural areas the existing laws are not commonly followed or even known. On top of this ignorance, there is little incentive for government officials to enforce a minimum age of marriage; thus little effective control exists. While all marriages should be registered by law, actual reporting of marriages to civil authorities is very low. Greater reporting would allow currently-existing laws to be more easily enforced since a government official would be involved with the marriage procedure. Lack of enforcement of the minimum age at marriage can be seen to undermine governmental authority in the rural area.

V. Potential Impacts on Fertility Through Changes in Marriage Patterns

Moreland and Guengant (1994) calculated the distribution of the prohibiting effects of the proximate determinants based on the 1992 NDHS. Table 4 presents the results for Niger, Niamey, other towns and rural areas.

Table 4. The Distribution of Inhibiting Factors in Niger

The Percentage Distribution of Inhibiting Factors				
Factor:	Niger	Niamey	Other Towns	Rural
Marriage patterns	10.2	27.0	13.5	8.3
Contraception	3.8	25.3	13.7	1.6
Abortion	0.0	0.0	0.0	0.0
Postpartum infecundability	84.7	47.7	72.8	90.1
Primary sterility	1.3	0.0	0.0	0.0
TOTAL	100.0	100.0	100.0	100.0

Source: Moreland and Guengant, 1994.

This analysis shows that the contribution of marriage patterns to the overall reduction of the actual fertility level is only 10.2 percent as compared to the expected fertility level if there were no fertility inhibitors. In Niamey, however, this proportion increases to 27 percent, demonstrating the potential importance of delay of marriage and births to fertility levels. The major fertility inhibiting factor in Niger is postpartum infecundability due to breastfeeding and abstinence, while the reductions in fertility due to contraception are only evident in Niamey and other cities.

The above analysis depicts the current situation in Niger with respect to natural fertility levels. Below are simulations that indicate the reduction of the TFR if marriage in Niger were delayed (to ages 16, 18 and 20). These simulations assume that the other proximate determinants will remain constant (an unrealistic assumption, but the best one to show the potential contribution of delayed marriage).

Table 5 below indicates the potential contributions of delayed age at first marriage in Niger. Age-specific fertility rates (ASFR) were calculated for single-year age groups of adolescents using the NDHS results for the period 0-2 years before the survey. This allows the contribution of each age group to the TFR to be examined (column 2). As Table 5 demonstrates, the contribution to the TFR increases with age, and the cumulative contribution to the TFR by adolescents is approximately 14 percent (column 6).

Since we are looking at the fertility of women 0-2 years prior to the survey, rather than 0-5 years before the survey, the base TFR under consideration is 7.067 children per woman, which is less than the commonly-cited 7.4 children per woman. As the simulations indicate, if the age at first marriage were to rise to 16 years old and thus all the births to women aged 16 years and under were avoided, the TFR would decrease by roughly one percent to 7.001 children per woman. This represents a minimal impact. However, if all births to women age 18 and under were avoided, the TFR would decrease to 6.657, nearly a six percent decrease. Finally, there would be a considerable decrease in fertility if all the births to women age 20 and under were avoided. Thus, the age at first marriage would rise to 20; the TFR would decrease by one child per woman, from 7.1 to 6.1, which represents over a 14 percent decline.

Table 5. Potential Contributions Of Delayed Age At First Marriage In Niger

Age	ASFR	Percent of all births (births avoided)	Simulated TFR ^a (children per woman)	Simulated TFR (cumulative)	Percent decline (cumulative)
15	.017	.24	7.050	7.050	0.24
16	.049	.66	7.018	7.001	0.9
17	.118	1.7	6.949	6.883	2.6
18	.226	3.2	6.841	6.657	5.8
19	.253	3.6	6.814	6.404	9.4
20	.281	4.7	6.786	6.123	14.1
21 and over	6.073	85.9	NA	NA	NA

Source: 1992 NDHS.

As discussed earlier in this paper, increasing age at first marriage has many positive benefits on the health and welfare of the population. As Table 5 indicates, the overall decline in fertility depicted by raising the age at marriage to 16, 18 and 20 years old is small, yet can be explained by several factors.

Increases in age at first marriage typically would be accompanied with social changes that in turn would also affect the fertility rate. For the purpose of this exercise, we held these variables constant to single out the impact of age at first marriage on fertility. However, in reality there would be a synergistic effect among the variables and ultimately the decrease in the TFR would be greater.

In fact, to raise the age at first marriage to 20 years old, as shown in Table 5, substantial economic and social development would need to either precede or occur simultaneously with the increases in age at first marriage. Therefore, the decline in fertility of nearly one child per woman does not represent the likely fertility rate that would ultimately

^a This represents the total fertility rate for the country if all the births born to women in this age groups were avoided (the assumption is that these births would be avoided since these marriages would not occur at this age).

ensue from a society at this level of development (with an age at first marriage of 20 years old) due to other inherent modernization variables (socio-economic status, urbanization, strengthened family planning program with increased availability) that would affect fertility.

Another variable that impacts fertility is the use and availability of family planning. A worldwide study on the structure and effectiveness of family planning programs by Mauldin and Ross (1991) considers the association between the strength of the family planning program effort and fertility declines (this study was analogous to those conducted over the past 30 years). Mauldin and Ross also created an index to measure socioeconomic status (or social setting) to decompose the association with fertility level of both program effort and social setting. By and large, those countries with family planning programs rated as having a greater effort also have lower fertility rates, thus affirming the correlation not just between family planning use and lower fertility, but also between family planning program effectiveness and lower fertility. In fact, declines in fertility for the period 1975-1990 were greater among those countries with stronger programs: TFRs declined approximately six percent among countries with weak or very weak/nonexistent programs, by 24 percent among countries with moderate programs, and by 33 percent among countries with strong programs (Mauldin and Ross, 1991). In sum, this study demonstrates that countries with a stronger family planning program and greater availability of reproductive health services tend to experience greater declines in fertility.

However, the study also considers the impact of social development variables on fertility through the construction of the socioeconomic index. According to the researchers' analysis, program effort has a stronger direct effect on the decline in TFR than do the socioeconomic variables (.64 and .29 respectively); yet, the combined effect is greater than the individual impact. The study concludes that "good programs typically also have strong components of education, legitimization, and endorsement; both the programs and the change in the social setting modify the climate of reproductive decision-making" (*ibid*). In sum, the effects of one variable (age at first marriage or family planning) are small in isolation, but when combined impact fertility synergistically. There is reason to assume that similar results would occur in Niger, meaning that increased family planning program effort along with other social developments would likely enhance falls in fertility levels.

VI. Marriage Laws in the Sahel

A. Marriage laws in Niger

Marriage is a source of interest in Niger due to the multiple types of laws governing it: namely civil law and customary law. This dichotomy reflects the bipolarization of the status of the country's citizens during the colonial period: civil status and customary (or indigenous) status. This situation has remained even after independence since the two sources of law are legally recognized by the courts due to the presence of customary assessors at all tribunals.

In Niger, the rights of people and the family are by and large governed by custom by virtue of the high rate of illiteracy and ignorance of the civil law. Since customary law is not written in Niger, there is a high risk of arbitrariness [*in legal decisions*].

During the colonial period, this situation was of concern to the Minister responsible for French West Africa and French Equatorial Africa, Mr. George Mandel, who by a Decree of June 15, 1939, attempted to regulate marriage in the French colonies. Article 1 of the Decree stipulated that “in French West Africa and French Equatorial Africa, the woman before 14 years and the man before 16 years of age could not enter into marriage”. This Decree, known as the “Mandel” Decree, governed the legal age of marriage².

Twelve years later, Decree no. 51-1100 of September 14, 1951, known as the Jacquinet Decree (named after the Minister responsible for the colonies at that time) confirmed by its article 1 the provisions of the Mandel Decree.

However, the Jacquinet Decree introduced for the first time the notion of personal status (governed by the Mandel Decree) versus civil status (governed by metropolitan law). From that, two conditions governing the age at which marriage could be contracted came into effect in the colonies:

- for people subject to personal status (most of whom were natives), one applies the provisions of the Mandel Decree;
- for people subject to civil status under article 144 of the March 31, 1803, one applies the civil code. This article stipulated that “the man before 18 years of age and the woman before 15 years of age could not enter into marriage”. However, article 145 of the Civil Code emphasized that “the President of the Republic is at liberty to grant exemption of age for serious motives.” These two provisions (personal and civil status) have always been in force in the Niger law, thus explaining the dichotomy in the conditions for which the age of marriage could be contracted.³

Person or customary status:	16 years for the male 14 years for the female
Civil status:	18 years for the male 15 years for the female

The *Code de la Famille*, currently under consideration in Niger, would supersede these laws. Specifically, under the *Code de la Famille*, Niger proposes to establish the minimum age of marriage for women at 16 and for men at 21; require the consent of both future spouses as attested

² Apparently, this was an effort to codify customary law.

³ These conditions still do not address the issue of whether customary law has evolved in Niger from 1939 when Mandel tried to codify it.

by an officer of the *Etat Civile*; allow the husband to opt for monogyny at the time of the marriage; and prohibit repudiation. However, the Nigerien Code has come under heavy criticism and its passage is far from certain. Further, its proposed laws with regard to age of and conditions pertaining to marriage are perhaps the least ambitious in terms of promoting the status of women of all the examined laws in West Africa.

B. Marriage laws in other Sahelian countries

Many countries in West Africa have adopted new, comprehensive laws that updated colonial law and put in place a framework to examine family issues. Table 6 lists by country marriage laws, including minimum age and other conditions relating to marriage. Typically, Sahelian country marriage laws address four aspects of marriage, including minimum age, consent provision, polygyny and bride price. Many of the Sahelian countries included marriage provisions in their family code laws, most of which are similar to the *Code de la Famille* under consideration in Niger.

Table 6. Marriage Laws in Select Sahelian Countries

COUNTRY	LAW/YEAR	MINIMUM AGE FOR WOMEN	MINIMUM AGE FOR MEN	CONSENT PROVISION	POLYGyny	BRIDE PRICE
Niger	Civil Code/1803	15	18	yes	not defined	1977, Supreme Military Council
	D. Jacquinet	14	16		option of monogamy	
	Code de la Famille	16	21	yes	husband may declare monogamous	non-applicable
Mali	Marriage and Guardianship Code/1962	15	18	yes	yes, unless other specified	regulated
Burkina Faso	Family and Person Code/1989	21*	21	yes	monogamous, unless specified	regulated
Senegal	Family Code/1972	16	20	yes, without coercion	yes, unless specified	regulated

* 18 with parents permission.

The above table shows the case of Niger at present and with the passage of the Family Code, as well as the statutes for Mali, Burkina Faso and Senegal. Niger is the sole country still under Colonial rules, whereas since independence the other three countries have adopted a new law as pertains to marriage. The Civil Code, still in force in Niger, is not a comprehensive code that defines statutes that govern families. This inadequacy is the reason that most other former French colonies have adopted another form of family or marriage code. Mali adopted a code shortly after independence, while Senegal adopted its code in the early 1970s and Burkina Faso adopted a family code in the late 1980s. The Family Code under consideration in Niger, while similar in its provisions to the codes adopted in Mali and Senegal over 20 years ago, is nonetheless highly controversial in Niger and its passage is unsure at this time.

Marriage age differs in each of these codes, although a trend toward higher age at marriage is evident as the year of code adoption becomes more recent. Thus, the 1962 code adopted in Mali authorized the ages of 15 years old for females and 18 years old for males as the legal age of marriage. The 1972 code passed in Senegal has a slightly higher age of marriage of 16 years old for females and 20 years old for males. Finally, the 1989 code adopted in Burkina Faso raises female and male marriage age to 21 years old although permitting females to marry at age 18 with parental permission. The code under consideration in Niger would raise male marriage age to 21 years old, but only raise female age of marriage to 16 years old.

The Malian, Senegalese and Burkinabe codes give the woman the right to choose her spouse, while the Mandel Decree requires the consent of both future spouses for marriage. Customary law among the Hausa, in contrast, gives the woman's family the authority to arrange her marriage and thus does not require the woman's consent (Boye, Hill, Isaacs, and Gordis, 1991). The Senegalese Code is even more explicit than the others since it requires that marriage consent be granted freely and independently of any coercion.

Another aspect of marriage covered in many of these codes is polygyny. In Mali and Senegal, marriages are considered polygynous unless monogyny is specified at any time by the man. In Burkina Faso, marriages are monogynous unless both the man and woman choose a polygynous marriage. In Niger, neither monogyny nor polygyny must be declared at the time of marriage (*ibid*).

The final aspect of marriage discussed in the family codes relates to bride price, the practice where a man pays a certain sum to his future in-laws for his wife. The family codes in Burkina Faso, Mali and Senegal regulate bride price amounts; they have primarily attempted to lower the bride price or to encourage the exchange of goods rather than money. In Niger, the *Comité Militaire Suprême* set maximum bride price sums in 1977. No update on this issue has subsequently occurred and bride price is not a consideration in the *Code de la Famille*.

While passage of laws pertaining to marriage regulations can be controversial among some groups in all countries, strong political commitment and forceful support of these policies is a key element to their passage and subsequent acceptance by the population.

VII. Strategies and Recommendations for the *Conseil National de la Population* (CONAPO)

It is clear that early age of marriage has dramatic social and physical consequences for women and children. Despite the proven benefits of delayed marriage, the reality in Niger is that incentives for early marriage of girls are present throughout Nigerien society and current laws affecting marriage are confusing, resulting in little effective enforcement. A re-examination of the current marriage rules is needed to take into account the reasons for promotion of early female marriage and assess ways to effectively change behavior. Given Niger's high levels of fertility and mortality, measures to encourage later marriage would have positive social and economic ramifications.

A strong political will is required to ratify and adopt new laws governing marriage (age at first marriage and related issues). In addition, a focused, succinct educational campaign targeting policy-makers and the general population regarding the health and economic benefits of increasing the age at first marriage, as well as the legal situation currently governing Niger and proposed policy change, should be initiated.

Given that *the age at first marriage is one of the main determinants of fertility* and that *the young (early) marriage is detrimental to the health of the woman and the child*, it is recommended that the CONAPO:

- 1) submit a draft law to the National Assembly to revise Article 1 of the Mandel Decree of June 15, 1939, and Article 144 of the Civil Code, which would raise the legal age of first marriage to:
 - 18 for females; and
 - 20 for males;
- 2) submit a Decret to the National Assembly to ratify the recommendation of the Military Committee of 1977, which governs the bride price; this ratification would revise the current regulations on the bride price, such that the price would be determined with respect to the age of the young woman, rather than by her marriage status; in effect, the younger the girl is, the higher her bride price would be, and as her age increases her bride price would decrease;
- 3) strengthen the country's family planning program as a means of protecting young women from the physiological hardships of early childbirth;
- 4) organize a fact-finding mission to Burkina Faso to study how that country wrote new marriage laws, built consensus for the content of these laws and enacted marriage legislation; and

- 5) initiate research in this sector, including:
- a) a thorough legal and regulatory analysis of customary and civil law as pertains to age at and conditions surrounding marriage;
 - b) an analysis of the consequences of the multiple legal systems currently existing in Niger in order to demonstrate the benefits of adopting one legal code;
 - c) a qualitative and quantitative analysis of the linkages among education, employment opportunities, microenterprise access, development and age at first marriage and childbirth; and
 - d) a collection of ethnographic information by residence and ethnic group concerning beliefs and customs surrounding age of marriage in order to determine the best strategies in each context to encourage later marriage among women.

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