



Re-imagining and repositioning the lived experience of children seen as outsiders in Kenya

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Abstract

This paper explores the contested identity and belonging for outsider-children in Kenya. I explore the experience of children born out of marriage, those from other unions, the emergent insider-outsider child and children labouring to belong. Locating this experience in a relatively protective customary and legal regime, the context of poverty and the local imaginaries of belonging reveals the complexities that animate children's lives. I argue that children's best interests as embedded in law, should enter into conversation with children's lived realities.

Keywords

Belonging, best interests, outsider-children, identity, vulnerability

Introduction: Locating an outsider child

In December 2022, a 3-year-old boy in Kenya had his eyes gouged out and left to die on a maize plantation. This event sparked collective rage throughout the nation since the action was motivated by the fear that the boy, a stepson, would be the sole heir to his ailing stepfather's land (Mbula, 2022). In his local *Ekegusii* language, such a child, born outside or before marriage, is an *Ekerentane*, or 'something you bring along', with no rights like a biological son (Nyanchwani, 2017). This paper explores the lived experience of children seen as outsiders, and this boy's experience resonates with the experience of some children in this paper. This shock that materialised the nation and was dismissed as a family feud conceals the day-to-day experience and contradictions that suffuse the lived experiences of such children. Beyond the moral panic, the local and place-based notions

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of belonging and identity and how they interact with the legal norms and practices on child protection should be the focus of our attention.

I draw on ethnographic research in Siaya, one of the counties in Kenya with high child poverty and vulnerability levels. The study explored children's lived experience of poverty and vulnerability, where representations as an outsider child emerged as a distinct experience of vulnerability for some children. In the Local Luo language, a pregnancy before marriage was derogatorily labelled an *Ich Simba* or a bachelor hut pregnancy.¹ *Simba*, the traditional Luo bachelor hut constructed for each pubescent boy, marks their transition to manhood. While young men could interact with girlfriends in the huts, sexual intercourse was forbidden. A child from a 'bachelor hut pregnancy' was, therefore, seen as illegitimate even if marriage occurred later. If the child goes with the mother after marriage, such a child is *nyathi mobigo*, 'a kid the mother came with'. In Nyanchwani's (2017) view, such labels locate children as inanimate objects with various vulnerabilities associated with that identity.

My arguments, however, go beyond the circumstances of children's parentage or 'illegitimacy' to understand their everyday experience. I explore children's contexts of vulnerability, vitality and agency as they engage with various forms of identification. In Kenya, some research has examined the experience of single motherhood and the associated discourses (Ngutuku, 2006; Thomas, 2005; Wekesa, 2011). For example, Thomas (2005) explored the debates around the Affiliation Act in Kenya, which governed the well-being of children of unmarried mothers. This Act was repealed in 1969 due to assumptions that all children were protected under customary law and other questions around the sexuality and identity of single mothers. Subsequent debates in Parliament to revive the Act have also met resistance. However, for the Kenyan context, the lived experience of children is less understood, including how these constructions and contestations influence their well-being. There is also a need to focus on the diverse forms of representation as an outsider child.

In locating these discussions in Siaya, I am also guided by the need to engage the taken-for-granted formal and customary discourses of child protection. In the everyday patrilineal, patrilocal imaginaries of the Luo, all children, including those born outside wedlock, are said to be automatically accepted into their biological father's household, with associated protections and entitlements. Children's rights protections are often coded through proverbs. One such local proverb is, '*Nyathi ok ma ng'etane*' or 'a child should not be denied his play seed'. A play seed represents a bundle of rights, including care, protection, play and identity (Okwany et al., 2011: 96). One of my interlocutors holding this view of universal protection said there were no outsider children in western Kenya's childhoods. He expressed an incontrovertible view that he was talking about 'people as we know them'. This meant that conception outside marriage did not necessarily mean being an outsider child.

While, as I show, children in this context benefit from diverse customary forms of protection, his arguments do not correspond with the experience of some of the children I explore in this paper. Guided by Deleuzian philosophy, where concepts do not just signify reality but draw from the complexities or chaos of the empirical world (Gane, 2009: 87), these contradictions and dissonance between the official discourse and children's realities

is the touchstone for my arguments. The outsider child concept enables me to confront children's lived realities with these settled ways of thinking (Deleuze and Guattari, 1994; Massumi, 1987; xv; Schmidgen, 2015). De-silencing children's perspectives can also lead to transformation where engaging with the taken-for-granted is a change (Foucault, 1988: 154). The outsider child concept also has a prosthetic effect since it enables a perspective on the contradictions, the non-linear processes of vulnerabilization and children's agency as they negotiate within complex nodes of poverty, vulnerability and struggle to belong (Deleuze and Guattari, 1987; May, 2005).

The discussions, therefore, unravel an outsider child who is not a category but a complex emergent experience. This concept speaks to the experience of children born out of a marriage and stigmatised by norms around belonging. In Siaya's precarious childhoods, the concept as a movement and processual represents an identity that ebbs and flows. It characterises those children who, due to their evolving circumstances of care, straddle the insider-outsider experience at different moments (Scanlan, 2016). These are, for example, children from prior marriages/relationships who accompany their mothers when they marry or remarry. It also reveals the experience of children who are potentially seen as outsiders while living with maternal relatives after their parent's death.

An outsider or potential outsider is also a labouring child or child struggling to redefine and reposition their insider and/or outsider identity. Assembling for the reader the experience of this labouring child serves three purposes. I demonstrate the agency and vulnerability in such labour, which is part of the quotidian experience of an outsider child I intend to show in this paper. I also show the singularity of this labouring child, demonstrating that even within contexts of collective cultural norms, being an outsider manifests and matter differently for diversely located children (Taguchi, 2011). An awareness of this singularity is vital in enabling a perspective on complex aspects of this experience, which would aid in staying as close as possible to each child's experience in our work. Finally, such agency and vulnerability reveal the entanglements and challenges engendering it. This has implications for the forms of 'response-ability' needed from diverse actors, including the State (Syrou, 2019: 319).

In the next section, I locate children's lives within the discourse of children's rights and protections and local norms of belonging. I then present my methodology, which is also an ethical orientation towards children's voice. The empirical material centres around a few children's biographies, showing how it articulates or disarticulates with the experience of others. My aim is not to generalise but to show the nuances of lived experience in specific complex and emergent contexts (Biehl and Locke, 2010: 318). I conclude by arguing for response-ability at entangled scales.

Outsider children's rights, identity and belonging

The constitution of Kenya (Kenya, 2010) provides for the rights of all children. These include, among others, the right to protection, inherent dignity and the right to identity. It also embeds children's right to a name, and nationality and to know and be cared for by their parents. The constitution also disallows all forms of discrimination based on identity, including for children born out of wedlock. Further, irrespective of the circumstances of

birth, the constitution embeds the rights to be registered in the Register of Births immediately after birth.

These rights are also provided in the revised Kenya Children's Act 2022 (GoK, 2022). For children born out of wedlock, the Act provides that both the mother and father have an equal shared parental responsibility, even when the parents subsequently get married to each other. If they marry other persons, the person with the child's legal custody has parental responsibility, alone or with the spouse. The spouse should also exercise parental responsibility irrespective of whether one has legally adopted the child. According to the Act, every child has a right to parental care and to live with parents unless any separation is in the child's best interests.

My analysis aligns with authors who have emphasised a need to explore how legal rights are understood, articulated and operationalised in a contradictory manner (Hanson and Nieuwenhuys, 2013: 10; Ngira, 2021; Reynolds et al., 2006: 292). As I demonstrate, rights to care and protection in contexts like Siaya are also governed by kinship, ethnicity and other forms of affiliations and cultural valuations. Belonging and identity is also contested, and these contestations might occasion specific vulnerabilities for the children involved (Bloemaraad and Sheares, 2017: 843; Kabeer, 2006: 99).

Belonging is associated with the desire to be at home or in the right place (Antonsich, 2010; Oostveen, 2019). This attachment to a place is not a given but is governed by how others perceive the person, including the place-based discourses and practices of inclusion or exclusion into collectives (Antonsich, 2010: 646; May, 2011). From this perspective, belonging is connected with and is part of a person's identity. It is important to note that people do not need an awareness of the discourses that define them for specific discourses, like being seen as an outsider child, to obtain meaning (Youdell, 2006: 514).

I bring these views of attachment to place or others into dialogue with Deleuzian perspectives on affect that goes beyond feelings and locate affect as a change in bodily state, when bodies interact, or the capacity to 'affect and to be affected' (Deleuze 1995: 123). These attachments to place and notions of identity are, therefore becoming that flow and materialise through interaction with human and non-human Others. I, thus, show how children's sense of belonging and identity enters into an assemblage with cultural norms, discourses, views about place, other non-human objects like graves, and relational others (Barad, 2007; Gabi, 2013: 13; Taguchi, 2011). These interactions that materialise children's belonging and identity are not just children's performances of their identity but should be seen as claims for recognition and their rights (Bloemrad and Sheares, 2017; May, 2011).

Since different bodies have different affective capacities, children subjected to the same cultural norms are affected and affect differently (Taguchi, 2011). As I reveal, these differences occur complexly along the axis of gender, class, sexuality, birth order, age, children's agency and their evolving contexts of poverty and vulnerability. My research as a part of the assemblage in children's experience meant that children's belonging as a becoming also materialised through our affective encounters during research. And I now turn to the research approach.

Methodological considerations: Listening softly to children's voice

I draw on my ethnographic research in 2016–2017 that explored the complex lived experience of child poverty and vulnerability in Siaya. Siaya is one of the counties with high levels of child poverty and vulnerability occasioned by HIV/AIDS (GOK 2015: ix). Most caregivers cared for children orphaned by HIV/AIDS with little or no support from the State. Siaya also has high levels of livelihoods and food insecurity. While a few caregivers were receiving support from non-governmental organisations, others engaged in the 'philanthropy of the poor' through self-help groups that mobilised financial and emotional resources (Okwany and Ngutuku, 2018).

The research was motivated by the need to re-think children's experience of poverty beyond the material realm and to re-imagine it as complex and non-linear. I, therefore, approached this lived experience through the philosophy of reality as a rhizome (Deleuze and Guattari, 1987). With numerous roots and fibre, this tuberous plant stands for non-linear, fluid, entangled reality and is like a map (Deleuze and Guattari, 1987; Deleuze, 1988). The research explored simultaneously what it is both to be, and to be constructed as a poor and a vulnerable child. In addition to material aspects of poverty, I explored how notions of identity and belonging are complexly implicated in children's experience.

I mapped children's experience by locating it in the entangled spaces of the home, the school and support programmes (Martin and Kamberelis, 2013: 676). I interacted with over 300 children, who gave verbal consent and obtained verbal consent from their caregivers. Even though some children were older, they were all referenced as *Nyithindo* (children) as long as they were in school, participating in child support organisations or under kinship care. There was no one-to-one translation of a vulnerable or poor child, but they were seen in the community as *Nyithindo machandore* or children who were not living well.

My research was also a methodological experimentation. I share anxiety with authors who have noted a need for engaging with how children's voice in childhood studies is approached and those who have approached children's voice as a multiplicity (George, 2010; James, 2007; Murriss, 2013; Spyrou, 2016, 2019). My methodological approach of 'listening softly' guided me in this regard. This is a concept I did not define, but whose meaning, like concepts in Deleuzian tradition, only emerges when the solution to the problem for which they were devised emerges (Deleuze and Guattari, 1994: 16).

First, listening softly, a juxtaposition of listening as a sensory action and the affect that qualifies the listening, was a methodological orientation, demonstrating how I approached children's experience and voice in a non-linear and emergent manner. This involved several encounters with participating children, each aimed at understanding their unfolding experience (Law, 2004: 10). As an ethical orientation aimed at doing justice with children's voice, listening softly also involved listening emergently through a method assemblage that went beyond triangulation. The methods enabled a perspective on the interlinked dimensions of children's voice as the spoken, the silence, various processing of silenc(ing), and voice entangled with others (Mazzei, 2009). I used continuous narrative conversations, photo narratives, creative drawings, semi-autobiographical essays,

ongoing conversations, day-to-day observations and diaries of children's everyday experience. Other methods included focus group discussions and interviews with caregivers and key actors. Listening softly was also an ethical posture that enabled my 'whole body listening', including attention to the tone of children's voice as cues for engaging, especially the young children (Kuntz and Presnall, 2012: 740). Listening softly was part of in-depth listening, shown by my return to the field in 2018 and 2019.

I continuously did a diffractive data analysis which involved reading insights from different methods through each other and, through children's experience in the three spaces, through theory. Such diffractive and cartographical readings enabled a perspective on what (Barad 2007) sees as small, entangled differences or quantum perspectives on children's experience as it unfolded. As part of listening to the field, such mapping also guided subsequent encounters with children (Martin and Kamberelis 2013: 676). In acknowledging the researcher's role in co-constructing children's experience, I listened to how I was listening through my diffractive journals (Dagleish, 2016: 94; Rech, 2020: 176). I recorded my thoughts and impressions, including my role as a former NGO worker, exposing this to scrutiny in subsequent encounters with children. My diaries also enabled a visceral connection to children's experience as I inhabited children's pain as they narrated their sometimes difficult situations. I handled this pain with care but represented it without minimising or disciplining it for my sustainability or that of my readers (Hughes and Lury, 2013; Reynolds, 2014: 137).

In the next section, I present the lived experience of an outsider child, starting with Lucia (not her real name like all names used in the paper).

Out of place and in place: Lucia's experience

I assemble for the reader the experience of Lucia, a 17-year-old girl who lived with her 62-year-old maternal grandmother. Lucia encountered difficulties while living with her stepfather. She was also stigmatized by her maternal cousin when she eventually went to live with her grandmother but felt in place as she related with her grandmother.

Lucia's mother was 14 years old and unmarried when she gave birth to her. She eventually got married when Lucia was 4 years old. Lucia's stepfather had accepted her, and Lucia had adopted his name. When Lucia was 12, her parents disagreed on account of her parentage, leading to the breakdown of their marriage, as Lucia noted in one of our conversations in 2016.

I overheard a phone conversation between my mother and my father... He told her to surrender his four children and remain with her fifth. I asked my mother, [who is this fifth child?...] and I also asked my father, and he said, [you are the one]. [That day] my father disowned me. [That day], I learned that I was not his child... I went to stay with my grandmother.

When I asked Lucia's grandmother about Lucia's biological father, she responded past my question, noting that her daughter then was too young to know. After the fallout, Lucia's stepfather repeatedly called, asking her to pay for use of his name or change it. While the Kenya Children's Act 2022 (Government of Kenya, 2022) protects the right to a name, the

law does not anticipate cases where children's right to a name may be affected in this way. When a person is older, a name change is only possible through a deed poll or a legal document declaring a name-change intention (Government of Kenya, 2012). Further, children like Lucia may not be able to afford the costs of obtaining such formal guarantees.

Lucia was not just facing trouble from her stepfather, but her 24-year-old paternal cousin stigmatised her, as she revealed:

He abuses me every time... He was imprisoned for three months for hurting me, and after that, he became more vicious. He tells me to look for my biological father.

Her grandmother confirmed Lucia's daily challenges noting,

Every time he knocks on my door and threatens Lucia...

I know Lucia is hiding if I don't find the cows' home.

Lucia also revealed that her stepfather had conspired with her cousin to take away her school certificates to prevent her from joining high school.

After securing a sponsor for my education, [he] conspired with my father to hide my school certificate. [I] reported to the local administrator who forced them to return it... This did not stop him from attacking me; I wanted to take my life.

Gabriel, another 20-year-old research participant, had a slightly different experience from Lucia. When young, he was seen as an outsider in his maternal grandmother's home, forcing his mother to place him with his ailing paternal step-grandmother. And while he felt at home with his grandmother, he nevertheless positioned this as 'being abandoned' as he noted.

There was a dispute on why I was not under the custody of my biological father. My mother's father forced her to look for my father... she begged to stay with me, but he refused... When she did not find my father, she returned with me. She found it difficult to raise me and abandoned me with my paternal grandmother, who is poor.

Despite the customary care guarantees by biological fathers for such children, Gabriel's absentee father was not supporting him. When I asked Gabriel about his father, he noted that the father was not there, the way people talk about the dead in Siaya's context. Like other children in my research who characterised such fathers as 'alive but Dead', erasing their fathers this way was a becoming and the labour that enabled them to engage these protection failures (See Roy, 2003: 77).

Enacting self as an insider: Lucia's becoming

Despite the challenges in her context, Lucia, by comparing herself with her cousin, claimed her superior belongingness as an achievement in three ways. First, she appealed

to her role in helping her cousin, a single father, to comply with his parental and community responsibilities of care for his four-year-old 'out of wedlock' child, as she noted:

He should not be mistreating me... I am the one who takes care of his child ... He loves his child but hates me.

By claiming an insider status, she introduced new notions of belonging as a moral responsibility to others based on one's good deeds to the community.

Secondly, Lucia appealed to her interdependency with her grandmother. For example, during our encounters, she revealed that she wanted to join a boarding school to avoid trouble with her cousin. Seeing my research as part of 'justice-doing' (Reynolds, 2014: 128), I connected Lucia to an organisation that offered to take her to a safe space. Lucia refused the offer, citing lack of bus fare, but later declined my support with bus fare, noting her wish to stay with her grandmother. In my listening and analysis, Lucia's earlier reason for the lack of bus fare masked deeper perspectives and her agency. First, claiming the right to belong as a daughter of a daughter contested the allotted subject position of an outsider and questioned the borders of the accepted forms of belonging and identity. She also positioned belonging as the capacity to play a role in intergenerational care (Bloemraad and Sheares, 2017: 854; Creswell, 1996; May, 2011: 373). Ngira's (2021) research among the Abagusii of Kenya similarly reveals how children may lose their caring entitlements if they don't perform their responsibilities to the family.

I also read Lucia's 'belongingness' as a becoming that materialised through affective encounters between her suffering and that of her grandmother. For example, when I asked her grandmother about her other children, she pointed to graves, informing me: 'Lucia was the best thing that God gave me after my other children died of the disease [HIV/AIDS]'. Her 'Belonginess' also materialised through Lucia's suffering at the hands of her cousin. In one encounter, her grandmother asked me, 'Who will care for my child when I die?'. Lucia was also worried about her grandmother's sickness, wondering who would care for her if she left for the safe house. Lucia's right to belong was also shaped through the daily rituals that enabled them to deal with their daily vulnerabilities (Rowe, 2005: 28). As revealed through her diary, her affective becoming with her grandmother materialised as they sold sugar cane by the roadside. This vulnerable undertaking involved travelling for approximately 3 hours daily to a farm to buy the sugarcane. Her diary revealed that days when her grandmother accompanied her were easier because she 'did not take the hardship alone' as she noted.

Lucia's choice to stay in an unsafe place but with a loving grandmother might contradict our notions of a child's best interests as embedded in the Constitution of Kenya. However, we must also locate best interests in children's cultural and moral contexts. Understanding her obligation to her grandmother means we go beyond rescuing her as a child victim of discrimination and acknowledge such relational and interdependent agency (Abebe, 2019; Hanson, 2016: 474). There is also a need to focus more on other opportunities in the community to support such children. For example, earlier, a neighbour from the church had taken Lucia to safety, where she continued interacting with

her grandmother. [Nyambedha's \(2004\)](#) research in Siaya also reveals the vital role of institutions like the church in enhancing the sense of belonging and care for such children.

In 2017, after Lucia's cousin passed on, Lucia left home and was fostered by a well-wisher in the community who supported her education. Like other children whose situation constantly changed this way, Lucia's emergent sense of belonging was cartographical, where new nodes emerge while others may die ([Deleuze, 1995](#)).

Two generations of outsider children: Mary's experience

Mary's story sheds light on the experience of outsider children who are also mothers. Before being fostered by her maternal aunt, Mary lived with her elderly maternal grandmother. She had given birth when she was 16 years old, with her child being seen as another outsider in her maternal relatives' home. Her mother's sister explained Mary's suffering.

My brothers wanted to kill her when she was pregnant... Her unborn child would be another burden to our elderly mother. My siblings stopped supporting my 80-year-old mother. When I took Mary in, they told me to stop educating a 'prostitute' and two children from another family.

Mary's education sponsorship also stopped when she became pregnant, noting that; 'he [sponsor] went cold on me'. Her experience was similar to that of another participant who noted, 'When I got pregnant, they[staff] took a photo of my pregnant body and shared it with my sponsor abroad, and he stopped supporting my education'. Staff in support programmes marshalled similar discourses of moral decadence and contagion with fears that girls who got pregnant would affect others morally. Such contestations around identity and deservedness were also connected to other discursive circuits in the schooling space, where girls were expelled when pregnant ([Ngutuku, 2006](#)). Mary and other girls who participated in the research could only continue their education in one of the few schools that enrolled student mothers. Still, the girls had to pay a community nurse (*Nyamrerwa*) to watch over their children. Even though education is a right for these girls, it can be withdrawn by the school and support organisations based on perceptions of girls' behaviour.

Similar norms against such mothers and their children also emerged during my conversation with a senior child protection government official. While comparing Kenya with South Africa (which provides a cash grant for such children), he feared that supporting such children would sanction promiscuity and create three generations of outsider children.

....people can take advantage[of support]... A 15-year-old may become pregnant and influence her daughter to become pregnant... and her daughter's child, too.

While the Children's Act 2022 ([Government of Kenya, 2022](#)) provides for social security for vulnerable children, the officer scrutinised the sexuality of women instead of

focusing on children's rights. His discourse harks back to the historical discourses earlier discussed, where the future of the newly emerging Kenya was seen through proper regulation of women's sexuality and procreation (Thomas, 2005: 153). While not eliding the effects of mothering when young, these discourses are not so much influenced by the need to protect young mothers. As I argue elsewhere, the anxiety is more around giving birth outside the heterosexual family space. Conflating teenage motherhood as a precarious group with teenage motherhood as a social problem deflects attention from structural issues in children's contexts (Ngutuku, 2006). For example, my research revealed how a 15-year-old classmate of Mary was mistreated by paternal and maternal relatives after her mother's death, pushing her into early pregnancy.

Naming child after self: Mary's rights claim-making

When the father of Mary's child refused responsibility, she named her child after herself, as she noted during a photo narrative interview; 'My child is named after my grandfather, but the surname is my name'. Mary's actions can be seen as a performance of her identity and her rights-claim within the context of her outsider identity and motherhood (Zivi, 2012: 19). I also mapped the motivations, effects and outcomes of the labour of naming her child after herself in various ways. First, failure to include the father's name in the birth certificate may be a practical consideration. This is because, until 2014, Kenya's Births and Deaths Registration Act 2012 (Government of Kenya, 2012) only supported the inclusion of the father's name in the birth certificate if the father had consented or if there was proof of marriage by the time of the child's birth. This clause was declared unconstitutional in a landmark Constitutional Petition 484 of 2014, where a four-year-old girl whose father's name was not included in the birth certificate sued the State (Kenya National Council of Law Reporting, 2016).

Mary's performance of her identity and belonging also engages Siaya's kinship recognition that attributes belonging through the biological father but fails to hold some fathers accountable for parental responsibility. We should, however, note that Mary's agency as a doing may deny her child the culturally dominant modes of identity recognition since an ancestral name also roots a child in their community. In diffracting further, even though every child has a right to registration (Government of Kenya, 2022), such mothers often fail to secure birth certificates because they are expected to provide the father's name. Lack of a birth certificate would also affect state-sponsored entitlements like enrolling in school and other services. Naming such children after their mother's name has also been reported to cause stigma at school and elsewhere (Nyanchwani and Mukey, 2015). These possibilities, therefore, show the vulnerabilities embedded in specific forms of becoming and labour by children to belong or to belong differently (Roy's 2003: 78).

Left behind, straddling insider and outsider experience

I explore the experience of children straddling the insider-outsider experience at different moments or struggling to remain insiders. Martha's emergent experience as an outsider

‘born out of wedlock’, an adopted insider, an orphaned suffering insider, an outsider again and eventually, a fostered child is the first node in this exploration.

Martha was born when her mother was 15 years old, and when her mother married, her husband supported Martha as his child. After the death of her stepfather, Martha noted the following in her essay: ‘Nobody was helping our mother... and she went to stay with our grandparents leaving us behind’. Martha’s foster caregiver revealed vulnerabilities such left-behind children face and noted, ‘they[children] were staying with an old grandmother and were suffering’.

For Mary’s mother, leaving her matrimonial home was against the traditional Luo norms, where death does not dissolve a marriage. The woman remains married to the husband and is known as a *Chi liel*, a wife of a grave. The clan protects the wife and her children through the levirate institution of *Lako*, where an heir designate, often the brother or a cousin of the dead man, a *Jater*, took protective roles (Nyarwath, 2012: 104; Nyambedha, 2004). In contexts of poverty, for some children like Martha, the *grave* in Siaya has lost its protective function, and some women were remarrying, with some of them taking their children to their new marital home.

Martha’s mother further defied cultural norms by withdrawing her children from paternal relatives’ home, and her new husband accepted them but later disowned them. The children went to live with their paternal uncle in what Martha’s foster carer called a ‘small, cramped house’. Martha and her siblings were eventually fostered by their mother’s sister, who had no secure livelihood. With no government support for tuition fee in secondary education, Martha was not going to school. She was later fostered outside her community and started schooling. Martha’s foster carer and others I encountered played vital community caring roles. However, within the context of precarity and changing notions of care, these forms of kinship care have also acquired new meanings, and several fostered children in the research sites are expected to provide reciprocal support to their foster carers. For example, Martha was expected to reciprocate by providing childcare services to the caregiver in the evening when her foster carer was working.

Further, while the same carer fostered both Martha and Mary, their carer saw Mary as more deserving than Martha because Mary was her blood, as she noted;

I said, if my child can suffer while caring for another one who is not my blood, then what am I doing... I went looking for her.

While such treatment does not define the experience of all such children in Siaya, it reveals the diverse experience for children seen as outsiders.

Ochieng and Otieno, 11 and 13 years respectively, were also left behind by their mother when she remarried after the death of their father. They lived with their 51-year-old paternal grandmother, who had HIV/AIDs. In a creative drawing research activity, Ochieng drew a picture of a boy whom he named Moses:

This is Moses, his old man (father) died, and he is struggling alone. His mother [name] has abandoned them. He comes to school with unkempt hair.

Discussions with Ochieng revealed that he was Moses and wished to be reunited with his mother. He later noted during a subsequent conversation.

My mother occasionally helps my grandmother by sending clothes and money, but sometimes she does not.

Children's right to live and to be cared for by their parents as far as possible, as embedded in the Constitution of Kenya (Kenya 2010), was not just a factor of cultural norms but poverty. Some grandmother carers noted that while their daughters or daughters-in-law wished to take their children with them after marriage/remarrying, some struggled economically. This was the case for 6-year-old Cynthia, as her grandmother noted.

My daughter relies on us for food. This child [Cynthia] was not going to school, and when I visited her she was taking care of other younger children.

My research also reveals that some children were not living with stepfathers because they feared potential violence. For example, a 12-year-old fostered research participant was physically assaulted by her stepfather, as confirmed by the way she walked with a limp. Another family later adopted her twin sister after repeatedly being told by the stepfather that she was not family. For Donald, who was in high school, his stepfather had adopted him when he was young. However, a family member reportedly assaulted him, injuring his genitals to deter him from siring children within the family in the future.

These perceptions and behaviours around the 'outsiderness' of stepchildren should also be plugged into the Luo *Cosmo-ontologies*, which, while protective, I learned that they can sometimes be appropriated by some people to exclude. For example, it was reported that it is believed that God compensated children born out of wedlock for growing up without a father. When such children live with a stepfather, it is believed that they would have blessings from the stepfather and God, while the stepfather's children will only have one source of blessings. A reason given for discrimination against some stepchildren was the perception that some stepchildren would *kawo hap* or take the blessings of legitimate children.

These forms of misrecognition also persist due to the failure of the law to protect children. The Children Act 2001 (Parliament of Kenya, 2001) which was in place during my research, was silent on the maintenance of stepchildren. Again, I emphasise that these legal provisions cannot assure belonging since the State is not the only player, and children's best interests, as embedded in the law, exist alongside those of the community (Antonsich, 2010: 649).

Doing rights with place and other objects: Refusing to be outsiders

To understand the experience of outsider children, we also need a perspective on the strategies children use to avoid becoming an outsider as pointers to the constraining forces in their experience, or their labour to belong (Roy, 2003: 77). For example, some children

appropriated norms on place-belonging and identity to position themselves as insiders in diverse ways. For example, one caregiver revealed that after her sister's death early in 2016, the maternal relatives wanted to foster her two children because they were suffering while under the care of their stepmother. However, her 7-year-old nephew refused to be fostered by maternal relatives

..... The husband remarried, and the stepmother assaults him and neglects him. We wanted to take both children, but the boy refused. When beaten, he cries and sleeps on his mother's grave.

This boy's agency forcefully materialised through a non-human entity, his mother's grave. As earlier noted, this grave entitles him to proper care and protection. Leaving would make him 'un-belong' in the clan, ultimately becoming an outsider in his maternal relatives' home (Isin, 2019).

Similarly, 14-year-old Ben and his three siblings were fostered by a vulnerable distant paternal relative, a *Chiliel*, whom Ben endearingly called 'the Other mother'. To fend for these children, the mother sometimes left Ben's two-year-old sister at home alone. Ben and his four siblings also shared a sleeping space on the floor. And while their maternal aunts occasionally supported them, their husbands were unwilling to take them in. Ben maintained his status as an insider by drawing on the community rituals and beliefs as a performance of his place-based belonging and rights claims (Bell, 1999; Sanghera et al., 2018: 545). He showed photos of him cleaning the house where they had lived with their mother and her grave, showing his rootedness in the community.

For Ben and other stepchildren, choosing to stay rooted in their biological father's home, despite alternatives of being fostered by maternal relatives, should also be understood from how ancestral place is viewed among the Luo and where identification is by a father's place of origin. For a woman, the prefix *nyar* – daughter of, and for a man, *wuod* or *ja* (son of) represents belonging and is always patrilineal. A person is therefore identified both as a daughter of the father and the village/community. Moving to the stepfather's home or living with maternal relatives would interfere with these norms.

Other practices would also maintain the social category of an outsider child (Fortier, 1999: 43). For example, land to construct a bachelor hut and the position of the hut in the father's homestead (*Dala*) is determined by gender and birth order. Since Ben was 14 years old and expected to build his bachelor hut, it was less likely for him to be fostered by maternal relatives than his younger siblings. Further, the spatial arrangement of a typical Luo homestead can tell a stranger the birth order and the identity of the sons. In that order, a firstborn son builds his hut immediately to the right of the gate and the second son to the left. An outsider son, like Donald, earlier discussed, a mother's firstborn, would construct his bachelor hut to the left, thus revealing his parentage if he had not been informed. In seeing through class, some able parents often buy land and construct houses for stepsons elsewhere. In returning gender, I learned that some girls were more likely to be accepted by stepfathers because they would eventually move out of home. Traditionally, these expectations are, for example, coded through proverbs. One proverb positions a boy as *siro*, the central post that holds the traditional house, and a girl

derogated as an *ogwang*, a wild cat who did not belong in the home and would be married elsewhere (Okwany et al., 2011).

Re-thinking outsider children as we know them

Guided by [Deleuze and Guattari's \(1994\)](#) philosophical view that concepts are practices that perform work, I have used the outsider child concept to unravel the complexity in children's experience. Located within Siaya's cultural imaginaries of belonging and the seemingly protective legal and rights regime, this concept has brought other perspectives often unthought when we use illegitimacy as a starting point.

First, while the unwritten cultural laws can be protective, the contestations around belonging and identity can sometimes accentuate children's vulnerability and lead to graduated access to rights. I have, however, revealed that culture is not all-determining and poverty, placed within the context of HIV/AIDS, materialises the experience of an outsider child in diverse ways. For example, relations with relatives and place interact with cultural norms to affect children's sense of belonging and identity. Further, gender, class, age, birth order, perceptions of one's behaviour, and blood relations matter differently for differently located children. These norms do not just clash with the formal norms of belonging and identity, as authors like [Reynolds et al. \(2006: 294\)](#) have argued but interact in messy and entangled ways with children's contexts and subjectivities. Understanding the lived experience of these children and the associated vulnerabilities must be attentive to these idiosyncrasies of children's experience. While the local idioms are hope-inspiring and can be a helpful starting point for conversations around substantive protection of children, we might also need to focus more on whether the local idioms do what they say.

Constructions of children's belonging and identity necessitate quotidian ways of becoming with the world for children as they reposition their rights to belong and to do what [Isin \(2019\)](#) calls 'doing their rights with things.' For example, Lucia did her rights with her relationship with her grandmother and Mary, with her name. Children who did not want to leave their father's home used notions of place and culture. Such agency, as I have explored, can simultaneously be limiting, redemptive and unruly. The challenge is not how to discipline such messiness. We can heed the provocations of [Ursin et al. \(2022: 37\)](#) of the need to protect children's relational rights without compromising their well-being as rights bearers and place their agency in contexts.

The discussions also engage the perspectives of [Manby \(2009: 5\)](#), who argues that the absence of protective laws for children born out of wedlock in Africa does not affect children significantly. Such a view masks other vulnerabilities that legal provisions cannot solely address. Fundamentally, there is an imperative for the State to ensure that the idealised legal protections are translated into practice. There is also a need to address children's multiple disadvantages and the non-linear relational issues in each context.

These discussions invite us to action around outsider children. The ultimate solidarity is to hold the State accountable. And in returning to my interlocutor, these textured and quotidian accounts of children's experience provide a case for rethinking our assumptions

about the experience of outsider children as we know them. Our understanding must remain attuned to these complexities in children's lives.

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Ethical statement

Ethical approval

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Note

1. After marriage some men may continue living in the bachelor hut, before they move homes, such pregnancies are not seen as *itch simba*.

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