

## Bride Price Post-humously: Justice for Which Gender?

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### Abstract

*This study is informed by the authors' lived experiences. The first author has had three experiences where close colleagues have had to pay bride price posthumously in the first decade of the 21<sup>st</sup> century. Two incidents happened immediately after the death of each female spouse in 2004 and 2005 respectively. The third incident occurred in 2009 which was 10 years after the death of a spouse. After experiencing the third incident, we felt obliged to find out people's perception and understanding of the practice of bride price payment particularly after the death of a female spouse which we are referring to as post-humous. The study was conducted through emails using a seven item questionnaire. The study reveals that justice is interpreted and practiced differently in various ethnic groups; it is linked to marriage and bride price; and to most communities it is a complex phenomenon that is more important than benevolence. We recommend ethnographic and multi-site research on this sub-culture.*

### Background Information

#### Scenario 1

Madam Sina Tabu and Mr. Tabu were expecting their second child in the first part of the 21<sup>st</sup> century. She successfully went through labour and was blessed with a male child. There was joy in their village because they came from the same neighbourhood. In less than 24 hours Sina developed complications. Mr. Tabu rushed her to the hospital but was pronounced dead on arrival. The first author participated in funeral arrangements as a former colleague. Upon inquiring the funeral date, I was informed that it would take at least three weeks before the body could be laid to rest. Mr. Tabu was to pay bride price and build a permanent shelter for the deceased wife before burial can take place. To make matters worse, the late Sin a Tabu's family secretly took the body from the mortuary so that Mr. Tabu does not bury her without their consent.

#### Scenario 2

Madam Kesha was married to Mr Kesho who hailed from a different community from hers. She and her husband lived a normal family life and educated their children in

reputable schools. After many years of civil service, Madam Kesha was forced to take early retirement at age of 42. Being an enterprising woman, she transformed from a former white-collar-worker to blue collar employment. She passed away before her 47<sup>th</sup> birthday. Apparently, the husband had not paid a penny in terms of bride price and he was requested by his in-laws to pay at least two cows before he could be allowed to lay Madam's body to rest.

### *Scenario 3*

Mr. Mtondo wa Mtondogoo lost his dear wife in 1998. His in-laws were very supportive and 'bega kwa bega', step by step, side by side walked with him through the mourning period. The burial went on very well. Mr. Mtondo struggled to provide and educate his two children. His efforts were richly rewarded. The daughter, Nyota Nene is an Engineer and the son, Watho, is a Lawyer. In 2009, the daughter's suitor declared interest to meet his future father in-law Mr. Mtondo wa Mtondogoo. On hearing the future son in-law's intentions, he developed panic attack. He was unwilling to invite the future son in-law to his home. The daughter later learnt the reason for her father's reluctance. Mr Mtondo had not completed paying the bride price for the late wife. But he quickly made plans to complete what we term as 'the debt' before the future son in-law could be allowed visit his home.

### **The study**

Bride price is normally paid by the groom or his family to the bride's family. However, there are norms that dictate the nature and the amount of payments to be made which varies from one ethnic group to another. The *Ethnographic Atlas* reported that 66 per cent of world cultures follow the norm of bride price (Maitra, 2007) which is normally viewed as an arrangement between community groups that negotiate transfers of wealth and rights (<http://family.jrank.org/pages/181/Bride-Price.htm>, retrieved on May 04 2011). In most cases, payments are made in form of goods, money and/or livestock by the man or his family to the woman's family. The amount of material goods or money exchanged and the value attached to them by the community are normally symbolic of what the girl is worth (Kayes, Mirembe, Ekstrom, Kyomuhendo, & Johansson, 2005). For most women and girls, having bride price paid for enhances their social status.

Brideprice discussions are held by men although normally a few women are in attendance and the aim is to represent reproductive gender needs. Kayes et al in their study in Wakiso district in Uganda, they found that bride price was perceived to worsen existing gender inequalities and inequities (2005). They also argue that in a number of societies the importance of bride price is dependent on what form it takes, the point at which it is paid i.e. stage in a woman's life cycle, whether payment is paid lump sum or in bits, whether there are situations of repayment and finally community perception of implications for such repayment. Bride price is a gender issue that affects the broad context of people's lives by influencing what the community considers appropriate.

Whereas the wealth given as bride price is spent by the bride's family in various ways, the most valuable gain in this context is the fact that the ceremonies that accompany

process emphasize establishing and securing alliances as well as illustrate sincerity and good faith that bring the two families together. Usually payments are made in installments which leave room for families to interact periodically.

The scenario 1 and 2 happened immediately after the death of each female spouse in 2004 and 2005 respectively. The third incident occurred in 2009 which was 10 years after the death of the spouse. It is this third incident that informs this study because it beseeched the authors to find out people's perception and understanding of the practice of bride price payment particularly after the death of a female spouse which we are referring to as *post-humously*. This paper therefore is an exploration of people's perception and understanding of the concept and practice of bride price payments particularly after the death of a wife.

The study was conducted through the internet. A seven (7) item questionnaire was developed and sent to our social networks largely composed of professional men. Out of the 25 persons who received the questionnaire, 16 responded. Twelve indicated that they support payment of bride price. These were men above 35 years of age, professionals and were married. The reasons given by a number of respondents in support of bride price payment are summarized into four areas below:

- **The hospitality and respect accorded to the bride price payers is a rewarding experience.** A number of respondents expressed that when the groom's party visits the bride's home to negotiate bride price, great respect is accorded them. Normally the hospitality is impressive. It becomes a day of festivity. This is normally the beginning of a long term relationship between the two families and both families are very cautious in the way they talk to each other.
- **The exercise is serious business.** In this paper we use the word business to mean diligence (see Oxford Dictionary of English Etymology). Some respondents reported that they admire the seriousness accorded to the exercise. Both parties handle each other with carefulness. Words are chosen carefully because a slip of the tongue can transform to a phenomena that could live to haunt either party.
- **The tactics used in the dowry negotiations are admirable:** Usually this is a time to demonstrate prowess in bride price negotiation. Hence, families go at length to get an efficient spokesperson. This is a man who can articulate issues and negotiate in a convincing manner.
- **The occasion reveals the roots of future in-laws.** For many families, this is the first time they encounter each other as in laws. Hence, there is a lot of curiosity as to where the bride is getting married and the social, economic, and spiritual background of the bridegroom to be. First time encounter is an expedition, a fact finding mission of the background of both sides. The findings help to inform the demands that follow during the negotiations as well as the expectations thereafter. Often both parties are curious about each other's background. More so the background which the would-be spouses might overlook.

In this study nine (9) respondents were specific and reported having witnessed post-homous bride price payments and acknowledged their support for the practice. Broadly the reasons given for supporting post humous dowry payments ranged

from one's belief system, insecurity and fear. One respondent argued that "No one wants to be seen as antagonizing the dead. Also, no man wants to be seen as unable to accomplish the obvious" (Respondent 16). Thus, many struggle to pay bride price even after the demise of a spouse.

Some belief systems explain respondents' understanding of marriage. A respondent argued that "traditional marriage is said to continue even after death" (Respondent 8). Another respondent's stated that "the woman does not belong to you completely if you have not completed the bride price .... It is [marriage] on hire purchase. When you do not complete the set bride price, it [marriage contract] is withdrawn [terminated] (Respondent 14). On the same note, one respondent expressed that the practice is a fearful event where "bride price payment doubles widower's predicament" (Respondent 2) with funeral expenses on one side and bride price demands on the other.

Thus, not all respondents supported the practice. A number opposed the practice and argued that "the practice has been overtaken by time" (Respondent 4). In addition, the posthumous bride price demands are made because "the relatives of the wife will have held the notion that when you have a daughter you are a rich person through her getting married. So they do not want to lose the 'riches' they will have anticipated throughout ...." (Respondent 6).

Lastly a respondent stated "I don't think it is right for dowry to be treated as a debt; human beings, women for that matter, aren't commodities that attract price tags" (Respondent 12).

The above arguments illustrate that people have divergent opinions on the idea of paying bride price posthumously. These opinions are informed by people's experiences and at times indifference to societal expectations. All the respondents were men and therefore women voices are absent in this discussion.

#### **Lessons learnt**

We live our lives and navigate our way through the social world as 'individuals'. We deal with other peoples as 'individuals' (whether friends, enemies, colleagues ... ), and it is as 'individuals' that we try to make our own sense of what we experience (Alexander & Thompson, 2008, p. 64)

This study reveals that though we navigate life as individuals, the social and cultural parameters dictate what becomes of an individual. Specifically, culture determines and limits our perception of reality. Culture can be defined as "the entire way of life of a people or group," and it can also be explained in a narrower way as "the specific systems of meaning that we use to weigh and consider our social world" (Alexander and Thompson, p.64). In this paper we have specifically chosen the practice of paying bride price when a female spouse has died like in case of scenario 1 and 2 or is dead as explained in scenario 3.

The first author had personal encounter with the three scenarios. The co-authors have had some experiences with one or two of such scenarios. The study is therefore largely informed by our lived experiences and by phenomenology as discussed by

Max van Manen in "Phenomenology of Practice" (2007). van Manen argues that "phenomenology is a project that is driven by fascination: being swept up in a spell of wonder, a fascination with meaning" (p.11). We, the authors were fascinated by these and similar occurrences. We ask ourselves, what does it mean to pay bride price post humously? What does it mean particularly to men who have to adhere to the natural expectations? What fascinates us is the way justice is practiced in different ethnic groups and how it is linked to marriage and bride price. All three incidents represent different ethnic groups in Kenya. Scenario 1 and 2 reveals what strangely happens if a couple ignores the norms of marriage as dictated by bride's family and society. Normally there are no deadlines in the payment of bride price. But the hour of reckoning comes like the proverbial 'thief' - unexpectedly. In the context of the stories told in this paper, death is the 'unexpected thief'. It robbed us of the beloved friends mentioned in the three scenarios. Despite the fact that the deceased and the widowed natal families were mourning, no amount of compassion or mercy could replace the need for justice.

Scholars have argued that assessment of the basic social and political institutions, more so with respect to the distributions of benefits and burdens, are articulated in terms of justice or injustice (Outhwaite & Bottomore, 1994, p. 304). In such a case, the concept of justice requires that each individual has what is owed her or him. Outhwaite and Bottomore distinguish two forms of justice – formal and material justice. Formal justice, they argue, require distributions according to existing or agreed upon rules. It involves some form of procedures or has characteristics of due process which is aimed at fairness and accuracy in the application of rules. On the other hand, material justice requires identification of the appropriate distributive criteria for example rights, need or choice, which constitutes competing conceptions of justice. Material justice at times justifies inequalities of outcomes. In this paper, we are concerned about formal justice. Bride price negotiations and subsequent payments require and normally adhere to established ethnic and family based procedures and which rules aimed at fairness and conformity in the way men subscribe to the practice of bride price payments.

The hour of reckoning demands that justice be done. Mr. Mtondo could not accept to see the future son-in-law because he understands the norms that govern his community. Accepting a visit by the future son-in-law would symbolize the beginning of marriage negotiations and bride price would be factored in. Yet he had no moral authority to begin such a process given that he owed his 'father in-law' something. He had to fulfill promise he made in 1984 when he was negotiating a marriage with Nyota Nene's other.

The men in scenario 1 and 2 were caught unaware. The demands placed on them deprived them the moral authority to bury the bodies of the women they loved. They were placed at the cross-roads – to abandon the bodies or pay the bride price and acquire or earn the moral authority. A lot was at risk. Abandoning would be interpreted to mean that a man did not love his spouse, which would create a rift between him and his children as well as with in-laws.

### **Conclusion**

In conclusion, we believe this study is not large enough to warrant any generalization but should serve as a window for more research in this area. The comments made by the respondents reveal that there is no clear understanding of why bride price has to be paid after the death of a female spouse. However, we argue that patriarchy is the winner (rule of the father).

Finally, this paper evokes the concept of justice. According to John Rawls, "Justice is the first virtue of social institutions, as truth is of systems of thought." (1999, p. 3). Marriage is a social institution and in Kenya each ethnic group has rules and regulations that govern it to ensure justice for all parties. In this regard, the practice of justice is different and more important than benevolence, charity, mercy, generosity or compassion. That is why, Mr. Tabu's and Mr. Kesho's in-laws could not play benevolent or compassionate. Justice had to be done for the benefit of all parties. Bride price needed to be paid. And that was the hour of reckoning.

### **Recommendations**

Kenya comprises of more than 40 ethnic groups which value the practice of bride price payment. The three narratives given at the start of this paper represent three ethnic groups. We have proof therefore that men are denied the moral authority to bury their spouses if they are in debt. In some cases legal battles arise where one group of men demand justice from another. But what happens to the wife and children if a male spouse dies before completing paying the bride price? We recommend ethnographic research on the practice. There is need to explore ways in which the concept and practice of bride price has changed over time, and the factors that lead to the predicament experienced when a spouse dies.

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