

**A paper presented at the International Conference on Bride Price
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Hosted by The Mifumi Project

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An appropriately disturbing but obvious question in our minds during this conference is going to be the question: can culture be wrong or bad? and if it is “wrong, or bad” why should many, women and men, identify with and defend it?

Culture constitutes the embodiment of beliefs and practices, the creation of people, but a creation, which shapes our relations and actions. Over time, people’s creations can be institutionalised into cultural beliefs and values to which people conform without question. The stronger the culture, the more resistant to change it is likely to be. If culture does become resistant to change, then the people will also be resistant to change! (Ed, Oakley, 1993, It can be done!). But the environment in which culture thrives is constantly changing, and this means that culture cannot escape reinventing itself to survive, lest it risks crushing the main vehicle of its expression, which is ourselves. Changing environments place a burden on our consciousness, awareness and values, which we in turn interpret through the domain of culture. If this domain is not as proportionately responsive or it remains static, then a point may be reached at which we may pose a moral question on the virtuousness of culture?

Bride price has been variously described as gifts, bridal wealth, token of appreciation, and bride price to mention but a few. Essentially it takes the form of an exchange of cows, and various other sundry commodities, for a wife. Although the beneficiaries of the items differ from culture to culture, the transactions are generally undertaken between the parents of the couple intending to marry. It is defended as the only appreciation or modicum of wealth to go to the woman’s family, as the legitimating factor for a marriage, which confers authority and responsibility to a woman in her new home, and secures family continuity, for example, in security for children born in the relationship. In sum, it is an essential element under customary marital rites.

Now if this were the case, one would assume that rather than take such an onslaught on bride price, this conference might as well dedicate the bulk of its weight to the defence of the institution?

However this question comes at a time when the world is confronting one of the biggest paradoxes in development. Poverty is deepening and widening its gloom and doom beyond traditionally recognised barriers and boundaries across the globe, and this, in spite of the fact that global wealth is reaching unprecedented levels (World Bank, 2002). For Africa, the glaring statistics on HIV/AIDS, violence and conflict, disability, famine and chronic hunger and their gendered dimensions, can not be over emphasised.

One impact of this process has been to demystify traditional dichotomous boundaries such as “north and south”, “east and west” as well as to break down barriers such as “sovereignty”, and concerns with legitimacy for NGOs in promoting participatory democracy. Other questions include values or culture and how these affect change, or the integration of diversity into the process of social change. It has also brought responsive action closer and closer to the point of need.

Another impact has been to widen the framework of accountability by making global citizen action possible

while at the same time testing the strength and legitimacy of traditional ones such as states and the UN. With the environment becoming very fluid, the premium on control has become upped leading to an exertion of more control across the world, sometimes bordering on tyranny as individuals and societies struggle to redefine their little niche.

At the same time many individuals and groups and particularly the oppressed are actively in search of new outlets for peace and security. NGOs for example, continue to voice strong opinions and have quite often brought pressure to bear upon governments and various powerful global forces beyond the reach of governments, in guaranteeing public interest and meeting the needs of their constituents. Sometimes the question is asked whether NGOs have the legitimacy to question culture? But we do know that we have individual rights to express our opinion about cultural matters that affect us, we connect with our vulnerable communities and have a duty to make known any injustices occasioned upon them, we also do have a right to provide expert opinion on the subject where we have this; our legal mandate also permits us to carry on the activities we are doing.

It is now clear that the contentious dissenting voices around issues such as sovereignty are now irrelevant and no body can hide behind them to perpetrate human rights abuses in the guise of preserving culture. This is the mandate that enables us to take on bride price at this specific point in time, in this first ever, International conference on bride price.

What is our position on bride price and Why?

I shall not take time off to delve onto the historical evolution of bride price to date, which is thoroughly covered under different presentations, but rather focus on the issue as it presents itself to us today.

Although evidence points to far reaching health, economic social and human rights and legal implications in the countries where it is practiced (WLSA, 2002; Lobola; Mifumi project, 1999; briefing paper on bride price), there is much silence in the way of bringing it to the forefront of public debate. It is our contention that a clear message needs to go to the public that bride price is an issue whose values constitute a direct violation of human dignity and freedom, and whose social practice is a hindrance to the enjoyment of human rights.

The institution of bride price, dowry and other related marital gifts constitute some of the major harmful traditional practices that contribute to the subordinate status of women, undermining their rights and the rights of their families, and communities, leading to a greater tolerance of gender violence and contributing to violent conflict, HIV/AIDS, poverty and disability. We gather here today to present evidence of this assertion.

We are told that bride price is meant to secure families, establish the identities of husband and wife and affirm the position of the woman in her new home and bring stability to a relationship by sending a clear signal to all about the integrity of any particular marital relationship. However it is clear that gender roles in Africa continue to undergo quite remarkable change. The situation for women may not have improved much or indeed may even have worsened in some areas like gender violence (UNFPA, 2002:State of the world Report; World Bank, 1993), however, in other areas like health and education, there is notable change e.g. on declining maternal and child mortality rates and enrolment rates for girls in lower primary schools (UDHS, Uganda).

The attendant social dislocation primed by among others migration and conflict, means that women have had to take on new roles previously the domain of men including being combatants, heads of households, and professionals in various capacities. In effect these emerging roles have come into direct confrontation with traditionally held values and practices of which the culture of bride price is one.

The urgency to unlock women's and girl's potential in contributing towards their own upward mobility and enjoyment of life, is one of the reasons bride price has become an issue, the two sides being the direct costs that arise from bride price related violations and abuses directed towards women and girls which hinder development as well as the indirect costs arising from the absence of their meaningful control over their

lives, which is equally underscored by bride price. It is noteworthy that in almost all cases the transaction is negotiated by the extended family and in almost all cases, this excludes the views of the couple who however take primary responsibility to endure any bitterness if the transaction or the marriage goes sour.

In empirical terms, Africa is a continent that stands out as a bleak implosion on the face of humanity. While every single one of us and particularly the children all have a right to survival, development and the enjoyment of an adequate standard of living, too often this is not realised due to the HIV/AIDS pandemic, famine and hunger, violence and conflict, disability and the need to work.

One impact of this extreme form of squalor is the wanton exploitation of vulnerable members of societies. Although the state has a responsibility to protect its citizens, their resources get overstretched and social issues that may appear relatively safe to ignore are relegated to low priority status. The exploitation takes many forms including early marriage, child labour, forced marriages, etc.

Taking the case of Uganda, for example, with falling average age of first marriage (Min of Gender, 2001: Facts & Figures); the largest population of orphans in sub-Saharan Africa (UNAIDS, 2000), Highest incidence of gender violence among 14 countries in the ACP countries (UNICEF, 2000); it is not surprising that in the countryside children are being disinherited of land paid as bride price or used to refund; children could also be used as stakes to secure payment, or could find themselves homeless as the pressure increases upon them to get married (Mifumi, 2003).

Now in a survey commissioned by Mifumi (Osuna. M, 1999) women were the most adamant about sustaining the practice and their reasons included the fact that this is the only form of reward to their families, the legitimating factor for their marriage, and a point of leverage which confers their authority in their new homes and one that they can utilise to negotiate with their partners. The danger with this is that it instrumentalises the original values of bride price and turns the institution into a tool for securing one's own interest. This may explain why in Uganda the forms are changing to include exotic breed cattle, cash, and very high value commercial commodities. It may also explain why the perpetrator is no longer solely men and the victims no longer restricted to women and girls; it is a problem affecting the whole of society. It should be our contention that gifts should be freely given, not demanded and not stipulated, as is the case with the practice of bride price now, a condition which should help us with our attempt to understand whether culture can be bad.

If we assume that those who propound the preservation of bride price as it is, believe it is a culture that is embodied in traditional ideals, to which all human beings ought to aspire, then a reform alone of bride price would be sufficient to guarantee a better status for women and children; however our experience at Mifumi at least points to another direction, to a volatile conflict between an apparently homogeneous culture and multiple and fragmented interests motivated by equally variable interests which in turn lend to the instrumentality of culture. If one takes this position, as we do, then the policy is not merely to reform the practice but a total overhaul of the institution. Such a rights based position advocates ground breaking leadership that we must realise through this conference. It also takes a measure of risk at the grass-roots to make unequivocal demands for safety, security and justice from the state for example through the use of test cases and legal aid work, while at the same time creating the space and strong vision for communities to pilot various innovations to catalyse the process of change and thereby speed up social transformation.

In Tororo Uganda, where this matter originated, we have felt the impact of refusing to initiate change. Many young people simply opt to elope, or under duress, pay very little bride price, very late. This severs relationships between the families breeding conflict and social disorder. We have documented various human rights abuses including extra judicial arrests, torture and extortion are exacted on innocent men and women caught up in problems involving the refund of bride price, which is a must if a marital relationship breaks down and a woman wishes to leave (New Vision, December 2003).

In Mifumi we are aware of the fact that the criminal justice system in Uganda is still beyond reach of remote rural communities, and that grass-roots issues such as bride price related problems are circumvented both by powerful and elitist interests not affected in any way by the very same issues, and by local individuals who stand to gain from the payment. The Mifumi project intervened by creating a mechanism for grass-roots people to exercise their democratic rights, a mechanism which led to the successful referendum in 2001, the formation of the Africa Feel Free network. Today, in this August gathering, we are pleased to share with you

that aspiration as a way of building solidarity to tackle bride price across the whole of Africa as well as to bring the concern to the attention of the international Community.