

BRIDE PRICE AND DOMESTIC VIOLENCE IN CUSTOMARY MARRIAGES

CASE STUDY UGANDA

A DISSERTATION SUBMITTED TO THE FACULTY OF LAW

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BY

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DECLARATION

I **Muhumuza Immam** declare that this dissertation is my original work and that where other works have been quoted, it is indicated. This work has never been submitted to this or any other university for the award of diploma.

Sign:

Date: 20/11/2013

MUHUMUZA IMMAM

APPROVAL SHEET

This is to certify that this research report presented by **Muhumuza Immam** entitled the law against bride price and domestic violence in customary marriages has been under my supervision and is now ready for submission with my approval

Research supervisor:

Signature:

Date:

DEDICATION

I dedicate this work to my beloved parents **Hajji and Hajjat Gumisiriza Majidu** and **Kinkuhaire Aisha** for having taught me to believe in myself and for the great love and ability to support me in my education by providing all the necessities that I needed throughout my education career, also to my precious friend **Nimusiima Josephine**. It is through your tireless efforts and desire to wish me well and all the hardships I have gone through because of me that I achieve this diploma.

ACKNOWLEDGEMENT

First and foremost I thank the Almighty Allah for the greatest gift of life he has given me to find that by now I am still living yet others are dying each and every year.

I am greatly indebted to my supervisor **Mrs. Bamukunda Caroline Agaba** for the helpful advice, guidance, criticism acknowledgement and patience to a larger extent helped to shape up this paper. I thank her very much.

Sincere thanks go to my uncle's and my friends whom we have been within the struggle especially **uncle Silaji** and **uncle Dembe**.

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LIST OF ACRONYMS

BP	-	Bride Price
DV	-	Domestic Violence
DVA	-	Domestic Violence Act
FIDA-U	-	Uganda Association of Women Lawyers.
HCB	-	High Court Bulletin
ICL	-	Indian Civil Law
IPC	-	Indian Penal Code
MA	-	Marriage Act
MDG	-	Millennial Development Goal
V	-	Versus
WLSA	-	Women and Law in South Africa

CHAPTER ONE

1.0 INTRODUCTION

This research seeks to review the relevance of bride price and domestic violence in customary marriages. This chapter will present the background of the study, objectives of the study, purpose of the study, statement of the problem, research questions, justification of the study, scope of the study, and significance of the study.

Pride price /dowry are the same in the customary marriage which refers as a form of appreciation to girl's parents for raising her and a token of gratitude for their kindness in now letting her husband marry her¹.

Dowry refers to the money, goods, or estate that a woman brings to a marriage. A dowry consisting of linen and clothing, or the contents of a hope chest is called a trousseau. Dowry contrasted with bride price, which is paid by the groom or his family to the bride's parents, and with dower (Islamic marriage), which is property given to the bride herself by the groom at the time of marriage. The same culture may simultaneously practice both dowry and bride price. Dowry is an ancient custom, and its existence may well predate records of it. Dowry continues to be expected in some parts of the world, mainly in South Asia, especially in India. Disputes related to dowry often result in domestic violence, such as dowry deaths².

Under customary law, a father is entitled to damages for sedition of his daughter³. Inpayment of dowry symbolizes transfer of rights over the woman to her husband's. It gives the husband and his kinds certain rights in relation to his wife and the children she bears. Some of these are rights of the husband for the performance of duties by the wife. (Rights in Personam) and he accepts

¹ Dowry-definition from the Merriam-webster online dictionary

² Dowry-reference.com, from Columbia Electronic Encyclopedia, 2004

³ Nsereko V Gitta (1975) HCB 152

corresponding duties towards her. The husband has for example, rights to services of his wife in his household. He acquires rights of sex over his wife to the exclusion of all other men. Marriages therefore enable the spouses to indulge in sexual relations undisturbed by the fear of trouble sometimes, resulting from premarital relations.

The husband also acquires rights in rem over his wife. If any body kills or injures her or commits adultery with her, he is entitled to be indemnified (compensated) for the injury to his rights. Marriages confers a status on a man and woman. A man becomes a husband and the woman the wife.

In case of said that “the phrase married woman is a term of art which confers on any woman a special status in society as distinct from any unmarried woman”⁴.

Therefore, it was held that a man who commits sexual intercourse with a married woman not being his wife irrespective of the form of marriage provided that marriage is recognized by the people of Uganda including marriage according to the customs of the people. So, the appellant’s contention that the term married woman refers to a wife a monogamous marriage was overruled.

1.1 Background of the study

Bride price is a common practice in many African countries is used to validate customary marriages. Typically, bride price consist of a contract where material items (often cattle or other animals) or money are paid by the groom to the bride’s family in exchange for the bride, her labour and her capacity to produce children⁵. Increasingly, in urban areas, the practice is changing, so that money and goods (rather than animals) are more commonly given in the form of non-refundable gifts. However, in rural communities more traditional bride-price practices remain extremely common and tend to be accepted as the cultural norm. In a study carried out by

⁴Alai V Uganda (1907) Ea 596 Sir UdoUdoma C.J

⁵OguliOuma, 2004 Bride Price and violence against women

Uganda Association of Women Lawyers, 95% of the respondents stated that bride-price is needed to validate a marriage⁶

In the past, the tradition of bride-price is believed to have operated beneficially to give formal recognition to marriages and protection to wives against abuse, to stabilize the partnership and to join the two families together. Today, however, the practice appears to have become commercialized and to have lost much of the traditional value in many instances. Bride-price can appear to be 'buying' of a wife as a commodity, which can result in abuse towards a woman if she does not fulfill her 'value' or if she attempts to leave and the bride-price cannot be repaid⁷.

It has also been argued that women seeking to divorce can only do so if the bride-price is repaid to the husband. In such situations, there is much anecdotal evidence that women leaving their marital homes are likely to be turned away from their homes if their families are unable to repay the bride-price. Domestic violence and the violation of women's human rights have also been identified by some commentators as associated with bride-price, and calls have been made for its reform⁸.

The practice of bride-price has different names in different countries and regions of Africa. In South Africa, for example, it is often known as Lobola and recent writing has linked it to issues of inequality between men and women and especially to control over reproductive rights⁹.

However, it is important to note that exchange of money and goods to solemnize marriage is by no means unique to Africa, but occurs widely across the world in different forms. In western and other countries, for example, the bride-groom may give a costly diamond ring. Many Arab and Islamic states consider bride-wealth as a fundamental requirement of marriage, in terms of Mabr

⁶FIDA-U, 1996: A research project on marriages, its rights and duties marital rape, Paper 4,2.

⁷Matembe, 2004; Ndira, 2004: The relationship between domestic violence and bride price, paper presented at International bride price conference MP Mbarara and pan African Parliamentarian, February Kampala Uganda.

⁸Matembe, 2004; Sekagya, 2004; OguliOumo, 2004: The relationship between domestic violence and bride price.

⁹ WLSA, 2002: Lobola

the practice has similarities with that of dowry, common in the Indian sub-continent, where goods and monies are given to the husband's family by the bride's family (and thus usually pass in the opposite direction to bride-price)¹⁰.

However, whereas dowry has resulted in extensive campaigning, academic work, policy development and legislation, bride price in Africa and its impact on women, children, family life and community development is a much neglected area which has attracted relatively little political and policy focus.

In recent years, the issues involved in the practice of bride-price have begun to be brought to the fore and awareness has been increasing in Uganda. For example, the 2005 Uganda Poverty Eradication Action Plan highlighted bride-price as the most significant factor holding back women's empowerment (2005:19). In the last few years, there has been demonstrations against bride price in rural Uganda. Bride price reform or abolition has begun to be an issue for legislative change in some countries (Macdonald-Levy and McMillan 2005), but there is little existing systematic evidence on which to base these reforms.

1.2 Statement of the problem

Most customary marriages in Africa and Uganda particularly require the groom's family to pay bride price, however this has often times brought about problems especially domestic violence for example most husbands exploit their wives since they regard them as property purchased.

Domestic violence is much bigger than bride wealth. Bride wealth is one stop along the way of an enormous wide problem. There are many other causes of domestic violence of course. You will not get rid of domestic violence by getting rid-of bride wealth but it would certainly help.

1.3 Purpose of the study

To analyze the relationship between pride price and domestic violence in customary marriages

¹⁰ Borah 2008; Dalmia and Lawrence 2005: Examining media content, the Institution of Dowry in India.

1.4 Objectives of the study

1.4.1 General objectives

To analyze the relationship between bride price and domestic violence in customary marriages.

1.4.2 Specific objectives

- To investigate the relevance of bride-price in customary marriages.
- To investigate the major causes of domestic violence in customary marriages
- To establish the relationship between bride price and domestic violence in customary marriages

1.5 Research questions

The questions to be answered include:-

What is the relevance of bride price in customary marriages?

How is bride price the cause of domestic violence in customary marriages?

What is the relationship between bride price and domestic violence in customary marriages?

1.6 Scope of the study

1.6.1 Geographical scope

The study will be carried out in Kampala district Uganda.

1.6.2 Content scope

The study will aim at finding the relationship between the bride price and domestic in customary marriages.

1.6.3 Time of scope

The study will be conducted between June, 2013 and August, 2013.

1.7 Significance of the study

Policy makers

It helps the policy makers to establish the law relating to domestic violence and bride price in customary marriages.

It also helps the policy makers to review the law on domestic violence and bride price in customary marriages.

It also helps the policy makers to fill the loopholes on domestic violence and bride price in customary marriages.

It is going to help the policy makers to make appropriate policies regarding to bride price and domestic violence.

Academics

It adds on the existing literature regarding to domestic violence and bride price in customary marriages.

It adds on the knowledge of the researcher to acquire a diploma in law

1.8 Operational definitions of key terms

“Bride price” refers to money, goods or property paid by the groom or his family to the parents of the bride.

“Customary marriage” a marriage celebrated according to the rites of an African community and one of the parties to which a member of that community or any marriage celebrated.

Domestic violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to again.

Marriage is the process by which two people who love each other make their relationship public, official, and permanent.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter examines literature on the law governing bride price and domestic violence in customary marriages.

2.1 Relevance of bride price in customary marriages

Today, dowry is a common practice in some parts of the world, especially in South Asia, in countries such as India, Bangladesh, Pakistan, Sri Lanka and Nepal. Dowry is most common in patrilineal societies, which expect women to live with or near their husband's family¹¹.

An unusual exception to the dowry custom in South Asia is found in Bhutan. The dowry system does not exist in Bhutan; inheritance is matrilineal, and daughters do not take their father's name at birth, or their husband's name upon marriage. Rural land may be registered in a woman's name. Women own businesses, and both polygamy and polygyny are socially accepted, with polygamy being more prevalent. Sometimes a prospective groom will work in the bride's family's household to earn the right to marry her.¹²

In India, 'dowry (known as Daheji in Hindi) payment of cash or gifts from the bride's family to the bridegroom's family upon marriage. It may include cash, jewellery, electrical appliances, furniture, bedding, crockery, utensils and other household items that help the newly-weds set up their home¹³.

Control of the dowry belongs to the bride in theory; although in practice control often transfers to the husband and in-laws, and grooms sometimes extort large dowries. In rural Pakistan, dowry

¹¹Majundar, Maya (2005), Encyclopedia of gender equality through empowerment sarup and sons

¹²Stange, Mary Zeiss and Carol K. Oyster, Jane E. Sloan (2011), Encyclopedia of women in today's world, volume 1 sage p. 43

¹³The 1961 Dowry prohibition Act in India Civil law.

values are still relatively low around 12% of a household's annual (non-durable goods) expenses. Also, in rural Pakistan it is standard for the bride to maintain control over her dowry after marriage, rather than control of the dowry being given to the in laws. The pressure among some Pakistanis to provide a large dowry results in some bride's families going into debt, including debt servitude; some brides build up their dowry with their own earnings if they work outside the home. The debt trap created by providing large dowries puts pressure on parents aspiring to arrange a marriage for their daughter(s) into a better social class. It is also cited as a reason for the current trend toward delayed marriages. Arranged marriages among first cousins are common, since they provide a way of keeping dowries within an extended family.¹⁴

Afghanistan seems to simultaneously practice both dowry and bride price, although the practice differs between different tribal and ethnic groups. In Afghanistan, a marriage typically requires two kinds of payments: a mahr, which typically consists of livestock, property and money, and in practice often takes the form of a bride price paid to woman's family; Parents frequently arrange marriages for daughters at a young age, in order to end their economic responsibility for their daughter or receive payments. Human trafficking is a related social problem. Prostitution networks in the region purchase girls from parents.¹⁵

In Rome a dowry was called *donatio propter nuptias*. The meaning of this term is a gift on account of marriage, specifically a gift from the bridegroom to the bride, as explained in the *Institutions*. It was originally called '*donatio ante nuptias*', because it could not take place after the marriage; but when it was made legal to increase the *donatio* after marriage, and even to constitute it altogether after marriage, the more comprehensive term '*donatio propter nuptias*'

¹⁴Dowry prohibition (Amendment) ordinance, 1986

¹⁵Menski, werner (1998). South Asians and dowry problem. *Tren than Books* p. 109

was used. It is in many ways analogous to 'Mahr the Islamic marriage gift (or legally binding promise of future payment) from the man to the woman at the time of the marriage.¹⁶

Opinions of modern jurists are much divided as to the notions, purpose, and law of the *donatio propter nuptias*. The term *donatio propter nuptias* is used by Bracton (II. c39); the law is apparently formed upon a Roman original.

Dowry was not a part of the Indian marriage before European influence crept into the society. An early example of Europeans practicing the dowry in India is the case of which was presented as part of the dowry when Princess Catherine de Braganza of Portugal was married to King Charles II in 1661¹⁷. The native population disliked practicing dowry, as they believed that this would lead "obliged to buy them husbands". Writes Alex Knox, when addressed to David Doig, Lord Provost of Montrose, 127] [281] "As I observed before, their marriages are all conducted by the parents during the parties infancy, the expense of this ceremony, which is considerable according to the ranks of the persons married, is always from the bridegroom's family, nor is it customary to give any fortunes with their daughters, because it should not be said they were obliged to buy they husbands, for this custom it seems they despise the Europeans very much."¹⁸

According to one ethnographic study of indigenous cultures worldwide, around 6 percent of North American indigenous cultures practiced reciprocal exchange, involving the giving of gifts between both the bride and groom's families. Among the tribes of the American Plains, a combination of dower and dowry was used. The groom would give a gift of horses to the bride's parents, while they in turn would give a gift to the groom. The exchange was somewhat reciprocal.¹⁹

¹⁶A dictionary of Greek and Roman Antiquities, John Murray, London 1875.

¹⁷Maharashtra tourism. The official website of Maharashtra tourism development corporation, government of India - Mumbai

¹⁸Deogruankar S.G.-(2002) Native Americans and native Indians concept publishing company p. 48.

¹⁹Socolow, Susan Migden (2000). The women of colonial Latin America Cambridge University Press P. 83.

Spanish colonists brought the dowry custom to Mexico. Spain's laws gave brides the right to control their dowry after marriage, contrary to the usual European practice of transferring the dowry to the control of the groom and his family. Women in practice often did maintain control over their dowry after marriage. The husband might be given funds from the dowry to invest for the mutual benefit of the couple and their children, but wives also often used funds from their dowries to operate their own businesses, as grocers, tavern keepers, and shop owner in urban areas. Dowries were a common custom in the early colonial years, but were passing out of use by the mid-18th century. By that time, less wealthy daughters were often marrying without any dowry.²⁰

The French government made efforts to encourage marriage for the male soldiers and traders in New France by granting dowries to women willing to travel to the colony at Quebec. As the French crown provided dowries for many of the women persuaded to travel to New France for marriages and settlement there, they were known as *filles du roi* (daughters of the king)²¹.

Convents in Quebec, as in Europe, required a dowry from the parents of girls becoming nuns, much as the dowry was expected in the marriages of upper class brides. The Catholic Church intended for this requirement to be used to maintain some control over the new members of religious communities. Girls without a dowry were often supported by benefactors, however, and occasionally convents lowered the sum required to enter the convent.²²

The dowry was a custom brought to the United States by colonists from England and elsewhere in Europe. One legend tells how John Hull, the Master of the Mint in Boston and a wealthy man, determined the dowry for his daughter Hannah's marriage to Samuel Sewall. Hull is said to have

²⁰Ferraro, Garry P, and Susan Andreatta (2009) cultural anthropology an applied perspective cengage learning p. 224.

²¹Mangan, Jane E. (2005) Trading Roles Gender ethnicity and the urban economy in colonial Potosi Duke University Press p. 237

²²Nazzari, Murieal (1991), disappearance of the dowry: Women, families and social change in Sao Paulo, Brazil (1600-1900) Stanford University press P. 63

set his 18-year-old daughter onto one side of the large scales in his warehouse. He piled shillings into the other side of the scale until he reached her weight in silver, and that was her dowry.²³

The dowry system existed in certain Native American tribes. An example is found in the marriage of Virginia settler John Rolfe to Pocahontas, who brought a dowry to the marriage that included a large amount of land.²⁴

The daughters of wealthy 19th century industrialists, who were able to inherit large amounts of money and property, were given “dowries” by their fathers to marry European aristocrats who held a title but had little wealth. The mutual exchange of title and wealth raised the status of both bride and groom.²⁵

Dowry was widely practiced in Europe until the early modern era. In ancient Greece, the usual Greek practice was to give a price. Dowries were exchanged in the later classical time (5th century BC). Ancient Roman also practiced dowry, though Tacitus notes that the Germanic tribes practiced the reverse custom of the dower. Husband had certain property rights in his wife’s dowry. In addition, the wife might bring to the marriage property of her own, which was not included in the dowry and which was, as a result, hers alone. This property was “beyond the dowry” (Greek: *parapherna*, the root of paraphernalia) and was known as paraphernalia proper or extra-dotal property²⁶.

In England, failure to provide a customary, or agreed-upon, dowry could cause a marriage to be called off. William Shakespeare made use of such an event in *King Lear*: one of Cordelia’s suitors gives up his suit upon hearing that King Lear will give her no dowry. In *Measure for Measure*, Claudio and Juliet’s premarital sex was brought about by their families’ wrangling over

²³Loius Auchincloss, false Dawn p. 42

²⁴ Larry D. Eldridge, ed. (1997) women and freedom in early American NYU Press P. 116

²⁵Archaeologia Americana: transactions and collections of the American Antiquarian society volume 3.

²⁶ Marina Warner, from the beast to the blonde: on fairy tales and their tellers pp. 213-4

dowry after the betrothal. Angelo's motive for forswearing his betrothal with Mariana was the loss of her dowry at sea.²⁷

Folklorists often interpret the French folktale Cinderella as the competition between the stepmother and the stepdaughter for resources, which may include the need to provide a dowry. Gioachino Rossini's opera *La Cenerentola* makes this economic basis explicit: Don Magnifico wishes to make his own daughters' dowry larger, to attract a grander match, which is impossible if he must provide a third dowry²⁸.

One common penalty for the kidnapping and rape of an unmarried woman was that the abductor or rapist had to provide the woman's dowry. Until the late 20th century this was sometimes called wreath money, or the breach of promise. (See raptio and bride kidnapping.)²⁹

The dowry for the three virgins (Gentile da Fabriano, c. 1425, Pinacoteca Vaticana, Rome), the St. Nicholas legend.³⁰

Providing dowries for poor women was regarded as a form of charity by wealthier parishioners. The custom of Christmas stockings springs from a legend of St. Nicholas in which he threw gold in the stockings of three poor sisters, thus providing for their dowries.³¹ St. Elizabeth of Portugal and St. Martin de Porres were particularly noted for providing such dowries, and the Archconfraternity of the Annunciation, a Roman charity dedicated to providing dowries, received the entire estate of Pope of urban VII³².

In some parts of Europe, especially Eastern Europe, land dowries were common. In the country of Bentheim for instance, parents who had no sons might give a land dowry to their new son-in-

²⁷ Gail Maccoll and Carol McD Wallace to marry an English Lord pp. 166-7.

²⁸ "Convert" Catholic Encyclopedia

²⁹ Louis Auchincloss, *False dawn* p. 48

³⁰ Olga seymonova Tian-shankara, *village life in late tsariut Russia*, pg 3-4 Indiana university press, Bloomington and Indian opolis

³¹ "Honour killing, dowry deaths" *The nation*. May 8, 2010 retrieved May 13, 2012.

³² Cardyn Johnston Pouncey, *the domostro*. T..

law. It was commonly given with the condition that he take the surname of his bride, in order to continue the family name³³.

The Donostroya Russian advice book of the sixteenth century for upper classes, includes advice to set aside property for purposes of a dowry, and use it to accumulate linens, clothing, and other things for it, rather than have to suddenly buy it all for the wedding; if the daughter should happen to die, the dowry should be used to give alms and for prayers for her soul, although some might be set aside for other daughters. In late Tsarist Russia the dowry originally consisted of clothing for the bride, linen, and bedding's Linen became less common, a fact blamed on poor flax harvest and girls being poor spinners, but emphasis was added to the fines of the clothing, and a money dowry was sometimes added, particularly if the bride was regarded as having some fault. Prospective in-laws, usually concerned mostly with her working ability, grew more concerned about money dowry³⁴.

Vast inheritances were standard as dowries for aristocratic and royal brides in Europe during the middle Ages. The Portuguese crown gave two cities as dowry to the British Crown in 1661 when King Charles II of England, Scotland and Ireland married Catherine of Braganza, a princess of Portugal. They were Mumbai (Bombay) in India and Tangier in Morocco³⁵.

In Victorian England, dowries were viewed by the upper class as an early payment of the daughter's inheritance. Only daughters who had not received their dowries were entitled to part of the estate when their parents died. If couple died without children, the woman's dowry was returned to her family³⁶.

³³NazzariMurial (1991) disappearance of the dowry: Women families and social change in Sao Paulo Brazil (1600-1900) Stanford University Press p. 73.

³⁴Archival compilations of Dharampal-Volume 1.

³⁵Walbridge, Linda S. (2003) The Christians of Pakistan: The Passion of Bishop John Joseph Rutledge p. 134

³⁶NazzariNuriel (1991) Disappearance of the dowry: women families and social change in Sao Paulo, Brazil 1600-1990) Stanford University Press P. 67.

In some cases, nuns were required to bring a dowry when joining a convent. At some times, such as Ancien Régime France, convents were also used by some parents to put less attractive daughters, so that the more marriageable daughters could have larger dowries. Ancien Régime families that could not provide proper dowries also used the convents as places to put their daughters.³⁷

The dowry was a custom brought to Brazil by Portuguese settlers. Colonial economics meant that families had great stake in inheritances of land in particular. As in Europe, the eldest daughter was usually granted the large dowry by her father. Variations were not unusual, however, as research has shown in São Paulo, 31% of fathers gave dowries of increasing size to the younger daughters, and 21% distributed dowries with no particular favour shown to birth order of the daughters. In addition to dowries, daughters could also be granted an inheritance from their father, a share of the legitima. Inheritance laws were complex in colonial Brazil. According to Portuguese law, an estate was to be divided among children who had not already received a dowry. In the early colonial period, married daughters receiving a large dowry would refuse to accept a further inheritance after the death of their father. In the 18th century, as inheritances and dowries gradually became smaller, this custom disappeared. Daughters accepted a dowry, plus a legitima. In this way, they folded their dowry back into the estate with the legitima, called bringing the dowry a *colação*. The remaining third of the estate, the *terça*, was free for the father to divide as he wished among his heirs.³⁸

There were instances where a daughter was left to marry without a dowry, whereas her sisters were given dowries, an indication of paternal control over marriage choices. During the 18th century, as inheritances decreased in size, litigation among siblings became more common. Dowries could include land, a house in the city, cash, gold dust, gold bars, tools and machinery,

³⁷Mirza Rocky M. (2007) *the rise and fall of the American Empire: a re-interpretation of History, Economics and Philosophy-1492-2006* Trafford Publishing P. 83.

³⁸ Bride exchange and women's welfare in Rural Pakistan World Bank Publications p.4

cattle, or horses. By the 19th century, economic change meant that men, typically merchants, brought more to the marriage materially, and the economic dynamics of marriage changed.³⁹

According to WLSA they said that, the practice of bride price has different names in different countries and regions of Africa. In South Africa, for example, it is often known as Lobola and recent writing has linked it to issues of inequality between men and women and especially to control over reproductive rights⁴⁰.

According to Borah, Dalmia and Lawrence they said that, it is important to note that exchange of money and goods to solemnize marriage is by no means unique to Africa, but occurs widely across the world in different forms⁴¹. In Western and other countries, for example, the bride groom may give a costly diamond ring. Many Arab and Islamic states consider bride wealth as a fundamental requirement of marriage, in terms of Marbr the practice has similarities with that of dowry, common in the Indian sub-continent, where goods and monies are given to the husband's family by the bride's family (and thus usually pass in the opposite are given direction to the bride price)⁴²

According to Oguli Ouma, he said that bride price or bride wealth, used to validate customary marriages, is a common practice in many African countries. Typically, bride price consist of a contract where material items (often cattle or other animals) or money are paid by the groom to the bride's family in exchange for the bride, her labour and her capacity to produce children⁴³.

According to FIDA-U, they said that increasingly, in urban areas, the practice is changing, so that money and goods (rather than animals) are more commonly given in the form of non-refundable gifts. However, in rural communities (through varying by ethnic/tribal group,

³⁹ Oxford: Bodleeian: Ms Deuce 328: 46 pages, (ff.23) dated Bombay 20 November, 1753 signed Alex Knox: Addressed to David Doig, Lord Provost

⁴⁰ 2002: Lobola

⁴¹ 2005, 2008; examining major contents. Case Study of Newspapers coverage of dowry in India 1999-2006 in Asian Journal of Communication, Institution of Dowry in India.

⁴² The Quran chapter 4 verse 4

⁴³ 2004: Bride Price and Violence of against women. The case study of Uganda, paper presented at International bride price conference, February, Kampala Uganda

tradition and culture), more traditional bride-price practices remain extremely common and tend to be accepted as the cultural norm. In a study carried out by Uganda Association of Women Lawyers, 96% of the respondents stated that bride price is needed to validate a marriage⁴⁴.

According to Matembe and Dira said that, in past, the tradition of bride price is believed to have operated beneficially to give formal recognition to marriages and protection to wives against abuse, to stabilize the partnership and to join the two families together. Today, however, the practice appears to have become commercialized and to have lost much of the traditional value in many instances. Bride price can appear to be 'buying' of a wife as a commodity, which can result in abuse towards a woman if she does not fulfill her 'value' or if she attempts to leave and the bride price cannot be repaid⁴⁵.

According to the Banyankore in the South Western part of Uganda, bride price is one of the most elements that violates customary marriage. In order for a man to be recognized as a potential man to care of a family he should pay bride price failure to do that indicates that the man is incapable of taking care of family therefore not eligible to start a family.

On the other side of the woman dowry or bride price is a sign of appreciation to girl's family for taking good care of her therefore it is mandatory for a man to give a couple of thanks to the girl's family because of his kind of value attached to the bride price among the Banyankore, to the small extent led to domestic violence when a man pays bride price he expects a woman to give him a maximum respect failure to do that leads to domestic violence.

On the side of a man when a man does not pay bride price for her dowry a woman tends to disrespect the man basing on the ground that a man who is unable to pay dowry has no control on the woman.

⁴⁴1996: A research Project on Marriages its rights and duties and marital rape, Paper 4,2

⁴⁵2004: Bride Price, a Rights based view, the relationship between domestic violence and bride price.

2.2 Causes of domestic violence in customary marriages

Violence or physical abuse as directed towards your spouse or domestic partner, usually violence by men against women.

Domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain respect

Domestic violence also known as domestic abuse, spousal abuse, battering, family violence, dating abuse on the other hand, domestic violence is also know as intimate partner violence, occurs in many forms namely:-

The government defines domestic violence as “any incident of threatening behavior, violence or abuse or domestic violence is a pattern of behavior used to establish power and control over another person through fear. Further more, domestic violence as a crime most especially in families where violence takes many forms, it involves violent, abusive or intimidating behavior carried out by a man.

Domestic violence is a violent confrontation between family or household members involving physical harm, sexual and others.

The practice of the dowry has been pinpointed as the cause or these Killings. However, the roots of the problem, and possible solutions, are more complex. Feminists in South Asia, such as India's Madhu Kishwar - editor of the Delhi-based feminist magazine Manushi-point out that inheritance laws in India discriminate against women, with inheritances being left only to sons. This leaves women dependent upon their husbands and in- laws, who keep the dowry when she marries. It has also been pointed out that a modern complication is the fact that young educated, middle class Indian women experience some independence when they work outside the home,

and this may lead towards conflict with new in-laws who expect them to be completely obedient and subservient.⁴⁶

In India, the dowry system puts great financial strain on the bride's family. This has been cited as one of the reasons for families resorting to sex selection, favouring the birth of sons over daughters. This has distorted the sex ratio in India (933 females per thousand males) due to sex-selective abortion.⁴⁷

The payment of dowry in Sri Lanka has a strong tradition, and has been connected to family violence. However its importance is declining, and violence related to it is not as common as in other South Asian countries, though it still exists.⁴⁸

Men use domestic violence to establish power and control over their partners.⁴⁹ Interviews with young women reveal how young men use critics, intimidation surveillance, and treats and force to establish power and control over their partners thus causing domestic violence. It was noted that young women are vulnerable to domestic violence because they may feel that involvement in a personal relationship is necessary to fit in, they may be flattered by a partner who demands time and attention and they lack experience negotiating sexual behavior hence biting, use of abusive language and many more.

Early marriage, inheritance of widows and male control of property encourage women dependency particularly in region with high unemployment and under employment of women and limited access to social welfare service. Poverty also causes domestic violence. This is in such away that poor people act violently and mercilessly hence causing domestic violence in some families. Insecurity also cause domestic violence like in northern Uganda that insecurity leads to breaking down of families. In the law enforcement structures and lack of basic social services like health care facilities which increases the level of domestic violence as there is no peace in homes.

⁴⁶Tanwar, Reicha (2007). Dowry, the North Indian perspective hope Indian Publications.

⁴⁷ Sections 304B and 498A of the Indian Penal Code (IPC)

⁴⁸ Annual Report: Bangladesh 2010. Amnesty International Annual Report

⁴⁹Hies, Lon 1994 Violence Against Women, Draft Report prepared by World Bank Ibid

Female genital mutilation is another reason for increase of domestic violence⁵⁰. It is a collective name given to several practices that involves cutting of the female genital. It is either partially or totally removing of external female genital and causing injury to the female genital organ whether for therapeutic reasons. It is a common practice in Egypt, Eritrea, Somalia, Sudan, Togo, Burkina Faso, Ethiopia and even some tribes in Uganda. This increases the level of domestic violence in such way that it is both leads to physical injury and physiological torture. Polygamy, it is a system of marriage where a man can be co currently married to more than one woman and a woman being concurrently married to more than one man respectively. Here the focus is put on polygamy as practiced in some African countries like Nigeria and Libya among others. This makes men not to equally share their love among these women leading to fighting in homes hence increasing the level of domestic violence⁵¹.

Bride price, this is an institution widely practiced in sub-Saharan African countries also brings tension between culture and women's rights. It refers to various gifts, property among others given by the prospective bridegroom and his family to the family of the bride to be. This makes men after paying that to look at women as their property and treat them like animals, not only that, also denying the freedom to express themselves. This leads to mistreatment of women causing domestic violence. Domestic violence is often linked to poor self-esteem a child growing up in a violent home is likely to have very little self-worth. He may be engaged in a pattern of negative self-talk. 'If I were any good, my father wouldn't beat me; I will never amount to anything'⁵².

As a young man, his frustration and isolation may grow and along with it, a hidden anger due to his feelings of helplessness. Anger is a major source of fuel that will fan the flames of domestic violence.

Women physical attack their husband, some women physically attack their husband during an argument which also cause domestic violence. Most frequently, it is after she has been beaten many times. Finally, she decides that she can not accept any more beatings and pick up a weapon because she has less physical strength and attack him, sometimes going as far as killing him.

⁵⁰Edwig Charles Patrick (1987), Battered Women who kill

⁵¹Uganda Law Reform Commission 2006 Study Report Domestic Violence in Uganda.

⁵² 2004 bride price and violence against women the case study of Uganda paper presented at International Bride Price Conference February, Kampala Uganda.

Many women report to the police that they are being beaten by their husbands. However, since men are very embarrassed to admit that they have been beaten by their wives, they never report the cases to the police.

Lack of respect for one is another cause of domestic violence. It is very difficult for anyone to hit someone whom she or he respects. A man who beat his wife often doesn't hold any basic respect for her as a human being. He treats her simply as a person who will satisfy his needs for a home, children and so on.

2.3 The relationship between bride price and domestic violence in customary marriages

Bride price also known as bride wealth, bride token, is an amount of money or property or wealth paid by the groom to the bride.

Under customary law practices and violence against women, the discussion in this paper focuses on some types of violence inflated on women as age of the prospective husband is not a factor, as in many of the cases, the loss of right after the payment of the bride price, the woman remains as a property of a husband in the family.

Bride price in Nigeria, dowry strictosensu means the property which a woman brings to her husband as a payment in other forms of property became a rare.

Marriage customs, the husband will pay for (and own) the house, he will be expected to do after the bride price, we come to the dowry is always the personal property of the wife, and her husband has no right and some people think that if your husband has paid bride price for you, he has the right to beat you. Then the husband who acquires absolute ownership of the woman as a result of paying bride price.

The Old Testament and rape commentary on Deuteronomy 22:28, some Muslims claims that the following passage from the Italy bible condemns rape. If a man happens to meet a virgin.

According to marriages in the Bible, the bride would choose her husband and her father would sign a legal contract after consummation, the entire wedding party walks to the house of the groom. The servant brought out articles of silver and articles of gold and garments.

The expected value of the dowry has risen in some cultures in recent decades. This phenomenon has led to a sharp increase in “dowry deaths” since the 1980s. A “dowry killing” occurs when a new wife is murdered by her husband or in-laws to return the dowry to the bride’s parents. Statistics in India show that 90% of such murdered brides were educated, 30% were graduates, and 20% were women who worked outside the home and contributed to the family financially. Dowry kills have been described by women’s rights groups as a problem that is typically among the “emergent urban middle class”, who aspire to greater material prosperity, and the dowry that comes with a wife is viewed as a means of obtaining money and consumer goods.⁵³

Murders are typically carried out by burning the bride to death, a practice influenced by the older custom of sati, where a mourning widow would die by throwing onto the burning funeral pyre of her late husband. Although sati has been banned since 1929, it is a custom that has been admired in the past by many Indians as a sign of great fidelity. In some instances today, the bride is driven to commit suicide by self-immolation.

Following abuse by her husband and in-laws. These deaths are also considered “dowry deaths” by many women’s rights groups.⁵⁴

Payment of dowry is now prohibited under Indian civil law and subsequently by Sections 304B and 498A of the Indian Penal Code (IPC)⁵⁵. Despite anti-dowry laws in India, it is still a common illegal practice. Other laws attempting to address the problem include the Dowry and Bridal Gifts Restrictions Rules, 1976 and Dowry Prohibition (Maintenance of Lists) Rules, 1985, which are intended to document gifts and provide complainants with stronger evidence in the event that prosecution for crimes against the bride occurs later. 8,391 dowry deaths were reported in India in 2010. Dowry deaths number in the hundreds each year in

⁵³ Karnataka Forum from Dignity, Poster in Bangalore, India.

⁵⁴ Nigel Guy Wilson “Dowry” Encyclopedia of Ancient Greece 2002

⁵⁵ 2004: Bride price and violence against women. The case of Uganda, paper presented at National bride price conference, February, Kampala – Uganda.

Delhi alone, according to official government statistics; statistics compiled by women's rights groups are higher. Women's rights groups estimate the annual dowry murder rate in Delhi to be around 900 per year, having increased from around 300 per year during the 1990s. In India, domestic violence is seldom reported to the police. Statistics compiled by the police in Delhi show that only 18% of prosecutions involving dowry killings result in conviction. The problem first gained national media attention in India during the 1970s, when a new generation of female journalists began investigating the scope of the murders in India's newspapers. Statistics show a large increase in such murders since the 1980s.⁵⁶

Dowry killings have risen since the mid- 1980s throughout the country, spreading from Delhi and other regions with a history of them, into the rest of India, including Mumbai. Dowry killings were once a Hindu phenomenon, but have spread to Muslim, Christian, and Sikh communities as well. According to one survey conducted by the reputable Indian news magazine India Today, over 90% of government employees actively seek and get a dowry from their bride's family. It is a common feature for unmarried civil servants to seek dowry matching the market rates of their post. These rates are sky-high, with an estimate of dowry rates for a bachelor IAS Officer (Indian Administrative Services) being as high as Rs 50 Lac to Rs 5 Crore (up to USD 1 Million). These high rates are one of the primary reasons for corruption, as young IAS officers after marriage are forced to take bribes to maintain their new lifestyle and to match the financial status of their wealthy in-laws.⁵⁷

The original custom in Bangladesh was the bride price, called pawn, where the groom's family makes a payment to the bride's parents. This has gradually been replaced by the dowry, called

⁵⁶ Jones, Gavin W. 1997). The continuing demographic transition Oxford University Press pp. 290-1.

⁵⁷ The dowry and bridal gifts restrictions rules, 1976

joutuk. This transition in customs began in the 1960s. By the early 21st century, the bride price has been supplanted by the dowry.⁵⁸

Like India, Bangladesh has seen a rise in the expected size of dowries in recent decades, as its middle class has grown, and there has been an accompanying rise in the rate of “dowry deaths”. In Bangladesh, dowry killings are more frequently done by stabbing or poison rather than burning. Dowry extortion is also a problem in Bangladesh. From January to October 2009, more than 3,413 complaints were made to the police in Bangladesh concerning beatings and other abuses related to dowries. One of the methods used by families who are unhappy with dowry includes acid throwing, in which concentrated acid is thrown on the bride’s face to cause disfigurement and social isolation. From 1995-1998, 15 women reported dowry disputes as the motivation behind acid attacks, though that number may be low due to under reporting. Bangladesh is combating the problem with legislation largely copied from that of India. Laws prohibiting dowry in Bangladesh include; 1980; Dowry Prohibition (Amendment) Ordinance, 1982 and Dowry Prohibition (Amendment) ordinance, 1986⁵⁹.

Pakistan has seen a rise in the values of dowries in recent decades, as in other South Asian countries, although to a lesser extent. The extravagance of dowries has been condemned by many Pakistanis as being counter to Muslim teachings, and it is not based upon Islamic law. This appeal to morality has had some success since the 1990s. However, in Pakistan it is still expected that a bride will bring some kind of dowry with her to a marriage, whether she is Muslim, Hindu, or Christian. The Dower (bride price), called mahr and dowry called jahaiz, are both customs with long histories in Pakistan. Today, the dowry will often consist of jewelry, clothing and money.⁶⁰

⁵⁸ Dowry prohibition

⁵⁹ Dowry Prohibition Act

⁶⁰ Dowry prohibition (Amendments) Ordinance, 1982

Dowry deaths are a widespread problem in Pakistan; often referred to as “stove deaths” to blame the deaths on accidents, killing a bride by setting her on fire is the preferred method, as it is in India. During 2004 to 200 an estimated 3,379 dowry killings occurred, in addition to some 8,041 women killed over other types of property disputes.

Pakistan has passed several laws to address the problem of excessive dowry demands: West Pakistan Dowry (Prohibition of Display) Act, 196 (Restriction) Act, 1976. Women’s rights to inheritance separate from the dowry are offered some protection in the Muslim Personal⁶¹

The practice of dowry is common in Nepal, and dowry-related violence is increasingly becoming a problem. As a result, the dowry system has been banned in Nepal. Despite the laws, the violent incidents continue, under a general perception of impunity. People of the Madhesi society still freely welcome dowry as a right to the groom’s side. Even highly-educated people living in the urban areas of Nepal accept dowry without any second thoughts. Parents have thus started dreading the birth of daughters in the family, going as far as determining the sex of fetuses in order to abort daughters. Many deaths have also been caused by not giving dowry to the groom’s side.⁶²

The dowry trend may soon be on the decline in Nepalese society, as contemporary parents are more likely to treat sons and daughters as equals, to invest in their daughters’ educations as much as they do for their sons, and to divide assets equally⁶³

According to Matembe, Sekagya and OguliOumo, they said that it has also been argued that women seeking to divorce can only do so if the bride price is repaid to the husband. In such situations, there is much anecdotal evidence that women leaving their marital homes are likely to be turned away from their natal homes if their families are unable to repay the pride price.

⁶¹ Law of Shariat of 1948 and the Muslim Family Laws Ordinance of 1961 of west Pakistan

⁶² West Pakistan Dowry (prohibition of display) Act, 1967

⁶³ Dowry and Bridal gifts (restriction) Act, 1976

Domestic violence and the violation of women's human rights have also been identified by some commentators as associated with bride price, and calls have been made for its reform⁶⁴.

According to Macdonald Levy and McMillan, they said that, in recent years, the issues involved in the practice of bride price have begun to be brought to the fore and awareness has been increasing in Uganda. For example, the 2005 Uganda Poverty Eradication Action Plan highlighted bride price as the most significant factor holding back women's empowerment (2005:19). In the last few years, there have been demonstrations against bride price in rural Uganda. Bride price reform or abolition has begun to be an issue for legislative change in some countries but there is little existing systematic evidence on which to base these reforms⁶⁵.

According to Hanibal Goitom (2009), he said that, the petitioners, in their attempt to have the practice abolished, argued that bride price turns women into commodities, it promotes domestic violence, it gives rise to inequality in marriage, and it violates the constitutional principle of equality. (Hanibal Goitom), rights group seeks to have bride price Abolished.

The petitioners further argued that the practice interferes with the consent of both the bride and groom, because it incentivizes members of the extended family (who stand to gain from a matrimonial union of two individuals) to push for marriage. In addition, the practice traps a husband and wife with irreconcilable differences to stay married, because the bride price is paid under the condition that it will be refunded in the event the marriage is dissolved.

In a four-to-one majority decision, the Court held that the petitioners had failed to convince the court of the link between bride price and domestic violence. (Nsambu, *supra*.) Laetitia Kikonyogo, the Deputy Chief Justice of the Court, wrote that "the court cannot say with certainty that bride price be unconstitutional on such a ground, because there are varied and numerous causes of spousal abuse." According to Kikonyogo, although the practice occasionally results in

⁶⁴2004: Bride Price and Violence against Women. The relationship between Domestic Violence and bride price

⁶⁵2005 Funerals, Thefts and Bride Price

domestic abuse and mistreatment of women, that fact alone is not sufficient to compel the Court to make a general prohibition of the practice. Justice Amos Twinomujuni, the only dissenter, argued that the practice has “become purely commercialized, highly exploitive and humiliating to women” Twinomujuni went as far as equating the practice to slavery.

Kikonyogo and Twinomujuni took the same position on the practice of requiring a woman to pay back bride price in the event of dissolution of a marriage. Kikonyogo wrote that such a practice undermines a wife’s unique and valuable contributions to a marriage and violates her constitutional right to be an equal partner. Twinomujuni argued that the practice of making a woman refund the bride price when she decides to leave an abusive marriage is unconstitutional, because it dehumanizes the woman.

CHAPTER THREE

METHODOLOGY

3.0 INTRODUCTION

This chapter sets out the methods that were used to carryout the study.

3.1Sources of data

There was one source of data used by the researcher.

3.3 Secondary source

The researcher made use of books, newspapers and web based resources. Kampala International University Library and Uganda Human Library were visited.

3.4 Data processing

The researcher decoded the primary data collected. This was the first step of qualitative data analysis where the researcher carefully read the data collected for several times before any analysis. At this stage, the researcher positioned herself to understand the information gathered with the help of books and newspaper. This involved making different sections of data as being relevant to particular times.

3.5 Data analysis

The researcher organized and extracted meaning from the data collected. The data collected through the documentary review.

CHAPTER FOUR

4.0 Findings of the study

The research found a range of relevance of bride price. These broadly confirmed the findings of the small studies conducted in 2013, discussions on bride price, and anecdotal evidence and previous case studies. In large amount of data was gathered across the various data sets. However, the most notable issue emerging was the outstanding similarities in the findings across the data sets and consistency in terms of both the positive and negative impacts of the practice of bride price which were identified.

The research informants observed the following issues in terms of the historical context of bride price. Importantly;

All analysis of bride price or pride wealth must look at the practice in its historical perspective.

This research further advised that all work on bride price must take into account its previous usefulness as an ancient and valued practice which has aided communities and promoted social cohesiveness and harmony throughout remembered history.

The research with key theorists and religious and cultural leaders on die issue revealed that bride price had cemented families together in the pre-colonial period and had not been regarded in acquisitive terms as a 'price', but as a custom to build and strengthen communities and families.

In the recent era, bride price appears to have become a commercialized practice which is losing its former helpful role. Our research revealed that this could be particularly the outcome in richer or professional class communities and in the cities.

People think it is normal; it's just 'what we do.'

According to Oguli Ouma, he said that bride price or bride wealth, used to validate customary marriages, is a common practice in many African countries. Typically, bride price consist of a contract where material items (often cattle or other animals) or money are paid by the groom to

the bride's family in exchange for the bride, her labour and her capacity to produce children. I agree with Oguli Ouma that after bride price is paid, both bride and groom will be recognized to customary marriages of African culture.

According to Sri Lanka, the payment of dowry has been connected to family violence. However its importance is declining and violence related to it is not as common as in other South Asian countries, though it still exists. According to my analysis, I agree with the country of Sri Lanka because after paying bride price, husbands in their homes have started mistreating their wives taking them as their properties at home since they have paid bride price.

Also according to Dowry definition from Merriam-Webster online dictionary bride price leads to domestic violence I also agree with the Merriam Webster because after bride price is paid a woman or a girl can be mistreated because the husband can say that since I have paid bride price I can treat my wife the way I want.

According to Macdonald Levy and McMillan, they said that, in recent years, the issues involved in the practice of bride price have begun to be brought to the awareness has been increasing in Uganda. For example, the 2005 Uganda Poverty Eradication Action Plan highlighted bride price as the most significant factor holding back women's empowerment. According to my analysis, I agree with Macdonald and Levy McMillan because bride price has caused poverty in some areas for example in the family of the boy who had paid bride price.

According to Hannibal Goitom, (2009) he said that the petitioners, in their attempt to have the practice abolished, argued that bride price turns women into commodities, it promotes domestic violence, it gives inequality in marriage, and it violates the constitutional principle of equality. I agree with Hannibal Goitom because women are being violated of their rights at home.

According to Saad Baluku Muthgegheki, KuleSausiCripus, Naeemath Abrahams, they said that, exploitation of women a clan leader identified among others the impact of bride price on women

and said (it enslaves the woman disrespects her because woman was bought through bride price. According to me I agree with Saad Baluku Muthegheki, KuleSausi Cripus, Naeemath Abrahams because after bride price is paid women are being exploitation which leads to domestic violence.

According to Dan Kaye said that, bride price payment is a gender issues with implications on gender relations in different socio-cultural contexts. It also impacts sexual and reproductive health and rights. In a qualitative study on the perceptions of domestic violence in Wakiso district. Payment of bride price emerged as one of the key factors associated with domestic violence. According to my analysis, I agree with Dan Kaye because after bride price is paid it leads to sexual abuse hence domestic violence e.g. in Wakiso District

CHAPTER FIVE

5.0 Recommendations

The research findings basing on this research paper, bride price should be abolished as proposed by most respondents.

To educate the public about the relevance of bride price and dangers of domestic violence in marriage

The government should come in and put a limit on level of domestic violence by putting in place strict laws that will curb down the evil of domestic violence.

Sensitization programmes should be put in place to educate the citizens about the values of bride price in marriage

Overall, reform efforts aimed at removing the harmful impacts of bride price were encouraged by the vast majority of the writers/researchers from all data collected.

The mechanisms through which such reform could be carried out were suggested as follows:

The reform of bride price to make it:

- A gift
- Voluntarily given and not an automatic expectation
- The reform of bride price to make it of modest size only.
- The validation of customary marriage by the payment of bride price to be outlawed and replaced with another simple form of validation.
- The removal of all official and religious expectations that bride price must be paid (while people are of course free to pay it, should they wish).

Cultural customs are deep-rooted and often slow to change. Efforts for reform, therefore, need to plan for both the short on the long term, and to occur at both national and local levels. The respect to long term development, cultural change and public awareness raising, the need for community education and sensitization work among local people in villages was repeatedly highlighted by the majority of the interviewees. This was also reinforced by the participants at the two round table events held in Kampala, though slightly different actions were suggested at the national and local levels.

Any reform needs the backing of legislation and policy. The recommendation of the study was that such legislation and policy making needs to be developed by the national government of Uganda. This research aims to provide evidence to support such national developments.

At the national level, emphasis was placed by our respondents on the Constitutional Petition on bride price which has been prepared, as an initial step, with accompanying media and dissemination work. The study also recommends that there is a need to have wider public debate on bride price, to consult with communities, and to develop awareness raising and public education programmes at national level.

5.3 Conclusion

The study found a mix of positive and negative impacts of bride price on individuals, families and communities, and mainly negative impacts in terms of development. These included gender inequality, early or forced marriage, and both landlessness and homelessness for women (including for widow).

While both domestic violence and entrenched poverty were clearly identified as the over-riding issues, bride price made both worse. Thus, findings of the research revealed significant interconnections between:-

- Bride price and domestic violence
- Bride price and impoverishment.

Some connections were also identified with increased HIV infections.

As the first rigorous research investigation into the practice of bride price in rural Uganda, using a participatory approach, this study raises important issues for consideration for those seeing to address its negative impacts. Clearly, the research findings highlight both positive and negative outcomes of the traditional cultural practice in the contemporary context. While consideration has to be given to its important role in the enactment of cultural traditions, overwhelmingly, respondents of this study suggested that the practice of bride price required reform.

Furthermore, if the reform of bride price is to be carried out, five main routes emerged from the research findings:-

- Legislative reform at government level.
- Policy reform through government initiatives and civil society.
- Legislative and policy reform at the local level, e.g. through the Kampala District Bridal Gifts Ordinance.
- Educational initiatives in the education system.
- Community awareness raising and sensitization.

While progress may be slow in effecting the reforms highlighted by the research, though some have already taken place, it is hoped that this research will help to inform and act as a catalyst for future and change, not only across Uganda but also in other parts of Africa.

REFERENCES

- Borah, P. (2008) "Examining Media Content: A case study of newspaper coverage of dowry in India, 1999-2006, in Asian Journal of Communication, Volume 18, Number 4, pp. 379-395.
- Bride Exchange and Women's Rights Action Watch Asia Pacific Baseline Report: Violence Against Women in Bangladesh 1-78
- Bride Exchange and Women's Welfare in Rural Pakistan. World Bank Publications p.4
- Dalmia, S. and Lawrence, P.G. (2005) 'The Institution of Dowry in India; Why it continues to Prevail', in Journal of Developing Areas, Volume 28 Number 2, pp. 71-93.
- Deogaonkar, S.G. (2002) Native Americans and Native Indians. Concept Publishing Company. p.48
- Dowry-Definition from the Merriam-Webster online Dictionary
- Dowry-Reference.com, form the Columbia Electronic Encyclopedia, 2004.
- Ferraro, Gary P., and Susan Andreatta (2009). Cultural Anthropology: An Applied Perspective, Cengage Learning p. 224.
- Macdonald-Levy, M. and MacMillan, S. (2005) Funerals, Thefts and Bride price: Livestock loss leads to Poverty, Kenya ILRI.
- Matembe, M, (2004) The relationship between domestic violence and bride price, paper presented at the International Bride Price Conference, MP Mbarara and Pan African Parliamentarian, February, Kampala, Uganda.

Majumdar, Maya (2005) Encyclopedia of Gender Equality through women empowerment. Sarup & Sons. p. 74 ISBN 978817655486

Ndira, P. (2004) Bride Price: A right based view, paper presented at the International Bride Price Conference, February, Kampala, Uganda.

Nigel Guy Wilson. "Dowry". Encyclopedia of Ancient Greece 2002.

Thompson, James, C., B.A, Med., Women in the Ancient World: Women in Babylonia Under the Hammurabi Law Code.

Oguli Oumo, M. (2004) Bride Price and Violence Against Women: the Case of Uganda, paper presented at International Bride Price Conference, February, Kampala, Uganda.

Osuna, M. (2003) The Mifumi Project of Domestic Violence and Bride Price Referendum Project Baseline Survey Report: Attitudes to Bride Price and its links to domestic violence and human rights abuse, Kampala District, Uganda.

Uganda Association of Lawyers, FIDA-U (1996) A research Project on Marriage, its Rights and Duties and Marital Rape, Paper 4, 2.

UNIFEM (nd) Pathway to Gender Equality: CEDAW, Beijing and the MDGs, New York: United Nations Development Fund for Women.

Women and Law in Southern Africa Research Trust (2002) Lobola: Its implications for Women's reproduction rights in Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe.

Majumdar, Maya (2005), Encyclopedia of gender equality through empowerment sarup and sons
Stange, Mary Zeiss and Carol K. Oyster, Jane E. Sloan (2011), Encyclopedia of women in today's world, volume 1 sage p. 43

The 1961 Dowry probitation Act in India Civil law.

Maharashtra tourism. The official website of Maharashtra tourism development corporation,

A dictionary of Greek and Roman Antiquities, John Marray, London 1875.

government of India - Mumbai

Archaeologia Americana: transactions and collections of the American Antiquarian society
volume 3.

Gail Maccoll and Carol McD Wallace to marry an English Lord pp. 166-7.

Marina Warner, from the beast to the blonde: on fairy tales and their tellers pp. 213-4

Economics and Philosophy-1492-2006 Trafford Publishing P. 83.

Mirza Rocky M. (2007) The rise and fall of the American Empire: a re-interpretation of History,

Bride exchange and women's warfare in Rural Pakistan World Bank Publications p.4

Sections 304B and 498A of the Indian Penal Code (IPC)

Tanwar, Reicha (2007). Dowry, the North Indian perspective hope Indian Publications.

Annual Report: Bangladesh 2010. Amnesty International Annual Report

Dowry prohibition (Amendment) ordinance, 1986

Menski, werner (1998). South Asians and dowry problem. Tren than Books p. 109

Deogruankar S.G.-(2002) Native Americans and native Indians concept publishing company p.
48.

Knox: Addressed to David Doig, Lord Provost Oxford: Bodleian: Ms. Deuce 328: 46 pages, (ff.23) dated Bombay 20 November, 1753 signed Alex

2005, 2008; examining major contents. Case Study of Newspapers coverage of dowry in India 1999-2006 in Asian

Journal of Communication, Institution of Dowry in India. The Quran chapter 4 verse 4

2004: Bride Price and Violence of against women. The case study of Uganda, paper presented at International

1996: A research Project on Marriages its rights and duties and marital rape, Paper 4,2

2004: Bride Price, a Right based view, the relationship between domestic violence and bride price.

Karnataka Forum from Dignity, Poster in Bangalore, India.

2004: Bride price and violence of against women. The case of Uganda, paper presented at National bride price

Nigel Guy Wilson "Dowry" Encyclopedia of Ancient Greece 2002 conference, February, Kampala – Uganda.

Jones, Gavin W. 1997). The continuing demographic transition Oxford University Press pp. 290-1.

The dowry and bridal gifts restrictions rules, 1976 Law of Shariat of 1948 and the Muslim Family Laws Ordinance of 1961 of West Pakistan

Dowry prohibition (Amendments) Ordinance, 1982

West Pakistan Dowry (prohibition of display) Act, 1967

Dowry and Bridal gifts (restriction) Act, 1976

2004: Bride Price and Violence against Women. The relationship between Domestic Violence and bride price
2005 Funerals, Thefts and Bride Price.

Annual Report: Bangladesh 2010. Amnesty International Annual Report

Hies, Lon 1994 Violence against Women, Draft Report prepared by World Bank Ibid

Edwig Charles Patrick (1987), Battered Women who kill Uganda Law Reform Commission
2006 Study Report Domestic Violence in Uganda.

2004 pride price and violence against women the case study of Uganda paper presented at
International Pride Price Conference February, Kampala Uganda.

High Court CS 81/1993