

IS 'BRIDE PRICE' EXPLOITATIVE? AN ESSAY IN AFRICAN SOCIAL INSTITUTIONS AND PHILOSOPHY

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Abstract

The highpoint of a marriage ceremony in African context is the payment of bride price. So much importance and emphasis is been placed on it that without bride price the marriage is considered null and void. However, despite this importance, most African men find it difficult to pay the price (levy) of their bride. This is so because either the price is too high or, in the case of a cross cultural marriage, the bride family ceases the opportunity as a means of exploiting the intending groom. Thus, this paper explores the meaning and concept of bride price in traditional African marriage system and argues that given the exorbitant, unbiblical, unnatural and the exploitative nature of bride price that it should be abolished. Above all, this paper further employs the hermeneutical method of inquiry to examine the concept of marriage in Africa and reaffirms the proposition that bride price commodifies the woman and as such it should be abolished if the voice of the feminist is to be held.

Keywords: African philosophy, marriage, bride price, feminism, exploitation

Introduction

The institution of marriage is as old as man has ever lived. In the Christian bible for instance, it is acclaimed that the institution of marriage was commissioned when Eve, the woman, was created by God to act as a companion and helpmate to Adam, the man. Similar accounts of the divine origination of marriage as a social institution can be found in other famous religions of the world. Marriage has been so elevated in the society of man so much so that in many cultures around the world, marriage is seen as the institution via which man reaches his full actualization. However, while the first marriage ever recorded in the world was simply without ceremony (as it

only took God the strain-less effort of creating a man and a woman and then instructing them to live together as husband and wife), marriages over the ages have become more complex, strenuous and bogusly ceremonious to contract. This change may be credited to the outcome of man's development over the ages. As man developed through history, so did marriage, one of his oldest institutions, metamorphosed from the primitive union of man and woman living together into a more organized contract system (it could be for a lifetime or less) whereby certain social rites, customary activities or legal obligations *must* be performed or fulfilled for it to be considered valid and binding by members of the entire society. These social rites or legal obligations make up the marriage rituals or system of any society and they could undergo some reformations as soon as the need arises to meet up with the changing times. Although the idea of marriage rituals or fulfilling certain social and legal obligations to validate a marriage is universal to all societies, what such rites or obligations should entail, however, varies from society to society according to their cultural inclinations and rationality.

In many parts of Africa, for instance, a marriage can be validated only when the bride price or bride wealth is paid to the family of the bride by the intending family of the groom. The payment of bride price in the contract of a marriage is also obtainable in other parts of the world but brideprice payment is however considered to be the most important aspect of any marriage in most African societies and it is often thought that It is only after this has been done can a man boast freely that he has taken a wife.

Recently though, many scholars and philosophers especially those within the feminist tradition have begun to rethink the ethical and philosophical basis for the practice of bride price payment in marriage systems around the world especially in Africa where the practice is widespread. Many have argued that the practice is hardly sustainable on any rational or ethical ground. They contend that the practice is dehumanizing as it reduces human being to mere *commodity* that can be procured for a certain price. This paper takes a look from the panorama of philosophy at the practice of brideprice in African marriage system and lends a voice to the above argument against the practice along with a range of other arguments that will be put forth such as, the argument that bride price is merely conventional and not natural and most importantly that bride price could be exploitative in many African societies.

In order to situate the arguments and conclusions in proper perspective, this paper intends to run the reader through the whole gamut of marriage in general, including its meaning and essence, and the African marriage system in particular, before properly articulating its arguments against the practice of bride price payment in African marriages.

Marriage: The Meaning and Essence

Marriage is arguably a universal concept but how it is to be defined or what it should entail may not necessarily share in the universality of the idea itself and that is why there are myriads of definitions of the term and what it should be about. This means that the definition of marriage may vary according to different cultures. However, anthropologists have proposed several competing definitions of marriage that take into cognizance and assimilate the various marital practices obtainable in various cultures of the world. For the purpose of this paper therefore, we are going to consider and analyze only the definitions of marriage that conform largely to the applicability and acceptability of marriage in African societies in order to arrive at a clear understanding of the arguments of this paper. Marriage has therefore been defined as “a socially or ritually recognized union or legal contract between spouses that establishes rights and obligations between them, between them and their children, and between them and their in-laws, as well as society in general” (Haviland; *et al.*, 2011). A lot is true about this definition as it applies to the African marriage system but the problem with the definition is that it doesn’t state exactly the kind of rights or obligations that is established between the spouses and the other parties stated in the definition. Another definition of marriage to be considered here is the one offered by Edvard Westermarck. He defines marriage as “a more or less durable connection between male and female lasting beyond the mere act of propagation till after the birth of the offspring” (Westermarck, 1922). This definition is deficient particularly as it does not state clearly how this “connection” is formed or entered into in terms of social rites or legal obligations to fulfill before the connection can be established. *In Notes and Queries in Anthropology*, a popular definition of marriage is given as “a union between a man and a woman such that children born to the woman are recognized legitimate offspring of both parents” (*Notes and Queries*, 1954). The problem with this definition is that it fails to recognize polygamy which

is a popular variant of marriage in Africa. Kathleen Gough in her examination of marriage in polyandrous African societies defines marriage as “a relationship established between a woman and one or more other persons, which provides that a child born to the woman under circumstances not prohibited by the rules of the relationship, is accorded full birth status rights common to normal members of his society or social stratum” (Gough, 1971). Edmund Leach (1955) criticized Gough’s definition for being too restrictive in terms of recognized legitimate offspring and suggested that marriage be viewed in terms of the different types of rights it serves to establish. Leach therefore offered a list of ten rights associated with marriage including sexual monopoly of the man or woman’s body and rights with respects to children.

All of the definitions considered above may be deficient in one way or the other as we have already analyzed, they however take into cognizance some of the most important features of marriage as applicable in the African setting, for instance, that marriage is between man and woman and that it also involves the expectation of children for the propagation of the family. The essence of marriage especially to the African can be difficult to quantify and perhaps, marriage is one of the most important social institutions in Africa. As Nwanunobi (1992, p. 38) rightly observes, ‘in several African societies, one has to be married and have children to qualify as an ancestor (at death)’. That is why everyone tends to strive towards getting married at the “appropriate time”. Since marriage is so highly placed in African societies, what then are some of the necessary requirements for marriage? There are three basic requirements needed for entering into a marriage in most African societies. In a typical African setting, as it is with some parts of the world, the first prerequisite for a marriage to take place is the consent of the intending couples to the union they are about to enter. Although there have been cases where marriage falls short of this very requirement especially in cases of child marriages, notwithstanding, consent between the intending bride and groom is the first step towards marriage. Secondly, any marriage in Africa must involve the ratification of the union by the families of both spouses as marriage is conceived in Africa to be not just a union between two people but a union between the two families involved because after the marriage, immediate and extended members of both families become related to each other through the union. As such, both families have to be in agreement and

mutually approve the union before other marriage rites may be confirmed. Thirdly and most importantly, certain marriage rites must be performed in confirmation of the marriage union. In most African societies, without these rites a marriage cannot be formalized. These rites vary from society to society but the most common, essential and indispensable feature is the payment of the bride price or bride wealth. This usually involves the payment of certain amount of money and other items to the father or the family of the bride by the bridegroom's family. Other aspects of the marriage rites may be listed as optional in many African societies but without the bride price there cannot be marriage. In fact, marriage in African setting is basically the payment of bride price. But what exactly does bride price entails in an African marriage? Is there a philosophical basis for the practice of bride price? Does bride price portends the possibility of exploitation by the parties involved? Why is the price of a virgin higher than those that are not in some cultures? These questions and other relating issues are what this paper intends to address, albeit philosophically, in the following sections of the work. Hence, let us look at the meaning of the phrase bride price and trace its origin.

A Brief Survey of Bride Price Payments and Purposes

According to Nwanunobi Onyeka bride price symbolizes "the earnestness of the bridegroom to assume the role of husband" (1992:29) another purpose is that it makes the children of the bride the legitimate children of the groom. For C.K. Meek, "the main purpose of a payment of the bride price is to regularize and give permanence to the foundation of the family from a mere paramour relationship and the promiscuous begetting and bearing of children (1937:277).

In the first recorded marriage in the Bible (Adam and Eve) no bride price was paid, God only gave Eve to Adam as a help mate. (Genesis 2:22-24). Critics may want to argue here that there were nobody to collect the bride price. But there was God the father of Eve, all he wanted was Adam to love his wife. However, in the Bible, Bride price was paid on some many occasions such as Genesis 34:12, where Shechem offered to pay lobola for Dinah the daughter of Jacob, whom he had raped. He paid for his sin by death. Another is where Saul demanded a dowry from David for his daughter Michal (1 Sam 18:25). One very interesting bride price is that paid by Jacob on his wife Rachael.

Rachael was given to Jacob and made to work for it later. Abraham spent lavishly on Rebecca's family to convince them to give Isaac their daughter. Isaac didn't pay bride price for Rebecca.

The payment of bride price can be trace back to the code of Hammurabi when it is stated that "a man who paid the bride price but looked for another bride would not get a refund, but he would if the father of the bride refused the match" (Wikipedia/brideprice.html) Instances of bride price payment can also be seen in the *Iliad* and *Odyssey* which is a pointer to the fact that bride price was a common practice in Homeric Society. The Islamic Law is not left out as it correctly spelt out that "...and give to the women (whom you marry) their *Mahr* (obligatory bridal money given by the husband to his wife at the time of marriage) with a good heart; but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it without fear of any harm (as Allah has made it lawful)." (Cited in <http://www.wikipedia/brideprice.org>)

Bride price has become a global phenomenon. In most places in the world, bride price is a reality which has even become a dogma. However, in 2004, MIFUMI held an international conference on the bride price in Kampala, Uganda. It brought together activists from Uganda, Kenya, Tanzania, Nigeria, Ghana, Senegal, Rwanda and South Africa to discuss the effect that payment of bride price has on women. Delegates also talked about ways of eliminating this practice in Africa and elsewhere. It also issued a preamble position in 2008. In 2007 MIFUMI took the Uganda Government to the Constitutional Court wishing the court to rule that the practice of Bride Price is un-constitutional. Especially it was complained, that the bride price once taken should not be refundable if the couple should get a divorce. (See. "Bride price" in www.wikipedia.com)

Bride price and Feminism

Women all over the world have decried their inferiority before the men folks. Thus, the attempt to pursue more equal rights before the two genders led to the movement of feminism. (Wen, 2012:1). The Meridian-Webster Dictionary defines feminism as the theory of political, economic, epistemic and social equality of the sexes (www.wikipedia.org/wiki/Feminism 20/9/2016) Stellan Wen conceives feminism as "a movement that aims at promoting women's rights in all aspects" (*ibid*). Over the years feminism has taken into

crude or radical turn. Radical feminism sees the male controlled capitalist hierarchy as the root cause of women's oppression and thus advocates for a total uprooting and reconstruction of society (Echol, 416).

A feminist may argue that “the bride price is a *protection for women*, to ensure that they were taken care of rather than taken advantage of.” One of the roots of inequality between men and women, or, more specifically, social dominance of women by men is because the men paid their bride price. Thus haven paid huge amount of money in purchasing his wife the man need to show his dominance over his tradable goods.

Peter Bisong and Samuel Aloysius Ekanem argue that feminists do not have a sound basis because the claim that both male and female genders are equal would lead to questions such as why are they equal? Is it because they share the same human nature? (2014:37). However, the institution of bride price is contrary to the mandate or aims of feminism, this is so because it will not be possible for a man and his property to have equal right. Thus, the first tasks for all the married female feminists is to refund their bride price for the institution of bride price will continue to negate the principles of feminism if not abolished.

Bride Price and Exploitation

Exploitation can be said to have taken place when one party takes undue advantage of another (Omonzejele, 2011:29). In exploitation, the victims are vulnerable individuals who sometimes lack the choice to resist been exploited. Basically there are some elements of exploitation namely, the imbalance of power, compelling needs and lack of alternatives, we shall examine them briefly in the light of bride price payment.

In negotiation between two parties, it is not always advisable to negotiate from one's point of weakness as this will lead to been exploited. During the marriage ceremony, the groom does not have equal say with the parents of the girl as to the sum of the bride price. Perhaps, in most African marriages the groom is not allowed to be in the room where the discussion is taken place. Thus, bride's parents always decide and win the negotiation, it is a win-win battle for them.

Also, the issue of bride price is normally settled when the marriage is ongoing with the guests of both the groom and bride around, thus because the groom does not want to be seen as putting his guest to shame and embarrassment he would comply with the bride price. Also the groom has a compelling need to marry and he is not also sure of any family where the bride price will be lesser, thus he pays the bride price.

More interestingly and as a follow up on the above is that the groom may not have other alternatives as to the payment of the bride price. In some cases exploitation could lead to conflicts in marriage. Given the exploitative nature of bride price in Africa marriage institution, the Europeans equated it with the sale of women, “in which case the husband who made this payment is thought to have purchased a wife” (Nwanunobi, 1992: 30) and this led the South African government to declare that “a marriage by native custom with the payment of cattle (*lobola*) was an immoral transaction and not a valid marriage... the Supreme court of Kenya ruled in 1917 that a so-called marriage by native custom of wife purchase is not a marriage” (*ibid*)

Some poorer parents have exploited the bride price as a means to attain wealth, asking for astronomical sums. An additional problem has been that as young men are not able to provide the bride price, it has often led to “marriage by abduction,” in which the girl/woman is kidnapped and sometimes raped in an attempt to force the parents to reduce the bride price and agree to the marriage—incidentally, this is one of the very problems Deut 22:28–29 attempts to address. Another problem is that women can come to be treated as “merchandise” to be bought or sold.

The exploitative nature of bride price can also be seen in the names given to children by their parents. Buchi Emecheta dramatizes this in her play *Bride Price* (1976) when Aku-nna (father’s wealth) is named by her father to symbolize that any boy that wants a wife should pay the bride price to the bride’s family. Though she has no inheritance, she must get a viable suitor who can pay her bride price. Hence, Aku-nna was caught between searching for love and someone who will be able to pay. Even when she met Chike whose parents are rich enough to pay her bride price, a series of events, such as Chike’s mother being a slave, led to their elopement and after a short while she died during childbirth to prove that if a woman’s bride price was unpaid,

she would die from childbirth of her first child. The story was told to deter other girls from eloping or given birth without bride price.

Again, why do Africans frown at divorce? One possible explanation is that the man has paid so much for the woman, and in some cases, the woman's parents will not be able to refund the bride price. Even, in situations when the woman is barren, the woman's sister may even come and help her to bear children so as to avoid the refunding of the bride price. In most Western countries, bride price payment is not recognize in the institution of marriage and this may be the cause of the alarming rate of divorce in Western marriages. Given the absence of bride price in Western marriages, the bride and the groom see marriage as a contract between two equals. Hence there is bound to be conflict in such a ship without a captain.

It can also be argued that the symbolic importance of bride price payment can be use as a solution to broken marriages via divorce in Western marriages. Perhaps, what are the symbolic importance of bride price payment in African marriages? One response to this is that, prayers are said for the intending groom and the woman becomes a member of his family. as a result of the prayer, some other symbolic items are introduce, such as the kola nut, drinks and some food items such as palm oil, yam, salt smoked meat, etc at times the groom is made to provide clothes for the bride's mother. These are attempts to show the preciousness of the bride and to show the extent at which the intending groom could go to cater for the bride's needs. When finally, the bride's family accepts the bride price, they say yes to the marriage, the bride's *ehi* say yes, the *enikaro* affirms the union.

In times of difficulty, the bride's family does not accept legal divorce or church divorce without returning the bride price. The refusal of the bride's family to return the bride price sometimes contributes to the impossibility of divorce in traditional African marriages. In Western marriages, where the bride price is not enforced, the bride and groom does not have any impediments to divorce. If the bride had an amorous relationship with another while the bride price has not been return, there is bound to be catastrophe which might boomerang not only on the woman, the man but also on the children. At times, when the groom dies the young brother or the eldest son inherits the bride as part of the deceased left over properties, or commodities. If the bride is to think contrary to this, she is made to mourn

the husband, return the bride price and is free to marry any man of her choice. G. Sankar and T. Rajeshkannan succinctly captured the importance of bride price when he writes that:

The social institution of marriage and the culture of paying bride price are interlinked and form an important part in the lives of African men and women. Like other communities, the African society has its own series of events that take place before and after marriage such as the hunting of bride by going to the prospective bride's hut before marriage and the inheritance of a widow and her family by the brother-in-law after the death of the husband. The traditional society of Africa strictly follows the culture of paying "bride price" by the groom's family failing to which consequently lead to the death of the bride in her first childbirth. The African men and women strongly hold this belief no matter how modern the society has become in order to avoid death. (Sankar and Rajeshkannan, 2014, 194),

In the light of these social practices and taboos prevalent in the African society, G. Sankar and T. Rajeshkannan in their paper attempt to analyze the reflection of the African system of marriage and the very culture of paying bride price in using Buchi Emecheta's novel *The Bride Price*. In some homes, in Africa, where culture and traditions are kept sacred, women are relegated to the background and consider as inferior to the men, such women are seen as lacking in morals if they are to talk back at a man who paid bride price on them. In *The Wives' Revolt* women demanded equal rights and justice from the men who have paid their bride price. The women's insistence in equal sharing formula is a theme of feminism; the men's ruling of the abolishment of goats in the society while the women were absent in the meeting cooking for the men again shows that because their bride price have been paid they must obey the men. *The Wives' Revolt* is J. P. Clark's masterpiece to commemorate with women on their international day celebration. However, the themes of the play are a mixture of feminism, justice and marginalization.

Conclusion

The payment of bride price should be abolished or used to symbolize what it originally meant – the sacredness of marriage and impediments to divorce – this is so due to its implication of “buying a bride.” More embarrassing is the whole idea of negotiation. In most marriage ceremonies we see two families finding the middle ground to hang the price. Finally, the high price tag on girls in most African cultures is the reason for the foot dragging of our men to get even one wife instead of the many wives that African men are known for. And in most cases where these men are able to pay the price they are forced to see the lady like a property in their estate who must act as such. To conclude this paper it will not be out of place to quote the words of Nwanunobi Onyeka that “the increasing incidence of the bride payment on prospective bridegrooms has had a significant effect on the willingness of young men to contract marriage in many parts of Nigeria in recent times” (Nwanunobi, 1992:30).

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