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BRIDE-PRICE, DOWER, OR SETTLEMENT

TORDAY, Emil

Man, 1929, Vol. 29, January, pp. 5–8 (Sociology, Torday)

Modern writers on African sociology are practically agreed that marriage among the natives does not consist of the buying and selling of the bride; Mr. Bryant, I believe, is the only serious supporter of this fallacy.¹ Whatever havoc Chaka's rule may have played with ancient institutions, the law still prevails among the Amazulu that the bride remains a member of her clan after her marriage,² and the Commission inquiring into South African laws and customs came to the conclusion that lobolo is neither dower nor the price of a purchase; a basket of corn, a hoe, or any trifle seals the contract as well as many heads of cattle.³ Acute observers have long ago refuted the idea of bride purchase.

Father Merolla stated, in the seventeenth century:

"It must be observ'd that the Father of the Bride, when he receives the Present for her, tho' it be ever so little, must not complain, for that would be no better than selling his Daughter. Wherefore to prevent such a Crime, all Men are tax'd by the Publick in those Matters, how much they shall give, and which is always rated according to their Qualities and Conditions."⁴

The fixing by disinterested parties of the amount which shall change hands was customary among the Natal Kaffirs too.⁵ The natives themselves scorn the idea of selling their daughters; thus the Ba-

¹ Bryant, *Zulu-English Dictionary*, p. 360 under lobolo.

² Faye, C., *Zulu References for Interpreters and Students*, p. 101.

³ *Laws and Customs Comm. Report*, Q., 469-473, 483-484.

⁴ Merolla in Churchill, *A Collection of Voyages and Travels*, London, 1704, Vol. I., p. 687.

⁵ Fynn, quoted by Fleming, *Southern Africa*, p. 256.

suto indignantly denied the imputation to Casalis,⁶ without, however, convincing him. Among the Boloki of the Upper Congo the bride's parents present the bridegroom at the wedding with food and sugar-cane wine, as

"...a proof that the girl is not sold as a slave, but given in marriage as a free woman."⁷

Among the Warega the husband never acquires more than a very limited authority over his wife, who remains a dependant of her parents and can be recalled by them whenever they choose to do so.⁸ Even among Mr. Bryant's own Amazulu the father remains always the wife's refuge and, in certain tribes at any rate, he never loses control over her, even after she is married.⁹

Paradoxical as it may seem, it is just in the marriages where no "bride-price" is paid that we meet with the most binding unions; this is the case with the bwinga form of marriage of the Awemba, when the girl is irrevocably handed over to the husband without any money passing between the bridegroom's and the bride's clans, whereas the woman for whom mpango has been paid can be reclaimed by her parents at any time.¹⁰

The sacred chieftainess of the Bakongo for whom no nzimbu zi longo (legitimate wedlock money) has been paid, can never leave her husband and cannot even marry again should she be left a widow.¹¹ It is thus absurd to speak of "bride-price"; nor is it more reasonable to use the words "dower" or "dowry". Something resembling dower is found in certain tribes. The Chaga father gives his daughter, according to his means, hoes or cattle after her circumcision, and these she takes with her when she gets married;¹² and in Bangwe rich people furnish the bride with stock.¹³

⁶ Casalis, *The Basuto*, p. 182.

⁷ Weeks, *Congo Cannibals*, p. 124.

⁸ Delhaise, *Les Warega*, p. 159.

⁹ *Laws and Customs Comm.*, Rep. Q., p. 482.

¹⁰ Gouldsbury and Sheane, *The Great Plateau of N. Rhodesia*, p. 165 et seq.

¹¹ Van Wing, *Études Bakongo*, pp. 144 and 148.

¹² Dundas, *Kilimandjaro*, p. 231.

¹³ *Journ. R. Anthropol. Inst.*, LI, p. 257.

The term "marriage settlement" as a substitute for "bride-price" is also out of place, as it must be restricted to real settlements found among certain peoples. Among the Bamangwate a wealthy man settles on his newly-wedded wife several small and large domestic animals which, by their natural increase, will assure her livelihood should she become a widow.¹⁴ Some eighty years ago, it was the custom that when a Kaffir took his first wife, all the cows he possessed became her property; she alone could dispose of them and their produce, and her rights passed on to her son.¹⁵

Among the Wachaga each "house" (i e., wife and her children) is provided in the husband's lifetime with cattle and other property.¹⁶ It is of more than academic importance that a better word should be substituted for the traditional "bride-price"; Pagett, M. P., has been lately vigorously on the war-path and has acquainted us with the fantastic conclusions of slavery and traffic in daughters, he has drawn, thanks to this unfortunate word, from his superficial observations during his flying visits to Africa. After all, he is the man who will make the laws for the colonies, and ought not to be mislead. In search for the right expression, I looked for guidance, as I usually do in worldly matters, to the Rev. E. W. Smith, but found that he had shirked the question; he simply suggests the use of the native term.¹⁷

So does Captain Rattray in his admirable *Ashanti Law and Constitution*. This expedient becomes impossible when several tribes have to be dealt with, for who shall decide whether chiko, lobolo, bogadi, ngosa, mpango, aseda, or any other word is to be preferred? Besides, excellent as they are, they convey nothing to the ordinary man. Mr. Smith defines chiko

"...as a compensation to the girl's clan, a return to parents and guardians for the expense they have incurred in her rearing, the seal of a contract by which she is to become the mother of the man's children, and a guarantee for good treatment."¹⁸

¹⁴ Holub, *Sieben Jahre in Süd Afrika*, I., p. 478.

¹⁵ Shooter, *The Kaffirs of Natal and Zulu Country*, p. 15.

¹⁶ Dundas, op. cit., pp. 304-309.

¹⁷ Smith and Dale, *Ila-speaking Peoples*, II., p. 49.

¹⁸ Ibid.

We may disregard the loss to the clan; as a rule a woman does not sever her connection with it on marriage, and frequently her children return to her own people. Nor are the expenses of rearing a child serious enough to be taken into account; in the early years there is no clothing, and later very little indeed; besides

"...girls are early made to help their mothers in looking after the baby and other domestic duties,"

such as fetching water and firewood, etc.¹⁹

In fact, they earn their keep. It is the sealing of the contract which is of paramount importance. It is a ceremonial act by which the two groups, families or clans, pledge themselves that their children shall fulfil their duties as husband and wife. If one of the parties withdraws, it may lead to a law suit²⁰, but as a rule, if the wife refuses to follow her husband, matters are peaceably settled by returning the goods; if the bridegroom defaults, they are forfeited.²¹

If the Kamba wife dies while still under her father's roof, the suitor is entitled to claim her sister in her place; but if the man has taken his wife home and she then dies, he has no claim to compensation, the bride having fulfilled her share of the contract.²² Of course, in the first case the restitution of the goods will be usually accepted, but there are tribes where this is not so. In former times an Ashanti deceased wife's sister, even if married, might be obliged to divorce her husband so as to take her deceased sister's place.²³

The word used by the Ashanti for what is usually called "bride-price", i.e., aseda, gives apparently the character of the transaction better than any other. Marriage is concluded by the

"...giving and acceptance of aseda by the contracting parties."
 "Aseda is a thankoffering given to the person or persons from whom some gift or benefit has been received... to serve as a record for all concerned that such a gift or benefit has been conferred and accepted."

¹⁹ Ibid. II., pp. 15-16.

²⁰ Van Wing, op. cit., p. 207.

²¹ Gutmann, *Das Recht der Dschagga*, p. 126 et seq.

²² Lindblom, *Akamba*, p. 78.

²³ Rattray, *Ashanti Law and Constitution*, in course of publication.

It is binding on both parties, "it is to ensure having witnesses." For this reason it is widely distributed and a portion of it

"...is given to the spirit ancestors who thus become witnesses along with the living to the contract."²⁴

The importance attached to witnesses is very widely spread The chiko of the Ba-Ila

"...is contributed by the bridegroom's clansmen on the one hand on the other, it is distributed among the bride's clansmen, the parents, especially the father, getting little of it."²⁵

Among the Bechuana the cattle is taken from the common family stock and is added to the bride's common family stock.²⁶ The "dower" of a Swahili girl is divided between the father, uncles and aunts; other members of the family also receive a trifling share.²⁷ Among the Bakongo it is divided among uncle, father, mother and brothers of the bride.²⁸ "It is" always paid in the presence of witnesses. If the marriage is broken (by death) "or dissolved (by divorce), the same witnesses are present at the palaver."²⁹ At a Thonga wedding the ancestors are invoked.³⁰

It is, of course, scarcely possible to find an English word which will convey the meaning of every native expression translated as "bride-price"; but it would be difficult to find one which is more inadequate and mischievous. Tentatively, I should like to suggest the word "earnest." According to the *Encyclopaedia Britannica*,

"...it is almost similar to the arrha of the Roman law, which may be" traced back in the history of legal institutions to a period when the validity of a contract depended not so much upon the real intention of the parties, as upon the due observance of a prescribed ceremony...

²⁴ Ibid.

²⁵ Smith and Dale, op. cit., II., p. 50.

²⁶ Brown, Tom, *Bantu Nomads*, p. 49.

²⁷ Velten, *Sitten und Gebrauche der Suaheli*, p. 109.

²⁸ Van Wing, op. cit., 194.

²⁹ Ibid., p. 209.

³⁰ Junod, *The Life of a South African Tribe*, 1st ed., I., p. 108 et seq.

But earnest was never a part payment, which arrha might have been... Any sum, however small, would be sufficient as *earnest*, being given as a token that the contract is binding and should be expressly stated so by the giver."

These lines are not written to impose a pet word of mine, but in the hope that criticism may produce a better one.