

# Some Factors for Cultural and Religious Transformation of Bride Wealth and Their Role on Marriage among the Bukusu

ANNE NEKESA WEPUKHULU<sup>1</sup>, MARGARET NANJALA MATISI<sup>2</sup>, STANLEY NGOME MUTSOTSO<sup>3</sup>

<sup>1,2</sup> Department of Social Sciences, Kibabii University

<sup>3</sup> Department of Curriculum and Pedagogy, Kibabii University

*Abstract- The practice of bride wealth is one that has persisted for generations among the Bukusu community because of the religious role it had on marriage. Marriage was a clan affair thus every step was taken to ensure the right partner was chosen after which bride wealth was paid as it was compulsory and even the poor were helped to pay bride wealth. It helped to create friendship between the intermarrying families and stabilized marriages as the whole community was involved. However, factors such as colonialism, modernization individualism, urbanization, intermarriages and commercialization have eroded religious and cultural significance the practice was meant to serve. As a result, marriage, marital stability and family relationships have degenerated into abusive marriages, domestic violence, separation and divorce as most men ill-treat women because they paid bride wealth. Bride wealth has become an avenue of acquiring profits other than enhancing the sacred institution of marriage as every woman has a monetary value attached to her based on her education level, social status and type of employment. Moreover, there is a decline in bride wealth in marriage, the institution upon which the Bukusu families, clans and the community are founded upon. In this paper we assessed the evolution of beliefs and practices of bride wealth and their role on marriage among the Bukusu. The study findings revealed that the colonization of Kenya interfered with the mixed economy of the Bukusu. The economic policies of colonial government such as taxation, alienation of land, forced labor, squatter system and restriction on cash crop farming reduced the Bukusu to wage laborers hence it became difficult to raise bride wealth. Christian missionaries attacked the bride wealth*

*practice terming it wife purchase. Many fathers took their children to school so that they could fetch them higher amounts of bride wealth. Educated women now prefer well-paying jobs and financial stability than marriage which limits their freedom through payment of bride wealth.*

## I. INTRODUCTION

The practice of bride wealth is one that has persisted for generations among the Bukusu community because of the religious role it had on marriage. Bride wealth and marriage were intertwined as marriage was only considered valid after payment of bride wealth (Nasimiyu, 2015). Marriage was sacred as through it, ancestors were remembered through naming and intermarrying families called upon God and the ancestors to bless the marriage. Marriage was a clan affair thus every step was taken to ensure the right partner was chosen after which bride wealth was paid as it was compulsory and even the poor were helped to pay bride wealth. Thus, it was a religious duty for every normal adult to marry to perpetuate generations. Traditionally, the custom served the role of sanctifying marriage and ensuring children born of the marriage union remained in their father's lineage, compensating the girl's family for taking good care of her and giving the man legal rights over his children (Dodoo et al, 2013). It helped to create friendship between the intermarrying families and stabilized marriages as the whole community was involved. However, factors such as colonialism, modernization individualism, urbanization, intermarriages and commercialization have eroded religious and cultural significance the practice was meant to serve. As a result, marriage,

marital stability and family relationships have degenerated into abusive marriages, domestic violence, separation and divorce as most men ill-treat women because they paid bride wealth (Oduor, 2017). Bride wealth has become an avenue of acquiring profits other than enhancing the sacred institution of marriage as every woman has a monetary value attached to her based on her education level, social status and type of employment. Moreover, there is a decline in bride wealth in marriage, the institution upon which the Bukusu families, clans and the community are founded upon. Christianity teaches women to recognize themselves as equal partners with men in marriage which makes women resent bride wealth which subjects them to inferior positions in marriage. Increased urbanization has given rise to mixed cultures hence it is difficult for the Bukusu practice of bride wealth to thrive in exactly the same way it was in the traditional society due to the religious role it played on marriage. Some are opting for cohabitation, a union not recognized in the traditional Bukusu religious and cultural life. Efforts towards studying the practice of bride wealth and its role on marriage have been made. There have also been some studies on negative effects of bride wealth (CREAW, 2015; Eryenyu, 2014). However, these efforts have not been able to address the evolution of beliefs and practices of bride wealth and their role on marriage among the Bukusu. The purpose of this paper is to assess the evolution of beliefs and practices of bride wealth and their role on marriage among the Bukusu.

II. TARGET POPULATION

The study targeted the Bukusu cultural informants, elders, chiefs, village headmen, clergy, house hold heads, youth and magistrates who used to work in the Bukusu customary court in Sirisia that used to handle disputes relating to bride wealth, circumcision, burial rites and inheritance as prescribed in Bukusu community, as they had the knowledge on issues to do with bride wealth and marriage customs.

III. ESTABLISHMENT OF COLONIAL RULE IN KENYA.

The study sought to establish from respondents their views on how establishment of colonial rule in Kenya

influenced cultural and religious transformation of bride wealth. Findings are given in table below

Table 1. Responses of influence of colonial rule on bride wealth.

Response	Frequency	Percentage (%)
SA	90	71.4
A	20	15.9
U	12	9.5
D	3	2.4
SD	1	0.8
Total	126	100

Source: Field data, 2022

Table 1 shows that 90 (71.4%) of the respondents strongly agreed that the establishment of colonial rule in Kenya by the British influenced the practice of bride wealth, 20 (15.9%) were of the same opinion, 12 (9.5) were undecided, 3 (2.4%) disagreed while 1 (0.8%) strongly disagreed. Therefore 87.3% of the respondents either strongly agreed or agreed that the cultural and religious transformation of bride wealth was greatly influence when the British established their colonial rule in Kenya in the 19<sup>th</sup> century. Their views concur with Parsons (2022) who notes that when Kenya became a protectorate of British East Africa in 1895, African communities were disorganized in their political, economic, cultural and social institutions. Declaration of Kenya as a colony in 1920 further entangled the communities as they found themselves caught up in the extensive social and political changes. When colonial administration was set up, concerted efforts were made to abolish practices that violated the colonizer’s moral code such as bride wealth and polygamy. Vast changes occurred in the cultural and religious values of the natives. The institution of bride wealth and marriage among the Bukusu was greatly affected by colonialism. Marriage by abduction which was very common was considered illegal by the colonial government, a view that is further supported by an archival source (KNADS: PC/NZA/3/33/8).

The stable mixed economy was undermined as they were subjected to taxation and forced labor. The Bukusu kept large herds of livestock from which they paid bride wealth. The British destocking policy that

was enacted as a means of controlling rinderpest and other diseases made the Bukusu to lose their livestock thus most men were unable to pay bride wealth for their wives, noted the Provincial Commissioner for Nyanza Region (KNADS: PC/NZA/3/28/1).

The Bukusu were subjected to taxation thus were forced to provide labor on settler farms and government projects so as to raise money to pay the taxes. The squatter system forced Africans to work for the British to be allowed to live on their own land hence their freedom of livestock keeping was curtailed. This limited their ability to pay bride wealth. The government restricted them from growing cash crops alienation of their land and subsequent settlement into unproductive and arid reserves impoverished the Bukusu further as they had to pay taxes and take care of their families, reveals an archival source (KNADS: PC/NZA/3/10/2). Payment of bride wealth became a challenge such that there arose many cases of non-payment that were taken to the LNCs. Polygamy, which was encouraged among the traditional Bukusu became an offence as the colonial government passed marriage ordinances that forbid polygamy. The rising cases of non-payment of bride wealth made the colonial government to legislate laws on marriage and bride wealth such that men who failed to pay bride wealth could be prosecuted and marriage could only be considered legal and valid after bride wealth had been paid. LNCs introduced registration of native marriages, as depicted by archives (KNADS: PC/NZA/2/9/21).

The difficult economic times that were precipitated by colonialism made some Bukusu men to force girls into marriage to get bride wealth. The colonial government began to take action against parents who forced their daughters into marriage. Many girls flee to towns to avoid marriage. A number of Bukusu who migrated to town for wage labor with the hope of raising bride wealth were disappointed as their wages could not adequately sustain their needs and those of their families back at home. The exchange of bride wealth involving cattle became a problem as some men refused to relent on the rates and confined their daughters until some bride wealth was paid. Other men forcefully gave their daughters into marriage with wealthy men to get bride wealth to

sustain their families. This resulted in migration of elite women to towns led to several cases of bride wealth return, revealed KNADS (DC/NN3/2/3).

The conscription of young men into the military for the First World War (1914-1918) and Second World War (1939-1945) by the colonial government disrupted Bukusu bride wealth and marriage. Some young men were forced to leave their wives as they went for war, opinioned Sinem (2020). For instance, immediately after World War 1, problems arose in terms of bride wealth exchange due to the economic stresses suffered by the Bukusu when it came to using their cattle to pay taxes. After the war, taxes were in most cases paid in cash as most people had reduced stock because of colonial destocking policy. The government passed laws to restrict these women from re-marrying while their husbands were away. as stated by an archival source below:

It shall be an offence for any native to offer cattle or other considerations to the father or guardian of the wife of any man who is absent on service with the military forces with intent that such wife shall be divorced from such husband during his absence and it shall be an offence for such a father or guardian to receive such cattle or consideration. If any father or guardian of any girl has received from any native part of the bride wealth for her and such native has afterwards left his home to serve with the military forces, such a father or guardian must not receive bride price for such a girl from any other person during the absence of such native and if he does so, he shall be guilty of the offence

(KNADS: PC/NZA/21/9/21)

Elders in an FGD complement the above view when they revealed that during the colonial period, some fathers took advantage and were marrying off their girls to other men while their husbands were away in the battle field. Thus, it became necessary to enact legislations which helped to curb such so as to redeem the cultural value of bride wealth (6/9/2022, Siboti).

As the British established their colonial rule, the role of Bukusu elders in bride wealth and marriage was undermined as they were subject to the rule of King NabongoMumia of the Wanga whom they were

forced to recognize as the overall ruler of the Abaluhya community. The colonial chiefs replaced the elders in arbitrating disputes of the Bukusu especially cases related to land ownership, marriage, and bride wealth and wife inheritance. The Bukusu like other communities suffered under their own people appointed as chiefs over them to collect taxes, recruit forced labor and maintain law and order in their areas of jurisdiction, notes Elkins (2005 & KNADS (DC/EN/3/2/1). Life became difficult that marrying at that time became almost impossible because of the requirements to pay bride wealth. Some chiefs confiscated livestock of the Bukusu hence denying them the required stock for bride wealth. For instance, SudiNamachanja, the Paramount Chief came up with the standard of 13 heads of cattle. Every man who received bride wealth for his daughter had to give 2 animals to the chief thus bride wealth deteriorated further as Sudi could not hear any case concerning marriage and bride wealth if he was not given his share. Some Bukusu elders took their complaints to the colonial government but their pleas were ignored. Between July and August 1916, Bukusu migrated in large numbers to Trans-Nzoia and settled as squatters on European farms to get a living and cash for taxes while others flee to town to evade taxation and forced labor, reveals KNADS (PC/NZA) and a cultural informant (O.I Isaac Misiko, 26/9/2022, Kimilili).

However, the 12.7% who hold a contrary opinion that establishment of colonial rule led to religious and cultural transformation of bride wealth echo the views of Nasimiyu (2015) when she asserts that culture is dynamic and not static hence the Bukusu cultural and religious practice of bride wealth and marriage was bound to transform somehow even without colonialism just like the changes that occurred in land ownership.

IV. CHRISTIAN MISSIONARY ACTIVITIES.

The study sought to establish from respondents their views on how Christian missionary activities in Kenya influenced cultural and religious transformation of bride wealth. Findings are in table 2 below:

Table 2 Responses of influence of Christian Missionary Activities on Bride wealth.

Response	Frequency	Percentage (%)
SA	100	79
A	12	10
U	6	5
D	5	4
SD	3	2.4
Total	126	100%

Source: Field data, 2022

Findings in table 2 show that 100 (79%) of the respondents strongly agreed with the opinion that the Christian missionary activities in Kenya transformed the practice of bride wealth while 12 (10%) were also in agreement with the same view. However, 6 (5%) were undecided, 5 (4%) disagreed and further 3 (2%) strongly disagreed.

Wafula (2008) concurs with the majority 79% who either strongly agreed or agreed that the work of the missionary societies in Kenya affected bride wealth and marriage among the Bukusu when he states that the establishment of Christian missions in western Kenya such as the Quakers, Roman Catholic, Mill Hill Mission, Church of God saw the conversion of many Bukusu into Christianity hence abandoning their traditional cultural and religious beliefs and practices such as bride wealth. The core teaching of the missionaries that was based on Jesus Christ conflicted with the Bukusu beliefs and practices. The missionaries initiated the freedom of choice of one marriage partner by another based on love, personal attraction and Christian commitment. The role of parents and other members of the extended family in marriage thus were undermined by missionaries, a view echoed by KNADS (DC/KMG/1/1/ 152).

From the above findings, it is clear that the attitude which the missionaries had towards traditional values and beliefs such as bride wealth, polygamy and wife inheritance made some Bukusu to embrace Christianity. Any person who was found guilty of the offence of bigamy was liable on conviction to a fine 5 pounds or in default of payment to imprisonment

for 12 months, any person who married a person whom he or she knew that was married was liable on conviction to a fine not exceeding 15 pounds or in default to imprisonment of 12 months, alludes an archival source (KNADS; PC/NZA/21/9/21). The missionaries termed bride wealth as a primitive and barbaric custom of buying wives. The African converts developed a negative attitude towards other Africans, opines Amastsimbi (2009). The Friends African Mission took a firm stand on polygamy thus monogamy became the yard stick for African leadership in the mission churches. Missionaries put polygamy in a precarious situation as most Bukusu men who were polygamous were forced to drop other wives to be leaders. Wives in polygamous marriages were sent away by their husbands who wanted to convert to Christianity. Most of the wives left with their children and joined independent churches where they were not discriminated against. In some cases, some wives went back to their husbands after baptism while other men became polygamists even after baptism because of the economic significance of women in provision of labor and procreation, observes DidmusKutukhulu, a cultural informant (O.I, 3/10/2022, Namwela)

The Christian missionaries and the British failed to understand the Bukusu institution of marriage and bride wealth. The missionaries condemned religious and cultural aspects of rituals and ceremonies such as bride wealth neglecting the role such practices played in the total social life of the Bukusu, as observed by Robel (2004). The missionaries condemned all the ceremonies that accompanied bride wealth such as feasting, offering sacrifices and pouring of libations and term the activities unchristian. The ring, vows made and the certificate signed by the couple and their witnesses and not bride wealth became the symbol and seal of marriage. As a result, approval of marriage by parents of the bride and the groom and their relatives was ignored as church marriage vows became promises of the husband and wife that hence forth they were going to live in harmony and help each other to maintain a stable marriage. Furthermore, those who were already married traditionally and wanted to join the church had to solemnize their marriages as a condition for full membership in the mission churches, suggests an archival source

(KNADS: DC/KMG/1/1/152). The penetration of the missionaries into the various facets of Bukusu lives drastically reduced the enthusiasm with which the Bukusu engaged in their traditional practices such as bride wealth and marriage. The Bukusu, whose allegiance alternated between devotion to their culture and Christianity were duly punished by their churches. Church discipline which involved denial of confirmation of a church member through baptism had to be exercised frequently and severely, as observed by a chief, YakoboMalaba (O.I, 26/8/2022, Tulienge).

Marriage and bride wealth which were traditionally compulsory among the Bukusu were no longer mandatory for some opted to join seminaries to train as priests while some girls became nuns thus causing the community to miss out on bride wealth, a concept that was misunderstood by the missionaries. To the missionaries, the marriage process especially the exchange of bride wealth was like purchasing a wife for cash. They assumed a man's wife was an indication of his wealth and that fathers valued their daughters for the bride wealth they would fetch from their prospective husbands. The PC ON Nyanza in a letter to the Chief Sectary of the state states that:

Amongst all the native tribes" polygamy is the rule. *Mahari*(bride wealth) is the basis of the marriage contract. *Mahari* literally represents payment for the woman in her transfer from her father and her kin to her husband and his kin who take her away. *Mahari* does not mean buying a girl but to compensate her father for loss of her labor. She is a free agent as long as the husband-to-be is committed to pay *mahari* demanded (KNADS: DC/NN/1/1/9)

From the findings above, it is evident that the missionaries failed to recognize that marriage among the Bukusu was a social and communal affair and not an arrangement involving only the bride and groom. Marriage and bride wealth negotiations involved both families of the bride and the groom and the bride wealth was given to different family members. The missionaries required the bride, groom and their best couple as witnesses to formalize the Christian marriage. Bride wealth was a guarantee that marriage would last. However, if divorce became

inevitable, the parents of the wife would return her bride wealth to her husband's family, reveals KNADS (DC/NN/3/2/1).

Wife inheritance, a practice that was founded on payment of bride wealth by which a woman could be inherited by the late husband's brother or close male relative to perpetuate the deceased's man lineage was attacked by the missionaries who termed it evil thus interfering with Bukusu levirate marriage and family. Marriage, instead of offering social and economic support to the widows and orphans through wife inheritance became a point of tension as missionaries pressed on the colonial government to enact laws that put a ban on it, as supported by an archival source below:

Any native woman married in accordance to the Native Christian Marriage and Divorce Ordinance, whether before or after commencement of this ordinance, shall be assumed to be a widow and shall not be bound to cohabit with the brother or any other person after the death of her husband, but she shall have the right to support herself and her children and not from marriage to the aforementioned (KNADS: PC/NZA/2/9/9)

From the findings above, Christian missionaries depicted wife inheritance as pagan that the practice viewed women as movable property. Polygamy, wife inheritance and bride wealth exchange which served a religious and cultural purpose as Bukusu marriage was concerned were interfered with. Missionary efforts to eradicate these practices resulted in the disintegration of traditional Bukusu marriage pattern. The missionaries brought about the notion of marriage being a contract between two people and hence the death of one partner meant end of marriage. A widow was not supposed to have more children after the death of her husband lest she remarried from the church otherwise she could be denied sacraments. The missionaries also brought about celibacy and emphasized that single state was a vocation worth equal respect just as marriage thus eroding the key purpose of marriage, procreation, opines Okuro (2002).

Therefore, from the above findings, the profound impact of missionaries in spreading Christianity continues to influence the transformation of Bukusu bride wealth and marriage. Christianity teachings oppose bride wealth as they equate the practice to the inferiority and mistreatment it causes on women. Some churches do not support return of bride wealth on basis of barrenness as a Christian marriage is complete with or with or without children. Ndirangu (2019) echoes the above vies when he observes that bride wealth is not in line with biblical teachings on equality between men and women and it is against the Christian view of marriage as a partnership and a bond of love between a husband and wife. Village head men agree with the above views when they say that some churches are quick to wed off their members without consulting the extended family of both the bride and the groom. Some clergy are not keen on payment of bride wealth provided the would-be couples can afford the church wedding thus undermining the role of relatives in marriage preparation and bride wealth. Some people pick their church leaders to represent their parents in seeking consent for marriage and even organizing for the wedding (FGD, Village Headmen, 4/10/2022, Kamukuywa). From the above findings, it is clear that the role of relatives in choice of a marriage partner and bride wealth undermine the role of the practice on the Bukusu customary marriage.

The 11% of the respondents were of a different opinion that activities of Christian missionaries affected the practice of bride wealth thus leading to its cultural and religious transformation. Christian missionaries helped in highlighting the marriage or sell of daughters as young as fourteen years to old men for bride wealth. Some men were giving away their daughters at any value, revealed an archival source (KNADS: PC/NZA/3/28/4). The forceful marriages were condemned by Archdeacon Owen in 1936 who considered compulsory registration of marriages to protect young girls from forced marriages, as supported by the archives (KNADS: PC/NZA/3/33/8). The Bukusu continued to celebrate their marriages in the mission churches and by 1963; there were over 8000 Christian marriages (ibid). A cultural informant corroborates the above when he states the following during an oral interview:

Christianity is not to blame for transformation of bride wealth because most churches today have made it compulsory for men to pay bride wealth before they are allowed to go on with wedding preparations. All steps are followed such as identifying a suitor, seeking consent from parents, betrothal, payment of bride wealth and the wedding. Thus Christianity gave the Bukusu marriage a new face of following church order in bride wealth negotiations and marriage. We don't have a problem with the church because it supports our practice of bride wealth as some churches have denied men the right to solemnize their marriage until they pay bride wealth (O.I, Caleb Waswa, 4/10/2022, Lwandanyi).

However, from the above findings, it is evident that Christianity embraces the practice of bride wealth as in most churches, the groom is required by the church to pay bride wealth to the bride's parents before he can be allowed to go proceed with wedding plans. All steps are keenly followed but are done in accordance with Christian reaching and guidelines.

V. INTRODUCTION OF WESTERN EDUCATION.

Respondents were asked to give their views on the impact of western education on the cultural and religious transformation of bride wealth and how it affects marriage.

Their responses are tabulated as follows:

Table 3 Responses of influence of the Introduction of Western Education on bride wealth.

Response	Frequency	Percentage (%)
SA	98	78
A	12	9.5
U	3	2.4
D	10	7.9
SD	3	2.4
Total	126	100

Source: Field data, 2022

Findings in table 3 above show that 98 (78%) of the respondents strongly agreed to the view that introduction of western education influenced the

Bukusu traditional practice of bride wealth thus leading to the cultural and religious transformation of the practice and its role in marriage. 12 (9.5%) held a similar view. However, 3 (2.4%) were undecided, 10 (7.9%) disagreed while 3 (2.4%) strongly disagreed. It is evident that the majority 87.5% support the view that western education transformed the practice of bride wealth and hence its role in Bukusu marriage. Their views are supported by Namulunda (2016) when she asserts that Bukusu had an elaborate indigenous system of education that was passed orally from one generation to another through folk tales, narratives songs and other forms of oral traditions through which the old transferred values to the youth. Boys and girls were taught and prepared for marriage during initiation. Moral values such as love for others, sharing, reciprocity, responsibility, hospitality, obedience, honesty, hard work, and respect for elders, humility and perseverance were central to Bukusu moral code. Thus, learning the importance of marriage and family values and cultural and religious practices such as bride wealth was natural for those who grew up with their elders. However, modern schooling and education has eroded Bukusu traditional beliefs and practices of bride wealth and marriage. Women who have gone to school term themselves independent and despise the practice of bride wealth which ties them to marriages and undermines their educational advancement, observes Situma Manyasi, a cultural informant during an interview (2/9/2022, Kolani) Western education has now become a determinant factor for bride wealth. A highly educated girl is likely to fetch high bride wealth for her parents to compensate for the huge sums of money spent on her for her education (Delgado, 2015). Western education introduced by Christian missionaries in the 19<sup>th</sup> century continues to shape bride wealth practice, as indicated by archival source below:

The period between 1930 and 1940 witnessed an upsurge in education for girls in Kenya. Most men took their daughters to school so that they could fetch high bride wealth for them. Established of girls' boarding schools in Kenya provide a chance for other girls to go to school to avoid forced marriages by their parents. Some girls who successfully completed secondary school had the opportunity to go to Makerere

University, Jean’s school and other TVETs where they got technical training and there after employment. Such women preferred their careers than being tired down to marriage by bride wealth. Some girls who had eloped with their suitors were pulled out of their marriages and taken to school due to failure by their husbands to pay the required bride wealth. Other girls flee from forced marriages and went back to school. This continued to transform Bukusu bride wealth and marriage (KNADS: PC/NZA/2/1/1)

A key respondent corroborates the above view when he observes that many girls went to school, they despised marriage and opted for jobs that paid well instead of bride wealth which they equated to buying them (K.I.I, Henry Naulikha, 20/9/2022, Kimaeti)

It is apparent from the above findings that the paradigm shift to education of the girl-child has seen many women enroll to higher institutions of learning to take up even course previously reserved for men such medicine and engineering. Consequently, marriage and bride wealth is no longer a priority to such women who feel economically empowered. Education has enabled some women to get well-paying jobs and careers hence they are self-reliant. The idea of being pinned down to procreation and working on the farms due to bride wealth payment no longer holds water for such women. Education status has surpassed some qualities that were considered key in choosing a good wife such as virginity, submissiveness, hard work leading some women marrying men of a similar class while denying other men the opportunity to marry.

Barasa (2007), in his divergent opinion from the above views observes that western education did not undermine bride wealth but gave the practice a new face where by men who took their daughters to school had the right to be compensated properly through payment of reasonable amount of bride wealth. His views are in line with the 12.5% of the respondents who refute the view that western education is to blame for the cultural and religious transformation of bride wealth and its role in Bukusu marriage. Muntz (2011) further adds that an educated and empowered woman is the cornerstone of community development.

VI. INTRODUCTION OF THE MONEY ECONOMY.

A question was posed to the respondents to get their views on whether introduction of money economy affected the practice of bride wealth and its role in Bukusu marriage. Their views are in table 4

Table 4 Responses of influence of the introduction of Money Economy on bride wealth

Response	Frequency	Percentage (%)
SA	100	79.4
A	21	17
U	2	1.6
D	1	0.8
SD	1	0.8
Total	126	100

Source: Field data, 2022

Findings in table 4 reveal that 100 (79.4%) of the respondent strongly agreed while 21 (17%) agreed that money economy interfered with the practice of bride wealth. 2 (1.6%) were undecided, 1 (0.8%) disagreed while further 1 (0.8%) strongly disagreed. It is evident that the overwhelming majority of 97.4% either strongly agreed or agreed that when money economy was introduced in Kenya, the Bukusu practice of bride wealth transformed from a cultural and religious practice that brought members of families together to an economic practice where men valued bride wealth in terms money rather than cattle. Bride wealth was extremely affected by the introduction of the cash economy as capitalist penetration among the Bukusu threatened the practice, as observed by JosephatWefwila (O.I, 3/9/2022, Kulisiru).

Kavulavu&Tanui (2019) echo the above sentiments when they state that hitherto to cash economy, exchange of cattle for girls cemented relationships among the intermarrying families and payment of bride wealth was not regarded merchandise. Bride wealth had a cultural value and not monetary value as cattle were not traditionally sold in the market as they provide people with meat and milk. Cattle in marriage legitimized children and guaranteed marital



stability. The entrenchment of capitalism in Bukusu community transformed the bride wealth system as money was basically used to acquire almost everything and acquainted the people with new forms of owning property. Cattle payment began to be gradually replaced partially with cash. Cattle given during bride wealth had been for the entire kin of the girl which strengthened marriage but with cash, cattle ceased to be the important factor in marriage transaction. The few lucky men who could use their earnings to buy cattle realized they could negotiate with the parents of the girl and not the entire kin leading to a loss of bride wealth. Taxation, livestock diseases and difficulty in meeting daily needs due to exploitative economic policies hastened the replacement of bride wealth exchange in cattle with money, as further revealed by an archival source (KNADS: PC/NZA/3/3/8). Consequently, some unscrupulous fathers or parents started giving out their young daughters in marriage after receiving little tokens of cash in order to deter other members of the family from bride wealth negotiations. This led to many girls complaining that they were being forced to marry against their wish. This forced the LNCs to resolve with little success that it was an offence for any man to marry off their daughter until she attained fifteen years of age. The punishment for such an offence as prescribed by the LNC Baraza was a fine of Shs. 150 failure to which one would be imprisoned for three months, reveals KNADS (PC/NZA/3/33/8). Maina during an oral interview corroborates the above views when he says that:

Today, money economy continues to influence bride wealth and marriage. Some men do not involve other relatives in bride wealth negotiations for their daughters. They silently receive cash and cheques from their son-in-laws and other monetary gifts such as cars and even land. Relatives only get to learn of such a marriage when there is a problem. Money economy undermines the religious and cultural value of bride wealth as some fathers demand livestock with huge sums of money for exchange of their daughters. Monetization of the economy has diminished the symbolic value of bride wealth of validating marriage to reducing women to material objects which money can buy. The relatives who are denied the opportunity to

partake of marriage and bride wealth negotiations distance themselves in case of marital disputes which continue to undermine the sanctity of marriage (O.I, EliudMaina, 6/9/2022, Siboti)

From the above findings, money has made girls to be assigned with a cash tag with which to fetch bride wealth from their parents. Money is replacing use of animals in bride wealth exchange thus undermining the cultural role of bride wealth in appreciating parents for taking care of the girl. Instead, failure to pay required amount of money leads to severed family relationships and marital break down.

The 3.6% minority of a contrary opinion that money economy affected bride wealth share similar views with Barasa (2010) when he asserts that money economy simplified bride wealth transactions in marriage and not necessarily undermined the practice.

#### VII. MODERN JUDICIAL AND LEGAL SYSTEMS.

When respondents were asked to give their opinions on the impact of modern judicial and legal systems on cultural and religious transformation of bride wealth, they gave the following views as shown in table 5 that follow; -

Table 5 Responses of influence of Modern Judicial and Legal Systems on Bride wealth.

Response	Frequency	Percentage (%)
SA	80	64
A	33	26
U	9	7
D	1	0.8
SD	3	2.4
Total	126	100

Source: Field data, 2022

From the above findings, 80 (64) of the respondents strongly agreed and 33 (26%) agreed that in deed the establishment of modern judicial and legal systems had a profound impact on the practice of Bukusu bride wealth thus affecting the cultural and religious significance of the practice in marriage. 9 (7%) were

undecided, 1 (0.8) disagreed while 3 (2.4%) strongly disagreed.

The 90% who either strongly agreed or agreed are echoed by Barasa (2012) when he states that the hitherto role of Bukusu elders in determining the amount of bride wealth and overseeing the overall marriage process was undermined by establishment of the LNCs and the African courts that took over the role of resolving cases that were related to bride wealth and marriage among the Bukusu. This resulted in the elders losing the positions they once enjoyed like reprimanding men who failed to pay bride wealth. Thus, the modern legal systems replaced the role of elders in bride wealth negotiations and marriage. After many cases of non-payment from Bukusu parents, it was resolved that thirteen heads of cattle and a goat is the standard payment of bride wealth. Any payments done were to be written in an agreement and witnessed for future reference unlike in the traditional Bukusu community where people were faithful to oral agreements that were sealed by oaths, as supported by the archival source below:

Bride wealth transaction means the payment of any property which shall include cattle, sheep and goats for the purpose of marriage or divorce according to the customary law. Registrar of bride price means a person appointed in writing by the president of ADC to record bride price transaction. Part of the transaction means the husband and his witness and the wife and her parents or guardian according to the customary law. Every person who shall pay or repay any property by way of bride price shall register such a transaction. Every person paying bride wealth shall register such transaction within seven days of making such a payment and shall supply to the registrar, the particulars required by the registration certificate and agreement of bride price set out (KNADS: PC/NZA/3/1/1)

A chief complements the above view when he observes that the requirements to sign bride wealth payment agreement became a source of contention between men and their son-in-law. Fathers supported it as it helped them pin down the husbands of their daughters to pay the agreed bride price but youngest

men resented it because they feared being arrested for failure to comply (O.I, ProtusMasinde, 10/10/2022, Kimilili) Consequently, young men kept of marriage, the basis of Bukusu marriage. Some fathers had to give their daughters for marriage freely as potential suitors were not forthcoming opines Khaneka (2013) From the above findings, it is evident that the post-independent government made attempts to enact laws on marriage and bride wealth but there isn't consensus. The Kenyan government has a long history of trying to amend marriage laws. The process dates back to 1967 when a commission was appointed by the government to draft marital laws that the parliament rejected and deemed „un-African“ because the laws did not consider African traditions and customs. The marriage Bill (2007) was introduced in parliament and re-introduced in 2009 but it has not been passed, as observed by Lowes &Nunn (2017). Article 54 of the Marriage Bill (2007) would make bride wealth payment optional. The article states that that one does not have to pay bride wealth to get married and therefore a union is deemed complete irrespective of whether bride wealth was paid or not. Article 55 of the same bill states that no action may be brought for the return of bride wealth whether in whole or part (Ibid). However, the bill does not outlaw bride wealth either hence if this bill is enacted into law, then payment of bride wealth will be a voluntary matter thus putting the Bukusu custom of bride wealth in jeopardy.

The 10% of a contrary opinion are supported by an informant who notes that modern judicial and legal systems are key in regulating bride wealth because greed has made some parents to exploit their sons-in-law hence the need for laws to be enacted concerning bride wealth, opines Jimmy Lusweti, during an interview (O.I, 10/9/2022, Musakasa)

#### VIII. MIGRATION AND URBANIZATION

The study sought to establish from the respondents their views on whether migration and urbanization influenced the transformation of bride wealth. Findings are given in table 6.

Table 6 Responses of influence of migration and urbanization on Bride wealth

Response	Frequency	Percentage (%)
SA	112	89
A	4	3.2
U	3	2.4
D	3	2.4
SD	4	3.2
Total	126	100

Source: Field data, 2022

The findings in table 6 reveals that 112 (89%) of the respondents strongly agreed that migration and urbanization influenced the cultural and religious transformation of the Bukusu practice of bride wealth. 4 (3.2%) were of the same opinion, 3 (2.4) were undecided, 3 (2.4%) disagreed while 4 (3.2%) strongly disagreed. Therefore 92.2% of the respondents either strongly agreed or agreed that migration and urbanization transformed bride wealth. This may imply that majority of the respondents were aware that migration and urbanization played a great role in the transformation of bride wealth through interaction of the Bukusu and other cultures. Men including clan heads and family heads could not raise bride wealth. They tried unsuccessfully to negotiate as girls became difficult to tame using traditional obligations and customs. Some men had to move to town to look for wage employment to raise bride wealth. However, capitalist goods and luxuries in urban centers lured many girls and women to flee to town escape marriage or from marriages as towns seemingly provided good life as compared to the rural areas. Women could only marry men who could afford the luxuries, as suggested by an archival source (KNADS: PC/NZA/2/1/1)

From the above findings, it is clear that migration and urbanization continue to transform bride wealth even in the 21<sup>st</sup> century. As the Bukusu migrate and settle in towns and other places in Kenya, cultural interaction has occurred making some people to adopt marital customs other than the Bukusu which makes bride wealth payment compulsory. Onyango (2005) posits that urbanization has led to mingling of different cultures between different groups of people thus leading to introduction of new ideas and

attitudes. Consequently, there is a new dimension of bride wealth by which some people pay a little, others nothing while still others avoid marriage because of the requirement to pay bride wealth. Most urban women are giving their economic independence first priority and not marriage.

Some members of the Bukusu community are not constrained by marital customs while in towns as the urban environment provides freedom. In towns, there are no elders, parents or relatives to put people on their toes to do the right thing such as the need to follow the right steps in marriage such as the payment of bride wealth. There is no punishment for those who engage in irresponsible sexual behavior as it was in the Bukusu community. The permissiveness in the urban set up has given rise to different forms of marriage that never existed in the traditional Bukusu community such as single-parent family, come-we-stay and even same sex marriages that were regarded as an abomination as the key purpose of Bukusu customary marriage was procreation hence bride wealth was equated to child wealth as it conferred reproductive rights to the man over his wife, observes village headmen in Bumula (FGD, 22/9/2022). Siring children out of wedlock has become fashionable as people don't care about the traditional family in which children were taken care of. Co-parenting has also emerged among some urban Bukusu who have no intention of marrying or getting married but they would rather get children and just cost-share in bringing up the child. Many children are born in the streets without an identity and belonging. This explains escalating cases of truancy among children and disputes over custody yet payment of bride wealth provided security to children while giving them an identity. These emergent unions do not provide an impetus to payment of bride wealth as members of such union regard bride wealth and customary marriage as unnecessary evil and bother observed elders in a focus group discussion (24/9/2022, Sirisia)

From the findings above, it is evident that urbanization promotes immorality as it has eroded the Bukusu traditional values pertaining marriage such as chastity. The youth fear marriage commitments due to the demands of bride wealth. Permanency of marriage, which was enhanced through payment of

bride wealth has become a mirage as the youth look for sexual partners to satisfy their sexual lust and needs hence, they have no reason to get married they can satisfy such needs even without marriage. Prostitution thus has been normalized thus undermining the role of bride wealth, observes Eryenyu (2014). Thus, urban environment has given rise to new cultures that have exposed people to different styles of living thus it's difficult for bride wealth and marriage to thrive in the same way as was the case in the traditional Bukusu community.

However, Knox (2011) departs from the above views when he observes that migration and urbanization has enabled people to overcome cultural and religious prejudice and co-exist with others peacefully. These views are in line with those of the 7.8% of respondents who disagreed with the opinion that migration and urbanization were to blame for the cultural and religious transformation of bride wealth thus undermining marriage.

#### CONCLUSION

This paper examined factors responsible for cultural and religious transformation of bride wealth and their role on marriage among the Bukusu community. The study findings revealed that the colonization of Kenya interfered with the mixed economy of the Bukusu. The economic policies of colonial government such as taxation, alienation of land, forced labor, squatter system and restriction on cash crop farming reduced the Bukusu to wage laborers hence it became difficult to raise bride wealth. Christian missionaries attacked the bride wealth practice terming it wife purchase. Many fathers took their children to school so that they could fetch them higher amounts of bride wealth. Educated women now prefer well-paying jobs and financial stability than marriage which limits their freedom through payment of bride wealth.

Modernization, secularism, globalization, migration and urbanization has broken down the once knit Bukusu kinship, family and marriage structure in which the practice of bride wealth thrived and now the youth are opting for other types of unions such as cohabitation and single-parent marriages that are convenient. Communalism has been replaced with

individualism where by some people have taken marriage and bride wealth payment a personal affair and as such some get stranded and end up not paying bride wealth which leads to conflicts in marriage. The introduction of cash economy, tough economic times and massive unemployment among the youth have given rise to many cases of non-payment of bride wealth because of exaggerated amounts demanded by some fathers for their daughters. Negotiation and use of bride wealth is no longer a communal affair but an affair between the parents of the girl and those of the boy.

Consequently, bride wealth practice has transformed and the religious and cultural significance attached to it in marriage such as a token of appreciation to the girl's parents, legalizing marriage, giving a woman security in marriage and giving children an identity has been eroded.

#### REFERENCES

- [1] Amatsimbi, M. H. (2009), *The Friends church and Economic Transformation among the Luyia Western Kenya, 1902-1988*. D. Phil Thesis, University of Nairobi.
- [2] CREAM (2011). *Bride Price: Is it Modern Day Slavery?* Nairobi: The Kenya GBV Network. Available at Prevent by africaorg. Bride price book. Retrieved on 24<sup>th</sup> October, 2018
- [3] Dodoo, F.N.A et al (2008). *Does Education Mitigate the adverse impact of bride wealth on Women's Reproductive Autonomy?* Genex, LXX, NO 1, 77-97
- [4] Barasa, K.W (1996). *The Bukusu Customary Marriage*. University of Nairobi.
- [5] Onyango, D. (2005). Multicultural Marriages Abound. *People Daily*. December 4 2005
- [6] Eryenyu, J. (2014). Payment of Bride Price turns Women into Commodities: *Daily Monitor*. Available at: www.Monitor.co.ug. Accessed 5 June 2017
- [7] Oduor, O.A (2017). *The Contribution of Dowry Payment in Marriages: A Proposal for Abolishment of the Payment*
- [8] Parsons, T.H (2022). *The Rule of the Empires: Those Who Built Them, Those Who Endured Them and Why They Always Fall*. Oxford University Press

- [9] Okuro, S. O. (2002). *The impact of colonial socio-economic policies and practices of female-headed households in Kenya: The case of Kombewa Division, Kisumu District 1894-1963*. M.A Thesis., Kenyatta University.
- [10] Ndirangu, N (2019). *The Economics of Bride Price in Kenya*. 2<sup>nd</sup> Annual Conference on the status of Women. University of Nairobi

ARCHIVAL SOURCES FROM THE KENYA NATIONAL ARCHIVES AND DOCUMENTARY SERVICE (KNADS)

KNADS: PC/NZA/2/9/9; Nyanza Province, Annual Report, 31/3/1913

KNADS: PC/NZA/3/3/2; Political record Book for North Kavirondo

KNADS: PC/NZA/3/33/8; Local Native Council General, 1927

KNADS: PC/NZA/3/28/1; Native Marriages, 1924-1926

KNADS: PC/NZA/2/9/21; Kavirondo Marriages and Divorces, 1935

KNADS: DC/NN3/2/3; North Kavirondo District Annual Reports, 1913

KNADS: DC/EN/3/21/1; Marriage Returns, 1925-1929

KNADS: PC/NZA/2/9/1; Marriage Ordinance 1902 and matters under, 1924-1926

KNADS: DC/KMG/1/1/152; Native Tribal Laws and Customs and dowries, 1955-1958

KNADS: DC/NN/1/1/9; North Kavirondo Annual Report, 31/3/1918

KNADS: DC/NN/3/2/1; Hut and Poll Tax Collection, 1932-1946

KNADS: PC/NZA/3/28/4; North Kavirondo Annual Reports, 1923

KNADS: PC/NZA/2/1/1; Correspondences, 1938

KNADS: PC/NZA/3/3/8; General Native Policy, 1944

KNADS: PC/NZA/3/1/1; African Men, 1945