

The Shifting Patterns of Customary Marriage and Gender Relations in Post-Conflict Northern Uganda

Ejang Mary

Department of Public Administration and Management
Lira University

ABSTRACT

This paper presents the transformations in the customary marriage processes, practices and gender relations among Lango in northern Uganda. The paper takes a qualitative approach using generational in-depth interviews with participants in the sub-counties of Lira and Ogur, Lira district northern Uganda. The findings indicate that marriage was a highly respected institution in Lango culture accomplished by the payment of bride wealth called '*lim nyom*' but greatly transformed over time from material to monetary demand. The traditional marriage process was punctuated by eight designated sequential events and installment payment of the bride-wealth. However, this paper underlines that Lango customary marriage (*Nyom tekwaro Lango*) has changed over time due to the rapid social, economic, cultural and traditional changes to match the socio-economic and ideological realities dictated by the globalization process. Core among the factors that have influenced and undermined Lango customary marriage is borrowing the alien value system to suit the contemporary social and economic changes. This paper argues that whereas it is important to adopt the new marriage principles and practices, the shift affects gender relations and thus it is worth retaining the significant valuable customary practices that knit family and community members.

Keywords: Customary Marriage, Marriage Practices, Transformations, Gender Relations

INTRODUCTION

This paper explores the transition in customary marriage practice in post-conflict northern Uganda. The paper focuses on the implications of emerging forms of marriage arrangements and the implications for gender relations between men, women and girls and boys in the aftermath of the Lord's Resistance (LRA) conflict. The LRA conflict forced people in northern Uganda from their original homes into internally displaced people's (IDP) camps for a period of two decades. Forced displacement and conscription created suspicion and loss of mutual trust among the community members thus destroying the social relations of the family, marital values, practices and clan system, hence adoption of new ways of life.

Marriage in this paper refers to a publicly recognized conjugal union between the two partners as husband and wife or wives often formalized by the payment of bride-wealth. Bride-wealth thus refers to the customary gifts paid in terms of domestic animals and birds (cattle, goats, chicken) and assortment of valuable materials. The payment is made by the husband (groom's kinsmen) to the bride's family in respect of a woman (bride) at or before marriage. In Lango

custom, bride-wealth is paid to the male relative of the prospective bride usually the father or elder brother on account of marriage of that female person (bride). Bride-wealth in Lango customary marriage is called '*lim nyom*'. The Customary Marriage Act of Uganda and the 1995 Constitution of the Republic of Uganda define customary marriage as a union celebrated according to the rites of an African community and one of the parties to which is a member of that community [1, 2]. While the payment of bride-wealth is a dominant feature of African marriage, the early missionaries and colonial administrators perceived African customary marriage as an instrument for male domination and female subordination and hence a form of 'purchase' [3]. The analysis presents women as purchased commodities rather than marriage partners, which position has been contrasted in African tradition. It is to this point that this paper examines the transformation in Lango customary marriage practices and the implications for gender relations.

African Customary Marriage and gender relations

Literature on African marriages indicate that customary marriages can be monogamous or polygamous and meant to enhance socio-economic equity and opportunities as embedded in African custom. In Cooper's view, the custom was meant to safeguard women livelihoods, marriages, customary land access and inheritance, protection and local arbitration [4]). Nsereko contends that the payment of bride-wealth is preliminary to marriage; the payment is made by the groom's kinsmen to the brides' after negotiations [5]. To contemporary anthropologists, the practice of paying bride-wealth presents women as exchange commodities rather than marriage partners with reciprocal rights and obligations in relationships [3]. Gender is a socially inscribed concept and a major factor in marriage. According to Rampage, gender defines the roles and status of women in marriage [6]. Nonetheless, culturally bride-wealth payment is crucial in marriage since it determines the ability of a woman to make a choice in her marriage relationship.

Research on African marriages indicates significant change in the process and reasons for marriage partnership. Meekers, and Jackson note that in sub-Saharan Africa, the complexity and diversity of marriage system has significantly influenced gender relations. Seemingly marriage practices have changed over time including polygamy, child marriage, brothel and visiting unions [7, 8]. This perception coupled with modernization, industrialization and increasing level of formal education are gradually eroding the African traditional family unions. Studies on dispensing marriage in South Africa by Hosegood, McGrath & Moultrie revealed that increase in the political, social and economic opportunities significantly changed family life among Africans with customary marriage partnership paving way for cohabitation [9].

Despite foreign influence, customary marriage remains a traditional mechanism for cultural institutions in Africa to restore societies in general terms but specifically in post-independence era. Quinn notes that in Uganda, some cultural institutions struggle to restore the original norms either by reverting to the traditional norms or inventing new forms of engaging with the society [10]. Nevertheless, Mwambene further argues that strong cultural support poses threat to any efforts aimed at addressing human rights violation in African customary law [11]. This view is reinforced by Bekker that African customary marriage can be dissolved with ease [12]. Bekker cited a case of Bantu law that permits a husband to dissolve his marriage extra-judicially by unilateral act without genuine reason other than desire to terminate it for any sufficient cause like persistent insubordination, witchcraft and other serious provocations [12:346]. In

this regard, customary marriage does not protect African women in wedlock but gives a man superficial power over his wife hence destabilizing marriage relationships.

As supposed by Ansell, the payment of bride-wealth is a significant element of marriage in African custom for instance the *lobola* among the Zulu, Shona and Bathoso is an equivalent of *lim nyom* in Lango [13]. Thus bride-wealth payment has an impact on marriage stability, women social status, resource access and security of the children [14]. Socially, payment of bride-wealth impacts on the ability of a woman to make decision at household level based on power relations. In the subsequent section, I briefly present Lango custom with regard to marriage relationships.

An overview of Lango Tradition and Gender Relations

Lango are part of the Nilotes that migrated originally from east Bahr el Ghazel region. Tosh refers to Lango as an amalgamation of tribes possessing traits of Nilotes and Para-Nilotes [15]. However, Lango cultural tradition suggests resemblance with Para-Nilotes (Iteso and Karamojong) in terms of cultural practices like clan names, totems and age brackets. By mid-fifteenth century, Lango migrated south-west of the cradle land to northern Uganda due to incursion of the Hamitic ethnic groups and scarcity of water and pastures for grazing livestock. Atim & Keith posit that Otuke hills in the eastern part of contemporary Lango sub-region was the first settlement place for Lango and their economic life justified the social status attached to cattle [16].

The social life of Lango was characterized by a patrilineal clan system and localized descent groups of four generations that played an important role in kinship [16]. Yet, patriarchy subordinate women in marriage [17]. The clan leaders oversaw traditional rites and mediated over birth, marriage, and property inheritance. In Lango custom, marriage was a respected value in people's lives and recognized by bride-wealth payment. Consequently, a daughter was respected in a family depending on how much bride-wealth she generated thus ascertaining the economics of bride-wealth [18]. Due to the hefty bride-wealth payment, parents accumulated livestock for their sons from adolescence. Nonetheless, parents were responsible for the marriage of the son's first partnership.

It is worth noting that Lango men inscribed polygamy as an ideal practice though the arrangement of the bride-wealth for the second wife was the sole responsibility of the groom and not his kinsmen. Both literature and oral tradition indicate that Lango culture attached social status to the number of wives an adult male possessed. As Hayley emphasized, polygamous marriages were responsible for big family size that portrayed a man's social status [19]. Therefore, polygamy was the turning point for extended family and clan system in Lango culture since it had significant benefit; socially and economically at the time. Polygamy was thus a fundamental source of family labour for crop production. Although each household under polygamous marriage operated in isolation, the extended family system was a benchmark for communal labour.

METHODS

This paper applies a case study design adopting qualitative approach to explore the opinion, perceptions and attitudes on customary marriage transformation in Lango, northern Uganda. Further exploration is made on imaginations of respondents (men and women) on the future

of customary marriages in Lango sub-region in the aftermath of a series of social and political conflicts in the region. Functional theory was used to examine the arguments behind positions and stratification in marriage partnership among couples since stratification is a universal and permanent feature of society [20, 21]. Functional theory is combined with the feminist argument of the social exchange theory and economics of bride-wealth [22]. The feminist school of thought perceives marriage as an institution of oppression among the actors especially women who are not involved in the negotiation of bride-wealth. This theory was relevant in explaining Lango customary marriage process that involved negotiation for the bride-wealth paid in exchange for a girl in marriage. Contrary women were and are not part of the negotiation process.

In-depth interviews and personal experiences were used to establish the implication of the transformation in Lango customary marriage processes on couples' relationships. Interviews were standardized to control for bias. Respondents were asked to comment on the changes observed in the marriage practices and principles over time and the implications the changes had for gender relationships and their imaginations of future marriages. Borrowing from Rena et.al open-ended questions were used in life stories and spontaneous responses since these could reflect the actual thoughts and opinions of respondents [23]. The stories were coded for factual information, themes and context to aid analysis. Sixty participants were selected from Lira and Ogur sub-counties in Lira district, northern Uganda for the study. Respondents were classified into three categories according to age; the youth (18-30), the middle age (31-50) and the elders (51+). The sample were augmented by the key informants drawn from the Government service and cultural institutions. The limitations in this research were that: 1) it relied on personal experience and a single society that cannot fully be generalized for Uganda 2) there were scanty literature on Lango customary marriages and gender relations and 3) some couples shied from sharing personal marriage experiences. This paper thus focuses on assessing the implication of customary marriage and bride-wealth payment on couples' relations. The central question is: what transformation has occurred on Lango customary marriage practices and gender relations in northern Uganda?

FINDINGS AND DISCUSSION

In this section I present the findings and discussions on the principles and practices of Lango customary marriages. It further presents the transformations that occurred on Lango customary marriages in the period 1986 to 2020.

The Principles and Practices of Lango customary marriages

This section examines the marriage practices recognized in Lango as presented in Table 1. Four types of marriage partnerships were established in Lango, though this paper focuses on Nyom tekwaro (Lango customary marriage) investigating the change in bride-wealth payment, perceptions and the implication for gender relations among couples. The commonly practiced marriages include: customary marriage ('nyom tekwaro') (60%) followed by elopement and cohabitation that accounted for 21.6%. Although cohabitation seemed to increase, it was not legally recognized under the customary marriage Act of 1973 Cap 248 nor the 2003 Domestic Relations bill. Another form of marriage noted was Church or the Mohamedan marriage that accounted for (11.7%) and least Widow inheritance (6.7%).

Table 1: Marriage Practices in Lango, northern Uganda

Variable	Marriage Type	Response Rate	
		n	%
The common Marriage type	Customary marriage (<i>Nyom Tekwaro</i>)	36	60
	Elopement/ Cohabitation (<i>Tingere</i>)	13	21.6
	Church Marriage (<i>Nyom Kanica</i>)	07	11.7
	Widow Inheritance (<i>Lakerere</i>)	04	6.7
N		60	100

Customary Marriage (*Nyom Tekwaro*)

Lango culture is one of the African traditional customs with customary marriage as the dominant form of marriage partnership. *Nyom tekwaro* is a binding union of commitment between two people of opposite sex (man and woman). This type of marriage is anchored on the payment of bride-wealth (*lim nyom*) as a safeguard for marriage dissolution. The marriage process is dominated by a sequence of events and rituals, negotiations and transactions with the fundamental reasons for procreation, love, social security, production, protection and co-existence. In *nyom tekwaro* the groom (*awobi*) and the bride '*atera*' were legally brought together in a marriage union by the two families through an agreed customary process. *Nyom tekwaro* occurred in eight distinct phases thus presenting a lengthy marriage process. Principally, bride-wealth was paid in installment and the marriage process was conducted in phases punctuated by back-and-forth visits between the bride and the groom's families. I thus present the details of the sequential events practiced in Lango customary marriage.

Phase One: Bridal Search (*Moyo Atera/Nyako*)

Bridal search and identification were the first step in the marriage process. Upon identifying the bride, the groom's kin engaged an independent person called '*Aoor*' (intermediator) who spied on the family of the bride before engagement and bride-wealth payment. The *Aoor* also doubled as a messenger exchanging information regarding the marriage arrangement. The *Aoor* spied on the character of the bride including performance of household chores, discipline, hospitality, hard work, clan's totem, hereditary diseases, suicide and cases of theft (*interviews with an elder in Lango Cultural Foundation*). Often, the *Aoor* would be the groom's relative or a very close family member to the brides. In the event that the bride was below marriage age, the father of the groom engaged her using a traditional ring called *apogo*. The *apogo* engagement-initiated friendship relations between the two families until the groom and the bride matured for marriage and thus, a precursor for marriage that bonded the two families. The *apogo* engagement justifies Quin's arguments on traditions and customary marriage practices in Uganda [10]. The engagement practice has however ceased in the contemporary due to a number of factors particularly the influence of western administrative law and Uganda Constitution that prohibits child marriage [2]. If the bride was of age, then the second phase of marriage was organized. The *Aoor* played an active role throughout the marriage process and that earned him/her a commission of two goats upon a successful marriage. The goats were contributed by the two families and regarded as a token of appreciation for the job well done (*Interview with a 57-year-old male in Lira sub-county*).

The parents' involvement in the engagement of the bride at an earlier age was premised on the belief that parents had better choices for their children's marriage partners. The practice revealed that parents violated the rights of their children to make independent choices of spouses. While this was culturally accepted, the practice undermined both customary law of 1973 cap 248 of 1973 and the Constitution of the Republic of Uganda 1995 that prohibits marrying a person under 16 and 18 years respectively [1,2]. One interlocutor contended that despite couple's failure to make independent choices, few incidences of marriage annulments occurred among Lango in the 1960s and 70s. This could have been so due to strong cultural values attached to marriage. In the contemporary, the role of *Aoor* is restricted to information sharing on the marriage process rather than in-depth spying on the bride and her family hence a significant shift in marriage practice. In fact, the role of *Aoor* consolidate couple's relationships and mediated in the event of misunderstanding.

Whereas the parents were so much involved in bridal search for their sons in the earlier days 70 percent of the participants attested that in the current most parents and relatives were not so much involved in the choices of their sons' partners. In fact, the children make independent choices of their partners and basically introduce them to their parents. However, 23.5 percent acknowledged that parents influenced the choices of their children's partners while 6.5 percent underscored that relative especially sisters, brothers, aunties and uncles influenced the choice of their relatives' marriage partners. Nonetheless, *nyom tekwaro* built good relationships between the families and the two clans thus sustained marriage partnerships.

Phase Two: Engagement (Rango Nyom)

In the normative Lango customary marriage, engagement stage was marked by the groom and his few kinsmen approaching the family of the prospective bride to seek her hand in marriage. This stage was locally called *rango nyom* and usually, the entourage was led to the homestead by the *Aoor* without which the visit would be regarded an insult to the family and the bride's brothers would chase them away. *Rango nyom* thus marked an ideal and legitimate Lango customary marriage in which the consent of the bride was sought.

At this phase the first installment of the bride-wealth was paid. Ideally the paternal aunt was invited to witness the occasion. This portion of the wealth was paid in monetary form to the bride through the *Aoor* and she could accept or reject and so the role of the *Aoor* was paramount in convincing the bride to receive the money. Field notes revealed that the indication of acceptance was by receiving the money and handing over to her mother. In fact, the groom handed over the money to the *Aoor* who in turn handed it to the bride. The money was meant to dress the bride and improve her outlook. In the event that the bride showed no interest in the groom, she would not receive nor pick the money as a gesture of rejection. Contrary, some parents especially fathers and brothers were noted to coerce their daughters at this point to accept the payment against her will (*interview with a 76-year-old female, Lira sub-county*). In the contemporary sometimes bridal engagement occurs without prior knowledge of the parents. One of the respondents attested:

This generation does not observe cultural values. Today your son can leave home in the name of job seeking, settles wherever he likes and only surprises the parents with a wife before formal marriage. My own son did this to me. After completing his university education, he left for Kampala and got a job. However, he returned home with a Muganda fiancé and two children.

As a father, I reserved my comments since very few Baganda couple well with Lango partners. I had no choice but to accept (Interview with a 74-year-old man in Ogur sub-county).

And

The youth no longer keep to the cultural norms... how do you get a partner from a drinking place and sometimes from school, a girl whose parents and background you are uncertain of? In my view marriage values have vanished and the young generation is lost.

The excerpt implied change in parental influence in the choices of offspring's' marriage partners. The shift could probably emanate from inspiration of formal education and intercultural marriages. Nonetheless, the use of intermediators in marriage is one of the socio-cultural practices that have survived in Lango customary marriage process to date.

Phase Three: Second Installment Payment (Medo Nyom)

Upon successful payment of the first installment, the groom and his kinsmen visited the bride's home and paid the second bride-wealth installment. While the first installment was paid to the bride, the second was made to her mother who handed it over to the father, paternal uncle or an elder brother in case of an orphan. This money was shared by the bride's kin in appreciation for protecting her through childhood. This phase was basically intended to reinforce the relationship between the two families. It was probable that the bride returned the money in the event that her family confirmed contrary quality of the groom's family. The bride's father and kinsmen utilized the period between *rango nyom* and *medo nyom* to counter spy on the groom's family. The focus was on a number of facets including food production to ensure their daughter did not starve, physical strength for defense, Witcraft, suicide and genetic diseases. Investigations were done at drinking joints using relatives and close friends. All these were to guarantee the bride's safety and the father had the right to call off marriage upon dissatisfaction.

Phase Four: Bride-wealth Assessment (Ngolo Nyom)

This was the negotiation stage and involved a visit of 8-10 members of the groom's kinsmen to the bride's family to bargain for the amount of bride-wealth. In addition to *Aoor*, a few male neighbours were invited to witness the negotiation process. The event was exclusive for the male adults. From a gendered perspective while negotiation ideally could strike a balance between the two families in *nyom tekwaro*, the woman's expectation remained questionable due to lack of control and power imbalance. To date the negotiation phase albeit exists, is highly influenced by formal education and intercultural marriages. The female identity as educated, empowered and an income earner sometimes position her to participate in the negotiation process. Culturally, female involvement in the negotiation process was regarded a taboo. Hosegood et al. note that doing without marriage is a survival strategy for the contemporary poor Zulu woman [9]. Meanwhile, Dlamini argues that the hardship experienced by Zulu women (social and legal inferiority) prompted the revision in the KwaZulu customary Act to enhance the status of a Zulu woman [24]. From a masculine view point, Lango young men were shunning marriage for fear of responsibility for partner, children and the high bride-wealth hence a dilemma between marriage ideals and experience. Despite the predicament, marriage remained vital for the men and women interviewed regardless of the circumstance that altered the process.

The content of bride-wealth were materials and domestic animals. Specifically, the number of cattle and goats ranged from 9-12, two chicken (*gwen pel*), two spears (*tong pel*), a gallon of paraffin, a box of soap, a suit for the father and his close kin, traditional wear (*bongo kor*) for the bride's mother, a packet of cigarettes and a big saucepan (*nywal ber*) for fetching water. Each of these items had cultural reasons and meanings attached and were summed as '*lim nyom*.' Ideally, *lim nyom* was used to marry another woman to replace the daughter in the family. Today, *lim nyom* is perceived as exceptionally high especially for boys of poor economic background since the demand for cash has significantly increased. Some modern items like sets of solar power, sofa sets and ox-plough have been added to bride-wealth content due to cultural influence thus loss of cultural value. *Lim Nyom* can be equated to the *ilolobo* among the Zulu in South Africa thus denoting the economic value attached to African customary marriage and the subsequent social changes caused over time [9, 24].

Despite the hefty bride-wealth demanded by the brides' kin, 70 percent of the respondents supported bride-wealth payment for marriage stability. However, 30 percent of the participants argued that the heavy bride-wealth paid initiated gender inequality and wife mistreatment by granting a husband superiority over his wife and equating her to a purchased asset. The finding corroborates Munyaradzi & Annastacia on the relevance of Shona customary marriage practice of Kukumbira in Zimbabwe, which proposal for abolition received mixed reactions yet it created social superiority of a husband over his spouse [25]. Evidently, bride-wealth in Lango has changed materially and highly monetized. The high bride-wealth justified the increasing rate of cohabitation among the youth in Lango and thus a contentious issue for discussion by Lango Cultural Foundation. Nonetheless, negotiation seems a common practice across African customary marriage processes.

The role of *Aoor* was paramount in the negotiation process as he/she moderated the discussions in the negotiation process. Sometimes, disagreement ensued and thus, *Aoor* harmonized the two parties. Whenever conflict ensued from the couple, *Aoor* intervened before the two families intervened. To date, the mediating role of the *Aoor* is almost substituted by the Local Council I, a village Local Government representative and Family and Child Protection Unit of the Uganda Police Force hence a modification in the customary marriage role. The finding conforms with Coldham's argument on customary marriage and urban local courts in Zambia [26]. The involvement of the two families in settling couple's disputes demonstrated the complex nature of African marriage in which the interest of the family overrides the interest of the partners.

In Lango customary marriage, the lengthy and complex negotiations for bride-wealth between the two families sometimes broke the relationship before the authentic conclusion. The relationship was made fragile based on the fact that often, parents identified partners for their sons from childhood. This finding corroborates Véronique & Marc who noted a 40 percent likelihood of marriage breakage before completion among the Bwa ethnic group in Mali, due to the complex nature of the marriage process [27]. Contrary, the participants revealed that the instalment payment of bride-wealth in Lango was intended to cement the relationships between the two families, a practice similar to the *lobola* in Zimbabwe and a general principle of African customary marriages [14]. The delay further provided space for background checks hence a guarantee for marriage stability.

Phase Five: Confirming the Bride-wealth (Neno Dok)

While the previous stages involved visits to the family of the bride, this stage involved counter visitation of the bride's kin to the groom's to ascertain the negotiated wealth. Prior to the event, the bride visited the potential matrimonial family for preparations. She had to physically hand-grind a full sack of millet grains, fermented the flour and roasted into a form called '*moko*' that is a key ingredient in making local brew (*kongo Lango*). The bride was subjected to a number of tests including; ability, curiosity, hard work and knowledge of cultural beliefs and the groom's totems. To date, brides are rarely subjected to such tests. It was upon this reason that the bride went with a companion to support her in the preparation process. The taste of *kongo Lango* influenced the quality of *lim nyom* paid to the bride's kin. Besides, it was a taboo for a bride to eat meat, chicken, eggs or take milk. The food taboo was premised on the belief that the animals paid for her bride-wealth would die. The gendered roles assigned to the bride reined the relational practice of power. The practice was more or less similar to the *lobola* marriage exchange in South Africa with a goal of ensuring a robust labor supply [28:75]. The effect produced profound social changes in the ways African men and women perceived gendered authorities, which influence marriage stability [29]. While the test was culturally acceptable, it violated the bride's human rights. Mwambene established a strong support of both men and women for cultural practices that conflicted with women's human rights [11]. This finding further corroborates Asen, Hague, Thiara & Turner and Muthegheki, Crispus, & Abrahams that exorbitant bride-wealth was responsible for unhappy marriages in Anasewa and Sofola's wedlock and domestic violence in Uganda [22, 30, 31].

The bride's companion was assumed a virgin, and it was expected that another young man from the groom's kin would identify her for future marriage. Though this practice seemed culturally good then, it exposed young girls to child marriage. Such a practice contravened the 1995 Uganda chapter 4 that provides for the protection of the fundamental rights of all Ugandans with special consideration for women and girls as stipulated in Art 20, 21, 24,33 & 50. Art 31(1). The Article clearly spells out the marriage age for both couples as 18 years and provides for equal rights at and during marriage and its dissolution. Therefore, child marriage is illegal, abominable and punishable in Uganda court of law.

Another underlying reason for the bride's visit was to introduce her to first sexual right and to prove the groom's manhood. One of the interlocutors attested '*it was not easy for the groom to have sex with the bride during the first consummate night. The bride could not easily go to bed, she tightly held the house center pole and the groom used his force to get her on the bed,*' he explained. This practice implied two things: first that the bride was not sexually loose and second that the groom was strong enough to defend his bride. This practice in Lango customary marriage corroborates Atekyereza's among the Bakiga where the groom struggled untying the nine knots around the bride's waist [32]. Upon return, the bride shared her experience with the paternal aunt who educated her on the marital values and her subordinate position in marriage relationship; a common practice in African customary marriages [17]. This kind of ritual is no longer practiced due to intercultural marriages and the influence of the media that has taken over the role of aunties in initiating nieces through the marriage values and practices.

Phase six: Delivering Bride-wealth (Tero Dok)

The bride-wealth delivery (*tero dok*) phase was marked by the grooms' kinsmen visiting the bride's family to deliver the bride-wealth. *Tero dok* was a grand occasion with marvelous

celebration. A bull was slaughtered for the two families to share and strengthen their friendship. It was at this point that the mother of the groom visited the bride's family. The ceremony was marked by gift sharing and exchange from both families. Friends, relatives and neighbours were invited to share and witness the occasion. Although this phase marked a grand celebration, feasting could only start after the bride's kin verified the bride-wealth taken. The bride-wealth acceptance ritual was termed *donyo anyom*. *Tero dok* event survived to present and marks the final stage in Lango customary marriage. In the contemporary, the traditional marriage certificate is signed by the two clans in the witness of the congregation during bride-wealth delivery.

Phase Seven: Collecting the bride (Oomo Atera)

This was rather a brief stage that involved the father of the groom sending a few of his young kinsmen to confirm the date for collecting the bride. Upon confirmation, the groom and his close friend picked up the bride. Today it is common practice that marriage starts with cohabitation and sometimes child birth before bride-wealth payment. Thus, the bride may not be new to her matrimonial home. Consequently, only her husband ceremonially picks her else she travels alone thus a great transformation in customary marriage phase.

Phase eight: Finalizing Marriage (Tweyo Nyom)

It was likely that not all wealth demanded by the bride's kin were secured and timely delivered. Consequently, the balance would be delivered at a later date. Even though the husband died, the heir was liable to pay the bride-wealth balance. *Tweyo nyom* meant that the marriage knot was tied and nothing was bound to dissolve it. Thus, *tweyo nyom* was the final and most publicized phase conforming to Draper's argument of public ritualistic transfer of the bride to the groom's family [33]. Field notes revealed that in Lango culture to date when a wife dies before bride-wealth payment it is required that the groom's kin pay the bride-wealth in full and shoulders all the burial expenses (*nyomo lyel*), (interview with an elder in Ogur sub-county). It is upon this practice that Lango clan leaders were urged to follow up on the elopements and cohabitations in their respective clans as *nyomo lyel* creates conflict between families and clans. In the contemporary, *tweyo nyom* is no more. In fact, *tweyo nyom* is equated to the church wedding in which relatives and friends mobilize resources to cater for the bridal reception and wedding expenses though traditionally, bride-wealth mobilization was the kin's responsibility and not friends.

The sequential events that punctuated Lango customary marriage seemed arduous to the parties involved hence the need to revisit the process. The instalment payment of bride-wealth characterizes African marriage process. Shenje-Peyton established the two-phased payment of *lobola* in Zimbabwe in small items and the main marriage deal [14]. The contention between *lobola* and *nyom tekwaro* is that while in the former the bride-wealth is not refunded upon marriage dissolution, in the latter, customary law warranted refund of the bride-wealth in full. Nonetheless, the fundamental reason for bride-wealth payment cuts across African culture principally to secure the services of the bride, stabilize marriage, building social networks and guaranteeing women resource access [17]. Today the eight-phased Lango customary marriage is shortened to two; introduction and payment of bride-wealth. Due to the transformation, Lango Cultural Foundation debated the possibilities of reviving the traditional marriage process henceforth reviving cultural values. The argument was that the two-phase marriage event was linked to the foreign culture and indoctrinated children into marriage.

Perceptions on customary marriage practices and Gender relations (1986-2020)

Change is an inevitable event in human society. African continent has gone through a number of social changes [34]. Atekyereza further posit that Uganda interacted with a number of forces that influenced perceptions on economic, social and Political life [35]. Northern Uganda specifically experienced a wave of forces that influenced opinions and perceptions on marriage and family lives and institutions. In this paper 59 percent of the respondents acknowledged that most of the marriage practices in Lango were customary and polygamous though the process had changed significantly. Contrary, land, which is a major livelihood asset was often regulated according to the marriage regime in place. This implies that marriage provides women with the secondary rights to access land. One of my informants (73-year-old male, Lango Cultural Foundation) attested:

without marriage, a woman cannot access land from her husband's place neither can she from her father's since culturally, a girl child is not a recognized heir of her father though has the right to access land and cultivate food for the family.

The supposition presents women in a squalid situation without primary rights over household resources regardless of bride-wealth payment in marriage.

Socially, the payment of bride-wealth in part or in full granted the husband sexual and economic authorities over the wife. Meekers confirms that in Africa, the payment of bride-wealth grants a man rights over children born in that marriage [7]. In Lango, even though marriage does not work out and the woman is not officially re-married, culturally the children that she gets with another man assumed the clan of first husband. The Constitution of the Republic of Uganda and Coldham correspond that in the case of divorce, the welfare of the child is of paramount consideration and they seem to operate a general rule of thumb whereby children under the age of six or seven are given to the mother and children over that age to the father. Thus, marriage stability affects child filiation [2, 26:72].

Second, culture is losing out value on marriage because bride-wealth was mobilized by the groom's family and kinsmen as earlier discussed. However, the dynamic is that currently friends mobilize resources that are presented to the bride's family as bride-wealth. This practice has contributed to increased rate of separation and divorce among couples. In the worst-case scenario, couples identified each other in bars and taverns, not from homes and marriages are organized in relatives' homes located in the peri-urban set up and not at ancestral homes. In an ideal Lango customary marriage, the groom's parents investigated the bride's background and family set up. The acquaintance of the two families generated social capital and thus the groom's parents took care of the bride as one of their own daughters hence a guarantee for social security. With the intrusion of alien marriage procedure and global economic order, Lango customary marriage is waning further. The modified marriage arrangement does not bring together the couple's kinsmen as did the *nyom tekwaro* hence reduced social fabric and prestige that comes with marriage and thus a great transformation.

CONCLUSION

While there is evidence of *nyom tekwaro* being practiced in Lango, there is also evidence of integrated and modified marriage system. This paper concludes that Lango customary marriage practices and norms significantly changed in form and practice due to the influence of other cultures, global economic and social order, formal education and the changing

perception on bride-wealth payment. However, some deeply rooted values in the marriage procedure exist and continue to insubordinate girls and women. Nonetheless, customary marriage is highly valued in Lango though with contention on the high bride-wealth demanded by the bride's kinsmen interpreted as commercializing marriage. The agreement is that payment of bride-wealth provides security to women and guarantees marriage stability, livelihood and social status through legal and customary access to authority and matrimonial assets. Nevertheless, there were preference for the modern form of marriage that saves the hectic process of customary marriage events. Therefore, transforming the traditional cultural marriage practices requires an integrated approach that engages the key stakeholders especially, the cultural and religious leaders with men at the forefront as change agents for sustainability. This paper contributes to the functional and feminist theories by illustrating the social space and gender stratifications in marriage institution with reference to Lango customary marriage. Feminist theory is explicated in the eight-phased sequential Lango customary marriage procedures involving the male negotiation of bride-wealth.

ACKNOWLEDGEMENT

This paper is an outcome of my post-doctoral research project. This research was funded by the Imagining Gender Futures in Northern Uganda (IMAGENU) project housed at the Institute of Peace and Strategic Studies (IPSS) Gulu University. The data is based on a two-year field work that started in June 2019 in Lira district, Lango sub-region.

Reference

- [1] Government of Uganda, Customary Marriage Act 1973, Cap. 248.
- [2] Government of Uganda, 1995, Constitution of the Republic of Uganda.
- [3] Ogbu, U. J. (1977) African bride wealth and women's status." *American Ethnologist*, University of California, Berkeley. Pp 241-262.
- [4] Cooper, E. (2012), Women and Inheritance in Sub-Saharan Africa: What Can Change? *Development Policy Review*, 2012, 30 (5): 641-657.
- [5] Nsereko, D. D., (1975). The Nature and Function of Marriage Gifts in Customary African Marriages. "*The American Journal of Comparative Law*," 23 (4): 682-704.
- [6] Rampage, C. (2002), Marriage in the 20th Century: A Feminist Perspective, *Family Process*, Vol. 41, No. 2, 2002, pp 261-70.
- [7] Meekers, D., (1992), The Process of Marriage in African Societies: A Multiple Indicator Approach. *Population and Development Review*, Vol. 18(1): 61-78.
- [8] Jackson, C. (2012). Introduction: marriage, gender relations and social change. *Journal of Development Studies*, 48(1), 1-9.
- [9] Hosegood, V., McGrath, N., & Moultrie, T. (2009). Dispensing with marriage: Marital and partnership trends in rural KwaZulu-Natal, South Africa 2000-2006. *Demographic research*, 20, 279.
- [10] Quinn, J. R. (2014). Tradition! Traditional cultural institutions on customary practices in Uganda. *Africa Spectrum*, 49(3), 29-54.
- [11] Mwambene, L., (2010), Marriage under African customary law in the face of the Bill of Rights and international human rights standards in Malawi, *African Human Rights Law Journal*, 6(14) 78-104.
- [12] Bekker, J. C. (1976). Grounds of divorce in African customary marriages in Natal. *Comparative and International Law Journal of Southern Africa*, 9(3), 346-355.
- [13] Ansell, N. (2001). 'Because it's Our Culture!' (Re) negotiating the Meaning of Lobola in Southern African Secondary Schools. *Journal of Southern African Studies*, 27(4), 697-716.

- [14] Shenje-Peyton, A. (1996). Balancing Gender, Equality, Cultural Identity: Marriage Payments in Post-Colonial Zimbabwe. *Harv. Hum. Rts. J.*, 9, 105.
- [15] Tosh, J. (1978). Lango agriculture during the early colonial period: land and labour in a cash-crop economy. *Journal of African History*, 415-439.
- [16] Atim, T. & Keith, P. (2013). "Modern Challenges to Traditional Justice: The struggle to deliver remedy and reparation in War-affected Lango." *Feinstein International Center, Tufts University, Medford, USA*.
- [17] Moor, E. (2015), Forms of Femininity at the End of a Customary Marriage, *Gender & Society*, Vol. 29 No. 6, December 2015 817-840.
- [18] Anderson, S. (2007). The economics of dowry and bride price. *Journal of Economic Perspectives*, 21(4), 151-174.
- [19] Curley, T. Richard. (1973). "Elders, Shades, and Women: Ceremonial Change in Lango, Uganda." Berkeley and Los Angeles: University of California Press.
- [20] Buckley, W. (1958). Social stratification and the functional theory of social differentiation. *American Sociological Review*, 23(4), 369-375.
- [21] Wlodzimierz, W. (1962), Some Notes on the Functional Theory of Stratification, *The Polish Sociological Bulletin*, (July-December 1962, No. 5/6) pp. 28-38.
- [22] Asen, R. (2017), A Feminist Analysis of the Themes of Bride Price Practice in Sutherland's Marriage of Anasewa and Sofola's Wedlock of The Gods. *International Journal of Art and Art History*, 5, (1), 32-44.
- [23] Harold, R. D., Palmiter, M. L., Lynch, S. A., & Freedman-Doan, C. R. (1995). Life stories: A practice-based research technique. *J. Soc. & Soc. Welfare*, 22, 23.
- [24] Dlamini, C. R. M. (1983). The transformation of a customary marriage in Zulu law. *Comparative and International Law Journal of Southern Africa*, 16(3), 383-392.
- [25] Munyaradzi, Mawere & Annastacia, M., Mawere (2010) The changing philosophy of African marriage: The relevance of the Shona customary marriage practice of Kukumbira, *Journal of African Studies and Development*, Vol. 2(9), pp. 224-233.
- [26] Coldham, S., (1990), Customary Marriage and the Urban Local Courts in Zambia, *Journal of African Law*, Spring, 1990, Vol. 34, No. 1 (Spring, 1990), 67-75.
- [27] Véronique, Hertrich & Marc, Pilon (1998), Changing patterns of marriage in Africa, *Institute of Research for Development*, (1998): 1-4.
- [28] Sheik, N. E. (2014). African marriage regulation and the remaking of gendered authority in colonial Natal, 1843-1875. *African Studies Review*, 57(2), 73-92.
- [29] Mitchell, J. C. (2018). Social change and the stability of African marriage in Northern Rhodesia. In *Social change in modern Africa* (pp. 316-328). Routledge.
- [30] Hague, G., Thiara, R. K., & Turner, A. (2011, November). Bride-price and its links to domestic violence and poverty in Uganda: A participatory action research study. In *Women's studies international forum* (Vol. 34, No. 6, pp. 550-561). Pergamon.
- [31] Muthegheki, S. B., Crispus, K. S., & Abrahams, N. (2012). An exploratory study of bride price and domestic violence in Bundibugyo District, Uganda. *Bundibugyo, Uganda: Centre for Human Rights Advancement*. Google Scholar.
- [32] Atekyereza, P. R. (2007 Transformations in the Marriage Process among the Bakiga of South-western Uganda. *The Faculties of Arts and Social Sciences Makerere University*, 1.
- [33] Draper, P. (1989). African marriage systems: Perspectives from evolutionary ecology. *Ethnology and Sociobiology*, 10(1-3), 145-169.
- [34] Mair, L. (1969). *African Marriage and social Change*, London: Frank Cass & Co.

[35] Atekyereza, P. R. (2001). Socio-cultural change in Uganda: Emerging perceptions on bride wealth. *Journal of Cultural Studies*, 3(2), 360.