

## Bridewealth

An Ethnographic Study on the Narratives and Descriptions of the Practice of Bridewealth  
Establishing its Purposes, Effects and Consequences among the Luo, Kikuyu, Kalenjin, Meru,  
Kamba, Maasai, Kisii and Luhya Ethnic Groups in Kenya

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## **Abstract**

This research analyses the practice of bridewealth in Kenya among the Kalenjin, Kisii, Kikuyu, Luhya, Meru, Kamba and Maasai ethnic groups. This analysis is based mainly on my ethnographic work conducted from February to June 2012, during which I gathered data using open-ended interviews in which I shared the routines of my participants' daily lives. The topic of bridewealth emerged after a deep analysis of the transcripts of all the data gathered during my fieldwork. The interviews took the form of dialogues in which my interviewees also questioned me. The total number of participants was 29, and our dialogues were about their different customs such as widow inheritance, polygyny, female circumcision and bridewealth, which was the topic on which they were most focused from the beginning of our encounters, and on which I therefore have the most data.

This research is aimed at analysing the practice of bridewealth from the participants' perspectives. For this purpose I present some of the narrations and descriptions given by my participants regarding the different stages of bridewealth from its beginning to its dissolution. The methodology of this study is based on narrative analysis and hermeneutical methods of approaching and understanding the topic such as dialectical hermeneutics and lived-experience. The theoretical framework is based mainly on patriarchal theories postulated by Christine Delphy, Deniz Kandiyoti, Laura Stark, and Sylvia Walby. In addition to these theories, I use legal and functionalist approaches to obtain and present a holistic understanding of this practice.

The main findings of this study are that the practice of bridewealth: i) symbolises marriage; ii) legalises marriage; iii) is aimed at obtaining a wife to conceive children and perform work for her husband and his kin; iv) generates rights for husbands in terms of custody over children and ownership over wives; v) places an obligation on wives to procreate biologically and produce financially; vi) exists within a patriarchal system which reinforces and perpetuates it; vii) bestows honour on the parties, with married women enjoying a respectable and honourable status, and men being considered honourable for paying bridewealth.

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# 1. Introduction

This Master's thesis in Ethnology draws primarily on ethnographic interview data to address the multiple meanings of the practice of bridewealth in Kenya. In my thesis, I ask: 1) What are the purposes of bridewealth according to the interviews I conducted among the members of the Luo, Kikuyu, Kalenjin, Meru, Kamba, Maasai, Kisii and Luhya ethnic groups? 2) What consequences and effects for women and men can bridewealth give rise to, according to these interviews?

In 2012, I had the possibility of being enrolled in a North-South-North student exchange programme which is financially supported by the Finnish Ministry for Foreign Affairs. This gave me the opportunity to visit Kenya as an exchange student at the University of Nairobi for three months. It was through this experience that I was able to talk to ordinary Kenyans both in Nairobi and in the Kenyan countryside. I enrolled in the programme due to my interest in exploring Sub-Saharan African culture, rituals and customs, particularly customs relating to women. I had addressed these topics in my Bachelor's thesis, and wanted to study these topics in more depth.

My focus on bridewealth is justified by the fact that although issues of gender inequality, women's rights, and violence against women have been widely researched and dealt with in development literature, development researchers have rarely taken an anthropological approach in connecting these current phenomena to cultural practices such as bridewealth which are seen to be 'traditional' and in some cases to be disappearing from a late modern, globalizing Africa. At the same time, anthropological literature on African traditional practices such as bridewealth tends to be decades old, written by male anthropologists who at that time were not focusing on gender per se or the implications of kinship practices for women's everyday lives. Only a few anthropological studies, focusing on single ethnic groups, have been made in recent decades which deal with bridewealth (at least in passing) in East Africa. I will refer to these studies throughout my thesis, and seek to explore more deeply than previous researchers the connection between the practice of bridewealth as it is still currently practiced, and women's own accounts of subordination in everyday life. Additionally I approach the question of bridewealth and gender inequality from a legalistic perspective because I have a background in studies of law, therefore I have combined legalistic and ethnological approaches in my analysis.

In my Sources Chapter I describe in detail who the participants who they are, how I approached them, the extent of the dialogues/interviews and where they took place. The conversations with the participants were conducted through open-ended interviews. During my conversations with Kenyans of both genders regarding kinship-related customs, the topic of bridewealth emerged spontaneously as a major theme. Due to the importance of this practice among the research participants, this topic became the focus of this study. However it is worth mentioning that I had much more source data collected than what is shown in this study. Also it was after I collected this data that I decided to focus on bridewealth because it was clearly the most important topic for my research participants, thus I limited the scope of my data to only those interviews which were directly relevant for answering your research questions.

I discuss the methods used in obtaining interview data in my Methodology Chapter. Importantly, in order to meaningfully discuss the practice of bridewealth, it is vital to take into account prior anthropological research and definitions and theories regarding this practice of lying. These are addressed in my Theory Chapter.

### *1.1. Background*

Kenya is an eastern African country of approximately 45 million inhabitants which was a British colony from 1895 to 1963. Independence was proclaimed in December of 1963. Politically, since independence Kenya has had a multi-party system (Horsby, 2013). However, since 1964 Kenya three out of Kenya's four presidents have belonged to the Kikuyu ethnic group. The first president since the independence until 1978 was Jomo Kenyatta, a Kikuyu, and the president since 2013 has been his son Uguru Kenyatta. Jomo Kenyatta was succeeded by Daniel Arap Moi from 1978 to 2002 who was a member of the Kalenjin ethnic group, and the third Kikuyu in the presidential post was Mwai Kibaki from 2002 to 2013. Jomo Kenyatta, Moi and Kibaki ruled by seeking to benefit their own respective ethnic groups economically, which has been a source for conflict and fragmentation among Kenyan ethnic communities (Horsby, 2013: 9, 815). For administrative purposes Kenya was formerly divided into eight large provinces. However, following a referendum in 2010 and the adoption of a new Constitution, which came into effect in 2013, these were abolished and replaced by 47 semi-autonomous counties.

Kenya's economy is based mostly on the agriculture sector from which approximately 75% of Kenyans make their living. Agriculture contributes to about 25% to the GDP (gross domestic product) (Gundan, 2014). The main crops are: tea, coffee, maize, wheat and rice (Waiguru, 2015). Kenya was the biggest global exporter of tea in 2014 (Statista, 2015), exporting 499 million Kg. of tea in 2014 (The Tea Board of Kenya, TBK) which has helped Kenya's economic ranking as the strongest economy in East Africa, and 9<sup>th</sup> strongest on the continent (Gundan 2014).

Kenyans are deeply religious people. Of Kenya's inhabitants, roughly 80 per cent are estimated to identify with the Christian religion, and 10 per cent with Islam (mostly on the so-called eastern Swahili coast). For the most part, Christians and Muslims co-exist peacefully. The few who dare to engage in other beliefs such as traditional /older belief systems can be considered practitioners of witchcraft which is not well accepted by the rest of the population, and thus may be fatal for the practitioners.

Kenyan politics are heavily affected by the fact that its inhabitants identify with only three major groups of ethnic affiliation: the *Bantu* group comprised of Kikuyu, Meru, Embu, Luhya, Kamba, Kisii, Swahili, Taita and Mijikenda ethnicities; the *Cushite* group comprised of Somali, Rendile, Birana and Oromo ethnicities; and the *Nilote* group comprised of the Luo, Maasai, Samburu, Turkana and Kalenjin ethnicities. The different ethnic groups tend to seek power in blocks and thus see other groups as political opponents, this has contributed to recent violence during elections, for example. In order to give a clear picture of the ethnic groups and the places I visited, I describe briefly here the location, population and language specific to each ethnic group:

*The Kikuyu.* This ethnic group lives mainly in Nairobi, around Mount Kenya and in the central highlands. Their economy is based on farming. This ethnic group is the richest and most powerful politically in Kenya. Although they have their own language which is also called Kikuyu it is gradually despairing, since they learn Kiswahili from a very young age, and in many schools in Nairobi their education is given entirely in English. Thus, they communicate mainly in English and Kiswahili.

*The Luhya or Abaluhya or Baluhya or Abaluyia.* This ethnic group is important in many sectors of the Kenyan economy. The Luhya are located in the fertile side of Western Kenya. Their livelihoods involve farming, they produce cash crops such as maize, tea and sugar cane. Their language is also called Luhya and polygamy is still practiced.



*The Luo.* The majority of the Luo people are located in Western Kenya on the shore of Lake Victoria. The third largest city in Kenya is Kisumu which is the capital of the Luo province. According to the national census, the Luo community has approximately three million people. However, I noted that locals have no idea about how many Luo inhabitants might live in rural areas. The Luo speak their own language which is also called Luo. Additionally, they learn Kiswahili at a very young age before going to primary school, which starts when a child is six or eight years old. During that period they start learning English, which is the only academic language in Luoland after third grade of primary school.

*The Maasai or Masaai.* This is the most traditional ethnic group, still semi-nomadic, and it is the smallest ethnic group in Kenya. Their region in Kenya covers from Lake Victoria and Mount Kilimanjaro to the east, and from the north to the south. The Maasai population is reported as 850.000 in Kenya. They have their own mother tongue which is called Maa. They often speak Kiswahili, and only few Maasai people have the opportunity to go to school.

*The Kalenjin.* This ethnic group is composed of smaller sub- groups: the Kipsigis, Nandi, Tugen, Keiyo, Marakwet, Pokot also called the Suk, Sabaot and the Terik. The ethnic group has its own mother tongue. However the sub-groups speak their own dialect. They are located in Rift Valley Province, Uasin Gishu District; Nandi District. The majority of the Kalenjins live in the Kericho district which is located in the South-western Kenya.

*The Meru or Ameru* is a Bantu ethnic group which lives in the hilly area of north-eastern Mount Kenya in central Kenya. This region offers good conditions for farming. They produce cash crops such as tea, coffee and cotton. Their language is also called Meru. They learn also English at a very young age.

*The Kisii or Gusii.* This is a Bantu ethnic group which lives in the Kisii Highlands of Nyanza in Western Kenya. The Kisii community is situated in the middle of the Luo and Luhya ethnic groups. The Kisii economy is mainly based on farming and animal husbandry. Kisii land is located at high altitude, region with is wet and fertile. This ethnic groups is economically successful. Their own mother tongue is also called Kisii (or Ekegusii). Polygamy and male and female circumcision are still practiced.

*The Kamba or Akamba or Wakamba.* This ethnic group lives in Makueni, Machakos and Kitui counties. This ethnic community is of Bantu origin, and they speak the Bantu Kimbaba language. The Kamba economy is based on farming and pastoralism, and the production of cane beer. Also, the Kambas are famous for their beautiful handicrafts. For The Kamba like for the rest of the ethnic groups in Kenya family is the centre of their lives, with no distinction between their own children and the children of relatives.

## 2. Sources Materials

This thesis is based on the ethnographic work I conducted over three months from 24 February to 2 June 2012 in Kenya, a period in which I also fulfilled my exchange student programme at the University of Nairobi, where I was located on account of my classes. I frequently had to travel from Nairobi to different parts of Kenya to carry out my ethnographic study, consisting of in-depth interviews which sometimes took the characteristics of profound dialogues with members of different ethnic communities such as Luo, Maasai, Kalenjin, Kikuyu, Kamba, Meru, Kisii and Luhya; and extensive participant observation within the communities which were very receptive to this *mzungu*<sup>1</sup> and with open arms welcomed and accommodated me. However, this did not happen from the very beginning (I will return to this point later). During the days I spent within the communities I became deeply involved in their routine activities such as fetching water, learning to prepare *ugali*,<sup>2</sup> going to the market; and also in their special activities such as killing, plucking and preparing chickens, attending the Seventh Day Adventist church and on one occasion witnessing a bridewealth ceremony. When I shared these moments my Kenyan participants permitted me to carry out this ethnographic study aimed at examining bridewealth as part of their custom. Hence, I analyse the mode in which bridewealth occurs; its effects and consequences; and the crucial importance that this tradition holds for the communities in which the study was conducted.

The trips to obtain information from those participants who lived outside of Nairobi were made depending on the communities and places where I was invited. I met the participants through some of my teachers and classmates, who also collaborated actively by being participants. The first trip was to a little town called Oyugis, located approximately 250 km from Nairobi. To get there I travelled first from Nairobi to Kisii by *matatu*<sup>3</sup> and from there to Oyugis, also by *matatu*, and finally by motorcycle from Oyugis to the home of my participants which is six kilometres or so from the town of Oyugis. Luo is the ethnic group residing in that region. I noted on my first visit which lasted an entire weekend that it was not enough, and my participants also insisted that I should come back again to witness a bridewealth celebration, and also to stay at their house, so, I went back again to spend another weekend with them, and this time I stayed at their house. I stayed at a hotel in the village during my first visit although I was invited to stay at their house.

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<sup>1</sup> *Mzungu*: white person in Kiswahili.

<sup>2</sup> *Ugali*: Kenyan dish prepared from maize similar to porridge.

<sup>3</sup> *Matatu*: local minibus.

During my first visit I interviewed the first wife of two co-wives, the husband, the husband's nephew and a female friend of the family. During my second visit, I interviewed a close relative of the family, the second wife and a distant relative of the family,<sup>4</sup> and I re-interviewed the female friend of the family, the first wife and the husband. Additionally, I participated actively in a bridewealth ceremony. In this household where I stayed live three adults, the husband and his two wives, and five children. Close to this family lives the mother of the husband with two of her relatives.

So, the participants of the interviews in Oyugis were five women between 23 and 38 years old,<sup>5</sup> all married. One of the women is highly educated, she is currently doing her PhD; the rest of them have only studied a few years of primary school. Additionally, I had two male participants. One was, Samuel,<sup>6</sup> 28 years old, single, and highly educated, an engineer; I met him, Samuel, in Nairobi as he was a close friend of a classmate of mine, Thomas. After a lot of doubts Samuel offered to take me to his uncle's village, Oyugis, to gather information about their customs. Samuel was not sure about taking me there because he thought that I would not like or understand a polygynous family; but I was delighted with that invitation; and the other man, Samuel's uncle, the man with two wives, is about 45 years old, married and a tailor. In total, I had seven participants who spoke English fluently. Hence, there was no need for an interpreter.



*I just arrived at Oyugi; this was my first ethnographic trip.*

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<sup>4</sup> The concept of family is very broad for Kenyans. This concept does not necessarily imply ties of consanguinity or affinity.

<sup>5</sup> Establishing age is different for people born in rural areas, since they often do not have birth certificates or a document in lieu thereof. Some people born in rural areas guess their age.

<sup>6</sup> All the names of the interviewees have been changed to protect their anonymity.

After the two trips to Oyugis, I was taken by a classmate of mine to Ongeng', where part of the Luo community also resides. Ongeng' is about 320 km from Nairobi and the journey by bus takes about seven hours. From Ongeng' to the home of my participants I had to go by public motorcycle, because in Ongeng', like in Oyugis, that is the means of transportation of people who live around the villages. The home of my participants was about seven kilometres outside Ongeng'. I spent four nights and five days with them starting from Thursday and I chose to stay at a small hostel in the village.

The participants in Ongeng' were very kind and there was a wide variety among them. In order to explain the relationship between the participants I divide them into two families, both of them polygynous, and both of them practising widow inheritance too; but one of the families was the family of my classmate. Additionally, I interviewed a female widow. So, I interviewed the grandfather and his grandson; these were individual interviews. Regarding the other family I interviewed three widows who were co-wives when their husband was alive, and now luckily (according to them) the same man, whom I also interviewed, inherited them.<sup>7</sup> First, I interviewed the co-wives or co-widows in a group interview, without the husband; at their request I had to wait until the husband went outside the room to do a chore of some kind. So, while the husband was not present we had part of the interview.

After more or less 45 minutes the husband came back, and we continued the interview with him, so he came to participate as well. Except for the grandson of the first family, all of the interviewees were about 60–80 years old and illiterate with no knowledge of English. The grandson is 24 years old, highly educated with a Master's in Geography actually, but at the time of these interviews he was a student, fluent in English, and besides being an active participant in this study, he worked for me as my interpreter during the interviews which became profound dialogues with the co-widows, the grandfather and grandson. The female widow who was not a co-wife was in her late thirties. The interview was short as she was not very communicative; I felt that she was very unhappy. She told me that her first husband had been the victim of witchcraft and had died, and her second husband had not been accepted by the ethnic group of her first husband which she belonged to. So

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<sup>7</sup> According to information received from some of the participants in this study, my teacher and several of my classmates, some ethnic groups practice widow inheritance. This consists of "inheriting" a woman whose husband has died. The competing rights of men to inherit the widow are ranked in order of priority, with the highest priority going to the brother (s) of the deceased husband. If there is no brother, the second in order of priority would be a male cousin (s). If there is no cousin, even a neighbour can inherit a wife or wives. The inherited wife/wives and her/their new husband then live together as a married couple.

the second husband had left, and she had remained by herself. However, we spoke about 45 minutes. So, in total I had seven interview participants in Ongeng’.

After travelling long distances from Nairobi to Oyugis and Ongeng’ I went to closer villages, which took only around two hours to reach by bus. A teacher of mine invited me to his home which is located in Kitengela. So, my first short trip was to Kitengela which is 32 kilometres from Nairobi. I went to the home of my participant and spent a weekend with him and his family, sharing with them the daily routine, preparing food, talking with all the members of the family, and attending the Seventh Day Adventist Church as well. In Kitengela my participants were two: a husband a wife, both highly educated with PhDs in sociology; she was about 40 and he about 46. Both of them are fluent in English. Equally, both of them belong to the Kalenjin ethnic community.<sup>8</sup> The interview with his wife was carried out individually. But the interview with the husband took the character of a group interview as a friend of the family and the wife also participated in it.

Due to the collective character of the Kenyans, the interviews often became group interviews; for example, in Oyugis and Ongeng’ when I was carrying out an interview with one participant, friends and family of that participant came to join us and also participated in the interview which took the form of a dialogue. Therefore the interviews were unplanned in Oyugis, Ongeng’ and Kitengela. Additionally, they were carried out in an intimate and familial atmosphere. As I mentioned before, I was deeply involved in many of the activities of my participants, such as preparing food, having meals, preparing tea and drinking it, and during the performance of these activities I also carried out the interviews. Consequently, measuring the extent of the interviews in terms of hours is impossible. However the amount of data from these interviews is about 138 KB, equivalent to approximately 85 pages which also include some field notes.

My second short trip was to Ngong Hoe, which is 30 kilometres from Nairobi; I was taken there by a friend from the University of Nairobi and interviewed two Maasai women. The interview was scheduled, and took place at a coffee shop and lasted for about one and a half hours. The Maasai participants were illiterate grandmothers about 70 years old. I knew from the very beginning that I needed the help of an interpreter. I thought that in order to create an atmosphere of confidentiality a female interpreter would be the best option. All my interviews were possible because my teachers and classmates helped me to recruit participants. This occasion was not an exception, and a male

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<sup>8</sup> In Kenya wives automatically take on the ethnic group of their husbands. In this case the wife was also a Kalenjin by birth.

classmate arranged for me the female interpreter who was a friend of the Maasai women. Surprisingly, the Maasai women wanted my male classmate as our interpreter too. So, I had the interview in a group, two female participants and two (male and female) interpreters.

These pictures are from the landscape between Nairobi and the Luo region



*Landscape 1*

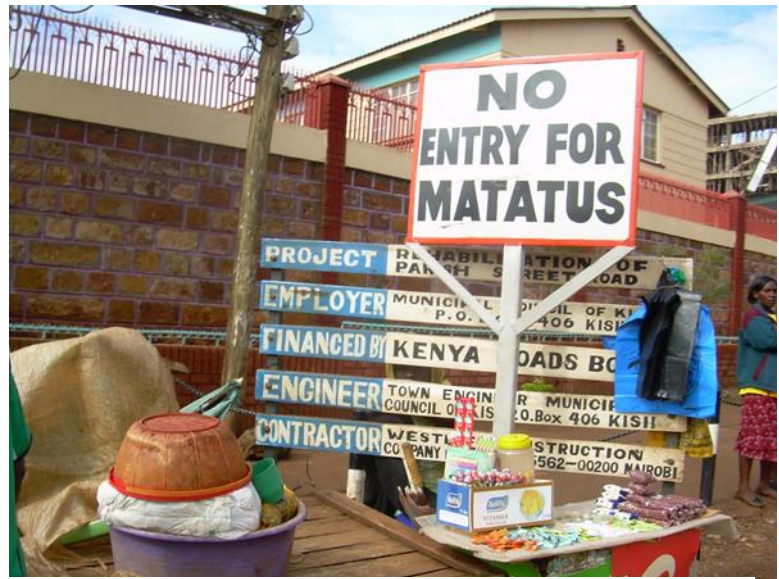


*Landscape 2*



*Ongeng'*

At the bus station in Nairobi



*Bus station*

The rest of the interviews took place in Nairobi. There were seven participants and I interviewed two of them, a man and a woman, at the same time, so, it was a group interview. The man at the time of the interview was studying for a Bachelor's degree in Geography; he was 24 years old, single, and belongs to the Kamba ethnic group; he is now applying for a Master's degree. The girl was a Bachelor student in Geography and at the time of the interview was 23 years old, single, and belongs to the Kikuyu ethnic community; the interview was carried out in the young woman's apartment, and lasted one and a half hours. The rest of the interviews were carried out individually. One Maasai man who is studying his Master's in Geography, was approximately 30 years old and married; the interview was carried out in an apartment of a friend of his, and lasted approximately one and a half hours. One Kikuyu man, 45 years old, has a PhD in Sociology and is married; the interview was carried out in his office, and lasted approximately two hours. One Kikuyu woman, approximately 35 years old, who was a social worker and married; the interview was carried at her home, and lasted approximately 30 minutes. One Luhya woman, approximately 45 years old, had a PhD in Sociology and was a widow; the interview was carried out in a cafeteria, and lasted 1 hour. One Luo woman was approximately 30 years old, a lawyer and single; the interview was carried out in a cafeteria, and lasted approximately one and a half hours. All these participants spoke fluent English. To give visual clarity to the above information I present a table with a description of the participants: their age, level of education, ethnic group and the pseudonyms I have given to distinguish them. Appendix (1).



As mentioned before, to recruit participants would not have been possible without the cooperation of my classmates and teachers at the university where I was a student on the exchange programme. As soon as I arrived in Nairobi, I started asking everyone for people who wanted to participate in my Master's thesis on various Kenyan traditions. Although the Kenyans were very amiable from the very beginning, and indeed I was overwhelmed at the attention I had received since my arrival, my search for informants seemed fruitless for the first one month, a period of time in which I faced an some kind of silence from the locals regarding the participation I was asking for. I had the feeling that the Kenyans saw a *mzungu*, 'the other' who came here to observe them.

That description or nickname, *mzungu*<sup>9</sup>, reminds me of a different but similar content in my country of birth, Colombia, where there are different ethnic groups and social classes as well; among South American Indians and African descendants which are minority groups I am called *la blanca* which means "white woman", a description that in my sociocultural context has also the connotation of belonging to a privileged social class. I received the same impression in Kenya; I was 'the other', the *mzungu* and the privileged one. However, I am also 'the other' in Finland but in this case I belong to the minority.

Furthermore, the spectre of 'the other' has followed me in my professions as well. As a lawyer and interpreter (Finnish-Spanish-Finnish) I have lived within the multi-dimensional frameworks that occur when in a relationship one part is formed by us/we and the other by them/they. In my work, I interpret for Finnish people who represent the Finnish social system and for Spanish speakers. In addition, as a lawyer I have also worked with people who have been less privileged economically, and in Latin America socioeconomic classes are so rigorously divided.

Returning to my experience in Kenya, I experienced with certainty, and particularly at the beginning, a deep segmentation, a division between the locals and myself as a *mzungu*. I felt that the silence I mentioned before it was because the locals were reserved with regard to telling me about some of their customs. They were assuring me about the greatness of being Kenyan, and I am

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<sup>9</sup> Mzungu according to the Oxford dictionary is East African English, and it means a white person with European family origins. The origin of the word is found in Swahili from *m-* class prefix + *-zungu* 'European' (Oxford dictionary). Interestingly, Lowell Brower, an anthropologist in his study of Swahili, says that "the word *mzungu* literally translates into "dizzy one," or "one who dizzies himself." Whether this is because white men always seemed foolishly busy or pitifully frail—unable to stand the harsh sun or many diseases waiting to pounce upon them [...]" (Brower 2009: 56).

absolutely sure that it is true. In any event, they were silent or reserved at the beginning in relation to participating in my thesis, but on the other hand very communicative with regard to showing me the positive aspects of their culture. Hence, in this process of obtaining information about participants, and Kenyan traditions *per se*, at the beginning of my field trip I experienced a kind of non-disclosure, or concealment, which I appeared to me to correspond with the impression management<sup>10</sup> approach developed by Erving Goffman.

According to Goffman, human beings perform for each other as one party gives to and/or hides information from the other (Goffman 1959). This approach of impression management correlates perfectly well with the anthropology of performance formulated by Victor Turner, who argues that performance is a “complex sequence of symbolic acts” (Turner 1987: 5) and “social dramas [are] units of harmonic or disharmonic social process, arising in conflict” (*ibid*: 4). Or more simply as Norman Denzin (2003: 34) says, referring to Turner’s anthropology of performance, people love, persuade, hate, fight, abuse, deceive and like each other. Both Goffman’s and Turner’s approaches have been taken as part of the process of researching in ethnographic works.<sup>11</sup>

Applying both Goffman and Turner to my experience in Kenya, at the beginning as an ethnographer I came to observe and not observe, to know and not know what locals allowed me, so at this point of my research I faced a disharmonic (conflictive) start. I equally experienced as time passed by and I was carrying out the final interviews Turner’s phase four or the final phase of “public action”<sup>12</sup> this phase consists of “either of reintegration or recognition of schism” (Turner 1980 :10). According to performance theorist Richard Schechner (2010: 310), Turner’s reintegration happens when the parties share a common feeling in ritualized episodes of normal life such as “feud, prayer” among others. I experienced some kind of reintegration as I began getting more collaboration from

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<sup>10</sup> Goffman (1959: 12) argues that one aspect of how social interactions can be studied and/or perceived is that individuals unintentionally or intentionally present themselves hiding and showing behaviours and emotions, thereby guiding the “impression” made on the others.

<sup>11</sup> See, for instance Bauman, 1990; Denzin 2003; Berreman, 1972.

<sup>12</sup> Victor Turner developed the “schema” of The Rites of Passage of Arnold Van Gennep who divides the ceremonies that mark an individual’s life from birth to death into three major rites. These are “preliminal rites (rites of separation), liminal rites (rites of transition) and postliminal rites (rites of incorporation)” (Van Gennep 1960: 11). According to Son Timothy (2014) a crucial change occurred in Turner after reading The Rites of Passage which is the base to Turner’s theory of rites (Son 2014: 41,42). Turner was interested in theatre and drama as an expression of liminality in modern life; in his theory of social drama he describes four phases of public action, explained in the main text, and not all of these phases always occur in social dramas. These phases are: “1) **Breach**, 2) **Crisis**, 3) **Redressive action** and 4) **Reintegration or Recognition of Schism** (Turner 1975,1980, 1987).

locals and better communication with them, and thus, some kind of recognition. I interpret this fourth phase with regards to ethnographic work as the locals accepting the outsider at some level, therefore I was invited to important life ceremonies such as the payment of bridewealth, I was invited to attend Mass, and I felt that I was becoming more accepted; in this sense I felt that at some level I had been reintegrated. For the purpose of better elucidating my argument I present below a comparative analysis of Goffman's and Turner's approaches through the phases of my encounter with Kenyan participants and non-participants, starting by stating the reasons for my trip to Kenya and how they changed during the process of my stay there.

The original purpose of my trip to Kenya was primarily to obtain information on sexual abuse and genital circumcision which were the main topics of my Bachelor's dissertation. I was fascinated by the idea of continuing my Master's thesis on the same topics. The first arranged interview to talk about genital circumcision was with a woman who was doing research on the same topic. It came to my knowledge through one of her teachers that she wanted to change that practice in her ethnic group and other groups as well. The interview was arranged by that teacher. To my surprise she was totally reluctant to collaborate with me, arguing that she was going to change the subject and avoid my questions. The second participant who knew about these topics delayed our meeting for a month. This continued to happen with two potential collaborators/participants. Hence I encountered a non-disclosure, concealment (Goffman 1959), which corresponds also to Turner's phase one, Breach of public action occurs when one person or a group breaks an important norm which regulates the interaction between parties (Turner 1975: 38). I felt that I had unintentionally broken a norm of Kenyans, they do not talk about criticized customs in the West with a Western, but also female circumcision is a controversial custom for locals. Kenyans were so reserved or reluctant to tell me about that custom. I felt it was like a sepulchral silence. My crisis had begun. I felt that I was an intruder who wanted to know about something private and controversial for locals. Crisis corresponds to phase two; in this phase there is an extant and wide gap between the parties (World Encyclopedia Turner), and unless that the breach is dissipated soon, the crisis tends to extend to other parties and include them in a process called "escalation of the crisis". At this point the crisis cannot be ignored by any authority (*op.cit.* 38, 39). I was in total crisis when potential participants refused to share any information with me. I felt that no one wanted to tell me about female circumcision. In my case there was no escalation of my crisis, it was rather short; and I moved onto phase three.

Phase three, **Redressive action**, the negotiation phase, in this phase there is a negotiation between the parties in order to prevent the crises from becoming extended, the objective is to establish

some kind of agreement through “redressive mechanisms” (Turner 1975: 39, 40). This negotiation phase started for me when I realized that I have to open myself up if someone wants to talk with me **about any** Kenyan traditions that I was there and I was **ready to learn anything**; hence, on my side I was observing and absorbing the information around me, while on the side of the locals the suspicions as to my motives were allayed. I was no longer an intruder and deeply respected their customs; in this way we reached phase four, reintegration. This phase may take one of two forms: reintegration *per se* or the contrary, a situation in which the parties are segmented abysmally (Turner 1987: 4, 5). Luckily for me, the latter did not arise; I experienced some kind of Turner reintegration. As Richard Schechner (2010: 310) explains, in this reintegration phase the parties share in a common feeling whilst performing rituals of their normal life, and at the same time become less inhibited. I felt I had been in some way accepted and I started receiving the co-operation of the people around me. I experienced this fourth phase in the sense that Kenyans were more open to me, sharing aspects of their customs which had been closed to me at the beginning of my fieldwork. I enjoyed some kind of recognition at this point. Additionally, towards the end of my ethnographic trip, participants started sharing with me very intimate and private information.

In this four phase I started conducting interviews and being an active participant among the participants of this research which offered the unique opportunity of very good conditions of receiving rich data from my ethnographic research. The language of instruction in Kenya is English,<sup>13</sup> and the majority of my participants were fluent in English. Thus, the need for an interpreter was minimal; only on three occasions: with the Maasai women, in Ongeng’ with the two families, and additionally in the interview with the widow.

As I mentioned before in this chapter, interviews became in-depth conversations, “constructive negotiations in which the parties are politically significant subjects [...]” (Clifford 1988: 41). I also define my interviews as open-ended dialogues; some of them were based on semi-structured questionnaires to which the participants sometimes responded to the questions in a narrative style. Through their stories it was possible to perceive the experiences which were important in their lives (Clandinin & Huber 2010: 438); and narrative allows the participants to reveal their dreams, wishes, yearnings and moral values (Connelly & Clandinin 2006: 480).

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<sup>13</sup> The italics are mine. In Kenya every ethnic group has its own language. English and Kiswahili are the official languages. However, education is imparted in English, and official matters are conducted in English as well.

Additionally, during the dialogues I took notes to structure the conversation and I used a digital voice recorder, but not before asking the participants if they were comfortable with it, and they raised no objection to it except when in the most private moments they asked me to stop the recorder and not mention their confidences in this research, which I will not. I have to admit openly that there were very emotional and difficult moments since sometimes I felt overwhelmed listening to the participants. But also sometimes our dialogues were very pleasant and even humorous.

While the first participants were telling me about themselves, their traditions, what Kenyans do and make, in other words who they are, one particular topic emerged from our dialogues: bridewealth. I also observed that this topic was often mentioned by my Kenyan friends regardless of gender. As a consequence I understood that bridewealth was a very important Kenyan tradition of which they speak openly. Hence, bridewealth became the main topic of this study. However it is worthy of mention that another important practice which is part of the Kenyan identity is polygamy, and Kenyans are very open about this subject as well.

Thus, the predominant theme in many of the dialogues is bridewealth, with the exception of those dialogues which I conducted during my last week in Kenya, a period of time in which locals started to open up about topics which I am very sure are much more private to them, such as genital circumcision and sexual abuse. Sadly, at that point I had to come back to Finland. If I had had more time, I would certainly have found enough data for my original topic. Hence, this sentence from Gerald Berreman (1972) regarding his ethnographic work in a North Indian village applies to my experience in Kenya: “that suspicions as to our motives (*researchers*)<sup>14</sup> were eventually allayed did not mean we therefore could learn what we wanted to learn in the village” (Berreman 1972: 160).

In our interviews/dialogues about bridewealth, other aspects were addressed as part and consequences of bridewealth such as: the rights of the husbands to give permission to the wives to go to visit their families or not go, to retain the custody of the children, and to discipline the wives; the obligations of the wives to clean the houses, to serve the husbands, to obey them and to produce children; the negotiation of the bridewealth *per se*; the bridewealth ritual according to the ethnic group; the tremendous importance of this tradition which is synonymous with marriage. One subject led to another, and to another. Therefore, the questions were framed according to the person, her/his situation and answers, her/his story; and whether (s)he used a narrative style to communicate. So, in

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<sup>14</sup> Researcher is my addition to explain the quotation.

this way the interviews/dialogues unfolded smoothly. By narrative style I mean that some of the participants were really storytellers; some told their own story or friends' stories, others gave descriptions of particular situations. I followed their narration or description of events, and correspondingly I asked the questions according to what they were telling me. The tellers/participants were very varied as were their own narrations and descriptions. When the participant/teller told me a story I made sure to ask about what I thought at that moment were the main elements of the plot, the setting and how the story concluded. For example, in the case of the story of one male participant, I asked as the story was developing: i) who were the characters involved in that story and their filiation (husband, wife, grandfathers on which side, etc.). ii) in which setting the story took place (different parts of Kenya) and in which year approximately; iii) and how the story concluded.

Throughout my entire stay in Kenya, rather than highlighting “the other” as locals obviously did, since Kenyans emphasized the point that I was a *mzungu*, in other words a person from a very different culture, I showed some of the common experiences and emotions that we share together. I equally opened myself up to them and their questions in our dialogues answering all their questions and satisfying their curiosity about my life. As an example of our common experiences, in my case, a Kenyan tradition has applied as well, since I followed my husband to his country (Finland) like Kenyan women do. This situation in common came out of answering their question ‘which tribe, in Finland, do I belong to?’ In addition, the society of my country of birth is very religious and collective as well. So, I am so sure that these aspects opened some kind of channel of trustworthiness between us.

I did not pay for the information given by the participants; however, I took a lot of food to the places where I stayed, and also some presents for the children. Regarding the rest of the participants, I gave almost all of them sugar and tea as a symbol of my appreciation for the time that they spent with me and my research. Sugar is highly appreciated by Kenyan people, and I was told that it would be the best present for them.

However as I described at the beginning of this chapter, for Kenyans I was the *mzungu*, the privileged one; only in phase three did I become much more; I sensed, based on what my friends and participants told me, that I was also respected; I am aware that being married elevated my status in that community, and furthermore, I also sensed that I was put in a position of authority, of the authority of someone who can make their voices heard. I also know that my vast experience in different social

contexts, starting with my country of birth, as I also mentioned at the beginning of this chapter, has influenced me in the way I approached my participants which I discuss more in-depth in my Methodology Chapter.

Also in addition to the participants/tellers mentioned above, a few more participants have contributed to this research. Two men, and a young woman. The interviews/dialogues with them occurred when I was in Finland, and facing some difficulties in my analysis period. With the two men I had contact through Facebook and Skype. With the young woman was a personal encounter in Jyväskylä. The men at the moment of the dialogue/chat were single, one is an economist, in his late twenties and belongs to the Meru ethnic group; and the other man has studies in procurement and suppliers management, belongs to the Kikuyu ethnic group and he is in his middle twenties. The young woman, at the time of the interview was 24 years-old, a nursing student in a university of apply sciences in Finland and single.

### 3. Theoretical Framework

As I present during the course of this study, the practice of bridewealth involves relationships between the husband and his wife or wives. These relationships describe power and control on the male side and subordination on the female side, which leads me to state unequivocally that bridewealth is an expression of gender hierarchy/patriarchy<sup>15</sup>.

So, I define the term patriarchy as a system in which social interactions and institutions place women *generally*<sup>16</sup> in a situation of inferiority or in a subordinate position; whereas men have access to or are in more advantageous/beneficial situations and positions. These aspects (the usually advantageous situation of the male and the subordination of women) contribute to placing women in a situation of exploitation, for this reason, women are forced to be under the determinant characteristic of patriarchy which is the economic dependency of women on men as I explain below along with the other terms mentioned: institution, exploitation and subordination.

#### 3.1. Explanation of the key terms: institution, exploitation and subordination

##### 3.1.1. Institution

The concept of institution is understood as a set of rules which a collectivity applies to the relationships of its members (Barley 1997: 6). These rules are, for example, how to “borrow money, bury their dead, buy oranges” (North 1990: 3, 4); also how to get married, divorce, be baptized.<sup>17</sup> So actors/ members of a collectivity are guided, thus they know the manner in which they should perform their life. So institutions are created by members/actors of a collectivity to shape their own conduct within the purpose of achieving order and stability (*ibid*: 3; Burns 1987: 8–30, 99). As the Economist and Historian North Douglass (1990) points out, institutions scale down uncertainty as they guide relationships among the members of a specific collectivity. In order to perform this task, institutions limit, control and condition the interactions of the members who are punished in case of transgression;

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<sup>15</sup> See Russell 2011; Shadle 2006, 2008; Kevane, 2004; Berger, 1999; Silberschmidt, 1999; Tambiah 1989; Goody 1973.

<sup>16</sup> The word ‘generally’ is to emphasise that in gender relations in which women are disadvantaged, women have found some mechanisms for coping with that situation, putting some limits to patriarchy; see, for instance, Stark (2011). I will turn to this point later in the section of the explanation of subordination.

<sup>17</sup> See Oppenheimer 1988; Borg 2007; Hodgson (2006: 6).



and this (punishment) is crucial for the functioning,<sup>18</sup> and “therefore [institutions] are the framework within which human interaction takes place” (*ibid*: 4). There are basically five institutions in social relations: family, education, religion, economic and political (Guide of Sociology)<sup>19</sup> in which male power and control is sovereign in patriarchal societies (Lerner 1986, ; Barrett 1980).

### 3.1.2. *Exploitation*

In my definition, the term exploitation refers to one person or group of persons who take from other(s) her/his capacities or natural power(s) to appropriate them, without giving in return the equivalent of what is taken from them (Jónasdóttir 1991). A relationship which depicts exploitation is formed by two parties, exploiter and exploitee, and is characterized by inequality/injustice. There is no equilibrium/fairness in the relationship (the load is absolutely unequal and the exploitee gets the worst of it); in this relationship the exploitee’s rights are violated or contravened, and exploitees obtain less than it what would otherwise be considered fair (Jónasdóttir 1991) in the society where the relationship takes place.

The situation of exploitation in gender relationships commonly causes the economic dependency of women on men. Dependency means that women have no (or few) other viable or realistic options of supporting themselves than to be economically dependent on men (Stark, forthcoming). Economic dependency makes women subjugated to men’s control, which is essential to keep the male in a position of control/power.<sup>20</sup> In the relationship of exploitation, “those who are exploited do not have control over the situation, that is, they have no real alternative other than to be in an exploitative relationship (Jónasdóttir 1991: 81, 85). Some of the situations of exploitation are:

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<sup>18</sup> Punishment is also seen as an institution (Garland 1991) which brings balance or stability when a norm agreed by members of the collectivity is transgressed (Cea 1979: 173; Garland 1991). The norm in question has been ruled by a state (or the organ/body of the state, or collectivity which is in charge of that function). The norm must be obeyed by all the members of the collectivity. Here, there is an interaction between the state (or a body which performs the function of ruling) as an institution ruling and the members/actors/community accepting that rule; this acceptance could even be coercive, since the body which rules has the legitimate power to impose norms (Streeck 1985: 121-123). So the norm offers stability when it is ruled by a body with legal rights to do so (Cea 1979). The legal body rules according to the needs and values of the community (Barley 1997).The above authors refer primarily to modern and democratic states. Nevertheless my observation of norms ruled by legitimized bodies among ethnic groups in Colombia and in Kenya is that there is a deep conception of punishment and binding norms. The definition of intuition as set of rules can also be to ethnic groups.

<sup>19</sup> Some authors like Zapf 1991 added to modern societies market economy, competitive democracy, mass consumption and welfare state. In my opinion those institutions can be merged into economic and political institutions. They add nothing new to the basic institutions.

<sup>20</sup> Beechey 1979; Gordo 1996: 88, 89; Stark 2014.

i) Division of labour where domestic work usually corresponds to the female realm, and even in developed societies including “socialist” countries it is unpaid as it is considered “no exchange-value, and does not create any surplus value” (Delphy 1984: 60); ii) In some agricultural societies men are usually the owners of the land and production of it, even when women participate actively in that production (Gordon 1996: 63, 86, 104); iii) Additionally according to Langley usually in Sub-Saharan Africa most women are kept in low paid jobs or farming, so, they (women) continue to be financially dependent on men (Gordon 1996: 31). Importantly, for instance, in Tanzania there are few possibilities of getting jobs, but these possibilities are more reduced for women, thus, women continue their economic dependency on men (Stark 2014).

Biological reproductive capacity which is also understood as exploitation in the studies of patriarchy (Lerner 1986: 52) because it involves an **ideological** approach which *I think could also bring/have economic repercussions*. Shulamith Firestone (1974) suggests that there is an exploitation of women’s reproductive capacity, since childbearing and rearing have been imposed on women in the service of men male lineage and legacy.<sup>21</sup> In the same vein Judith Evans (2013) argues as a universal principle that one parent should take care of children “*basically, the omnipresent, caring, and nurturant*” (Evans 2013: 73), and that parent is the mother who is *confined within the home* for the purpose of childrearing (*ibid*: 74). Biological exploitation, even when is presented at an ideological level (Firestone 1974; Mary O’Brien 1989) paves the way to exploitation at an economical level because usually childrearing implies unpaid work.<sup>22</sup> As I mentioned before, women are at home which is usually socially expected from mothers, so, they cannot work outside where they have some possibilities of obtaining wages and in that manner access, at least, to some financial independency (Bland 2013). Another related scenario is that even when women work outside the home, they are still expected to domestic chores not expected of men. So, women could be loaded with extra work in comparison with men.<sup>23</sup> So, these unfair situations constitute exploitation by society as whole.<sup>24</sup> *I think that as women are confined within their homes as primary childcares, work which in many societies is unpaid,<sup>25</sup> it is obvious that this paves the way also for women economic dependency on men.*

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<sup>21</sup>According to this orientation women suffer from physical “moral/social/psychological” duty of childbearing anraring Firestone, 1974; Evans, 2013.

<sup>22</sup> See Delphy 1984; Bland, 2013.

<sup>23</sup> Delphy, 1984, pp 169,170. Walby, 1990.

<sup>24</sup> Federici 2012; Vogel 2013; Malos 1980 quoted in Amico 1998: 473.

<sup>25</sup> Nordic countries are an exception with regard to this aspect.

Additionally in some agricultural societies, women are valued for their reproductive capacity and for **their labour** as is seen in the **African model of polygyny** in which men take many wives to produce in the economic sense and reproduce in the biological sense. Lerner (1986: 51) affirms that “all agricultural societies have reified women’s and not men’s reproductive capacity”, meaning that they emphasize women’s role in reproductivity over men’s and the reason for this is that women are the limiting factor of fertility. Age and sexual reproductive capacity are linked to a woman, putting her in a status of validity (valuable human being). In other words a woman is considered valuable in terms of her reproductive capacity, which usually leads her to marry at a young age since young women are considered more fertile. This mode of behaviour has been generally institutionalized in Sub-Saharan Africa (Dixon-Mueller 1993: 25), and specific studies have been carried out in Kenya by Brett Lindsay Shadle (2006) and Borgerhoff Mulder (1989, 1995).

It is worth mentioning, as part of an integral perspective on patriarchy that sexual-reproductive exploitation is partly reflected in institutions such as education and health, since these contexts of **patriarchy** lead to: i) The scarcity of possibilities of getting education; since a woman’s destiny is thought to be to conceive and raise children, **and so** they drop out of school (however, one could ask why there **is no** social support to help **them** finish **their** education); **for this reason**, parents do not want to invest in **their daughters'** education as they are married off (Stark 2014: 12, 15); ii) Often, a woman’s health is at high risk of contracting diseases such as HIV, because the use of condoms is often outside female volition.<sup>26</sup> Also she is denied access to birth control, unless her husband gives authorization to it.<sup>27</sup> These situations bring health problems, and even fatalities for mothers and children as well (Hunter 2010: 187,188).

### 3.1.3. *Subordination*

Patriarchy implies an asymmetric relationship in which men are in a position of domination/power, and women are placed in a position of inferiority, which constitutes the definition of subordination.<sup>28</sup>

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<sup>26</sup> Silberschmidt, 2000: 658, 660; Hunter 2010: 6–9, 197.

<sup>27</sup> I have collected data which support my statement as a male participant told me that physicians do not prescribe or contribute in any form to women having access to birth control without their husband’s permission/authorization. I enquired about that situation at the Women’s Hospital in Nairobi, and a social worker confirmed that the conduct mentioned was usual. By way of further explanation, Norma a participant from Oyugis wanted to use birth control to which without her husband’s permission could not get, in that rural area. I promised to find out for her possibilities in Nairobi, it was the reason I went to the Women’s Hospital of Nairobi.

<sup>28</sup> Cambridge dictionary the act of giving someone or something less importance or power:

With this term subordination I want to emphasize two aspects: i) Women are not *always* passive victims of patriarchy (Kandiyoti 1988, Stark 2011), and furthermore they probably do not want to leave the system (patriarchy) in which they are enmeshed (*ibid.*). II) Women like all human beings are not deprived of agency. Agency is defined by William Sewell (1992: 20) as a capacity which is innate in people for being creative, yearning and acting as is innate the capacity for breathing.<sup>29</sup> In the same vein as Sewell, Charles Taylor (1985: 15–44) argues that agency is universal as it is inherent to the condition of being a person.<sup>30</sup> Consistently with this the anthropologist Sherry Ortner (2006: 144) presents agency in terms of “culturally established projects” in which subordinates have their own interests and goals which “they protect literally or metaphorically on the margin of power.” So, subordinates pursue their goals even under circumstances of “local inequalities and power differentials”. Additionally, Ortner says that “culturally constituted projects” give purpose in life. Human beings demand to achieve their own goals in their own terms (*ibid.*: 145).

Scholars have showed how women in patriarchal societies are not absolutely powerless, as Laura Stark (2011) in her book *The Limits of Patriarchy* points out that in 19<sup>th</sup>. and early 20<sup>th</sup> centuries Finland, patriarchal authority was constrained by home thievery (*kotivarkaus*) and news carrying (*kontikantaminen*): “farm mistresses pilfered goods from their farms in order to pay news carriers to both spread and gather information secretly”<sup>31</sup> with the purpose of obtaining public sympathy towards women’s plight, and provoking a debate on the inherited rights of women and male’s patriarch’s responsibilities. In Gambia, in relation to rice cultivation, women/wives have negotiated some benefits for themselves, such as the obligation of husbands to pay for their work, and women can even cultivate their own plot first, while their husbands wait until the women go to work on the men’s plot (Kandiyoti 1988: 276). Kandiyoti has analysed these interactions, establishing that women find strategies and mechanisms of coping with patriarchy, even turning to their favour a system which is created to be against them; she calls these “patriarchal bargains” which perpetrate a tremendous influence on different aspects of women’s thoughts about gender. Additionally, “Patriarchal bargains” influence either passive or active resistance to women’s oppression (*ibid.*: 275). Also, Kandiyoti argues that “patriarchal bargains” are neither eternal nor unchanging, on the contrary they change as time passes by, and they are subjected to new deals and compromises between men and women (*ibid.*).

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<sup>29</sup> Ortner (2006: 136); Abbey (2000: 70).

<sup>30</sup> Taylor (1985: 97) defines person as “a being with a certain moral status, or a bearer of rights. But underlying the moral status, as its condition, are certain capacities. A person is a being who has a sense of self, has a notion of the future and the past, can hold values, make choices; in short, can adopt life-plans”.

<sup>31</sup> Italics are in the original text Stark (2011: 27).

In the contexts described by Stark and Kandiyoti, the mother-in-law enjoys authority over her daughters-in-law:<sup>32</sup> in a patrilocal society in which the bride moves to live with the family of her husband, the mother-in-law has authority over the young wife (daughter-in-law) who is expected to be hard-working, submissive and obedient. Furthermore, a daughter-in-law has no choice but to learn to do the work that is expected of her (Stark-Arola 1998: 98). So even in a patriarchal system, mothers-in-law have some autonomy and power in households, and, in this case mothers in-law are not necessarily in a lower-status than their husbands. In this regard Kandiyoti (1988: 279) affirms that a women's life is cyclical in a patriarchal family in a such way that all the privations and disempowerments which she has to cope with when she is young change into an authoritative form which she will exert over her submissive daughters-in-law.

My point with these examples is that according to some studies, women have their own resources and means, which ensure at least to some extent that they can resist male domination, and, therefore patriarchy is not unlimited, and women do not necessarily always perceive themselves as victims, but are placed in a position of **subordination** which nevertheless does not prevent them from having their own interests and goals, or as Ortner says, "cultural projects" .

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<sup>32</sup> Silvia Soriano Hernández (2006) also describes the power and authority of mothers-in-law in her book *Mujeres y Guerra Guatemala y Chiapas* (pp. 159, 162). Ivonne Vizcarra (2002) in her book *Entre el taco mazahya y el mudo—la comida de las relaciones de poder, resistencia e identidad* studies the patriarchal system in Mexico through identity, power relations and resistance in which the mother-in-law's authority is wielded with the same characteristics mentioned in this chapter.

## 4. Key Concepts and Definitions

### 4.1. *Marriage Payments*

Marriage in the majority of African societies, if not in all of them, has traditionally involved various prestations. These have often been in the form of gifts given by the parties affected by the marital union, and are commonly referred to in anthropology as marriage prestations, payment transactions (Radcliffe-Brown 1950, Comaroff 1980, Lemos 2010: 105, Kanogo 2005), or even as marriage by exchange (Lévi-Strauss 1967). Basically, marriage transactions, prestations or payments are mainly comprised of two styles of payments (I will return to this point later), dowry on the one hand and on the other brideprice, or bridewealth, the term preferred by several authors<sup>33</sup> such as Comaroff, Spiro and Goody who will be mentioned in this section. I will use their term, bridewealth.

The main topic of this research is the continued practice of bridewealth in Kenya, and since bridewealth falls under marriage prestations, payments or transactions, it is, in my opinion, tremendously important to explain the signification of marriage prestations. However, I do not propose to conduct an extensive analysis of the different means of marriage transactions, payments or prestations. My intention is only to present a few approaches which help to clearly understand the definitions and context of marriage payments, and how these are applicable to the particularities of marriage prestation (bridewealth) in the ethnic groups which I studied, which were the Kikuyu, Luo, Luhya, Kalenjin, Kamba, Kisii and Maasai; however, my informants state that the practice of bridewealth extends to the whole of Kenyan society.

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<sup>33</sup> It is noteworthy that the differences between brideprice and bridewealth are linked to the controversial point of the commerciality or non-commerciality of this custom, and whether its most important function is the economic one. The term price implies commercial value as is determined in western economics. Thus, it leads to the understanding that brideprice implies a commercial value. The term “brideprice” is misleading because “price” has a strong nexus with the commercial transactions of the European market (Dalton 1966: 732). “There are very good reasons for cutting the term [brideprice] out of the ethnological literature since at best it emphasizes only one of the functions of the wealth, an economic one, to the exclusion of the other important social functions...” (Evans-Pritchard 1931: 36 quoted in Dalton 1966: 732). The term bridewealth denotes also that there are economic values (cattle, goats, etc...) which are handed over by the husband and his community to the community of the future wife. However, the term wealth does not suggest that the core of the transaction is its economic function as the term price implies.

Turning to the point of the two styles of payments (dowry and bridewealth), according to Spiro (1992) there are two more styles of payments: *dower* and *groomwealth* which are not often mentioned in literature. It is important to provide a brief overview of the four terms identified by Spiro: dowry, dower, bridewealth and groomwealth, since the four of them give a clear insight into the nature of marriage prestations. Spiro argues that *dowry* and *dower* both involve property given to the union. In the *dowry* style the property is given by the family of the bride whereas in the *dower* style the property is given by the family of the groom. *Bridewealth* is provided by the group of the husband to the group of his wife, while *groomwealth* moves in the opposite direction. These four terms (dowry, dower, groomwealth and bridewealth) have been reduced to two terms dowry and bridewealth, because groomwealth has no clearly recorded empirical instances (Comaroff 1992: 114). It has been ignored for analytical purposes, and dower has regularly been mistaken for bridewealth, primarily because its source is the same (Spiro 1975: 88–90; quoted by Comaroff 1992: 4), causing confusion in the study of marriage payments as these terms ought to be separated, but as they are “combined inconsistently, it is little wonder that the differential determinants of those marriage payments remain rather obscure” (Spiro 1992: 115).

The reduction of the terms to only bridewealth and dowry has eroded the reason why marriage prestations take place or not in the first place. According to Spiro, prestations take place in societies where the cost-benefit ratio<sup>34</sup> to the main parties – bride, groom, the family of the bride and the family of the groom – of the union is unbalanced, and the transaction, prestation or payment is determined by the most disadvantaged party. So, marriage prestations or transactions are unlikely to occur in the case that the cost-benefit ratio is balanced. In other words, if there are no parties which lose or gain anything materially or socially, marriage transactions most probably do not take place.

Thus, the reduction or extinction of groomwealth would depict the point that the groom’s group will not normally suffer any detriment due to the scarcity of males or lack of reproductive or productive capacity. Spiro’s cost-benefit calculations include: *gains enjoyed by the wealth giver(s); protection against potential loss; and compensation for actual loss* (Spiro 1975: 98; quoted by Comaroff 1992: 4). The nature and implications of the prestations are presented meticulously by

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<sup>34</sup> Cost-Benefit Ratio: A ratio of whether or not and how much profit will result from an investment. It is calculated by taking the net present value of expected future cash flows from the investment and dividing by the investment's original cost. A ratio above one indicates that the investment will be profitable while a ratio below one means that it will not. A cost-benefit ratio is also called a profitability index. (<http://financial-dictionary.thefreedictionary.com/Cost-Benefit+Ratio>).

Spiro. However, currently in the field of anthropology as mentioned above, academics have mainly focused on two marriage payments: dowry and bridewealth.

Although dowry and bridewealth are largely used in the field of anthropology,<sup>35</sup> I have repeatedly come across a few particular terms in the literature to refer to these marriage payments. I consider it worth mentioning these terms only for the purpose of denoting their existence and the fact that they are rather commonly invoked. These terms are proposed by Lévi-Strauss, who analyzes marriage as the prototype of exchange as he refers to marriage payments as “marriage by exchange”. These payments are “marriage by purchase” and “marriage gift”. The latter is used by Lévi-Strauss instead of bridewealth or brideprice, when he speaks of *labola* in the Bantu-speaking societies of Africa. The former is used by Lévi-Strauss to refer to dowry in the case of Hindu conceptions, specifically the Code of Manu (Sanskrit law) (Lévi-Strauss 1967; Lemos 2010: 106).

Although there are **several** terms to refer to marriage payments, I focus mainly on dowry and bridewealth as mentioned before, and I use these terms accordingly. I proceed to explain below the main characteristics of both payments. Moreover, in order better to understand bridewealth in Kenya, my explanation with reference to it will **be broader**, including approaches which are wholly compatible with my participant observation during my ethnographic trip to Kenya. I start by presenting the main characteristics of dowry.

#### 4.1.1. *Dowry*

The predominant characteristics of this transaction or payment are: the transfer of familial holdings to a daughter in the event of marriage, sometimes to her husband “at least for safekeeping or even to both spouses jointly” (Goody 1973: 6). Additionally, as dowry involves the transfer of holdings, usually from father to daughter (bride), it is linked to pre-mortem inheritance to the bride<sup>36</sup> (*ibid*: 1; Moors 1995: 82; Anderson 2010; Schweizer 1998:217). Thus, it is seen as a “vertical payment” (Davis

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<sup>35</sup> See Comaroff 1980, Goody 1973, Borgerhoff Mulder 1995, Bell 1994.

<sup>36</sup> As dowry is the transfer of familial assets to a daughter (bride) pursuant to marriage, Goody and Tambiah (1973), in *Dowry and Bridewealth*, propose that dowry is a pre-mortem inheritance to the bride. However, Tambiah has modified that statement to some extent admitting that “dowry cannot be seen as pre-mortem inheritance, because the content seems to depend upon the status of the groom, than on the property of the household of origin.” (Tambiah 1989: 426; quoted by Moors 1995: 127).



1991:113; Moors 1995: 82). The familial relationship between the relatives by affinity as the result of the marital union is extremely important (Comaroff 1980).

Dowry is “restricted to those societies where men contribute the most; this is the difference between hoe agriculture and the use of plough, which is almost invariably in male hands” (Goody 1973:52). So, dowry is often practised in plough societies where hard agricultural work is performed by men (Boserup Ester 2007)<sup>37</sup>. Dowry is generally linked to monogamy<sup>38</sup> and hypergamy<sup>39</sup> which means “marriage to someone of higher social economic status than himself” (Kaplan 1985: 175; Goody 1973). Thus, it is understood as Tambiah says: “it may be conceived of as direct exchange of status for wealth” (Goody 1973: 64; quoted by Comaroff 1980: 12). In the same vein Yalman (1967) argues that dowry is “the result of a bargain struck in the negotiations of status relations” (Yalman 1967: 174–5; quoted by Comaroff 1980: 12); and Comaroff stresses that dowry is strongly related to hypergamy (Comaroff 1980: 12).

In sum, the main characteristics of dowry are: a transaction of familial holdings to a daughter pursuant to her marriage, the transaction often being made by father to daughter. Dowry is often practised in monogamous societies, and it is linked to hypergyny. The transfer is made to the bride’s kin to the husband’s kin (or sometimes to the bride herself). In the case of bridewealth the transfer is made by the groom or his kin; additionally the context in which it is practised is not monogamy but polygamy. I proceed to explain below bridewealth.

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<sup>37</sup> According to Boserup (2007) in societies in which women contribute less to agricultural endeavour (plough agriculture type), the marriage payment practised is dowry e.g. India; whereas the societies characterised by agricultural work performed by women the marriage payment practised is bridewealth e.g. Laos, Malaya. Anderson Siwan (2014) explains that in agricultural societies where the use of “light tools” like the hoe is common, bridewealth is practised e.g. in Sub-Saharan Africa. See also Goody (1973: 52). In simple terms, bridewealth is commonly practised where the agricultural work is usually performed by women, and this type of agriculture is considered hoe agriculture; where the type of agriculture is plough which demands more physical work men usually perform it, and dowry is more often practised.

<sup>38</sup> Monogamy is as strongly connected to dowry as is polygamy to bridewealth. Moreover these payments are also studied as a form of sex-biased parental investment. In monogamous societies characterized by uneven resource distribution, however, parents can increase their inclusive fitness by securing a high-status husband for their daughters. As expected, forms of female-biased parental investment such as dowry are more common in these societies than elsewhere (Gaulin and Boster 1990; quoted by Fortunato, Trivers 1972). This sex-biased parental investment is based on the theory, Parental Investment proposed by Trivers which covers the two payments (dowry and bridewealth). In the section of bridewealth I will return to this theory.

<sup>39</sup> The proper term is hypergyny which is well defined by Birx (2010: 163) as “the bride has a lower status than the groom”. In other words hypergyny takes place when women marry men who are wealthier or of higher caste or social status than themselves.

#### 4.1.2. *Bridewealth*

In this section I will present the main characteristics of bridewealth, starting with some generalities of this payment, and subsequently focusing on Africa and Kenya. I begin by pointing out how, generally speaking, bridewealth is seen as a transfer made among patrilineal and matrilineal groups. In the course of changing prestations and rights in women, these groups create relationships of affinity and debt with each other, affirming their own internal solidarity and mutual interest in the process (Comaroff 1980:15; Dalton 1966; Borgerhoff Mulder 1995).

In Africa the predominant characteristics of bridewealth are, as Lemos defines it, “the betrothal gifts the groom gives to the bride’s family” (Lemos 2010: 83). These gifts earlier took the form of cowries, hoes or iron bars (Goody 1973: 5). Additionally Goody argues that

“[i]n some European and Asian societies the marriage prestations are made by the groom or his kin, and are consequently often classified as bridewealth (or brideprice). But the ultimate recipient of these gifts is the bride and not her kin. It is true that the gifts from the groom sometime go first to the girl’s father, who may indeed take a cut (in this respect there is a continuum); but the bulk goes to the bride herself and thus forms part of a joint (or sometimes separate) conjugal fund rather than a circulating social one. Rather than employ the misleading term bridewealth (or brideprice), which has been used for example to translate the Sanskrit word *asura*, such transactions should be referred as ‘indirect dowry’ ” (Goody 1973: 2).

Bridewealth is practised commonly in patrilineal systems where the matrilineal system is absent, unimportant or irrelevant. The non-payment of bridewealth triggers the loss of the father’s rights over his children and their affiliation to the mother’s kin, and the loss of male rights and those of his kin over the woman. These characteristics are encapsulated in a theory which I will present towards the end of this section.

The characteristics above are the foundation for a jural approach. For example, Roberts Simon (1977; quoted by Comaroff 1980: 17,18) establishes that marriage is a “bundle of rights” and that bridewealth is the instrument of their production and/or exchange; and Fortes Meyer (1972) proposes that bridewealth has two parts, a Prime Prestation which is the particular instrument (“sole jural instrument”) for the transfer of the union rights; and Contingent Prestations which are negotiable, also subject to exchange when the relations of affinity are convenient (Comaroff 1980: 18)

Additionally, marriage payments can be analysed from an evolutionary point of view<sup>40</sup> based on the Parental Investment theory proposed by Travis (1972) who argues that parents' final purpose is to achieve their own well-being through the resources obtained through their offspring. But parents' investment tendencies are more beneficial in the case of sons than of daughters, since male reproduction is normally more successful for the male than for female among the animal species. According to Robert Trivers (1972) in the case of humans a "function of time" influences the reproductive capacity of male and female. A male in a short time could fertilize a female costing her a nine-month period of gestation. The male could help during this period if he wants, but the female could terminate the period of her pregnancy, so, she would not lose her *investment*.<sup>41</sup> But the male may maximize his investment potential by copulating with and fertilizing as many females as he wants (*ibid*: 145).<sup>42</sup> Poor men may never have a chance to mate at all, especially in polygynous societies, since females want their mate (s) to have resources. But a female can always find a male to mate with her. Men can succeed reproductively if parents invest in them, but not if they remain poor.

Consequently, in societies where polygyny is practised, and sons can obtain as many wives as they can afford, ancestors maximise the possibility of reproductive success by leaving wealth to the offspring who have more chances of reproductive success, who are usually male (taking into account the point of view above); and wealth offers the possibility of obtaining more mates (Hartung 1982). So, sons are more likely to benefit from the parents' transfer of wealth than daughters. Hartung shows in his paper Polygyny and Inheritance of Wealth a strong association between polygyny and bridewealth. In other words, in societies where polygyny is practised, bridewealth is also practised. Goody 1976 argues that bridewealth is usually an investment in sons; while parents acquire wives for their sons, they are also obtaining the great possibility of vicarious reproductive success (Goody 1976; quoted in Hartung 1982: 3). The marriage payment practised in societies where monogamy is followed tends to be dowry. According to Fortunato, in these kinds of societies "parents can increase their inclusive fitness by securing a high status husband for their daughters. Ultimately, bridewealth and dowry represent a means of resource competition for spouses among, respectively, husbands' and wives' families" (Gaulin and Boster 1990; Hartung 1982; quoted in Fortunato 2006: 2)

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<sup>40</sup> See Fortunato (2006: 356); Trivers 1972.

<sup>41</sup> Trivers (1972: 139) defines parental investment as "any investment by the parent in an individual offspring that increases the offspring's chance of surviving (and hence reproductive success)".

<sup>42</sup> According to Trivers (1972) in the case of humans a "function of time" influences the investment (reproductive capacity) of male and female. A male in a *short time* could fertilize a female costing her a nine-month period of gestation. The male could help during this period if he wants, but the female could terminate the period of pregnancy, so, she would not lose her investment. But the male may maximise his investment potential by copulating with and fertilizing as many females as he wants (*ibid*: 11).

I observed this strong relationship between polygyny and bridewealth, and I was also told about it by my participants. I will explain more about this theoretical part of bridewealth and the information acquired during my field trip in the following section.

#### *4.2. Literature and Practice*

In this section, I apply the definition of bridewealth to my ethnographical findings. I establish how anthropological literature correlates with the data I collected based on my participant observation and the information I gained from the participants during the interviews. The analysis of the applicability of the literature review to my findings will be developed step by step. Thus, it includes the main characteristics of bridewealth, the jural approach, and the Parental Investment theory. Because the anthropological literature is highly ambivalent as regards the terms used and the use of the words “dowry” versus “brideprice” or “bridewealth”, my purpose is to establish that there is no doubt that the marriage payment practised in Kenya is bridewealth. However, the content of my findings (interviews and participant observation) will be fully analyzed (in-depth) in the Analysis chapter.

So, applying the theoretical signification of bridewealth to my ethnographic trip to Kenya, I have the following findings to present: among the Luo, Kikuyu, Maasai, Kalenjin, Kamba, Kisii and Luhya communities I not only observed but I was also told by my participants that the groom and/or his kin should make a payment to the parents of the bride (interviews). Thus, the direction of the payment, in the case of bridewealth, correlates with, for instance, Goody (1973) and Comaroff (1980). The payment is surrounded by negotiations between the parties (the groom, his father and uncles; and the father and uncles of the bride). The negotiation involves the fact that it should be a payment which is not subject to discussion of any nature. However, the amount of the payment is negotiable. Thus, there is a “sole jural instrument”, the payment per se which will transfer the rights of the union; and a Contingent Prestation which is depicted by the fluctuating price of the payment. This part correlates with Fortes (1972).

Furthermore, in Kenya the price of bridewealth varies among communities; the economic possibilities of the groom and his kin are taken into account to establish the final amount of the payment. I observed and I was also told that the Kikuyu were the richest ethnic group and the parents of Kikuyu brides demanded a higher price for their girls. Additionally, I witnessed myself a payment

made by the groom accompanied by his family. The event took place in the Luo community in Oyugis, Kenya, where I carried out interviews and I took photographs. In relation to the negotiations, I have two interviews which give a clear perception of how they occur among the Kalenjin and Kikuyu communities. I present this information in the Analysis chapter.

According to Goody, the transaction can take the form of gifts such as “cowries, hoes or iron bars” (Goody 1973: 5) this correlates almost perfectly with my interviews and participant observation. I must add that I did not observe in the communities where I spent time, during my entire stay in Kenya, “iron bars” being given as form of bridewealth payment; probably in other countries it is still common to pay with iron bars, as it was in Kenya in the 1970s, but my field trip was in 2012. Additionally, I want to clarify that the price is determined in cowries/cattle, with the particularity that the Kikuyu have a preference for goats. However the payment can be made partly or totally in Kenyan Shillings (KSh).

Bridewealth is inextricably linked to patriarchy. This characteristic also correlates with my participant observation and with what I was also told by almost every participant. In Kenya, sons are frequently favoured in their parents’ investment of resources. I witnessed the predilection to give education to sons instead of daughters in one family which suffered from scarce economic resources. Additionally, married women are excluded from inheriting property either from their husbands or from their fathers,<sup>43</sup> since bridewealth has been paid for them. So their brothers inherit.<sup>44</sup> I frequently observed that decision-making always lay with a male figure.

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<sup>43</sup> Kenyan law regarding inheritance is dual as is the legal system. There are written laws influenced by the British legal system and customary law which is very important according to the Report on Women's Rights 2009 (Georgetown University Law Center Report 2009), and Human Rights Watch Publication on Women’s Rights Violation in Kenya 2003 (Human Rights Watch 2003). According to these investigations the position of customary law is to deny women the right to inherit from anyone. Thus, women usually inherit neither from husbands nor from fathers. I have collected data which is consistent with the findings of the Georgetown University Law Center Report 2009, and Human Rights Watch 2003. However, it worth mentioning that I have read the Kenyan Law of Succession Act and found nothing which explicitly excludes women from inheriting. Nonetheless, the common practice is to apply customary law.

<sup>44</sup> In Kenya married women must move to live with the ethnic group of their husbands; and Kenyan logic is that the husband inherits, so there is no need for a wife to inherit; besides she should not inherit because of the bridewealth payment. In the case of unmarried women, I was told that they are going to be married, so, bridewealth is going to be paid. Thus, there is no point in them (women) becoming heiresses. This is also consistent with the interviews presented in the publication on Women’s Rights Violation in Kenya 2003 (Humans Right Watch 2003).

The legal effects of the “bundle of rights” which are the foundation for a jural approach are evident, for instance, in the case of non-payment of bridewealth, in which the father loses custody over his children, who are transferred to the kin of the children’s mother, and the husband and his kin lose the rights over the wife. So the practice of bridewealth (payment and non-payment) has direct implications for rights and obligations. In other words it produces legal effects as reported by my participants. Thus the jural approach is applicable to my findings in Kenya.

Anthropologists have proposed that in societies where bridewealth is practised, the corollary practice of polygyny also takes place (Goody 1973; Trivers 1972). I observed that in Kenya polygyny is widely practised regardless of the education or economic status of the family or the place where the family resides (rural area or city). As I describe in my Sources Chapter, I spent time with a polygynous family.

In sum, the information presented here is based on the literature relating to bridewealth, dealing with its main characteristics, the jural approach and the evolutionary perspective (Parental Investment theory); all this anthropological literature was a useful aid in understanding my observations and the information gained during my ethnographic fieldwork. So throughout this study I will show in greater detail the aspects which are interrelated with my findings in the literature, such as the transfer of the payment by the groom and/or his kinship to the bride’s kinship, the practice of polygamy, and the dominance of patriarchy in Kenya. Thus, all these modes of behaviour correspond (in theory and in practice) to a society in which **bridewealth** is practised, respected and valued as it is the Kenyan society. By value, I mean moral value. However as part of bridewealth and dowry signification, there is an extensive debate on the commercial value of these payments to which I will turn briefly below.

#### *4.3. Commercialization & Marriage Payments*

I wish to address the fact that in the definition of dowry there is a clear insight connecting it to economic features, as I showed in the main characteristics of dowry. With respect to bridewealth, these economic features were discussed in the interviews by some participants. Additionally, I observed the relevance of economic factors in the practice of bridewealth in Kenya, and it was also presented in the literature as part of its definition. Nevertheless, some of the anthropological literature affirms that there is no nexus between marriage payments and commercialization

(Goody1973). Thus, before ending this section I present their point of view. It would be desirable to present an in-depth discussion of commercialization or non-commercialization in the case of the practice of bridewealth in Kenya, but due to limitations of space this is not possible.

So, I turn here to the comments of Yalman (1967) and Kaplan (1985) with reference to their understanding of dowry. They link the concept of dowry to the term ‘bargain’, implying commercialization, which is how Yalman and Kaplan refer to, analyse and understand dowry (Kaplan 1985; Yalman 1967: 174–5; quoted in Comaroff 1980: 12). Yalman’s and Kaplan’s point of view is opposed to Goody’s and Tambiah’s<sup>45</sup> (1973) who argue that that the analysis of marriage payments (dowry and bridewealth) should not be included in the commercialization of marriage but in the part of marriage property, since the intention is not motivated by commercial purposes. Goody says that what gives form and meaning to bridewealth and dowry is the nature of enduring social and economic structures. So, the meaning of marriage payments is not placed by Goody in the commercial logic of marriage transactions, payments or prestations but in marriage property as they “involve the redistribution of property at marriage” (Goody 1973: 1; Comaroff 1980: 7).

Goody’s and Tambiah’s concept may seem ambiguous, at first glance, since the involvement of marriage payments, prestations or transactions in socio-economic systems seems very monetary, by which I mean equivalent to commercialization. Even more, the very names given in the literature to bridewealth and dowry, marriage payments, prestations or transactions, are monetary, and thus also commercial. However Goody and Evans-Pritchard stress that although bridewealth and dowry have economic implications, it does not mean that “they are commercially or economically motivated”. So according to them marriage payments in Africa and Eurasia must be studied as property relations (Comaroff 1980: 7).

The same line of thinking is proposed by Strauss who points out that marriage by exchange is based on the principle of reciprocity. In other words strict reciprocity is what is known as exchange: “Reciprocity is thus a principle. It is a universal given of human societies. Nothing could be more incorrect or misleading than to view reciprocity as an economic fact. It is probably very difficult for minds formed in industrial, mercantile civilization, which has made economics its main activity, to

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<sup>45</sup> Tambiah and Goody are the authors of the book *Bridewealth and Dowry* (1973) where they argue that marriage payments should not be included in the commercialization of marriage. However, Tambiah (1989) has modified the thesis of bridewealth and dowry to some extent. He limits the discussion of dowry to the higher social strata in Northern India. Also he has referred to dowry as direct exchange of status for wealth. See also Stridhanam (2003: 245–263).

refrain from giving an economic meaning to exchange relations found in other types of society, relations such as that of marriage, which, in most traditional societies, results in an intense circulation of goods” (Lévi-Strauss; quoted in Hénaff 1998: 62).

As I said at the beginning of this section, the particularity of commercialization or non-commercialization is the subject of in-depth analysis which I do not include in this study due to limitations of space. Additionally, marriage payments or marriage by exchange (as Lévi-Strauss calls them) have been the subject of study in anthropology from different approaches such as Structuralism, Functionalism, Marxism and Feminist Anthropology. But in this section, my purpose was to explain briefly the signification of the prestations, payments or transactions. In order to do so I presented only the main characteristics of dowry, and I discussed more on bridewealth in Africa and in particular in Kenya because it is the main topic of this study. The characteristics and all the elements that comprise the practice of bridewealth will be presented in my Analysis Chapter.



## 5. History

First, I want to address the potential confusion created by the fact that the term “dowry” instead of “bridewealth” is used in Kenyan colonial archives including official, missionary and Local Native Council records and other writings of the period (Kanogo 2005: 105). Also, Kenyans still use the term dowry to refer to the custom of bridewealth. Additionally, some authors such as Janet Walsh, LaShawn R. Jefferson and Joseph Saunders (2003) in their report “Kenya, Double Standards: Women's Property Rights Violations in Kenya”; the Historian Tabitha Kanogo in her book “African Womanhood in Colonial Kenya”, and the legal Anthropologist Gita Gopal (1999) in her paper “Gender-related Legal Reform and Access to Economic Resources in Eastern Africa” among others use the term dowry when it comes to bridewealth.<sup>46</sup>

### 5.1. *Research Limitations*

One major limitation to my research on this particular historical aspect is the lack of documentary evidence of the cultural practice of bridewealth. This was particularly severe in relation to a diachronic study, i.e. the history of these cultural practices in Kenya. I found that there was very little literature available as regards the pre-colonial era, due to heavy reliance on the oral tradition. Such literature as exists is often difficult to access. A vast number of historical documents are held by the Kenyan National Archives and Documentation Service (KNADS) at Nairobi, but as of November 2013 these documents were in the process of being digitised and made available on-line.

An announcement on the KNADS website reads:

“From 2007, the department embarked on the digitisation of selected archival materials. Emphasis was placed on materials that are heavily used as well as those that are physically deteriorating. At the beginning, the digitisation programme was outsourced. However, the department decided to develop its own internal capacity and today, the exercise is being carried out in-house. To this end, the department has bought scanners and computers to undertake the exercise. To-date, over 13 million documents have been digitised.

These materials will be made available for online ordering through this website.

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<sup>46</sup> I explain the terms dowry and bridewealth in the Definitions Chapter.

With the redesigning of this website, the department intends to make the archival resources available online. Users of the materials will be able to download them remotely after paying the stipulated fees. This will help in making the materials more widely accessible.”

Many of the documents relating to bridewealth are not yet available on line and this presented a limitation to my research ([www.kenyaarchives.go.ke/](http://www.kenyaarchives.go.ke/)). On August 8 2015 I could not access to the above website as it was out of service.

So, in this section the comments made by the authors, and interviews using the term “dowry” to refer to the marriage payment practised in Kenya will be written in italics, since the practice consists of the payment of bridewealth or brideprice as I explained previously under “Definitions”.

The study of Kenyan history in general is divided into three periods: pre-colonial (before 1895), colonial period (1895-1963) and post-colonial (after 1963). Thus, obviously, the study of the practice of the bridewealth custom must also follow that structure/division<sup>47</sup>

## *5.2. Pre-colonial Period (before 1895)*

This part is rather short due the insufficient information available with reference to the practice of bridewealth. However, there is some literature available and I also have an interview on this topic; according to this information, it is clear that the practice of bridewealth also took place before 1895, during the pre-colonial period.

So, bridewealth dates back to the pre-colonial period in which bridewealth was required as part of the marriage process. Family negotiation took place in order to determine the price of the bridewealth among the forty-two ethnic groups, and marriage was the result of the negotiations between the groom and the bride’s family, and the payment made by the groom to the bride’s family (Walsh 2003: 7). Married women were required to leave their ethnic group to follow their husband’s ethnic group and work on their community’s land, often in the production of crops. Divorce was not

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<sup>47</sup> See Walsh 2003, Kanogo 2005; White 2009.

an option as its outcome would be the repayment of the bridewealth back to the husband's family which had been paid in the form of cattle (*ibid*: 7).

Although Walsh does not write anything that remotely suggests the practice of arrangement of marriage during the pre-colonial period, I came across an interview quoted by the anthropologist and sociologist Regina Smith Oboler in her book "Women, Power and Economic Change: The Nandi of Kenya" which certainly demonstrates the practice of arranged marriage during that period. The interview of an *old man* as he is described by Smtih is as follows:

"I came home one day and found my wife already in the house. I was surprised when I was told to stay outside for a while in the evening, and after a while I was told to come in through the rear door. So, I knew that there was going to be a ceremony. There was a girl waiting for me inside. So the wedding ceremony was performed and she became my wife. I did not know what was being done to me. After we had been brought together as husband and wife I started asking them what they had done to me and they told me that I had married. So they had given me this drumheaded [stupid] wife of mine. I was not satisfied about the whole thing, but what could I do?" (Smith 1985: 100).

Additionally, I have relevant information on the practice of bride kidnapping or marriage by abduction. It seems that this also took place during the pre-colonial period, that is, before 1895. It seems to me perfectly logical that if marriage by abduction was practised in the later era (colonialism), then bride kidnapping was certainly also practised during the pre-colonial period.

Samuel<sup>48</sup> my participant, told me that during the pre-colonial time in the Luo community marriage took two forms: consensual marriage, in which the partners first started living together and then the groom was compelled to pay the bridewealth, and marriage by abduction, after which bridewealth was paid. Samuel's knowledge is based on what he has heard from the elders in his community with regards to marriage during the pre-colonial period. His comments are as follows:

Marriage was not dependent upon the consent of both partners. The suitor would agree with the parents of the lady. [...]Alternatively, the potential husband would abduct the female probably on her way to the river to fetch water or firewood. [...] *Dowry*

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<sup>48</sup> Samuel belongs to the Luo ethnic group, he is a 28-year-old single engineer. Facebook interviews.

[= bridewealth] has always been [part of marriage by consent and by abduction]. The difference has been that then, it was paid after the partners had started living together.

To sum up, the study of the history of Kenya is divided into three periods, and the study of bridewealth is similarly divided. These periods are: pre-colonial (before 1895), colonial (1895-1963) and post-colonial (after 1963). Previous studies and the interviews I carried out show that among Kenyan ethnic groups during the pre-colonial period, there were three different types of marital unions: these respecting the free will of the parties (bride and groom); arranged marriage, and marriage by abduction, also called bride kidnapping. Of importance to this current study is that the custom of the bridewealth payment seems to have always been present during the pre-colonial period regardless of the type of marital union.

### 5.3. *Colonial Period (1895-1963)*

In this part I present some literature, two interviews, one field note and, at the end of the section, a brief summary. I turn firstly to the interviews. So, below Gerald<sup>49</sup> narrates how his grandfather told him that couples got married in the Luo community before, meaning when he (the grandfather) was young (around 1948), and he also told how he himself chose his wives, Gerald's grandmothers. Basically, the grandfather walked to the nearby villages, and when he saw a potential wife he hunted (kidnapped) her. The grandfather paid the bridewealth after kidnapping his wives. He has four living wives, two of whom became his wives by inheritance. Gerald says:

Gerald: The men use to walk to the nearing villages wen the wanted to marry,by nearing villages i mean those that they had no family relations with, they use to carry with them ropes and the hunted them like a lioness times its prey. Once they saw the gal they wanted, they jumped on her, tied her then pulled her home with the hands and faces cuffed. Thats how my grandpa told me he married.

Diana: When did it happen?

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<sup>49</sup> Gerald belongs to the Luo community, middles twenties, single and at the time of the he was a university student. Facebook interview.

Gerald: My grandpa married in the year 1948, bcoz of that kind of kidnappings, the kidnapped women later invited their sisters to stay wid them at their new homes. Thru this, the husband invited his fellow men to come for their sisters in law.with time That method became most preferred over kidnapings

Diana: Did those men pay *dowry*?

Gerald: Yeah, after the kidnappings, they paid dowry. They were obligated to pay dowry. The problem here was not dowry but i think the uncivilisation. Women were not regarded as people to make agreement with at all. Theirs was to be married and bore children

The following comment is based on my field notes which I took during a dialogue in Nairobi at the office of a participant, Dr. Charles<sup>50</sup> who belongs to the Kalenjin ethnic group. This was an unofficial interview. The participant and I were talking initially about divorce in Finland, and his opinion was that the problem in Finland is related to romantic love. Immediately afterwards he told me how his parents got married.

He just took her by the river. My parents had a happy marriage. My father died, but my mother is still alive and happy as she always has been. No problems, no complications, no divorce.

Dr. Charles also says that his father's method was very good. I perceive that Charles thinks that bride kidnapping is good because that method is useful to avoid conflicts such as, for instance, a divorce. And as long as bridewealth is paid there is no problem, the marriage is legal. However, this comment rise these questions how is bride kidnapping better that an arranged divorce? I did not ask at the moment anything.

Below I present Dona's<sup>51</sup> mother's narration of bridewealth in the colonial period. Dona's mother's interview was conducted by telephone. Dona and I called her mother in Kenya, they spoke

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<sup>50</sup> Dr. Charles belongs to the Kalenjin ethnic group, he is middle aged, has a PhD in sociology and he is a professor at a university in Kenya. Field note: April 2012, Nairobi.

<sup>51</sup> Dona at the, time of the interview was 24 years-old, a nursing student in a university of apply sciences in Finland and single.

in Luo, and Dona took notes during the interview. Afterwards, she prepared a summary in Luo, since it was easier for her, and then she gave me an oral translation in English.

Dona told how her mother had narrated that bridewealth took place during the colonial time among the Luo community. Although the exact date was unknown by Dona's mother, it was before 1963. The narrative shows that the marital union was by mutual consent, although it was recommended by an aunt on the father's side. The price of bridewealth was not negotiable, consisting of fourteen head of cattle; one of the cows was for the girl's mother, the remainder for the father. Dona's mother stated that bridewealth was like an exchange of vows. Additionally, bridewealth payment shows male responsibility. Dona also explained how in the Luo language, and thus in her culture, words such as 'cousin' and 'uncle' do not exist. For this reason, this kind of relatives are called brothers/sisters and fathers, respectively. So, the interview is as follows:

In those times there was no idea of two people meeting. The aunt (the sister of the dad) would be in charge of finding a good girl for her nephew. Then the boy and the girl would meet at the aunt's house. Then, they (the boy and the girl) needed to agree to get married. The aunt had the power to influence the boy, if he didn't like the girl, and also the power to influence the girl if she didn't like the boy. The name for this was *jagam*, she is like connecting these people. So they agreed. So the family of the husband-to-be wouldn't go to the aunt's place anymore. They would go to the bride's family. The groom called his cousin who would be called brother; and also his uncles who would be called his father. In my community ...not real father or brother in the English way because the family chain can be traced back to the great-great-great parents. You know how to relate to the people in your community. Who is who.

Diana: That is the reason why you call a cousin (English way) your sister?

Dona: Yes. The word cousin doesn't exist in my language. She would be called my sister. The word uncle does exist but it is for mother's brother. When they both went they paid the dowry. They paid with fourteen heads of cows. One is going, is given to the mother's brother and one to the father's brother. If they have more than one they one ... And one goes to the mother. This is given to the girl's family. The rest goes to the father.

Diana: So for the father will be?

Dona : Eleven. The father was head of the family and he could do whatever he wanted with the cows. But the one for the mother, she has a voice on that, she can (could) keep it for milk, for example. Men were much higher than women. He was the decision maker. At that point the girl is married to that man. If she died she would be buried in the man's community's home. This was like exchanging vows. When the time comes for her to go to the man's home he would need to bring two more cows.

Diana: Was there a time between the first payment and the second payment when she was at home (with her husband)?

Dona: Yes. The girl went to her new home accompanied by other girls. This was called *terondaria*. She goes and now she is married. They could agree to pay dowry later, but at some point he had to pay it. He had to do the entire process (pay dowry) and obtain the agreement of the family on the dowry to be paid. It's like teaching men to take responsibility.

Diana: With this do you mean that he takes responsibility for his actions and pays dowry?

Dona: [Dona nods]. The circumstances in which the girl didn't want to go after the fourteen cows were paid. Then the man could take her by force. My mother was telling me that this happened to our neighbour and her elder sister. The man arranged some young men to pick her. For her sister it was the father. (This means that it also occurred to an aunt of Dona's. Her grandfather arranged to send the girl by force to her husband.). It is important to know why a father does it to his child. It is because if the marriage doesn't work he has to give back the sixteen or fourteen cows. Even after years of marriage, if it doesn't work he has to give back the cows. [...] There are places where bride kidnapping still happens. After she got married, after probably one year, she goes back to visit her family accompanied by her nyiekene and yuoche (brothers in law). Her brother [Luo way of understanding] goes too. But the husband doesn't go this time. And when she goes back to her family, the family will prepare busa (fermented porridge) and the father would call his brothers, and they will drink it together.

Diana: Is this like a celebration?

Dona: Yeah. Then she will stay there a couple of days. And the mother will send her gifts. Maybe a chicken, a sheep. No sophisticated things. They have a saying that you can never finish paying a dowry. You never stop taking things to the family. They have a saying that it is a continuous process. When my dad died my elder sister's husband brought a cow. It is not an obligation. You paid the main amount, however, there is a saying that you never stop paying dowry.

In Gusiiland (part of Kenya) marriage by abduction was still practised at the end of the 1930s (Shadle 2003). And the family elders could find that kind of union legitimate when the groom or perpetrator or abductor paid the bridewealth (*ibid.*). Additionally, Shadle affirms that from the early 1940s in Gusiiland due to several factors which will be described throughout this section that caused the expected amount of bridewealth to rise to unprecedented levels, many young men could not afford to pay it, resulting in eloped unions. Some fathers forced their daughters to get married to wealthy suitors in order to obtain enough cattle. Therefore, some young women ran off with their chosen men, hoping that after some time the father would accept less for the payment of bridewealth. But living with a woman for whom a man had not paid bridewealth was considered a crime in British Kenya, leading legal disputes which were resolved at the Court of Gusii.<sup>52</sup> “Local African courts were deluged by senior men filing criminal charges and civil claims over 'their' women” (Shadle 2003: 242). Often the parties involved resolved the dispute. The parties were the elders, the father and the husband. Neither female wishes nor female will were taken into account.

According to Kanogo (2005) the negotiation of bridewealth was based on a reciprocal agreement in which the price was established according to the following guidelines: the beauty of the bride, her family connections and the socio-economic status of both parties (groom's family and bride's family). The payment could be also made in the total amount, as was the case when the groom was wealthy; also after the union, and by instalments (Shadle 2003: 242. Kanogo Tabitha 2005), the latter occurred in cases of elopement (Shadle 2003: 242) Also, as in the pre-colonial period, the price

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<sup>52</sup> In the colonial time, the legal system was not clear, since there were several courts which potentially had jurisdiction over cases depending on whether the parties were natives or British citizens. I understand that the composition of the courts per se was different. British citizens resolved their issues in their own courts, and ruled by their own legal norms. The complication arose when the locals had issues to resolve. There were many instances with jurisdiction, such as the Barraza council which was only composed of the elders. Additionally there were local courts which had the presence of colonial administrators and locals. I found that in cases of bridewealth the matters could be the subject of appeal in the civil courts. So, the composition and jurisdiction of these courts are the subject of further investigation. However I have information which suggests that nowadays decisions taken by the elders are respected if the cases continue to the civil courts.



of the bridewealth was estimated in terms of cattle, and particularly among the Kikuyus in terms of goats and sheep (Kanogo 2005; Wamagatta 2009: 7).

The price of the transaction, the terms in which it was determined and the entire custom of bridewealth were subject to revision during the colonial period by the colonial administrators and missionaries. The revision had multiple purposes such as a statute of limitation to deter endless conflicts over old bridewealth debts, the abolition of bridewealth payments by instalments and to suppress the possibility of paying in cash. So, the price of bridewealth was estimated in cattle, or goats and sheep, but the payment could also be made in cash. In other words, the purpose of the revision was to oblige suitors to pay bridewealth only in livestock. Additionally, in 1900 there was an attempt to standardize the price of bridewealth. In other words, every single woman in Kenya was estimated to be worth the same price, three cows and ten to twelve hoes (Kanogo 2005: 105,106).

Both indigenous and colonial authorities were faced with the problem of litigation arising out of the payment of bridewealth, in some cases brought by the grand- and great-grandchildren of the parties. According to the Meru Local Council Meeting (1938), “A girl's family should be able to sue for bridewealth even two generations later and cases for debt should not be refused on grounds of antiquity if there were witnesses able to prove the debt” (Kanogo 2005: 116). This could leave the surviving families of the parties facing exorbitant demands many decades after the marriage. Opponents of the system also considered that the practice of deferring bridewealth payments prevented a rapid system of purchase and exchange of livestock.

Some historical claims dated back to the 1899 famine, when families promised future bridewealth payments in the hope that times would improve (*ibid.*). The colonial and indigenous authorities could not agree about the best way to handle such claims. Due to their historical nature, it was, in many cases, impossible to obtain evidence. The colonial authorities considered verbal agreements unreliable, and expected the primary source of evidence to be written documents, backed by evidence from witnesses validated by being recorded in the marriage register. They considered that the Native Tribunals which presided over bridewealth cases were open to corruption and malpractice, and favoured unreasonable and opportunistic litigants (*ibid.*: 117).

Some elders and colonial administrators sought to set a time limit beyond which claims relating to deferred bridewealth payments could not be brought. However, this was resisted due to the cultural and economic centrality of bridewealth-based marriage. In this case also, colonial policy was in

conflict with indigenous assumptions concerning the nature of marriage as an ongoing institution involving not just the parties (bride and groom) but also their respective families and clans, with major social and economic dimensions (Kanogo 2005: 117–119).

Religion is a big part of Kenyan society at the present, and it took hold during the colonial time. For this reason I consider it important to mention briefly the role of Christian missionaries during the colonial period with reference to bridewealth. It is worth mentioning that where I did fieldwork every one was Christian. Christian missionaries made considerable efforts to limit and even eliminate the practice of bridewealth because they considered it “uncivilized”. Missionaries were accused of both overlooking and interfering with the bridewealth system, and of usurping the role of parents and wider kinship groups. They were criticised by some parents for taking over every aspect of the marriage of their daughters, and for denying parents their inalienable right to decide on the amount of bridewealth (Sorobea 1992: 18).

As a result of missionaries’ efforts, some mission-educated girls opposed the payment of bridewealth prior to their marriage, even in spite of family opposition, thereby demonstrating a new found agency. However, the payment of bridewealth was so essential to the concept of marriage that a prospective father-in-law might refuse to accept a “free” girl. The parents of mission-educated girls could lose a lot of wealth because their daughters would be considered unmarriageable on account of their abandonment of indigenous cultural practices. In some quarters, the missions were looked upon as breeding grounds for prostitution. However, for most people, the role of bridewealth as the signifier of marriage was more important than mission teachings. The payment of bridewealth legitimised a marriage (Kanogo 2005: 113).<sup>53</sup>

The missionaries' attempts were ultimately fruitless, unproductive and unsuccessful, giving rise to mainly two kinds of consequences: the resentment of the local communities who were strongly opposed to it, and the initiation of lawsuits. One reason why the missionaries' efforts to limit and even eliminate the practice of bridewealth failed was that they had struck at the heart of the economic existence of parents and kinsmen (Goody 1973). An unmarried girl represented potential capital. As Dona’s mother points out, “It’s good to have many daughters because they will bring you cattle”.<sup>54</sup> Thus, a daughter was a valuable possession. This worked against a woman's chances of obtaining a

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<sup>53</sup> I have also collected data which supports this position, Keanu’s and Samuel’s interviews, April and May Nairobi 2012. During a field trip to Oyugis in May 2012 I observed at first hand a certificate of *dowry* [= bridewealth].

<sup>54</sup> Dona’s mother’s Interview November, 2013 Jyväskylä.

good education; once she became of marriageable age and therefore able to obtain cattle for her parents, there was no longer any point in educating her (Kanogo 2005: 118). Gerald explained: “Luo saying: give a woman education and you will lose her. There is no point in educating a woman”.<sup>55</sup>

The Christian missionaries’ efforts to change and even eliminate the practice of bridewealth and the intention of the colonial administrators to standardize and limit the bridewealth under the strong feeling that “*limiting (dowry) would prevent a host of problems*” (Kanogo 2005: 106) were fruitless. I quote below one reaction against the limitations placed on of the value or price of *dowry* (= bridewealth):

In 1928 Kiambu chiefs Koinange and Kinyanjui said that “limitation would be contrary to the principle of *dowry* (=bridewealth) payment”, the drawn-out pattern of *dowry* disbursement related to different life stages of a woman. Marriage, seen as an alliance between two clans, was a process that unfolded in stages, with a host of accompanying rituals. *Dowry* was the key component of this process and could not be transacted all at once (Kanogo 2005: 106). So, any decision on the limitation question was postponed by the Kiambu Local Native Councils (LCN) while they sought the concept of the community.

In sum, during the colonial period, according to my participants and previous investigations, there were two styles of marriages: bride kidnapping or marriage by abduction, and marriage set in motion by a relative but respecting the free will of the bride and groom. In both styles of marriage the custom of bridewealth was practised. Furthermore, during this period several factors influenced the fact that that the price of bridewealth increased, such as: the intention of putting limitations on the price; and the effort to prevent legal action due to historical debts caused by bridewealth. In other words the debts caused by the non-payment of bridewealth would expire or become statute-barred. The main point is that bridewealth was practised, its non-payment was subject to legal disputes, and it survived the attempts to eliminate it.

The Post-colonial or independence period after 1963 is the period into which this study falls. There is more literature relating to the practice of bridewealth during the period of independence than for the previous periods; this literature comes mostly from scholars originating outside Africa, and the

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<sup>55</sup> Gerald’s interview May 2013, Ongeng’, Kenya.

practice is still a focus of controversy among some academics in different fields such as legal, medical, social and anthropological fields. I present these discussions throughout the Analysis Chapter. Although this literature contributes to an understanding of the practice, the main pillars of my analysis are the interviewees, how they felt regarding the practice of bridewealth, its effects and consequences, which **is** what I present in the Analysis Chapter, and the way I have approached that information is discussed in the following chapter.

## 6. Methodology

### 6.1. Narrative Method

Narrative is basically a recounting of one event or a sequence of events which occur over a period of time, and depict people's interactions and experiences (Bruner 1991: 2, 4). According to psychologist Jerome Bruner (1991: 4) human beings organize their experiences and memories "mainly in the form of narrative". Additionally though narrative people recount the particularities of happenings or events (Bruner 1991: 6) which are organized in form of stories, explanations for their own behaviour and myths. (*ibid*: 4). Therefore narrative is an important tool for interpreting and understanding human behaviour and culture (Barbatsis 2004: 329).

.In order to collect data for this research, I conducted open-ended interviews which became intense dialogues in which the participants expressed their views on reality. The aims of the dialogues were the participants' narrations, their stories, the way they perceive their reality. We spoke about polygyny, circumcision, widow inheritance and bridewealth. The topic on which the participants expressed themselves the most was bridewealth. Thus it became the main topic of this research. I made oral field notes regarding my perceptions and thoughts. Additionally, I sometimes also wrote field notes, and to carry out my analysis I sometimes needed additional clarification, so I used Skype and Facebook to obtain those clarifications during the course of my analysis (which started by the end of spring covering summer and autumn 2014). I obtained the clarifications from four male participants who were also participants during my field work, and they were willing to help me. However some of the questions and topics were addressed/asked during the interviews to other participants who are relatives of one of these men who helped me. I asked the questions in our Facebook or Skype chats. Both the dialogues/interviews and oral field notes are transcribed and annexed to this study, as are the dialogues via Skype and Facebook. For the analysis of this research I take into account the participant's perspective. Therefore I present detailed transcripts of the interviews/dialogues in the Analysis Chapter which allows the participant's story or narration to be summarised, and her or his voice to be heard, which is defined in anthropology as a life story or narrative method (Sjöblom, 2009; Andrews 2013: 5).

In this study, the participant chose what event or situation to tell me about, and I consequently paid great attention to what the narrator said and how (s)he said it. I listened to the interviews many

times, and read them several times, as well as the text of the Facebook and Skype conversations. My reason for doing so is that I want to present in my analysis the participant's own voice. As Connelly and Clandinin (1990) and Clandinin and Connelly (2000) suggest, "It is important that the relationship between researcher and participant be a mutually constructed one that is caring, respectful, and characterized by equality of voice" (quoted in Gay 2006: 431). It means that a researcher does not overshadow her/his participants, but on the contrary respects their narration and contributes as much as possible so that participants feel free to talk about their life. It is tremendously important that the researcher does not become his/her own informant (Gay 2006: 431, 432), and I apply these above concepts in the present study. I agree with the educational psychologist Lodico Marguerite (2010: 147) in her affirmation that "narratives are ways in which we make sense of our lives, selecting events that we perceive as important, organizing these events into meaningful wholes, and perceiving consequences of our actions over time". So, when the participant selected one event to tell me about, for her/him it was meaningful, and out of respect for that feeling I present and analyse his/her narration, story and comment as told to me. Importantly, this methodology matches the purpose of this study which is to show the **functions, consequences and effects** of bridewealth in the eyes of Kenyans.

The narrative method has the characteristic of a close relationship between the researcher and participant. Therefore, when I say I participated in dialogues, I was not the only one asking questions, I was also asked questions regarding intimate aspects of my personal life, for example as a Latin American woman married to a Finnish man. These dialogues often became profound conversations in which both parties were on an equal footing. The participants and I shared intimate moments, or, as Lorraine (2006) defines it, we had an *intimate relationship*. We shared moments of pain, tears, happiness and secrets which I do not mention in this study, and for which reason I turned off the voice recorder.

## 6.2. Narrative and Hermeneutical Method

As I shared details of my personal life with the participants, I produced effects obtaining their personal information too. I am sure that a large part of the information obtained in this study was because I was open to the participants; I answered their questions honestly and without reserve. Kenyans belong to a collective style of society; approaching them was not difficult for me because I also grew up in a

collective society in Colombia. This study would not have been possible without the participation of my friends and teachers who introduced me to their ethnic groups, allowing me to witness their celebrations and their lives. This type of encounter is defined by Peacock (1993: 327) as a hermeneutical method in which the narrations or “life stories are envisioned as a product of the interaction and desire for understanding between teller and listener”. Also, the narrative as a hermeneutical method enhances the importance of the relationship between the researcher and participants in the research process (*ibid*: 376). Furthermore, this kind of approach (narrative) corresponds to the guideline posited by hermeneutics in a particular branch of hermeneutics which I proceed to explain below.

### 6.3. *Hermeneutics and Dialogical Hermeneutics*

Inspired by Hans-Georg Gadamer, hermeneutics<sup>56</sup> is a method of pursuing understanding between researchers and participants (Gadamer 1975: 163–173). Additionally the philosopher Richard Palmer (1969: 66–71) suggests that all modern hermeneutics share a common principle - how the interpreter approaches her/his subject, and how she/he validates her/his understanding. As I said above, my participants and I the listener engaged in dialogues; through their narrations I accessed their lives. So my main approach was through dialogue. Thus my method is partly the narrative method. However there is much more to take into account, such as how the listener/researcher interprets and understands accurately the stories narrated by the participants. In this aspect, the hermeneutic method plays an important role as it complements the narrative method, since at the core of hermeneutics are understanding and interpretation (Peacock 1993; Palmer 1969).

There is a branch of hermeneutics which deals with how a researcher approaches the tellers/subjects of study, and also how to arrive at an accurate understanding or interpretation of what is told by the teller; this branch is called dialogical hermeneutics (Michrina 1996).<sup>57</sup> The basic postulates of this branch are: i) negotiation of the information obtained in the dialogues by the tellers;

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<sup>56</sup> See Palmer (1969: 33–35) who in his very interesting study of hermeneutics suggests six contemporary definitions of hermeneutics: “(1) the theory of biblical exegesis; (2) general philosophical methodology; (3) the science of all linguistic understanding; (4) the methodological foundation of *Geisteswissenschaften*; (5) phenomenology of existence and of existential understanding; (6) the systems of interpretation, both recollective and iconoclastic, used by man to reach the meaning behind myth and symbols.” These definitions are based on six approaches in hermeneutics, however in each approach there are many orientations/directions (*ibid*: 33).

<sup>57</sup> According to Michrina (1996: VIII), Mikhail Bakhtin’s conversational approach is the basis of dialogical hermeneutics; and among those who use dialogical hermeneutics, for instance, are: Clifford, Marcus, Cushman and Parttis.

ii) in that negotiation the parties are in an equal position; iii) and through that negotiation it is possible to arrive at an accurate understanding which is the truth from the perspectives of the parties.<sup>58</sup> In this section I develop these postulates.

According to the academics who apply this branch/approach, what hermeneutics call the negotiated truth is intersubjective.<sup>59</sup> In order to arrive at that truth, a researcher should ask the same question to different informants, meaning ages, social statuses, genders (*ibid*: 17, 18). I agreed with Michrina, and, since, the topic of my study is a custom, bridewealth, the perception of the custom may vary among the participants according to, for instance, their sex, age and education (*ibid* 16–18). Thus, I frequently asked the same question, and/or repeated what I understood in different words. Additionally sometimes the same question was addressed to different participants from different ethnic groups, age, education and sex. It is important to note that our dialogues usually followed the course of what the teller wanted to share with me. During the analysis phase some doubts emerged; therefore I recontacted a few participants through Facebook and Skype, four of them; as I mentioned at the beginning of this chapter. I contacted them because I needed to know what Kenyans thought of my concerns, because it was their reality from their point of view; and their voice is what I present.

This process is defined in dialogical hermeneutics as negotiations, in which the parties negotiate the truth, the so-called intersubjective truth in the words (Michrina 1996: 5, 6, 16–20; 28). So, the dialogical hermeneutic method emphasizes the importance of conversational negotiation in which it is crucial that: i) the parties are at the same level of importance, and ii) all voices are heard, not only the researcher's but the story-tellers'.<sup>60</sup>

The listener does not exercise power over the interpretation and understanding of the data, as s(h)e arrives at an understanding of the information through the dialogues/narrations, presenting the tellers' reality (Michrina 1996: 18). For me the essence of our interaction in our dialogues was not only what the participants said but the way they said it. For this reason I paid great attention during the fieldwork to their expressions, gestures, tone of voice. Accordingly, my transcripts are a literal record of what they expressed, and what they expressed is the centre of my analysis; in this way the tellers/participants retain the power to tell others their reality.

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<sup>58</sup> See Clifford 1973, 1983; Clifford & Marcus 1986; Michrina 1996.

<sup>59</sup> Intersubjective truth means that the parties establish a common understanding. As Michrina (1996: 17–31) says, the parties negotiate the truth.

<sup>60</sup> See Marcus 1982; Clifford 1988; Michrina 1996.



The process of obtaining data in the interviews through negotiations involves a constant rectification, and therefore validation, of data, in which the researcher/listener rectifies the information told, or in other words confirms whether what was told by the tellers was understood, according to their (the tellers') own views. This process demands a real involvement of listeners searching for their truth, and so, asking for more explanations. In addition, I was asked about customs, events or situations which occur in my country (Colombia) and in Finland, having an exchange of information, rephrasing it, and asking several participants about the same topics and/or events, constitute a validation of the data collected.

As I carried out the interviews with local people, exchanging knowledge and information about our cultures, and from my side, learning from them, the way they see the world and perform their routine, and their feelings and thoughts about customs in which their emphasis on bridewealth took a crucial place, all led me to a cultural understanding of bridewealth. This process is labelled by dialogical hermeneutics methodology as “a horizon of understanding”<sup>61</sup> (*ibid*: 29).

So, conversations are negotiations between the researcher and the investigated, in the process of negotiating the truth, and in this manner, an understanding a horizon of understanding emerges, also called “fusion of horizons” (Michrina 1996: 28).<sup>62</sup> These negotiations do not mean that the parties arrive at an agreement, but that they understand what each other means in the conversation.<sup>63</sup> So, in order to achieve the fusion of our horizons, I frequently had to re-ask questions. However, the fusion of our horizons, or arriving at an understanding, was a tremendous challenge, as my horizon was put to the test most of the time because Kenyan's traditions, routines and daily lives are so different from what I have experienced before. However, I feel that our dialogues were sufficient for me to understand what the participants meant most of the time. When reading the transcription of our conversations and field notes, I believe that we achieved the fusion of our horizons, and therefore, we negotiated a mutually held truth (*ibid*: 29). However, in analysing the data collected, I experienced that there were some gaps, even if in my field work I thought that I had understood; and to clarify those gaps I had to ask a little bit more to a few participants after carrying out my field work in Kenya during my analysis process here in Finland.

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<sup>61</sup> The horizon of understanding is inspired by the postulates of the hermeneutic philosopher Hans-Georg Gadamer (1975: 269) who says that horizon “is the range of vision that includes everything that can be seen from a particular vantage point”. Applying this concept to anthropology, Michrina (1996: 28) says that a horizon is formed by values that determine what is permitted, prohibited, repudiated and dismissed which the researcher holds in “categories”.

<sup>62</sup> See also Gadamer 1975.

<sup>63</sup> See Watson-Franke and Watson 1975; Clifford 1988; Michrina (1996: 29).

There was some information given by participants which I listened to and even commented on during my fieldwork, but my personal bias, preconceptions or preunderstandings<sup>64</sup> prevented me from seeing/understanding or *assimilating* that information. So, I realized during the analysis period that I was not asking the right questions due my lack of perception, and probably preunderstandings, and I also felt that a few times my participants did not want to make their answers clear enough me for me. Therefore some gaps occurred; some parts did not fit into the pieces of the whole. For this reason, I had to ask more about it, and read more literature on the topic later, when I was in Finland. So, even though my firm intention was to arrive at the negotiations of truth in person-to-person conversations, and my position in the negotiations was more or less equal to that of the participants, and furthermore, I tried everything in my power to achieve an understanding of their reality, this did not always occur.

In my process of trying to fit together all these pieces of the puzzle, and in facing my own preunderstandings to make a valid and accurate interpretation, I was dealing with what in qualitative research Charmaz (2011: 66, 67) calls continuing and repetitive self-examination, with the interpreter (myself) conscious of her/his preconceptions which affects interpretation, thus, the understanding a text as a whole.<sup>65</sup> So, in order to understand the topic of my research, I was involved in the hermeneutic circle which I explain in detail below.

#### *6.4. The Hermeneutic Circle: Putting together the Pieces of the Puzzle*

The hermeneutic circle alludes basically to the relationship between a whole phenomenon and its parts, in which understanding is the result of the process of grasping the relationship between the parts in relation to each other, the parts in relation to the whole, and vice versa.<sup>66</sup> So, the hermeneutic circle thus deals with: i) the whole phenomenon, its parts, and how they are interrelated; and also ii) the interpretation or understanding of them. Going deeper into the second premise, Watson-Franke and Watson (1975: 247, 250) suggest that the hermeneutic circle in anthropology also refers to interpretation in the context of the culture subject to study in order to avoid the researcher's

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<sup>64</sup> Preunderstandings or presuppositions refers to the previous knowledge that a person holds which prevent or mislead her/him from understanding the new knowledge (Gadamer 1975: 238). In the discipline of anthropology Watson-Franke and Watson (1975: 250) argue that no anthropologist is exempt from these preunderstandings.

<sup>65</sup> See also Gadamer (1975: 235–240).

<sup>66</sup> See Palmer 1969; Gadamer (1975: 167); Lum 2013. Additionally the hermeneutic circle is considered a methodological device (Bleicher: 1980: 267) which brings a means of investigation to “human sciences” (Schwandt 1994: 212).

preunderstanding.<sup>67</sup> Also pragmatist philosopher Richard Rorty (1979: 318, 319) says that to achieve an understanding the hermeneutic circle is just unavoidable.

It is worth noting that interpretation occurs during both fieldwork and the analysis of the data collected (Watson-Franke and Watson, 1975: 249). So, during the period of collecting data I began to obtain insights into how different aspects of bridewealth are interconnected. These insights took a concrete and palpable form during my analysis period in which the data started falling into place and I began to understand the sequential and consequential events which correspond to **some** of the **purposes, consequences and effects** of bridewealth. The following is an example of the situation in which my interpretational bias underwent a hermeneutic circle: The means of dissolving/ending customary marriage is not always through divorce. According to some interviews, there is another mechanism to do it. However, even when I was told briefly, I did not assimilate that information, since, to me dissolving/ending marriage occurs only through a legal divorce; it is part of family law, which I have studied deeply. It is the only way I knew to end a marriage. But this is about family law in the West. So, my own conception of divorce was very rooted in my previous experience. While carrying out the analysis of my data I understood how customary marriage might end in another way; and to validate that understanding I had to ask about it from a few participants and to read more research literature. I explain this mechanism in detail in my Analysis.

In sum it is impossible to arrive at an analysis/understanding of the practice without taking into account how the practice is formed; the parts/dimensions (purposes, consequences and effects) which are crucial for its existence. I present in my Analysis chapter how these parts are interconnected. Additionally, if one part is taken out, that would be equivalent to leaving the custom without meaning. In other words, to understand the practice/custom according to the information acquired during my field trip, all the parts/dimensions are essential. This process of understanding is considered “the core” of the hermeneutic circle (Thompson 1994: 432, 434).

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<sup>67</sup>According to Gadamer (1975: 274), interpretation is the unequivocal model or pattern of understanding. Along the same lines, Palmer (1969: 131) refers to understanding according to Heidegger as “understanding is the base for all interpretations”. Additionally, Palmer suggests analyzing hermeneutic philosophies such as Schleiermacher, Dilthey, Heidegger, and Gadamer that hermeneutics is “a methodology of interpretation”, and also hermeneutics is the “theory of understanding” (*ibid*: 130). Therefore I use these terms interdependently.

## 6.5. *Hermeneutical Method and Intuitive Inquiry*

During my field trip I paid attention to details that were apparently meaningless, but I am strongly convinced that every detail in the study of cultures can be meaningful. This behaviour from the perspective of a research method leads to intuitive inquiry research in which “everything related to the topic has a meaning and significance in drawing the intuitive inquiries closer to understanding” (Anderson 2011: 15).

Interpretation as part of intuitive inquiry is eminently hermeneutical and according to Kathy Charmaz (2011: 326, 327) this method is closely connected to the narrative method in qualitative research. For instance in the Analysis chapter I show how a comment from a foreign student led me to research more, leading the investigation to findings about female infertility which is a general belief in countries where bridewealth is practised. But I would not have learned about it if it had not been for a spontaneous comment by Melinda: “Women are the only ones who suffer from spells which cause infertility”. So I frequently allowed my intuition to guide the research process.

## 6.6. *Hermeneutics and Lived Experience: Ethnographic Method and Participant Observation*

During my ethnographic trip to Kenya to collect data for this research I undertook one of the forms of the ethnographic method, participant observation, which requires that the researcher immerse herself in the life of the subject of study (Agar 2006). As Paul Atkinson (1994: 248) says, the researcher plays a “participant role in the scene studied”, and that was what I did. I immersed myself as much as I could in the life of participants as I witnessed a bridewealth ceremony, I attended mass on several occasions with some of the participants of this research and I travelled by *matatu*<sup>68</sup> to different territories where the ethnic groups are located. I ate their food in the same way they do, drank their tea, bathed as they do, slept as they sleep, fetched water with some women, and helped in the kitchen to pluck the chickens. I also attended classes, the same classes that Kenyans attended and studied in their style at the University of Nairobi. All this fieldwork allowed me to observe as a participant the routines of the subjects of study. I describe these encounters more in detail in my Sources and Analysis chapters. These types of interactions transmitted highly sensorial experiences,

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<sup>68</sup> *Matatu* is a local minibus.

e.g. smelling, tasting, touching and observing and participating in their emotions, thereby enabling me to experience part of their life, and so opening a window in my process of understanding the participants' reality. This personal interaction also corresponds to a hermeneutical methodology (Michrina 1996: 114, 115; Russell 2011: 451).

Through these kinds of encounters, one can better understand the culture and social phenomena of the participants through "lived experience" (*Erlebnis*) as the sociologist, psychologist, historian, and hermeneutic philosopher Wilhelm Dilthey proposes.<sup>69</sup> Dilthey's position has inspired some modern interpretivists or hermeneutists Turner (1986: 4). The sociologist Robert Prus (1996: 9, italics in original) suggests in his analysis of lived experience in ethnographic research: "*the study of human behaviour is the study of human lived experience and [...] human experience is rooted in people's meaning, interpretations, activities, and interactions*".

In sum, I use as methodology in this research the narrative and hermeneutical method, intuitive inquiry, participant observation and of course the ethnographic method. All of these are part of qualitative research, and are intertwined to the extent that intuitive inquiry and narrative and hermeneutical method form the framework to understand the human behaviour in which narrative is clearly hermeneutic as there is an interpretation by the researcher of the narrations (Charmaz 2011: 240, 249; Wiklund 2002), and both narrative and intuitive inquiry share the hermeneutic circle to investigate the different parts of research (Charmaz 2011: 326).

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<sup>69</sup> Lived experience (*Erlebnis*) already contains the word *Leben*, "life" or "to live." The verb *erleben* literally means "living through something" Van Manen (2004). Lived experience for Dilthey is an individual's concrete and conscious experience of feelings and passion (Morris: 2014: 409–414). As such lived experience lies in three inseparable dimensions, willingness, cognition and feelings, which interact at the same time (Tappan 1997: 647). Lived experience is "personal and subjective, impossible to understand from the outside" (*ibid.*). And *Erlebnis* means/represents a direct meeting/encounter with life itself, so it may be called "immediate lived experience" (Palmer 1969:108).

## 7. Discussion on Reflexivity: My Ethnographic Self and Ethical Approach

### 7.1. Discussion on Reflexivity: My Ethnographic Self

Modern anthropology contemplates fieldwork a considerable challenge, in terms of how the researcher grasps, interprets and understands the participants James Clifford (1988: 27). One of the reasons for this challenge is that the researcher is not a neutral object in her/his research process (JhonVan Maanen 2011)<sup>70</sup>. The manner in which (s)he approaches the topic of study, and the form in which s(h)e perceives the world the participants is through her/his own lens or identities Amanda Coffey (1999). The exploration of the researcher's pre-existing assumptions is called by Coffey (1999) *ethnographic self-reflection*.<sup>71</sup> In this section I present my ethnographic self-reflection, in other words the way my cultural positions mediated or influenced my fieldwork.

Identity from an anthropological point of view is understood in terms of self-identification and socio-cultural group identification (Gulobović 2011). The notion of self corresponds to the different roles that an individual plays in society which leads to the concept of multiple identities (Oyserman 2012: 69–75; Sets 2006: 88–100). According to Zagorka Gulobović (2011: 32) these identities are consistent with moral principles, gender, nationality and ethnic origin. In other words, an individual holds multiple identities which correspond to her/his roles in society and the way she/he perceives herself/himself, and how others perceive her/him. These identities that one holds contribute to orientate/delineate research as they are present along with the identity of the researcher (Coffey 1999).

To initiate this exploration of myself I shall start at the beginning: I was born in Colombia, into a matriarchal, Catholic family which influenced me to study law and so, became a lawyer. For this reason I have strong convictions regarding norms, rules and justice. I am married to a Finnish man and I lived in Finland for two long periods, the first one was four years, and now for eight years. However, I met the Finnish man who became my husband 23 years ago, when my involvement with

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<sup>70</sup> See also Etmanski 2014; Gadamer (1975: 235–238).

<sup>71</sup> Discussion on reflection points out that the cultural baggage which a researcher is loaded influences his/her investigations. The reflection on this is also called autoethnography (Duncan 2004; Ellis 1999, 2000). The main principle of ethnographic-self or/and autoethnography is to create awareness in the researcher that she/he has, for instance: bias, self-conflicts, prejudices, perception based on her/his background which form her/his identities which influence the entire research. Those insights should be disclosed in her/his research (Ellis 1999, 2000; Duncan 2004; Anderson 2006; Coffey 1999).

the Finnish culture began. All this trajectory being Colombian, Catholic, married and moving to Finland have formed my identities which, to some extent, have influenced this study, as I explain in greater detail below.

### 7.1.1. *Academic Identity and Emotional Engagement*

As I explain at the beginning of this Methodology Chapter and also in the Sources chapter. I carried out dialogues with the participants. My general opening question was, “Tell me about your customs.” They told me what they wanted to tell about their customs through stories and comments. The predominant topic chosen by them was bridewealth.<sup>72</sup> In this study, they are the tellers and I am the listener. However the listener is not in an absolutely passive role because in asking questions on the topic chosen by the informant the researcher brings up part of himself/herself, in some way orientating the informant’s narration. The informants wanted to narrate their stories about their custom of bridewealth, and on my side by listening carefully I was able to find out about the validation of the custom, that is, how it is accepted legally and the process required to achieve it. My identity and training as a lawyer influenced my way of seeing and understanding the angle of consequences which every action may cause. So there is a custom which is an institution, the institution of customary marriage, which involves effects and consequences, which gave rise to some of my research questions.

I am also an interpreter and translator; this identity influenced my behaviour during the interviews because as a linguist I am aware of the nuances contained in words and their interpretation is subject to cultural differences between the parties of a dialogue. I therefore wanted to know more, to ask more depth the information what they informants meant with their narrations. The language we used was English with a few exceptions in which the help of interpreters was required. I feel that my linguistic identity contributed to make our dialogues deeper. Importantly, some of the participants (men and women) were very responsive to my interest in expanding on their comments. This meant that in many interviews both parties were speaking in a language other than their mother tongue.

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<sup>72</sup> In the Sources Chapter I describe in great detail how the dialogues took place, and the process I had to go through to get information.

Despite the language barrier, I feel that my identity as a linguist, with a sophisticated awareness (structure and functions) of languages, contributed to make our dialogues deeper. Importantly some of the participants (men and women) were very responsive to my interest in expanding on their comments. I am certain that some of them were very sensitive people. So, this identity of mine, along with my interest in hearing the tellers' stories, and focusing on how they feel, how they see their own customs, led to a profound transmission of information which I received with deep respect and sympathy, always seeking to understand and interpret how the tellers see their reality.

### 7.1.2. *Religious Identity*

As soon as I arrived in Nairobi I realised that Christianity was the major religious orientation for Kenyans; they attended church and prayed on a regular basis. Perhaps my Catholic background helped me to grasp easily that most Kenyans are profoundly religious. However after introspection I realized that in the time I spent with some of the participants in Kenya, I have to confess that I put into practice *impression management* as Hammersley and Atkinson (2007) call it: the ethnographer's identity should be performed in the sense that s(h)e must create a positive impression to achieve fruitful relationships in order to secure access to data, and thus, to obtain good results in his/her fieldwork. To create that positive impression, the ethnographer must avoid any impressions which present obstructions, while any impressions which promote or facilitate access to data should be highlighted (Hammersley and Atkinson 2007: 65). Additionally s(he) must evaluate what impressions are positive in the fieldwork. Thus, s(he) should use the favourable identity<sup>73</sup> according to different participants, but always under ethical precepts (*ibid*: 68). I have serious reserves about Christianity, particularly about Catholicism. I struggle with concepts of God. But how could I express all these concerns in the dialogues with my participants, knowing that many of them are devoted to the Christian God, and any other position would be for them a blasphemy, a sin. I know now that I did not want to be seen as a sinner by them, or jeopardize our relationships, since sharing with some of the participants moments of prayer and mass ceremonies brought us closer. Although I attended the Seventh Day Adventist church which was the doctrine that they practised, my religion (Catholicism) was readily accepted, and this facilitated my stay with some families. My participation in prayers and attendance of church was honest, in the sense that I felt a huge respect for their beliefs. However, the revelation

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<sup>73</sup> The concept of favourable identity is based on the theory of multiple role identities. See Stets forthcoming; Stets (2006: 88–100); Golubović 2010.



of my true religious identity, and thus my concerns regarding God, Christianity and Catholicism, was only discussed with some of the highly educated participants.

### 7.1.3. *Married Woman and Ethnic Identity*

These two identities, married woman and ethnic identity went hand in hand during my fieldwork. It was absolutely impossible to separate one from the other. To explain this I shall begin by saying that my physical appearance corresponds to the prototype of a *Latina* (black hair, dark eyes, so, slightly dark complexion). Although in the region of Latin America there is a tremendous variety of ethnic groups (indigenous, people of African and Asian descent, etc.) in Kenya I was called *mzungu* (white person). This was nothing new for me as it is the same in Colombia. However, I strongly identify as a *Latina* when I am outside Latin America. The word Latino(a) is well known in Kenya due to famous soap operas, actresses and singers. Latino(a) people are in fashion in Kenya among people who have access to global media. These people are, according to my participant observation, those who live in cities, and have some reasonable incomes. Regarding the participants' perception, I have the strong feeling that for them the world was divided in two: the Africans and the others, *the mzungu*. So, I was a *mzungu* there, but not the *Latina mzungu*, although I tried to proclaim it vehemently. The hues of ethnicity are taken from a different perspective in Kenya when a woman is married. So, during my fieldwork they associated my ethnic identity with the place where my husband is from.<sup>74</sup> It is worth noting that not all participants knew where my country of birth is, or where Finland is, but whether or not they know where those places are, I belong to the tribe of my husband, and that was that. However I do not feel that being a *Latina* or European was a positive aspect. I feel that being an educated *mzungu*, and being a married woman, were very positive identities during my fieldwork.

Both sexes greatly respect the institution of marriage, so as a married woman I enjoyed the status of respectability in the eyes of Kenyans, which facilitated my interaction with participants; for example, i) dialogues with women were generally intimate, in the sense that some of them told me and shared openly with me their sexual frustrations and marital obligations. I am convinced that this

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<sup>74</sup> Virilocalism is deeply rooted in Kenya. For instance when Kenyans asked me where I was from, and I said I was born in Colombia, Latin America, they would usually reply – no, no, your husband, which tribe he does belong to? I said Kälviä, I did not know how to answer, I came out with his birthplace. Those Kenyans who knew about Finland stopped me, in the middle of my answer referring to Latin America, replying – no, in Finland where are you from? My answer was - well, Kälviä. Those Kenyans knew I was married to a Finnish man. I was often seen as a *Kälviäläinen*. My identity as a married woman was important there.

openness was easy because I was also married. So, female participants were less inhibited; ii) men were very talkative with me too, although in different areas, more about the obligations of wives to them as men of the house. Both men and women were very open, emotional and expressed many aspects of their customs.

Although I feel that my ethnic identity did not bring particular favour in the eyes of participants, my connection with Finnish culture has changed me deeply, producing in me new insights, for example that there is more than one reality; sometimes the same situation or event can be interpreted from different angles, like the perspective of being right, what is correct, what is not. Sometimes the boundaries between wrong and right are fragile, since, those concepts depend to a great extent on a specific culture. I am a mix of both cultures, Latino and Finnish, my family is bicultural, since my husband is 100% Finnish and our son, born in Finland, is bilingual and completely bicultural; all these aspects affect the way I perceive the world, putting me in a place where I am more open to seeing the other's perceptions, and accepting different modes of behaviour.

## 7.2. *Ethical Approach*

I informed the participants in my fieldwork that the information given by them was to be used in my studies of ethnology. Additionally, their identities have been protected and the names which appear in this study are pseudonyms.<sup>75</sup> The transcripts of the recorded interviews are a literal record of the content of the dialogues when the language was English. I used interpreters on a few occasions with different tellers/participants; on these occasions, I also asked the interpreters to tell the participants in detail the purpose of our meetings, to explain that I was carrying out fieldwork and that their identities would be protected using pseudonyms. All the participants gave their consent to be interviewed.

## 8. Analysis

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<sup>75</sup> In my ethical approach I have followed to the best of my efforts the *Statement on Ethics: Principles of Professional Responsibility* given by the American Anthropological Association, the principles outlined in the books *Tutkimuseetiikka* by Arja Kuula (2006), and *The Ethical Attitude in Narrative Research: Principles and Practicalities* by Ruthellen Josselson (2007).

My analysis is based mainly on my interviews, my field notes and participant observation. So, I constructed my analysis based on those sources, and I arrived at various findings. Sometimes there were gaps, things that I did not observe, or either the interviews or the information given in the interviews were insufficient. Therefore in those cases I filled those gaps with ethnographical and anthropological literature. However when the data collected was enough, I presented it linking it to my analysis, then when my own findings were clear, I searched for supporting literature to either validate or construct my viewpoints, and I presented this literature. Therefore there are paragraphs with my viewpoints, and findings as the results of my own analysis.

I gave considerable importance to the interviews. Therefore the topics follow the course of the interviews. Frequently the interviews show many multidimensional aspects of the custom of bridewealth. Therefore it was difficult to place them. I have to confess that on various occasions I re-read the same interview several times and changed its place in my analysis text. The questions which I explore in this analysis are 1) what are the purposes of bridewealth according to the interviews I made among the members of Luo, Kikuyu, Kamba, Meru, Maasai, Kisii and Kalenjin ethnic groups? 2) What consequences/effects may bridewealth give rise according to these interviews?

### *8.1. Description of a Bridewealth Ritual (Delivery of the payment among the Luo ethnic group)*

I present below a description of the bridewealth payment ritual<sup>76</sup> to which I was invited. The bride was the niece of Robert who hosted me twice in his home, and the celebration took place in the nearby house where Robert's mother lived. The bride and the groom had been living together for six years before the groom was able to pay the bridewealth. The negotiation of this payment took place before of the ritual of delivery, in this case meaning the payment. Although Kenyans see it as a good custom to take presents to the parents of wives, as long as they are alive, and they consider it as part of bridewealth, there is always a certain negotiated price which can be paid entirely at once, or by instalments in accordance with what the parties have negotiated. In either case, only when the groom has paid the agreed price in full is it considered that the groom has performed his duty. So, on the day

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<sup>76</sup> It was the delivery of the agreed payment; everyone called it "the celebration of dowry".

of the ceremony, the groom and his two friends arrived with the agreed amount of cows, which was three. This celebration took place on April 21<sup>st</sup>, 2012 in Oyugis, Kenya.

The bride and other women (family, relatives and friends) were preparing a tremendous amount of local delicacies on the day before of the delivery of the cattle, as the entire village, including the congregation of Seventh Day Adventist Church, had been invited<sup>77</sup> to celebrate this important event. They were cooking and answering my questions while they were also listening to cheerful Kenyan music. I offered my help, and although the “mother”<sup>78</sup> of the bride responded affirmatively, I feel I did not help in the cooking. Luo women (and in general Kenyan women) are experts in cooking with firewood, squatting, with no more utensils than a knife and modest metal containers to pile the food into. Recipients are often deposited on the ground in the absence of tables, in both rural and urban areas. All the women were very happy, but the bride was thrilled, full of emotion which overflowed from her pores. On this day the bride was beautifully dressed in a modern western suit, but the “mother” wore a traditional Kenyan dress. “The men (the groom and two of his best friends) are going to come tomorrow with ‘cattle’, they repeated constantly. In fact, the next day “the men” arrived with the precious gifts in the afternoon at about 3:00 pm, although the celebration started at noon, meaning the food was ready and guests started arriving at 12:00. The guests went to one of the main houses<sup>79</sup> to be served with some food and soft beverages by the mother and the close relatives. All the guests remained seated in their chairs, while they were eating, the same type of music of the day before playing discretely. The guest equally conversed discretely/prudently, and started leaving the place at nightfall. The other little house was prepared to serve only the groom and his two friends. The bride was in charge of serving them some Kenyan delicacies. There was no other person in that little house apart from the groom, his two friends, the bride, and as exception I was invited to sit with these men (I was treated all the time in a privileged way). Even the mother did not enter, she often brought extra necessary things, for instance sodas and juices to serve these men and me, but waited at a prudent distance, approximately two metres away from the door. The groom and his two friends also left at dusk since they had to work the next day. The bride left the next day for her home.

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<sup>77</sup> I was attending the Mass when a relative who represented the father (explained below) of the bride invited everyone [suggestion: the entire congregation] to the bridewealth celebration.

<sup>78</sup> The bride was an orphan, and the woman who took on the role of the mother for the functions of the ceremony was a relative, and her husband took on the role of the father, because as they said everyone in Kenya has a mother and father in the celebration of bridewealth.

<sup>79</sup> In rural areas often there are two or more houses/huts where the family lives, and also a hut to use as a kitchen which is shared. The houses are very small and made of mud. I show some pictures of these houses in the appendix.

I asked the bride directly how she felt; her response was obvious: with a big smile on her face she answered, “I am very happy.” I also observed happiness and satisfaction on the faces of the male figures of the family, for instance, I asked Robert, the bride’s uncle, how he felt; he said, smiling, “Very happy, they brought cattle - what more do you need?” The atmosphere of happiness of the celebration of bridewealth was intense among the community, starting with my arrival which was two days before the day of the delivery of cattle, naturally during the day of the delivery/celebration, and even over the course of two days after the celebration. I left for Nairobi on the second day after the celebration.<sup>80</sup> I have the certainty that for all the persons involved in the bridewealth: bride, groom, their respective families, friends, relatives and the entire village, that celebration was as important as my wedding has been for me for me, my husband, our families, relatives and friends.



*Local beans*

Before the day of the bridewealth celebration I went to the market with some of the bride’s female relatives to buy a tremendous variety of local products to prepare Kenyan traditional delicacies for the celebration. These are pictures of some of the products which were used in the preparation of those dishes.



*Cassava*

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<sup>80</sup> I have oral and written field notes of the celebration.

These were some of the Kenyan delicacies which were served at the celebration of bridewealth: In the picture below I show some of them. The white dish is *ugali* made from maize, the red dish is a traditional sauce made from tomatoes and masala called *ring'o*, the yellow and red dish is called *rabolo* made from beans and vegetables, and avocado and banana are served as garnish.



*Kenyan food*

I wore my traditional Kenyan dress called *kitenge* to go to the celebration of bridewealth.



*Kitenge dress*

## 8.2. *Description of Part of the Bridewealth Negotiation Ritual Among the Kikuyu Ethnic Group*

The following interview is about how the Kikuyu ethnic group celebrates part of the negotiations. In the first part of the ceremony are present all the guests, family and relatives of the groom and bride. The Kikuyus are very extroverted as they sing songs and play games in that part of ceremony. Additionally, food is very important for them, they serve a variety of delicatessens, also they are very strict on the preparation of porridge and how to drink it during this celebration. In the second part of the celebration only the negotiators meet to set the terms of bridewealth: which girl is the bride chosen by the groom and his kin; they agree on when to pay and how many cows and goats. I present below an interview with a Kikuyu woman, whose pseudonym is Eva.<sup>81</sup> In this dialogue Eva's boyfriend is mentioned, his pseudonym is Tomas. Eva explains the importance of a calabacine;<sup>82</sup> and then describes the first part of the ritual/ceremony per se:

Eva: [the calabacine] which is used to drink porridge not tea, it is used in *dowry* [=bridewealth] ceremony. Old people think you are westernized if you take porridge in a common cup. Metal cups are also good or calabacine. The lady also serves the husband in calabacine. It gives more character when Tomas (the groom) comes to our family, family sings, my aunts to open the door for them (Tomas and his family), that is usually what they do. Because it's like to get close to new relatives, you have to live within. Because the other one are coming to take me. So, they come to my home (we laugh) to get me. They sing, ok. They close the gate and the relatives, my aunts, the relatives on the side of the lady they sit in the house, and the relatives of the side of the gate, they have to sing louder, would to the ladies inside of the house to come and open the gate for them.

Diana: Okay would you like to sing a little bit the song you have to sing?

Eva: OHHH NO, NO! (we laugh) the ones when just arrive they have two seconds, they sing just random songs.

Diana: In Swahili or?

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<sup>81</sup> Eva at the time of the interview was 23 years-old, and single. She was studying geography at a university. The interview was carried out in Nairobi.

<sup>82</sup> A calabacine is a handmade cup made of wood.

- Eva: If the two communities are from different places, they have to sing a common song like in Swahili. If I am Luo and you Kikuyu I can't sing in Luo, I would have to learn your language to sing for you. So, you can understand what we're sing. So, they have like to give gifts also, so, they can open the gifts, and also these keys, the key, they open the gate, they give the envelope with money, it's part of the dowry. They give the key and you go to the house together. That happen here, in the urban places. So you go in and they serve food, you eat and you have a good time, there is music, people just getting to know each other family. After a while they have the introduction, they introduce the family, all that time is not there, the girl is not there, the girl is getting married is not present, it's not supposed to be seen. So, she is somewhere hidden, There is a point when she has to come out. They choose people of the same height with her, then all cover. So, you have to choose the one you want to marry from this hidden hole (we laugh). If you choose the wrong person, you are fined, you have pay for that.
- Diana: Is it like a play?
- Eva: Yes, if you choose four times the wrong person, you have to pay.
- Diana: If the groom choose the wrong girl, he has to marry her?
- Eva: NO, NO, NO! [we laugh], that is not the case.
- Diana: He marries the one who makes him to come to the ceremony. Yes... it's a play.

Eva continued this conversation by describing that in this celebration friends and relatives of the parties (bride and groom) play “a kind a charade”, in which the groom behaves as if he has never visited the house of the bride and the bride behaves as if she has never seen the groom. At some point, the groom and bride are introduced to each other. Then the groom begins to explain why he and his family have visited the house of the bride. He starts by saying, “I came here because I have seen something in you...” Following these words, the groom and his bride talk for a while; after this, the celebrations continue while the representatives of the two parties begin the negotiations in a private meeting, described by Eva as a “small barraza”. In these negotiations the groom and his representatives clarify which girl they have come for; subsequently, the representatives of the parties negotiate about the number of goats and cows, and when the payment will be made.

It is worth mentioning that among the ethnic groups, mothers may be present during the negotiations, but the level or price to pay is set by male figures of the either side. I also want to emphasise that it is an honour to form part of the *committee* of negotiators who usually consist of the



fathers, uncles and close male relatives. I used the word committee based on the fact that representatives of each party have the duty to discuss and deal upon particular matters of the negotiations such are: price and when it should be paid. In the following interview the negotiation are described.

### *8.3. Description of the Negotiations Among the Kalenjin Ethnic Group and Reproduction of Children as One Purpose of Bridewealth*

The following description is of the negotiation which is the start of the process of bridewealth. The description contains many dimensions which I present step by step. Among the Kikuyu and other ethnic groups, only one groom and his committee negotiate, while among the Kalenjin several suitors and their respective committees may go to the house of the girl to negotiate the level or price of bridewealth. The girl is given to the best suitor. Chaplin,<sup>83</sup> a Kalenjin man, describes the process:

What is central in our ritual is milk, meat and... milk, meat and what else... yes, I think milk and meat... ok blood used to be, but not so much now, used to be also, people used to drink blood from animals and they would just kill a whatever pig or a cow and mix it with milk... So the suitors and the head of the clan will come, and the, the family of, the girl's family, would now put their own deliberations inside first, with a view to, who among the suitors is the best. And, er, there were a number of few things they look at, you know, as they decide, the criteria for deciding who will take their girl. There are a few things. One is the clan. Among these, and of course it was exogamous, marriage was exogamous, you do not marry anybody, any blood relation, anyone, so they would look at the bloodline. Among the suitors, is there one, or are there some, who will share the same bloodline, or who we are close in terms of marriage? If yes, that one is knocked out [...] they [the negotiators on the girl's side] would ask you, 'How are you sure that...' What would follow, is a clarification of the bloodline now, because they would want to clarify that there is no... And, you see, most African, traditional African communities have got very few deformed or albinos... particularly among whatever, the reason being, marriage was strictly

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<sup>83</sup> Chaplin is married, has a PhD in sociology, he is a middle-aged teacher at a university. The interview was carried out in Kitengela.

exogamous, and took exceptional care to ensure that there was no prior inter... or close intermarriage in the family.

As Chaplin says, in Africa exogamy is very important. While I was in Kenya I was told about the importance of exogamy by everyone regardless of gender and ethnic group. Another general important point for Kenyans is that the future husband and his ethnic group have the economic means to pay. Parents do not want to give their daughter to a family devoid of economic resources as Chaplin says continuing the dialogue:

[...] So, another: in terms of productivity, so, among the Kalenjin they would ask, ‘What, what have this family, these ones, who are close, who can be suitors? What are they strong in, or what are...? Are they renowned for as, as farmers, or do they have livestock?’ And that was the main criteria. If it was somebody without livestock and whatever, then they will say that one is, erm, our daughter is not going to feed [eat] or whatever, or whatever...

Although wealthy suitors are in better position to negotiate, poor grooms also have the opportunity to get married, this is to pay bridewealth; since his ethnic group and family contribute to pay for the bridewealth.<sup>84</sup> The negotiations then continue with the best suitors, this is the future husband and male figures of his ethnic group who go to negotiate, and they ask about fertility on the female side. They ask about this characteristic in order to ensure the reproductive ability of the future wife. This assurance is obtained from the fact that a married woman in that part of the family who was known by the suitors had given birth. If the suitors do not have that certainty, the negotiations will not continue. So there is no a future union, or any bridewealth to pay. **Chaplin** continued by saying:

...So, those ones who have [...] succeeded will be invited in first. Those ones who are now, ones who are told, ‘So-and-so, such a family, come in!’, you will also come in. Whoever is left will know that he is successful... [...] You say that, ‘Within that generation, I remember, a girl by the name’ – you mention your clan, the girl’s name is less important than the clan – ‘got married to such-and-such, to your family, but

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<sup>84</sup> The information I obtained was that the groom’s ethnic group and family contributes to the payment. However, how much and the process of that contribution were never discussed in my interviews; only the point that the entire ethnic group could pay bridewealth if the groom and his family are very poor.

specifically this part of your family.’ And here, then you are asked, ‘Did that girl, actually, I mean did she bring forth, I mean, was, er..?’ They say, ‘Did she grow?’ I am translating literally. ‘Did she grow?’ – grow in the sense that, did she give birth... Because they would not want to continue if, if there was no offspring. If it was a, whatever... Then it sym... it symbolises the fact that the attempt for a relationship between you and that family did not succeed...at that point. So, they would be sceptical. So, they would say, ‘Did she grow?’ or ‘Did she give birth to...?’ Then you say, ‘Oh, yes! There are so many’. What of so-and-so, the descendents are so-and-so’. Some would be new. Some would be... So, they would actually look for that now. [...] Marriage was strictly exogamous. So, with that done now, we can do the negotiations.

So, the parties establish clarity regarding that: a) there are no previous blood connections between the woman and the prospective groom; b) the future wife will provide descendants; c) there is livestock on the side of the groom. When these aspects are cleared up, the parties start setting the price. Below Chaplin describes the ceremony when suitors come to the home of the bride with intentions to negotiate and take the bride to the groom’s family and kin. The parties present in this ceremony are the groom and his committee, and the father of the bride. First at all, to the bride’s home may arrive many suitors, but not all of them are invited to proceed to negotiate, only best suitors are invited. These best suitors are considered those who have more livestock. The chosen groom and his committee ‘the best suitors’ negotiate with the father of the bride, the price. When in the negotiations has been clear up: i) there is not blood relation between the parties, ii) the bride has not problems related to fertility; in Chaplin’s words ‘ the background’ has been clarified, the negotiation continues by the elder man in the groom’s committee making an offer for the bride. When the price is established, the father will say to his wife ‘bring the girls’. Subsequently, in the present of all the daughters of the family, the father says to the groom and his committee ‘choose the one for whom you have come’. After the privileged daughter has been chosen, cow fat is brought to grease the bride; this part of the ceremony is very important, since it symbolizes that the marriage has begun. The following day the groom come to the bride’s home to ‘collect her’ as Chaplin tells, and to bring her to her new family and kin which are the groom’s family and kin. The payment of the bridewealth is made when the girl is pregnant. The father wants a good price and finish the ceremony as soon as possible, therefore Chaplin says ‘time is not in our side’.

Chaplin continued by saying:

Then they will say ‘Ok I’ve got the background now, so, then can you now, can you now just, what do you offer, or can you now talk of what you offer, offer in exchange for the hand’. Then you start now. Then you know, they say, when the elder now from the, the suitors say, ‘I offer you...

[...] And by the way, er, we have got many daughters here’. And you see that time is because and then the father, the father now says, ‘Hey! Where are those girls? Can they come in?’ Then they would disappear. Then I would go, I would go again, you are giving up. I call the mother. Can you tell those girls to come in? Time is not on our side.

So they would bring in, the bride-to-be would emerge there with a number of [inaudible] Then you ask the suitor, ‘By the way, you said you wanted a daughter, which of them...? You see, we have got many daughters.’ Do you know, do you know the one you came for? And you would say, ‘Yeah’. ‘Which one? Can you point out or go and touch so as to show us, because we have got many, and we are not sure which one you, you, you came for.’ So, either he would point out with his whatever, or he would go and touch and say, ‘This one’. Then people would laugh and say ‘Oh yes, yes.’ Then they would now say, ‘OK. Can you bring out that fat now?’ Then a lady now from the girl’s side would now take out that fat. It would be all the [inaudible] very smelly... They would send out, they would now start oiling the [inaudible] the bride would be this way then they oil the girl, that is symbolism now... That has deep cultural connotation. It is now the form that symbolises the bonding. And of, I mean initial bonding. So that is still the negotiation, they are wrapped up now. You would contrary and this is where the initiation would now equal marriage. Thereafter, you would after maybe that day or the following day, you would walk away with your, with your bride to your house.

The couple are now husband and wife in the Kalenjin ethnic group. Often the Kalenjin wait for the wife to be pregnant to pay the price agreed in the negotiations of bridewealth, while in other communities that is not the frequent manner to behave. The payment may be made even when the woman is not pregnant, as for instance in the ceremony of bridewealth (delivery of the payment) in the Luo ethnic group; the payment is made as soon as the groom and his group have the economic resources. As I mentioned before, bridewealth negotiations and payment are synonymous with the word marriage. So, Chaplin explains that the payment is made when the wife is pregnant:

I don't know whether you would find [it] hard to accept. So you will just go and do whatever now, you leave as a man and wife and [...] it would remain that way until the girl is, is pregnant. That is when now the wedding preparations [the delivery of the payment] would begin in earnest.

I want to stress out that although the characteristics of the style of celebrations, payments and negotiations may vary between the ethnic groups, there are two characteristics i.e. the negotiation and payment which are called jural conditions of the practice, and these conditions should always be followed, otherwise the practice of bridewealth is invalidated. So, based on the interviews and my participant observation these conditions are solemnly followed by all the ethnic groups. The analysis of the dialogue with Chaplin shows there are many dimensions to the negotiations.

The Kalenjin have the particularity that the price is often paid when the wife is pregnant. This aspect could suggest that the importance of female fertility is more evident among the Kalenjin in comparison to ethnic groups.<sup>85</sup> However, based on interviews from other ethnic groups, I argue that such as idea would be erroneous, since for the other ethnic groups (Luo, Kikuyu, Maasai, Meru, Kisii and Kamba) female fertility is also crucial, which I discuss below.

Interestingly, the payment is set in terms of cattle and goats whose symbolism for Kenyans is connected to female fertility, thus, to the purpose of bridewealth regarding offspring. I proceed to explore and show this dimension of the purpose of bridewealth through the analysis of the means of payment: cattle and goats.

#### *8.4. Cattle, Livestock and Goats: Symbols of Fertility*

The importance of cows to all ethnic groups is undeniable as they all set the price of bridewealth in terms of cattle during the negotiations. Additionally, the Kikuyu and Masai include goats. I asked the participants from different ethnic groups why cows or goats are used, since I wondered why they did not pay, for instance, with chickens, or whatever other available animal since in Kenya it is very easy to find a huge variety of domestic animals. My informants answered: "because of fertility". So, I discuss below this aspect of fertility.

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<sup>85</sup> The Luo bride of the bridewealth ceremony which I witnessed was not pregnant.

My participants expressed the importance of female fertility in terms of “production”, focusing on the production of sons because giving birth to girls does not count. Chaplin expresses with greater clarity that a young bull, and uncastrated must be paid along with four head of cattle, since these animals depict female and male union for the purpose of procreation:

Diana: Do you pay dowry [= bridewealth] too?

Chaplin: Exactly. [...] five head of, of, of cattle...er, one of which must be a, a young bull. Because the symbolism here is that you have taken some fertility from us... [...] you see, production... because of the symbolism associated with livestock. [...] so, five, of which the four should be female, one male. And not a castrated one...you have taken, will contribute to production in your family forthwith, in terms of actually work, and also in terms of giving birth [...] we never count the girls, it was mainly... A woman was evaluated only in as far as how many sons has she given birth.

Chaplin mentions two dimensions of production: in terms of female work and childbearing. I am focusing on the latter in this section. I analyse the former later in its own section. Chaplin’s point that a woman is appreciated in proportion to the sons she gives birth to is usual in Kenya. It was a normal comment among friends and participants; for instance, by Francis, a Maasai man, I was told that sons are more valued than girls because girls are married off. It is worth mentioning the anguish of a Kisii woman who was a waitress at the hostel where I stayed in Nairobi; she told me about her worries since she had given birth to one girl in two years of marriage; her husband and his family were expecting a boy soon. This Kisii woman was extremely stressed and afraid of the situation that she would have to confront if she did not give birth to a boy soon. She mentioned the anger and rejection of her husband, and humiliation by her mother-in-law.<sup>86</sup> Additionally, I found out later during my field trip that in is this case there is the high possibility of the husband getting a co-wife who may displace her. I discuss this further later in this section.

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<sup>86</sup> The waitress’s comment was spontaneous. I was having a refreshment at the restaurant of the hostel. I took a note of the dialogue. I wanted to ask this woman more about her situation, but my attempts at getting in touch with this woman have been fruitless as she has not replied my e-mails. In Kenya it is not always easy to get access to Internet, since it is expensive and the network does not work like in Finland.

Regarding the numbers of animals given as payment in the bridewealth transaction, this may vary according to the economic factors<sup>87</sup> involved: the richer the groom and his group, the more cattle and goats parents of the bride receive. Nevertheless, what remains intact is the association established between the animals and fertility; and between fertility and bridewealth. The same expressions that Chaplin used in relation to the symbolism of livestock and fertility in bridewealth negotiations are used by other participants from different ethnic groups as well. Starting with Samuel a Luo man whom I asked: “what if the groom has no economic means to pay bridewealth?” And his answer was that, the poor groom has to provide at least, two head of cattle, one calf and one bull because those animals symbolize the union between man and wife and their reproduction. So, Samuel <sup>88</sup>says that when the groom is poor:

In that case you can negotiate, but it has not have to be less than two [cows], because one has to be a calf and one a bull. So, that symbolizes the marriage also, because there is a husband and a wife. So the bull and calf are going to reproduce more cows [...]

Diana: Why do you pay with cows?

Samuel: [...] productivity, the woman will be productive and that is give birth to children for the husband and this was confirmed by the giving of male and female cow or goat.

In the same line of thinking of reproduction and fertility Keanu,<sup>89</sup> a Kikuyu man, talks about what goats and livestock represent to his ethnic group. These are also negotiated as means of payment during the bridewealth transaction. Keanu stated:

So you maybe ask why a sheep goat and a baby goat, I think it has to give meanings of fertility implications of fertility to produce, and reproduce and so on. And you know goats are the main.. aaah... formal fuel [food] in my community, livestock, so it means, giving something of value, and maybe most likely or not, it may represent, you know, wellness, fertility, and wellness....

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<sup>87</sup> There are other factors between the amount of cows and goats negotiated which I analyse under the section Price/Level of Bridewealth of this Analysis Chapter. These factors are linked to the age of women and their reproductive capacities.

<sup>88</sup> Samuel belongs to the Luo ethnic group, he was at the time of the interview at about 28 years old. He is an engineer and single. The interview was carried out in Oyugis.

<sup>89</sup> Keanu has a PhD in sociology, he is remarried, at the time of the interview he was at about 45 years-old. He is a teacher at a university. The interview was carried out in Nairobi

The representation of goats and cattle as symbols of fertility mentioned by the participants is orientated mostly towards female fertility, as Chaplin expresses clearly (mentioned above in negotiations), saying that

traditionally our marriage could only take place when the, when the girl is pregnant. Pregnancy symbolizes that the girl is now worth. Without any pregnancy, without any child... you would soon part. Yeah. You would soon part...

In order to clarify when the payment takes place, and its association with the pregnancy of the wife, I add below part of a dialogue with Chaplin, in the presence of Felicity his wife:

Chaplin: you see, that bridewealth, to, to clarify, it's not that you have to give it [the payment] tomorrow or the day after; traditionally, it would be long after the traditional wedding [payment] has been performed, and it would only be performed once there are signs that the girl is – what?

Diana: Pregnant.

Chaplin: Pregnant. Do you see?

At the moment of the dialogue it was difficult to understand, but now I could answer Chaplin and Felicity who was also present, although she did not participate very much, that yes, I do see now; and I see that one of the purpose of the bridewealth transaction is the offspring which is connected to female fertility.

Although according to Samuel not less than two cows should be paid when the groom has no economic means because two is the minimum needed for reproduction, Samuel comparison of the symbolism of cows to reproduction by the man and his wife was the only time during my field trip that a male figure was linked to fertility, since it was understood without saying that men were always fertile.



## 8.5. *Some Background Factors and Consequences of Bridewealth*

### 8.5.1. *Spells, Witchcraft, Fertility, Infertility, and Traditional Healers*

While I was carrying out my ethnographic research in Oyugis, the topic of women who could not bear children emerged spontaneously. According to my hostess, some female relatives and neighbours, women who cannot conceive were victims of witchcraft. Thus, female friends and relatives should pray for those women. I was also told by the hostess, female relatives and neighbours that women were the victims of such spells.<sup>90</sup>

Regarding spells, witchcraft and the pressure of husbands on women who cannot conceive, I received some information during my fieldwork from a foreign student which I commented about to a participant July 2014 through Facebook. My intention in commenting that information was to be sure that I had interpreted correctly the information obtained during my fieldwork since it was a field note on a particularity which was impossible for me to dismiss. So, the foreign student had told me a story in which the main point was that a married woman used the help of a divine healer to conceive since she was having problems in her marriage. Thus her aunt took her to the divine healer who cured her through sexual intercourse after drinking a magic beverage.

In the following Facebook dialogue, Samuel confirms that women who apparently cannot conceive children (or, even more so, male children) are prepared to use the help of another man who may be a witch doctor/healer:

Samuel: i tell you the worst part of pushing a woman to get you a child especially a boy and she knows she can get children? she can get another man to make her pregnant and give you a child and a boy for that matter even those who pretend to be praying for people to get children. Then they have sex with the women. Do you think they really want them to have children or just satisfaction on their side?

Diana: [I started telling the story to Samuel] The story is that a man can cure women who cannot have children; he lives in the countryside and gives some magic

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<sup>90</sup> I have that in my field notes. Women showed me how they made a circle hands in hands and prayed for the infertile women.

drink, then they [women] are not fully conscious and then I understood he had sex with those women

Samuel: Those things happen dear.

Diana: When you said that they pray... Are they Christians?

Samuel: Some of them are traditionalist. they pray to the gods.

I observed during my field trip that Kenyans regardless of gender, education and localization (rural or urban) believed strongly in supranatural forces such as witchcraft, spells, demonic possessions and malign spirits which possess human bodies and speak in tongues. The dimension of infertility which has a female face in Africa in general (Amakwe 2013; Lesthaeghe 1989: 371) and in this study in Kenya in particular (Tamale 2011) has sometimes an intrinsic aspect, the belief that infertility is caused by evil forces (*ibid.*). Therefore the help of healers is required as a common procedure in Africa.<sup>91</sup>

There are no studies that establish how many of the female population use the services of traditional healers in Kenya. However, there are some studies carried out about the use/consultation of traditional healers regarding eye disease mental disorders and even HIV and other sexually transmitted diseases.<sup>92</sup> But these studies did not determine exactly how much of the population use the services of traditional healers generally speaking. Nevertheless in Africa traditional healers are used by the majority of the population, and by between 80% and 90% in places where there is no other medical healthcare option (Offiong 1999), and this is exactly the situation I observed as a common denominator in Kenya. Even in Nairobi, people do not often use the *public medical system* because they have to pay something. All this suggests that women quite often use the services of less expensive traditional healers to solve their involuntary childlessness which may be cured (as established through the information of participants) via sexual intercourse, and also with prayers, animal sacrifices, herbal potions, beans and rings (Obisesan 1998).

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<sup>91</sup> Amakwe 2013; Okonofua 2013: 95; Obisesan 1998; Offiong 1999.

<sup>92</sup> For eye disease see Klauss 1994: 138–143. For Mental disorders Ndeti 2013: 1–24. For HIV and other sexually transmitted diseases see Kusimba 2003: 197–201.

### 8.5.2. *Importance of Children, Returnability and “Female Infertility”*

The help of healers can be vital for many childless women because besides the universal feeling that children represent in any culture tenderness, love and the prolongation of the existence of the progenitor, additionally in Kenya there are more aspects to take into account: first, **children also represent well-being and security** as parents get older (Offlong 1999). Second, in Kenya a husband can return his wife to her parents for not bearing children, a situation which leads to what Goody has called “**the returnability” of bridewealth.**<sup>93</sup> So the husband gets his bridewealth back. I explain below more of these two aspects with the support of my field notes, participant observation and interviews.

Regarding the **well-being of the parents**, I observed and I was also told that children are responsible for the well-being of their parents, providing them with access to medical healthcare, food, clothing and even building better houses when they have the economic resources to do so. I also observed how women worked in domestic work and agricultural fields too; and men in agricultural fields. However, it is male work which is notoriously valued by Kenyans, and in general by Africans. Furthermore, sometimes male work is valued over women’s even in anthropological literature too, as the following quote indicates. According to Daniel Offlong (1999: 25) “children [particularly males] provide support for their aged parents, constitute an economic asset within the agricultural setting”.

During my stay in Oyugis I spontaneously asked Melinda II,<sup>94</sup> one of Robert’s wives, “Why do you want many children?” I also addressed the same question to Robert on another occasion.<sup>95</sup> They answered my question in the same way: “Not all of them can be poor.” Additionally Robert said, “If you have six children all of them cannot be poor.” I was often told by classmates and friends that Kenyan children are important because they help their parents. As I observed in rural areas, children’s help was constant, even young girls helped in domestic work and in the fields, and boys in the fields. I observed and I have also been told that help is transformed into economic support when children are grown-up and educated, living in urban areas.

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<sup>93</sup> Goody 1973; Radcliffe-Brown 1950; Tamale 2011.

<sup>94</sup> Robert is married to two women whose names in real life are the same. So, they also share in this study the same pseudonym, Melinda; the first to whom he got married is Melinda I, and the second is Melinda II.

<sup>95</sup> Robert never sat to have dialogues with his wives and me. However this question to Robert was “*spontaneous*” and part of my field notes actually. Melinda’s comments are in the transcription of the voice recording.

Regarding **returnability** in the event of the non-productive wife (in the sense of procreation), the husband has the right to return his non-productive wife to her parents, and ask for the return of what he has paid by way of bridewealth from the parents of the wife. This topic, returnability, was only once mentioned during my fieldwork in a dialogue with Chaplin:

[...]And if the, even if the dowry is paid and the, and the marriage does not bring forth children, and you separate, the dowry will still be returned to the family [of the husband] [...]

Searching for this topic in anthropological literature, I found out that returnability is an important part of the custom of bridewealth.<sup>96</sup> Additionally, returnability forms part of the legal corpus of the Kenyan Statute of Marriage reformed by the Marriage Act 2014.<sup>97</sup> Moreover, returnability has been analysed from a legal point of view as a violation of women's rights in Kenya (Walsh 2003). Thus, I decided to go deeper and ask about this topic. The interview/dialogue was carried out on Facebook. I present below Samuel's comments:

then there were cases where if the woman had to go back to the parents and the husband decides to also withdraw from the marriage, then the parents had to return the dowry that still happens even to date  
and especially if she had not gotten any children for the husband

I found out in the dialogue with Samuel that there are also other cases in which the return of bridewealth takes place: if the wife has committed acts of witchcraft, or has not behaved properly. However these cases of returnability were never mentioned during my fieldwork. Moreover, the importance of female fertility giving birth for women was constantly mentioned, but returnability with regard to a wife who could not bear children was mentioned only once.

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<sup>96</sup> Goody 1973: 12; Mfono 2009: 39; Tamale 2011; Allman 2004; Schwimmer Brian 2003; Okonofua 2013: 103, 114, 115.

<sup>97</sup> The main fundamentals of marriage are articulated in the Kenyan Marriage CAP. 150, 152 which were reformed in 2013 and passed on March 20, 2014. Explanations for this legislation are in the official Kenyan Gazette Supplement National Council for Law (Gazette Supplement No. 62 Acts No. 4, 2014).

See also this legal case, although it was in 2013, the new reform is also concordant with the spirit of law and tradition of this case ruled by the High Court Of Kenya at Garissa (Civil Appeal No 7, 2013) which is the refund of bridewealth to the husband in case that the wife does not perform her duties.

I was only in Kenya for a very short period of time and I did not observe that returnability could occur because of witchcraft committed by a wife or a badly-behaved wife. These aspects rise many questions such as: which acts are considered witchcraft in Kenyan society? What behaviour by a wife is considered so punishable that it may lead to the returnability of bridewealth? I consider that these topics are worthy of future research. The information I have obtained, as I have said previously, is about the importance of childbearing. Thus, I focus here on returnability, fertility and infertility.

The returnability of the payment is consistent with the purpose of bridewealth which is negotiated and paid as a transaction in which the husband will acquire descendents for himself and his ethnic group as already expressed by some participants in this section. Additionally, returnability also implies what I perceived strongly during my time carrying out this study, that infertility was attributed to women, and men are seen as always fertile, what Tamale (2011: 468) has described as “the masculinisation of fertility”. This phenomenon/belief occurs not only in Kenya, but also in Sub-Saharan Africa where bridewealth is practised.<sup>98</sup>

However, *women's fault* has a solution, avoiding the refunding of the bridewealth by the parents to the husband, or the help of a traditional healer. The solution lies in the husband getting another wife to produce children. Boys are very appreciated/valued in Kenyan culture, and a woman is valued in terms of the sons she bears, as stated. Additionally the transmission of biological sex is also thought of as a female virtue or power. In other words it is the wife who transmits/gives the biological sex to a child. So, this aspect also gives men reason for getting more wives, so, that these wives produce sons if previous wives did not. However polygyny can be initiated by a wife who brings a female relative to be her co-wife and bear children on her behalf, as Samuel explained:

...then it was the woman to get another woman, younger than her and get children on her behalf... [...] actually, another reason for marrying a second wife was not just that,. If a lady was only giving birth to girls, then the husband would marry another wife to get a boy.

Samuel is Luo, but the same situation happens among other ethnic groups, for example the Maasai. I conducted an arranged interview in Ngong.Hoe (this place is close to Nairobi) with two

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<sup>98</sup> Feldman-Savelsberg 1999; Dimka & Dein 2013: 102–117; Lesthaeghe 1989: 362,371; Bosco 2013; Mfono 2009: 39. In the field of medical anthropology see Obi 2006: 72–75. In the field of human rights and medical anthropology see Murthy & Landford 2010.

Maasai women who told me proudly how a woman who cannot conceive children gets children from her co-wife in their ethnic group. Although the topic of the interview was female circumcision, the theme of sharing children among the co-wives when a wife cannot bear them emerged spontaneously.<sup>99</sup> However, I observed that this cooperation and understanding between co-wives did not always occur. Below I describe some behaviours which help to understand that the confraternity among co-wives is sometimes absent, and instead there is can be of competition and jealousy. First, I present the viewpoint of Paul who belongs to the Meru ethnic group. Subsequently, I narrate the events during my field trip which are intertwined with competition between co-wives for bearing children. In an interview via Facebook Paul told me this:

co-wives traditionally might compete to bear male children or to bear many children so that they name them after some relatives in Kenyan tradition someone is named after someone like me am named after my grandfather. There could be some tribes can compete... the co-wives to bear children it's true co-wives compete traditionally

The feelings of jealousy and non-cooperation were evident during my field trip in Onges' where I had a short conversation with a Luo woman on the topic of widow inheritance<sup>100</sup> in which I found out that her husband was believed to have died a victim of witchcraft. So, the participant was inherited by another man who subsequently abandoned her. I wanted also to talk to her co-wife whose house was nearby. But the house was closed, even the windows were closed, which is uncommon in rural areas. I asked how I could get in touch with that co-wife. According to the information given to me during my ethnographic trip, if a man inherits a widow he has to inherit her co-wives as well. Therefore, I was anxious to speak with that co-wife, but it turned out that the interview was impossible to carry out.

Both the participant (the inherited and abandoned widow/co-wife) and the interpreter, George<sup>101</sup> (with whom I also had several dialogues as participant, who introduced me to that part of

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<sup>99</sup> The interview had finished and we were having a friendly conversation about their work at the market. The interview was carried out at a coffee shop in Ngong.Hoe. These two Maasai women are healers in their ethnic group, and one of the woman is proudly in charge of performing genital circumcision on girls. They were at the time of the interview about 60 years-old married, grandmothers and uneducated. So I needed an interpreter, and I had two: a man and woman.

<sup>100</sup> In this practice, the wife of a deceased husband is inherited preferably by relatives of that deceased husband, friends can also inherit wives, but the priority is given to the brothers and cousins. In the interview I did not ask what relation of kinship the new husband had with the deceased husband. However, I think that they were only friends, since the new husband belonged to the Maasai ethnic group.

<sup>101</sup> George belongs to the Luo ethnic group and is single. At the time of the interviews, he was studying for his Master's degree in geography at a university. The interview referred to on this page took place in Ongeng'. But it is worth mentioning that George and I had a lot of dialogues also in Nairobi, and when I came back to Finland through Facebook.

the Luo ethnic group) told me that there was no chance of interviewing that co-wife, because she did not want to talk to anyone as she was infertile, hostile and always inside the house. Additionally, the participant told me that she was jealous of her because she (the participant) had children. The co-wife's house belonged to the first wife<sup>102</sup>. The participant and George referred to her as the *infertile woman*. After the formal/arranged interview on our way to Nairobi, George still referred to this co-wife/widow as the *infertile woman*; although she was his neighbour known to him for many years. I never knew her real name.

George explained to me how important it is for a man to have children, the importance of women's fertility and how even a highly-educated man would get another wife if his first wife could not bear children. Consequently, the wife who is able to conceive will be more loved. It is worth mentioning that George at the time of the interview was 26 years of age and highly educated. The importance of the wife conceiving children for her husband and his ethnic group does not seem to depend on the age or education of the husband. This importance and sometimes transcends the sphere of co-wives generating competition among mothers and daughters too; as Melinda II told me, "My mother had four children, so, I should have no less than four."<sup>103</sup>

So, *producing* children, as Kenyans say regardless of either gender or educational level, is the most precious event in human life. This child production is inextricably linked to the payment of bridewealth, there cannot be one without the other; they are interdependent. Richard (the man of the household where I stayed in Oyugis) was astonished when he asked how much bridewealth my husband had paid for me and I said, "Nothing; in my culture we do not have that custom (bridewealth)." Robert exclaimed, "How so! and you still produce him children for free!" Robert's comment is engraved on my mind; it made me realize that the payment of bridewealth and childbearing are interconnected where each one represents a dependent variable which should not be seen as isolated values/variables as they need each other to carry out their purpose; in this case the purpose of the negotiation and payment of bridewealth is the offspring, and also shows how the husband who has paid bridewealth is seen to have "ownership" of the children.

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<sup>102</sup> I observed in other families that the first wife has a privileged place in the household that is, she lives in the biggest house and is she who gives orders to other co-wives, in those cases all co-wives have children. But in the case of the infertile woman the situation was different; her house was smaller, although I saw it only from the outside. Due to my short time in Kenya, I could not find out if this childless co-wife had chosen to isolate herself or if she had been isolated by her community.

<sup>103</sup> In the Latin culture something similar occurs, but the topic is education and both parents are included. If one parent has a secondary school education that is the lowest education that her/his child is expected to receive.

### 8.5.3. Price/Level of Bridewealth and Fertility

However, during that trip I did not realize the magnitude of the importance of bearing male children and how serious the consequence of not bearing children can be for wives and their parents, as it can involve returnability. Partly my lack of knowledge was because it was mentioned only once and briefly. Although I did observe the isolation of the infertile wife I did not assimilate that situation.

However, I observed without any doubt that fertility was highly appreciated, but even when fertility was so obvious to my eyes I did not see rejection and punishment of infertility.<sup>104</sup> I present below my observations, and also some interviews in which the dimension of the importance of female fertility is visible. This visibility is manifested in the form of the level of price of bridewealth during the negotiations which suggests a relationship between high prices and women's fertility. So, the parents of women who are perceived to have higher possibilities of fertility due to their age alone<sup>105</sup> and virgin status<sup>106</sup> negotiate and obtain higher prices for their daughters. Conversely, lower prices are negotiated and obtained by the parents for daughters whose period of fertility is probably less.

As has been manifested in this study, the aspect of women as childbearers represents an essential factor in Kenyan culture, I observed how Kenyan mothers in general very young, meaning in rural areas and Nairobi too. Thus, I deduced that these women were taken as wives at a very early age; in Spanish old people call it "la edad de merecer".<sup>107</sup> So, I established the connection that as soon as the women were biologically ready to conceive they were wed, meaning in this context that bridewealth was negotiated and paid for these women. Consequently, I asked the female participants (five women) in Oyugis, which is a rural area, at what age they had married their respective husbands.<sup>108</sup> The answers of all these women was at the age oscillating between 13 and 15 years-old.

This suggests that women at or just after menarcheal age were prized as wives. I present below two comments in which the participants intertwine menarcheal age or its absence and the level/price of the bridewealth. First, Samuel states that the level of the price negotiated in bridewealth for virgins and well-mannered ladies is higher than for other women (in this case these other women include

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<sup>104</sup> Involuntary childlessness in my culture and in Finland is a normal biological situation for women and men. This cultural assumption prevented me from observing what was before my eyes.

<sup>105</sup> See Borgerhoff Mulder 1995.

<sup>106</sup> I have collected data that supports my statement.

<sup>107</sup> "When a woman is biologically ready to conceive". It is an ancient saying.

<sup>108</sup> I assumed that getting married and having children are intertwined in Kenya. I based my assumption on the findings of my bachelor dissertation *African Women's Insight into Sexual Behaviour*.



rebellious women, widows, divorced women and girls who have conceived children out of wedlock).

So Samuel says:

you can have even more (payment) depending on whether she is a virgin or good mannered. Virgins and well mannered women got a better dowry than the other women who are conceived children with another man

I want to clarify that I often heard that virginity in Kenyan thinking is associated with girls at young ages,<sup>109</sup> teenagers to be precise, whose period of fertility is longer than that of more mature women. Consequently, the price declines for widows and divorced women whose supposed period of fertility is shorter, as they are often mature women. Regarding young women and fertility in the context of bridewealth, Monique Borgerhoff Mulder (1995: 582) argues that higher bridewealth is paid for women whose menarcheal age arrived earlier since “these women enjoy longer reproductive life spans and higher fertility” than later maturing women.<sup>110</sup>

The case of some of the *other women* which Samuel referred to as ‘widows or divorced’ are presented in the interview below. It is worth noting that divorced Christian women are extremely infrequent in Kenya. At the time of the interview I did not know the situation of being a divorced woman in Kenya. However I had my suspicions that on the topic of bridewealth these women were probably less highly valued. So, I also asked about the price of bridewealth for widows and divorced women. In the interview below, the ‘premium’ means the level of payment in lieu of bridewealth. Keanu, a Kikuyu man and highly educated, is the participant in this dialogue/interview:

Diana: What if the new wife is a divorced or widow?

Keanu: The same thing happens. The premium becomes low. The premium the amount becomes low, the number they asked becomes fewer. Because if it’s a first time marriage, the parents can say – Hi, you are taking her away from us, the one who brought water for us. She will go, she will give you children and all that, so, we are asking for this number of goats, and the culture provides how many

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<sup>109</sup> This association is also common among Latin peoples.

<sup>110</sup> The study by Borgerhoff Mulder was carried out among the Kipsigis and only two of my participants belong to that ethnic group. Nevertheless I find that study perfectly applicable to my observations in Kenya regardless of the ethnic group. Interestingly, Borgerhoff Mulder affirms that there was an apparent decline in the price of women of menarcheal age during 1985 and 1995 (Borgerhoff Mulder 1995). I do not have precise information about the price for girls of menarcheal age. So in this study it is impossible to determine over a specific span of years how high and low the prices/level of bridewealth have been. Borgerhoff Mulder’s study relates to the block of ten years. However all the information I have collected demonstrates unequivocally that female fertility is highly appreciated.

goats, the minimum you can give. If however, she has been in another union, and with children, and or, it's widow, then the premium reduces, for an obvious reason, this is not a new car, a new vehicle.

Keanu's narration establishes two important aspects: a **woman as worker** and **woman as provider of children**. And as I mentioned in the interview with Chaplin the Kalenjin participant, the former is analysed in the following section, and the latter relates to the importance of fertility which also expressed at the level in the price of bridewealth. A higher level/price is associated with higher production of children, which corresponds to women of menarcheal age. This information correlates with the information given at the beginning of this section in relation to the methods of payment of bridewealth, which are in terms of cattle and goats as they symbolise fertility, and negotiations about bridewealth are stopped in the case of doubts about the fertility of the bride.

Thus I want to bring up at this point the two cases which were very intriguing to me, which remained like a question-mark, since in the case of the waitress at my hostel I could not be in touch with her and ask more about her anxiety and worries; and the other case is about the isolated widow in Ongeng' where if I could have spent more time in the field I would probably have understood better and proceeded to investigate properly. However, with the help of anthropological literature on the topic I am able now to understand the situation of those women better, whose situation is not exclusive.

Recalling the waitress at my hostel and her anxiety and preoccupation as she had given birth to a baby girl, but in two years she had not yet given birth to a boy, anthropological literature and the dialogues/interviews do not suggest that women who give birth only to girl(s) are returned to their parents; or that women who do not bear children are always subject of returnability which is a right of the husband, applicable according to his will. In fact, and turning back to the point of the infertile and isolated widow of Ongeng' she was not returned to her parents. Although I could not find out whether that infertile woman had been isolated by the community, my finding regarding bridewealth and infertility suggests that she may have been blamed for her own infertility, and ostracised by society on those grounds (Okonofua, 2013: 114).

With regard to the waitress, her anguish and fear of being rejected by her husband and mother-in-law were almost concretely palpable. The belief in women's capacity to transfer biological sex, the favouritism for boys to the point that a woman's worth depends on the boys she gives birth to,

would be enough to provoke anguish and distress in any woman. Furthermore, the following report suggests that the situation of the waitress is not uncommon in Africa. The United Nations Economic Commission for Africa, African Centre for Gender and Social Development (ACGD) in a situational study shows that in several African countries, and among them Kenya, several types of harmful practices against women occur. These practices are classified as psychological violence (African Centre for Gender and Social Development Report 2008), including “desertion of infertile women, and repudiation of women who have given birth to girls” (*ibid*: 21).

In sum, until now I have described the importance for women to conceive children, since if there any doubt of the fertility of the future wife, the negotiations regarding bridewealth will stop. Female infertility has the possible consequence of returnability; this is the return of the wife to her parents’ house and the refund of the payment of bridewealth by the parents to the husband. It is worth clarifying that returnability implies ipso facto the dissolution of the marriage (Ogbu 1978: 246, 247). Besides the consequence of returnability, women face social stigmatization for conceiving girls, with the addition of being ostracized in the case of not bearing children at all.

Thus I analyse that one of the purpose of the practice of bridewealth are the offspring which are connected to female fertility, and it is female fertility which is the subject of bridewealth negotiations. This is what men and their family pay for. Therefore my findings correspond to Radcliffe-Brown’s and Forde’s (1965) affirmation about African men getting married because they want children, and women are valued because of their reproductive capacity. In the case that a woman does not produce children, her group has to refund the bridewealth or gives another wife who can provide the husband with offspring. Goody (1973) also says that descendents are one main purpose of this practice. Nicola Ansell (2001: 699) likewise argues that one material purpose of bridewealth in Southern Africa is to secure female reproduction.

The negotiation is a condition indispensable in the practice of bridewealth just as the payment is. I presented through the interviews, it was the capacity of female reproduction in the service of the husband and his ethnic group which was negotiated. Thus it is considered that female fertility lies at the heart of the custom of bridewealth, creating for wives the obligation of procreating (Dodoo 1998). Therefore one of the purposes of bridewealth is to produce children without which the union may collapse, probably resulting in the consequence of returnability for the wife and her family.<sup>111</sup>

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<sup>111</sup> Goody 1973; Radcliff -Brown1950; Kenyan Marriage Statute 2014.

Regarding the obligation of procreating for women, and I find a dichotomy between on one side the purity of female fertility, the value of giving birth to male children and on the other side the guilt, blame caused by childlessness associated obviously with malign forces from which only women can suffer, causing disapproval and rejection by the society towards childless women.<sup>112</sup>

#### *8.6. Bridewealth and Some Rights and Consequences*

I have mentioned that negotiation and payment are jural conditions of bridewealth. I have showed that according to my source data it is the female fertility which is the subject of the negotiations, and as one of the jural conditions, payment must be made to give validity to bridewealth. So, when the bridewealth is perfectly performed some consequences/effects emerge. And as logical effect of the purpose of producing offspring are the rights over children and their mothers. These rights over children are given to the husbands (Radcliffe-Brown 1950:54) and are called in *genetricem* (Goody 1973: 12), they are “the rights in a woman as bearer of children and in her children” (Goodenough 1980:15). So, as (Comaroff 1980: 8) affirms, bridewealth involves the alienation of the wife’s childbearing to her husband and his ethnic group .Thus, is the father who has the custody of his children.

Returnability of bridewealth in the case of non-productive wife is another consequential right linked to the offspring as a purpose of the bridewealth.<sup>113</sup> This right is exercised at the discretion of the husband. This same right of the husband is a consequence for the wife and her parents for her not bearing children. According to all the information presented, it must be concluded that through the payment of bridewealth men secure their descendents and the rights over them.<sup>114</sup> Anthropologists have noted similar practices and beliefs regarding bridewealth in other parts of Sub-Saharan Africa.<sup>115</sup> Therefore bridewealth has been portrayed as a reflection of women’s services in terms of **childbearing**.<sup>116</sup> One finding of my research is that some 40–60 years after anthropologists first

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<sup>112</sup> Okonofua 2013: 141; United Nations Economic Commission for Africa, African Centre for Gender and Social Development (ACGD), Report 2008.

<sup>113</sup> Goody 1973; Radcliff-Brown 1950; Tamale 2011.

<sup>114</sup> Ogbu (1978: 241–262); Dodoo (1998: 232–242).

<sup>115</sup> Watson (1954: 67–68); Goody 1973; Meillassoux (1992: 12, 13); Schwimmer 2002; Grossbard (1976: 701–707).

<sup>116</sup> Borgerhoff Mulder 1988, 1989, 1995; Goody 1973; Radcliffe-Brown (1950: 54).

ascertained the jural meanings of bridewealth little has changed in this regard despite the effects of globalization and urbanization in Kenya.

#### 8.6.1. *Absence of Payment is Absence of Bridewealth: Some Consequences and Effects linked to Payment*

According to the data collected in my fieldwork among the Luo, Kikuyu , Kisii , Luhya, Meru, Maasai, Kalinjin and Kamba ethnic groups the custom of bridewealth generates effects and consequences which I classify in terms of rights and obligations as I started explaining towards the end of the last section. I explore more in detail these consequences and effects in the course of this section. What are the rights and obligations that bridewealth generates? How does bridewealth generate those rights and obligations?

To answer these questions is important to remember the two jural conditions of bridewealth: negotiation and the payment agreed in the negotiation. When both conditions have been fulfilled by the parties, the bridewealth becomes concluded generating corollary and coexistent effects: the legalization of the union and rights *in genetricem* (mentioned towards the end of the last section). The best way to explain them is by answering the following questions: What happens in the event of absence of payment? What happens when a “husband” and his family, which includes his ethnic group,<sup>117</sup> do not pay the price agreed in the negotiations? In order to answer these questions I present first the narrative of a man who did not pay bridewealth, and whose wife died. They (the man and deceased woman) were together from 1994 to 1998. The father of the woman was away, impossible to reach, thus the payment of bridewealth could not take place. The following dialogue expresses the tremendous importance of the father of the bride being present during the negotiations to establish the price of the bridewealth, since the father was also the person entitled to receive the payment. The position of the mother of the bride is mentioned as a collaborator. The participant is Keanu<sup>118</sup> who belongs to the Kikuyu community.

Diana: Did you pay dowry?

Keanu: Let me tell you two stories regarding dowry [...] As far as my personal life is concerned. In 19...9..5 or 94-95 that is when I got to live with my

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<sup>117</sup> It is worth noting that the concept of family is broad for Kenyans. Ethnic groups are included in that concept.

<sup>118</sup> Keanu is a middle aged man with a PhD in Sociology. Teacher at a university. The interview was in Nairobi.

1st wife...and as .. I told you she passed on...and we lived together in 94, then 19...96 we had a baby boy and all this [time] I had not pay dowry, the reason because I had not pay dowry is because a parent, her father, was away and was not accessible, and we had to wait until he comes home. Her mother insists she could not take dowry, she couldn't not take dowry when the head of the house was unavailable, her grand-father an old man around...90 years, said I am alive bring the dowry to me.

But then when I discussed with my parents there was a gap because when [if] we paid the dowry to the grandfather and the father turns up he's the right for receive the dowry, so, we would have problems. So, we wait for the man to come. I remember the day when the grandfather telling me a story of the man who waited to pay the dowry to the father of a child like this case but he never turned up for one reason or the other. So it created problems and the same question what happed to my kids because my wife died when we had not paid dowry. Okay? [...] We had no solemnised marriage in church it was called you called the equivalent of co-habitation, we're living together although the parents were aware that we're living together, we were only waiting for an opportunity of time to start connecting the families, connecting families is through those rituals including paying dowry. So, when my wife died as any family does we sat with my father, my mother has died before...and my uncles and other relatives to decide on the funeral, and of course how to do with...you know the preparation of the funeral when we will bury, where we will bury her and so on. My father already had shown where he wanted the lady [Keanu's wife] to be buried [...]

The trouble began when we informed [my wife's] grandfather that the lady, my wife, had died and we are planning of the funeral, he asked – Who are you going to bury, is it my child or your wife? I said – My wife. How do I know she is your wife what ritual, or what have you done to show this is your wife as far as tradition is concerned, as far as I know this girl is unmarried you don't pay dowry, you don't own her and therefore there is no way you can bury her, and I want those burial arrangements stop for the lady, until this issues are set up. This confuse everybody, my father and uncles met, they looked at it, they knew he had a right to the

child because we are not married, there is no way I going to bury my wife. So there was 2 things to do: 1) Allow the grandfather to bury her, or 2) Do the ritual as they were required. Allowing the grand-father to bury my wife meant we would lose custody over my son because if I was not married to her then I had not claimed even to the child. So, the tradition or culture provides an option paying dowry when she is dead, and that is what we did, we a group, we decided we go together to see the grand-father; he asked what we wanted, we start the negotiations, sometimes that would be quite emotional because you are talking about someone who is in the mortuary, she is dead, she is in the mortuary, and we are debating about her. So it was quite hard. I think with the all people's wisdom we were able to sort it out, we paid the dowry, and we granted to bury the lady. So we now set a date again which came on 11th of January, five days later.

After paying the negotiated price for the bridewealth, Keanu continues with the custody of his child, because he legalized his union by honouring the Kenyan tradition of the bridewealth payment which at the same time has legal effects regarding the custody of his children. He and his family group now jointly buried his legally deceased wife.

So, the absence of payment is understood as no bridewealth at all, or its equivalent no marriage at all, even when negotiations have taken place. In other words, negotiations without payment is the same as no negotiations and no payment, which is equivalent to no bridewealth, of which one of the consequences is that no rights *in genetricem* accrue to the father of the children, which in legal terms means that the father does not have custody over his children. The children belong to their mother and her ethnic group. Equally there are no rights over the woman either.

I present below the description given by four participants. All their comments are connected, and I need all of them in order to present my analysis. Thus I analyse them at the end of the final quoted example. I start with the comments made by Luo participants Robert<sup>119</sup> and his nephew Samuel who explain that : 1) the moment to pay bridewealth may be before the couple start living together or after it; 2) in the absence of bridewealth, the union is not recognized by the community as

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<sup>119</sup> Robert is a Luo man, middle aged. He is a tailor, married to two women. The interview was carried out in Oyugis.

marriage; 3) a man who does not pay bridewealth is not a proper husband; 4) in the event that the wife passes away, the husband has no right to bury her, so the wife belongs to her birth community.<sup>120</sup>

Samuel: Yes, normally our tradition sometimes it could be paid before people get to live together or when they already living together. Mostly when they're already living together, like you say sometimes in your country there someone do the wedding when they lived together for some time; but in our case, our kind of wedding, our traditional recognised wedding, we do the traditional wedding which is not a formal wedding but the dowry is what allows you to officiate that marriage, and before that is done we don't consider that marriage as recognised by specially the family of the bride or the wife. It's that will be always a debt as long as you don't pay it. In most cases before, I think, and my uncle can confirm that, there is this aspect: If you don't bring the dowry, then is possible that someone dies, when/if the wife dies, then the people of this clan can claim that body and they want to bury that body instead of the husband bury that body...

Diana: because the wife doesn't belong to the husband, since he hasn't paid the dowry. So, it is like the husband's has no rights because he hasn't paid ...

Robert: ...yes, he is not a proper husband...

Samuel: so, if the wife dies...

Robert: he don't have (cannot) to bury her before pay it. So it is in two ways, he can pay it before bury or the body can be taken away without him to bury

Samuel: so the people (the wife's community) claim the body.

I present briefly what Eva says regarding the same topic, when a wife passes away and her "husband" has not paid the bridewealth. Additionally, Eva narrates the story of her parents, through which is presented the signification of civil marriage and the bridewealth custom. She also mentions briefly the religious wedding aspect. As Eva explains:

you [the wife] passed away and the husband never took any dowry to your parents' side, he has not right to bury you because you are not his, you still belong to your parents. So, unless he pays something to your parents

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<sup>120</sup> In Kenya the wife follows the ethnic group of her husband.



that stands for the dowry he not paid when you're alive you will be buried in your parents' home state [kin group]... But if he had paid dowry he bury you in his [kin group]. You are part of different family now [when a woman is married]. Even if you have been married 20 years, have kids, the eldest never, never, it is just like you never belong to that ethnic group [the man's ethnic group], you still belong to this home set [parents' ethnic group].

Like my parents never did a church wedding, they did that, they did dowry much later. When we were much older, they did that went to A.G. signed the certificate

Diana: Civil wedding?

Eva: Civil yeah. So they were married but not married.

Diana: Married by law?

Eva: Yes, by law yes. So, they have to give a ceremony to take dowry for the sake of my mother. Yeah they have to do that. So, they now are recognised to the fact my family [the father's family] that she is theirs, not she is another family [the born family].

So from the preceding quotation of Eva's one understands that although there has been a civil marriage with its correspondent certificate, the custom of bridewealth prevails over it. So in order for the man to have rights over the mother of his children, he must pay bridewealth. Thus, she becomes part of his community, and so, the woman and man become husband and wife in the eyes of the community.

The following comment is made by a Luo woman, Jennifer, regarding the payment of bridewealth by a couple who have lived together for six years. The groom paid the bridewealth during my stay in Kenya, in a ceremony which I attended. Jennifer is a close relative of the bride, but she took the role of the mother of the bride, since the bride was an orphan. Jennifer equally emphasised the effect of non-payment in the event of the death of the wife, and equated the payment of the bridewealth with property:

Jennifer: [Regarding a couple living together for six years:] So for the last six years is nothing, uncounted is like a boyfriend and girlfriend living together. In case of something happen like in case of death, in case of it happen, and

remember that the lady has children, in case that it [death] happen before the paying of the *dowry* [=bridewealth] the girl and the children won't be counting as the man property, she will come home.

Diana: So, the children will be in the mother's tribe...

Jennifer: Yes, yes because the dowry is the only thing that makes the children the husband's property, makes the woman the husband's property.

I want to highlight two aspects: 1) the importance of burying a wife in the ethnic group of her husband which is seen by Kenyans as a right; 2) the comment of Eva, Rudolph and Samuel that a wife for whom her husband has not paid bridewealth belongs to her parents, i.e. to the ethnic group of her birth; and Jennifer's explanation that if death occurs the mother/wife along with her children will return to the ethnic group of birth of the mother/wife because they are not the property of the husband who has not paid bridewealth. I asked several times why burying the wife is important; the answers focused on the *right of doing so* when bridewealth has been paid; for instance, Samuel says in a Facebook chat "when you marry formally, then you have a right to bury your wife".

Going deeper into the analysis of burying the wife, it is a right connected to possession/ownership or property over the wife and children which leads to the responsibilities that a man has over his family (wife and children). Therefore if a man has not gained the right to bury his wife, which is acquired by paying bridewealth, this man does not have ownership over the woman and their descendants. So, burying the wife implies a corollary effect on the custody of the children, a situation which is reflected on the narration of Keanu. Additionally, in the event that Keanu had not paid the bridewealth and had taken the case to the court with the purpose of keeping the custody of his child, he says that "... most likely the court would have granted the custody to the grandfather" who was the wife's father.

To sum up until now I have presented that without the payment which has been agreed in the negotiations the bridewealth does not take place and has no effects.<sup>121</sup> The absence of the payment leads to consequences such as non-recognition of marriage even when it has been a civil marriage but without payment of bridewealth. A man who has not fulfilled his obligation of paying bridewealth is

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<sup>121</sup> See the study carried out by Ohta (2007: 3–26) in relation to bridewealth among the Turkana people of Kenya. Although I had no participants from this ethnic group, Ituru's research regarding negotiations and the consequences of non-payment (that no marriage takes place) are compatible with the data I collected in Kenya. See also Fortes (1972) quoted in Comaroff Jhon (1980: 18–20).

not considered a husband. Consequently, this man is deprived of the legal custody of his children, and his right to bury the mother of his children. The custody of the children is given to the family of the mother, and, so is the body of the deceased mother which is buried in her birth community. This is the reason why a Luo participant, Dona says, “dowry [=bridewealth] payment is to teach men their responsibilities”.

Furthermore, my observation during my ethnographic trip to Kenya is that besides not being a proper husband as Rudolph says, a man who does not pay bridewealth is not seen by society as an honourable man he is not responsible, so his wife does not belong to him, as Eva also implied, or to his family, including his ethnic group. A responsible man is a man who is the wife’s owner: as Samuel says, “Veronica is Kikuyu and if you want to get married to Veronica you have to pay a dowry [=bridewealth] as soon as possible so you can take Veronica to your home; if she is with you, you are like her owner” .

I want to draw attention to the widely mentioned anthropological term ‘rights *in genetricem*’<sup>122</sup>. The rights over the wives as child bearers, however go beyond this premise, as participants stated that those rights are extended to ownership over wives. Such ownership is accepted socially when the payment has been made. So I further explore below this effect of bridewealth.

#### 8.6.2. *Belonging, Possession, Ownership and Legitimation: Effects of Bridewealth*

I return to the point of the wife who does not belong to her husband when he has not paid bridewealth (dowry was the word used) mentioned by Eva; and the wife and children who are not the property (ownership) of the man who has not paid dowry (= bridewealth) mentioned by Jennifer.

Keanu expressed that the concept of ‘ownership’ here in this way:

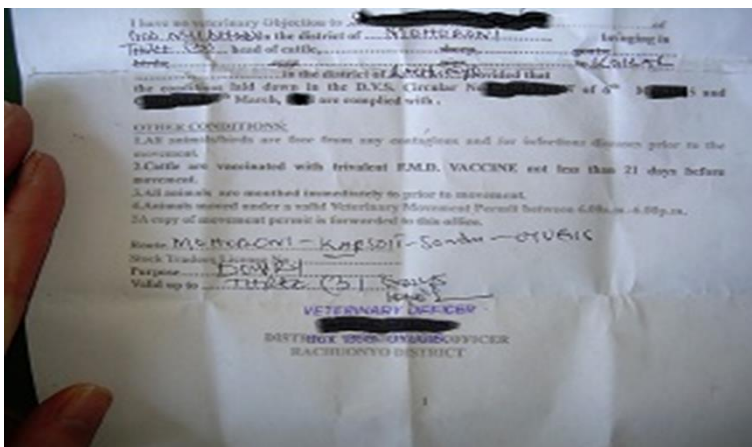
because it [bridewealth] shows ownership, now, this ownership I think that confuses people to the some cultures or the common use of the word ownership means it is a property, you own it, but here you are not talking of ownership in that sense this is mine, a possession. It is ownership in

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<sup>122</sup> Goody (1973: 12); Brain (1969: 11–23);

terms of right to live with a person, and do all this things protect that person, to..to..to taking responsibility over that person. That what I meant in that context. When you pay a dowry, yes it is your wife it's like ..a...legitimizing the union, and without it the union remains illegitimate.

I observed that in general people in Kenya feel that bridewealth has the effect of legalizing the union. As expressed by Keanu, the payment of bridewealth legitimizes the union. This is embodied in the Legal Marriage Act 2014.<sup>123</sup> I heard constantly 'pay the cows, own the woman'. The term ownership expressed that the union was legalized, as expressed by Keanu above.



This certificate signed by a veterinary surgeon states that three head of cattle given as bridewealth payment by the groom are in perfect condition.. The names the parties are crossed out.

Certificate

I continue below with a dialogue about ownership and possession. In this conversation, apart from Jennifer, Melinda I,<sup>124</sup> who is another Luo woman participated. They were talking about their feelings, explaining to me the situation of African women. Although these women expressed openly the feeling of being possessed by their husbands as an effect of the payment of bridewealth, they did

<sup>123</sup> Kenyan law regarding marriage is formed by different acts, for example Marriage Act – Chap 150 and African Christian Marriage & Divorce Act – Chap 151.

The marriage acts present some confusion as some of the norms are very old having been in existence since 1902, such as in the Marriage Act-Chap 150. Additionally they present a mixture of the influence of British system and local traditions. However the last Marriage Act is from 2014 intended to give some clarity regarding customary marriage by saying that the payment of dowry [= bridewealth] is enough to prove marriage (Kenyan Gazette Supplement No 62, Acts 4, 2014). See also Dudley 2014.

However it is worth mentioning that many Kenyans do not know the law, and they feel that the transaction of bridewealth is the legal equivalent of marriage. This was what I heard constantly in Kenya.

Additionally, the legalization of the union in Sub-Saharan Africa by virtue of the transaction of bridewealth is affirmed in anthropological literature regarding marriage payments by (Goody 1973: 16; Tambiah 1989: 441–436; Ohaegbulam 1990: 93; Ogbu 1978: 241–262; Afolayan 2004: 181–190; Nzira 2010: 84; Ferraro 2007: 219,220).

<sup>124</sup> Melinda I belongs to the Luo ethnic group, she is a middle aged co-wife, and attended a few years of primary school.

not feel so much protection in this aspect as Keanu says; on the contrary they associated bridewealth with violence:

Jennifer: You still see there so many African women who are still brutally [treated]. I mean they are feeling the brutality from the husbands, abused at the highest level. They don't have rights, they don't have voices, they don't have a say, they don't have nothing. Everything belongs to the husbands.

Melinda I : Even the children.

Jennifer: Yes, yes because the *dowry* [=bridewealth] is the only thing makes the children the husband's property, makes the woman the husband's property [laughing HAHAHA] and that is when I am fed up with my husband is mistreating me, I can ask him –how many cows did you give you to my place? He says five. How much money -20.000. Take your cows, take your money let me flee [says the wife]. But the only thing that makes a woman and children a husband's property is dowry, and for the Luo culture the cows must be there. The walking cows must be there and money; without the cows [shakes her head] it is what makes you a proper woman.

Melinda I : With us [Kenyan] we can't kill them, we are beaten fiercely and we are just there. With us you find a woman beating a man very difficult. You cannot even abuse him. When he is talking to you, you are just like this [remains still] listening to him, yes.

I include these comments for the purpose of showing that there are dual positions: Keanu, a Kikuyu man, argues that ownership is protection, but Jennifer and Melinda I do not feel the same way. Some of my findings from my fieldwork, and what I observed there, are that the transaction of bridewealth allows husbands to perpetrate acts of violence on their wives. I also perceived strongly that it is bridewealth which makes a woman respectable as Jennifer says.

### 8.6.3. *“You are mine, your salary is mine, and my salary is mine” says the husband*

Ownership is also one of the effects of payment of bridewealth, brings power and rights to the husbands over their wives. In this section I describe the situation of wives with regard to their own salary, and not only in rural areas. So, even in the case that the wife is educated and earns her own salary due to her education, the husband is entitled to receive that salary. As part of male power and ownership, the wives have no right to know how much their husbands earn as salary. I present below two interviews; first Chaplin narrates the situation that he as a husband collects the wages of his wife. Chaplin states that he owns his wife, and accordingly he owns his wife's salary too, because he paid bridewealth. Then Jennifer describes that situation, right after Chaplin comments, and how women feel about it; and additionally she relates a true story of one of her colleagues. Chaplin is highly educated, and so is his wife. His wife is the principal of a college which I had the opportunity to visit. They belong to the Kalenjini community. Chaplin describes the situation as follows:

Whatever property and, and livestock or whatever with you, it is yours, symbolically it is yours as a man. Even when you know it is this, er, this small sort of like say the chicken, this one belongs to either your wife or whoever, that [inaudible]. But you see, only I will say that these are my cows, this is my whatever, even when we have discussed with my [inaudible] I am selling something but I want to dispose of this property, even when I know that it is, but it is mine, so it is mine. The wife is mine, the children are mine, the wife is mine, even what my wife would claim to own, it is mine, because I own the, the, the... It's actually part of my, my whatever. And that is why sometimes back when, in my rural place there was this old man who had no school and all that but he had a lot of cows, and he was busy drinking in a social joint with young, college-educated people, and he said, 'I have a lot of livestock. You people, you don't have much whatever.' [...]... And he said, In fact [...] 'I want to marry a teacher.' So that at the end of the month, as an old man, I will go to now the District Headquarters to receive my ...' Now do you see? The wife works. At the end of the month you will put your best clothing and go to where the pay point are. Do you see? That thing? And, of course, they would know because after all whose wife is she? She may be working. But whose wife is she? Who owns her? And even the work she

does is my money. At the end of the month I go to receive my money. You (the wife) are doing the working and the whatever, I go and receive the...?

Diana: The money.

Chaplin: Money [...]

I was speaking about bridewealth with Chaplin, his wife and a friend of the family. Chaplin implies in the previous comment that a husband owns everything: the house, food, children and even his wife and her salary too, obviously. Chaplin narrates the story of an old uneducated man, who nonetheless owned cows, and so was readily able to pay substantial bridewealth, and therefore marry an educated “madam” (a lady who is a teacher). The old man was portrayed as clever, I understand it, because he will be entitled to collect her paycheck. Chaplin implies that the old man would then own the wife who works for him.

It is worth mentioning that I noted in my fieldwork that Kenyans use the terms bridewealth and marriage interchangeably. When a man has paid bridewealth he becomes the husband, and a woman for whom he has paid bridewealth becomes his wife. What I observed during my fieldwork is that husbands very comfortable with being the owners of everything. But sometimes wives do not feel that way, as I present below. On this same theme, Jennifer presents her point of view, and at the end she relates a friend’s story:

Jennifer: What makes us very sensitive in Africa, in our communities, it’s that the husbands have that in their psychology they have this instinct that mine...that is a husband saying – that mine is mine and yours is mine. So, you are getting your salary, your my wife; I am getting my salary I am the husband. [...]. My salary don’t ask [the husband says it][...] but your salary [she makes the gesture of taking money: thumb rubbing fingers] belongs to the husband. So, mine is mine but yours is mine... And WHY? Because of the cows [...] Most of African[s], the educated [women] don’t even know the payslip of the husband. They don’t even know the date when the husband is receiving notes of the salary. They don’t even know

the budget of the husband. But the husband know the date, time and hour when the wife is receiving what [she makes the gesture of taking money: thumb rubbing fingers] Me says –salary. The husband will budget the wife’s salary until it goes down, and you find though the wife is working but she were as a house keeper. I don’t see the important, and then this is the one [the women] they’re free you don’t have anything in your pocket, and they are working. But he took that ones [pointing to the cows] to your place the cows. I have a friend she’s been officially retired from work. She told me that there is no need, I am working and it is like I am not working , it is better I stay at home because she is working, the end of the day they pay, salary and the husband buys details to the last coin, and who is working, the wife. So, it is better, you don’t to work. And the husband is also working, you don’t see the payslip, just because he is the head of the house. Some of them, even quote the bible says “THE HEAD OF THE HOUSE”.

Jennifer is a Luo woman, middle aged, married and studying towards her PhD in education, she lives in a big city in Kenya. When I carried out group dialogues/interviews she was very active and eager to participate. Thus, in the course of this study I present many of her points of view which received confirmation and support from the other women present. It is worth mentioning that Jennifer refers to the cows as a metaphor for the bridewealth transaction. This allegory is very common among men and women in Kenya as the payment of bridewealth is negotiated in terms of cows, as I have explained previously. In Jennifer’s account a wife has an insight: maybe it is better not to work as the husband is the one who gets the salary. However, in reality what I observed is that women were really hard workers regardless of whether they lived in rural or urban areas. However the majority of people in Kenya are not highly educated, and live in rural areas. In the following section, I explore this crucial aspect of women as hard workers in the fields and its connection with the transaction of bridewealth.



#### 8.6.4. *Bridewealth and Wives Who Work Hard in the Fields*



Melinda's I crops just located besides her house in Oyougis

This Melinda's I and Richard's house, on the left side is the kitchen.



In this section I explore the aspect that wives are hard workers. I observed this aspect, also the participants told me. There is a strong connection between the practice of bridewealth and the point that wives are hard workers. So, the question to answer is what influence has the custom of bridewealth on women as workers in the fields? To answer that question I present besides my participant observation, some interviews and anthropological and legal literature.

Wives are hard workers; Kenya is basically an agricultural country, and I observed that women are responsible for doing a lot of work in the fields, and also in the houses.<sup>125</sup> I observed also that often men choose to marry women whose families live not very close to the community of the husband; I initially linked this aspect to the point that men are very possessive and do not want affinal relatives around, but I wonder if there was something more behind it. Why do men choose women

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<sup>125</sup> See Håkansson 1994: 525; Dolan 2001; Kiptot 2012.

whose families live far away? One of the reasons beyond any doubt is the practice of exogamy which I perceived was very important for Kenyans since it was mentioned often in our dialogues. I also found another reason, investigated by Monique Borgerhoff Mulder (1995) which is connected to the potential productive capacity of wives and payment of bridewealth. That is, besides the reflection of women's services in terms of childbearing (already analysed under sections 8.4. and 8.5.) bridewealth may also be understood in terms of women's services as agricultural workers (Borgerhoff Mulder 1995). According to Borgerhoff Mulder (1995: 582), before 1982, men were willing to pay more bridewealth for women whose families were not nearby, since the effect of that situation would be that families would not interrupt wives' work. Consequently, these women, whose families were far away, were seen as more productive for the husbands and their ethnic group.<sup>126</sup>

So, according to my observation during my field trip, all the wives with whom I spoke in the rural areas were brought to the land owns by the husband's group<sup>127</sup> by their husbands and their ethnic groups from distant places, and wives were hard workers in the field and home. In the following interview Jennifer narrates the work that women have to perform:

In the real sense African[s] are suffered [from] gender discrimination and the women abuse. They suffer, we suffer. Because African women have been working, because she is the one who wakes up early, pick up the breakfast, pick the domestic animals to the field, pick the children to school. Maybe she is pregnant, they don't plan the family. She goes to the field, the chamber, she cooks the lunch from there she irons the clothes for the husband. What time for sitting down? And you have seen this, this causes for the most of prenatal accidents because they are doing so much work that it affects the infant. They don't have time to rest. This woman is pregnant, carries her child in her back, she wakes up at 5, at first fetches the water from water takes the children to school from there go to the chamber from there come to the home wash the teas fools, prepare the

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<sup>126</sup> Borgerhoff Mulder suggests that the model of higher levels of bridewealth for long distance brides seems to be changing in 1995. Importantly it appears to be changing because men can buy tractors, and some kind of technology for the work in the agricultural fields. However I do not want to focus on the level/price and its oscillation, high bridewealth for brides who live further away. My point is to show that a previous investigation found a reason for choosing long distance wives which is linked to the bridewealth and the wives' work in the fields. Nevertheless Mulder's point of the level of bridewealth equivalent to distances of brides and influence on their productivity can be subject to further socioeconomic and anthropological research.

<sup>127</sup> Territory of the husband's ethnic group.

house from there prepare the lunch from there wash her husband cloths from there prepare supper from there...there is no time to rest. And the child is in the womb. So there are some much abnormality cases in Africa societies. And most are contributed by there over worked. Women work so much.

Additionally I observed on my ethnographic trip that wives felt that it is their obligation to work in the agricultural fields. Moreover, the wives have to know how to plough the land. In other words, I felt that ploughing is a required skill to get married. Not for nothing is this statement of Jennifer regarding the qualification to get married:

A degree to marry a Luo man: you have to get a qualification in chamber work, you have to fetch water with the bucket in your head, going to the market every morning to take fees for your husband, go to the market by foot, drawing water from a well.

Although Jennifer refers to the Luo ethnic group, I observed no difference among the Kalenjin, Kikuyu, Maasai, and Kisii ethnic groups. As Jennifer herself implies at the beginning of the interview, African women are hard workers in the fields and in their homes too.

On my visits to two rural areas in Kenya, Oyugis and Ongeng', I observed the wives' work. In Oyugis, Melinda I, a co-wife, plants vegetables to be consumed by the members of her household, and also she sells the vegetables at the local market. I myself walked to the river from which women of the region of Oyugis took/take water to supply their routine needs. Walking to the river Naomi, a married Luo woman who also works in her little shop at the local market, told me that women carry“ baskets with water from the river, 20 litres per basket 10 times a day, women walk about 4 km each time”

I equally observed in Oyugis and in Kitengela where I also spent several days how wives served and attended their husbands who do not do any work at all in the home. It was quite obvious for me that wives felt that serving their husbands is part of their duties. I have the following comment in one of my field notes: I talked about this situation (women being hard workers) with Samuel, the Luo man mentioned before, with Tomas, who belongs to the Kamba ethnic group, and with a teacher of

mine who is a highly educated man, and belongs to the Kalenjin ethnic group. These men stated very respectfully that “African women work very hard, after all they [men] pay bridewealth”.

Based on all the aspects above, I analyse that one of the purposes of the transaction of bridewealth is also to obtain a wife to take care of the agricultural work in the fields. Additionally, my analysis is supported by the findings of Ester Boserup (1970) in which she presents that in societies where bridewealth is practised, women are the predominant agricultural field workers. Moreover, Boserup affirms that “Africa is the region of female farming par excellence” (Boserup 1970: 4). Additionally, Henrietta Moore (1986: 110–113) argues that women are seen as the producers of the field crops in Kenya; she also affirms that women are seen as “the reproducers, reproducing both clan and labour force”. Margrethe Silberschmidt (1999) in her study on the Kisii ethnic group<sup>128</sup> establishes that women are the food producers. In fact, in Africa where bridewealth is practised, 80% of food and cash crops are the result of women’s labour according to the report Empowerment of African Women through Equitable Participation in Agricultural Value Chains (African Development Bank 2015).

So, in the previous two sections I have presented the connection between the ownership of the husband and the work produced by his wife or wives in either the city or rural areas. However, I want to emphasize that Kenya is an agricultural country where swidden-systems are usual, thus I think that it is of great importance that the agricultural work is made by wives in Kenya. And it is worth mentioning the connection between female labour and marriage transactions. Previous studies show that in societies where i) women are usually *not* productive in the labour market; ii) women do *not* often contribute very actively to agricultural work (usually swidden-system); iii) and if women contribute to the agriculture work, this is usually in a plough-system as in societies such as Arab, Chinese and Indian societies the main form of marriage transaction is dowry rather than bridewealth (Boserup 1970: 36, 38). Additionally, according to Padma Srinivasan (2004: 3), wives are not supposed to contribute financially to their households, and such a contribution is seen even with disapproval in India, since wives supposed to depend financially on their husbands.

According to the Registered Land Statutes of Kenya, men are invested with all the rights over the land. A study carried out by the Law Center of Humans Rights of the University of Georgetown

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<sup>128</sup> The Kisii and Kalenjins belong to the Gusii clan. I spend several days with a Kalenjin family and also this study includes the contribution of one Kisii participant.

reports on the Registered Land Statutes of Kenya that in Kenya only men have the *right* to register the land as owners, even though it is women who have worked and made the land produce. According to this report,

The registered land statutes, particularly the Registered Land Act, 43 insulate the rights men gained through the adjudication and consolidation process by vesting them with absolute ownership of the land and failing to acknowledge even the derivative rights of women to land. The Registered Land Act in section 27 provides that the registration of a person as the proprietor of land shall vest in that person the absolute ownership of that land together with all rights and privileges belonging or appurtenant thereto. The proprietor's rights "shall be held by the proprietor" (Georgetown University Law Center 2009: 10).

Additionally, Kenyan law on Ownership of Matrimonial Property Act 2013 (Section 7) establishes that matrimonial property (and this naturally includes the land which the wives work on) is divided between the spouses in case of divorce or dissolution of their marriage; the Act states as follows: "matrimonial property vests in the spouses according to the contribution of either spouse towards its acquisition, and shall be divided between the spouses if they divorce or their marriage is otherwise dissolved." However, Kenyan legal researcher Ochiel Dudley (2014) clarifies the spirit of this law by specifying that property "shall be divided (not equally) between the spouses" (parenthesis in original). One could think that some kind of rights are given to women, since Section 7 of the Act provides that "property shall be divided between the spouses" in case of divorce or dissolution of marriage. So, it appears that wives are legally entitled to acquire property in these circumstances, but in reality they often do not (even a small piece of land, house etc..) which I proceed to explain more clearly below.

In Kenya there is a dual system: written law, which is applied by tribunals and courts, and customary law which is applied by the council of *Barraza* which is formed by the male elders of the ethnic group who decide on different types of matters, including all legal matters too, such as land issues, debts, homicides, problems between the spouses, etc. The *Barraza* decisions are enforceable, and these councils are highly respected in Kenya. When I was inquiring about the aspects of Kenyan law everyone mentioned the *Barraza* as if it occupied the same status as the Supreme Court in western legal systems. These councils have been operating since ancient times (Konogo 2005). The spirit of the customary law is that "women cannot control or own the land":

We have different cultural systems [that] believe [that] women [are not even acknowledged] to own land...[W]omen only have customary rights to access and cultivate land, and even those rights are dependent on men. In the majority of the communities in Kenya, women have to ask a male for permission to cultivate the land, although some males traditionally reserve a field for the wife or wives... (Georgetown University Law Center Report 2009: 8).

According to the information I obtained in my dialogue with a female Kenyan lawyer, the decisions emanating from this council are not equitable, being less favourable to wives.<sup>129</sup> Furthermore the decisions of any Kenyan court not protect women's property rights, or any rights in general (Walsh 2003). Traditionally, therefore women do not have access to the property of land which is reserved to them for work when they became wives. The Statue of Registration protects men as land registrants, at the same time disadvantaging women's rights. Husbands are the ones who have the management, control, and rights over the matrimonial property (Georgetown University Law Center Report 2009).

Although the customary law is greatly observed and the *Barraza* is highly respected in Kenya, there was an attempt to try to make written matrimonial property law more equal regarding the rights of the women over property, but this idea was frustrated when the Matrimonial Bill on Matrimonial Property in 2013 which proposed the opportunity for wives to have access to the land as owners was not approved by the National Assembly of Kenya (Kenyan Gazette Supplement, National Assembly Bills, 2013, The Matrimonial Property Bill).

Since the husbands have paid for the wives, thus, the wives have to produce for them and for their families too, thereby making this aspect one of the purpose of bridewealth, in contrast to the Latin American culture where a wife works to contribute to her family, not for her husband. I agree partially with Levine's (1976) affirmation that "She is given her own fields at his homestead, raises her food and children there, is expected to serve, obey and be faithful to her husband, respect and help his mother, cooperate with his brothers' wives" (Levine 1976 quoted in Silberschmidt 1999: 86). But the fields are not her own. She is given the field to work on it, because her husband has paid for that in the transaction of bridewealth.

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<sup>129</sup> It is worth mentioning again that Kenya is virilocal, so, wives follow the ethnic community of the husbands where in case of dispute the women would be most likely to be judged by the *Barraza* of the husband's ethnic group.

I focused on agricultural work because as I said at the beginning Kenya is predominantly an agricultural country. However, in the event that bridewealth is paid for a woman who does not work in the fields, the husband is also the one who collects her salary. As I presented in the interviews, whoever the wife is, the husband is the one entitled to obtain the benefits of the products of the work of his wife because he (the husband) has paid bridewealth.

As a lawyer I find the Kenyan legal apparatus, in which traditional or customary law converges with some modern rules, fascinating, as well as the attempt to implant more rules of these kind as could be seen in the Matrimonial Property Bill 2013. There are gaps and confusion regarding matrimonial property, which probably should be expected as Kenya has a strong British influence even perceptible today. What I find at some level confusing in analysing matrimonial property is the point that **women are also considered property, this effect of the transaction constitutes a right for the husbands, at the same time that women are obligated to become a property of their husbands, as they have no other option. So, I understand that this disadvantage for women is a consequence** of the transaction of bridewealth. According to Human Rights Watch Report (2003: 22), in Kenya bridewealth “can exacerbate property rights violations: if it is paid, some people consider the woman herself as property, and she has less bargaining power to defend her rights”. Also in the Report about land property it says that “Women were included as a part of the property men could own under customary law” (Georgetown University Law Center Report 2009: 14).

To finalize this section, I present below an interview in which the husband’s ownership is reflected in his power to make decisions in the household given by virtue of the bridewealth payment. Ownership is reflected in the permission granted by husbands to wives to go to visit their natal families. Authorization to go to visit the consanguine relatives is often denied on the basis that there will be no-one to do the work.

It is worth mentioning that in our dialogues wives emphasised the importance of the permission to go to visit their families. Additionally the following interview reveals the aspect that wives are hard workers, ownership and the violence which women are afflicted with. The participants tell me that they are oppressed and burdened by their housework obligations, the control of their husbands over them, and beatings perpetrated on them by their husbands. The following

interview is part of a group interview in which two co-wives Melinda I, Melinda II,<sup>130</sup> and Jennifer participate. Jennifer starts by saying:

Jennifer: ...Remember the permission to go to the father's place must be granted by the husband... You see, like my home, my birth place, my father's home, [I] cannot wake up some day and say –aha I am going... no, no, no, Is it not true? [Jennifer asks Melinda who was present and she told that is it true]. You can be told go and go forever You must be given a permission from the husband, and the mother-in-law knows. Because you are the family's property [the answer given jointly by Jennifer, Melinda I and Melinda II]. The family must give you permission to go to your maiden home, birth place. Because when they are given the dowry they are exchanging it with you. You became theirs [the husband's family's] and the *dowry* (=bridewealth) became their daughter. So if they [the natal families] want to stay with the daughter let [the daughter] ask the permission from the one who pay the dowry [= bridewealth], and it is the African style...

Melinda I: And you only for two or three days, maybe one week. He can only give week, or two days or three days to go .But if you finish it [the visit] even was eight days, HEI! You will see when you can back, you will see, you will be beaten fairly [Jennifer and Melinda laugh]

Jennifer: If you want to get married to an African man, then will be ready to be beaten here. But we [African women] are used to it. Let me have something like this in marriage, I went to my birth place, and stayed there for two days, [the husband:] “ I can't believe it, are you going for REALLY two days? Where are you? Are you coming or not? ARE YOU COMING?” You see, and things like that. You going to your birth place, the place where you grew up, he loved [you] from there. But now because he owns you, not loves you, but owns you, he owns you. He needs his property. [The husband:] “Bring back my property”. Why? Do you remember when I was telling you the course [routine], the woman doing

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<sup>130</sup> These two women Melinda I and Melinda II are namesakes in real life. Melinda II is at about 23 years-old, and attended a few years of primary school. The interview took place in Oyugis (*The information about Melinda I and Jennifer is given before in other interviews/dialogues*).



the whole day; who will be doing these things when you are there for a week ...the house work. Who will be going to the chamber? Who will be fetching the water? Who will be ironing if he is not used to? Who will be cooking for him? Who will be washing for him? Who will be, who will be, who will be, WHO WILL BE! And then he feels so whole [fed up], [the husband:] –No! Come back.

Jennifer: It's so, so touching... but it is how it is. You reach a place when you say "I don't even want to go because I go there I want to stay for one week, you tell for two days. No, I don't even want to go. Why, why? To let you go only for two days? I am going to my mother place. I am not going anymore now".

Besides the role of women as hard workers, this interview mentions domestic violence which I perceived as part of the normal routine of women in Kenya regardless of education or geographical location, which some husbands perpetrate with impunity because of bridewealth. I see this situation as a domino effect. The man pays bridewealth and he becomes the owner of his wives. And because he is the owner he can perpetrate violent acts on his property which are his wives. I explore below this situation showing violence as an *indirect* effect of bridewealth in which follows from the husband's ownership by virtue of his having paid bridewealth to his wife father.

#### 8.6.5. *Bridewealth Ownership and Violence: Effects of Bridewealth*

The following two interviews/dialogues are also focused mainly on violence, but the participants of the dialogues/interviews are two men. First Gerald (pseudonym), a Luo man, expresses that there are several factors involved in violence against women, and one of those factors is the payment of bridewealth. He also expresses how this system is corrupt. Then he narrates a true story of a woman who lived near his village. After presenting the account of Gerald I present an interview with a Maasai man, Frederic (pseudonym). This interview has three major/important parts. First, Frederic relates what the punishment is for killing a person. Second, he tells what happens in the event of killing a wife. Third, Frederic narrates a true story of violence; this story presents clearly that the violence which the husband is entitled to perpetrate on his wives can result in their death (the death of the wives) without any consequence for the perpetrator, because the husband has paid bridewealth.

Gerald, a Luo man, narrates that in general girls are not appreciated or valued. But the situation gets worse when bridewealth is paid, or in other words when a woman is married:

So the girls are neglected even when it comes to family issues women have no chance or time or respect about family issues. If a woman is married, you know, there are several cultures associated with us. The marriage, the *dowry* [=bridewealth] is paid. Once the dowry is paid, you can say this particular woman is a wife so and so. Now they say this woman is not to be understood, is to be seen not understood. Very in the Luo community they don't look at women as people.

Gerald's comment that women are not considered human beings corresponds with the previous comments that after the bridewealth transaction married women became property of the husbands. According to Gerald, wives can report maltreatment to the clan of elders which is formed by men. The clan of elders can resolve that issue, or can turn for help to the chief. Additionally women can report maltreatment to the police<sup>131</sup> too. However in every instance (clan of elders, police or chief) nothing is will be resolved in favour of the wife:

Gerald: The chief is usually a man. Women can report to the clan elder who in the time can report to the chief.

Diana: And the clan elder is also a man?

Gerald: Yeah, the clan elder is also a man. The elder is a messenger to the chief. Women can go to the police but here because of the corruption, they ask for "something small" [= a bribe] [...] They go to the chief, they don't have something to give [...] The whole system is corrupted. Chiefs are not also very available because [the] man can easily bribe them. But the nearest person to support is the chief.

Diana: Do you know any case of physical abuse?

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<sup>131</sup> I tried to carry out at least one interview with members of the police force in Nairobi. Unfortunately, I could not do so, because of the high price which I should pay in order to interview a police officer, about 60-80 euros. Nevertheless, on 4 and 5 May 2012 I went to the Women's Hospital of Nairobi and I conversed with two female social workers. I told them that I was collecting data for my thesis and they agreed to collaborate with me. However they did want me to use my voice recorder all the time. According to these women, the clan of the elders often do not resolve issues concerning violence against wives, since the husband is the owner of his wives. Another participant Marcato (pseudonym) who is a highly educated woman and specialized in violence against women agrees with the social workers' statement. Moreover, she explains that the police are completely passive in relation to any kind of violence against wives, and women in general.

Gerald: Yes, a case a man beat his wife. The wife went to the chief, the chief took no action. After two days the man beat the wife to death. He went to the police station and kept there for two weeks. The man was released after the burial. The guy was rich, so, bribed the system. Most cases women go to the chief and he says these are family issues until they see the effect of it. That is when they go and report [to the police].

Gerald: In the Luo community women beating men is not allowed. It's the other way around. The woman has no power so ever to raise a hand and beating a man is not allowed.

Although the participant refers to the Luo ethnic group, violence against wives is a common practice in Kenya. The following dialogue/interview is with Frederic,<sup>132</sup> a Maasai man who narrates that in his ethnic group if a man kills another person, he is sentenced to the punishment of cleansing and must pay compensation up to 49 cows. The compensation is paid by the ethnic group.<sup>133</sup> The clan of the community is in charge of resolving the issue which transcends the boundaries the families involved:

Frederic: When someone kills a person, when you kill a person, maybe a woman, a man. There is cleansing, they clean you. It is taken charge by the clan, not the family. That is a very terrible act that the family cannot solve, even the extending family cannot solve, that goes to the clan. And the clan solve that problem, we think that is the structure of governance, they clean, and solve that problem. When you kill someone outside the clan, you see we have clans, if I kill someone of this clan, you see there is a number of cows and goats to pay I don't pay myself, the whole clan contribute, it is around 49 cows. I don't know there is a lot of cows. So, we contribute as a clan and pay, then after I pay they can and cleanse me, remove all the cloths, traditionally, and wash me with blood, animal products, they clean, cleanse like that, and I am given a ring to show that I am a murderer.

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<sup>132</sup> Frederic is at about 30 years-old, married, and studying geography at a university. The interview was carried out in Nairobi.

<sup>133</sup> The collectiveness of Kenyans is accentuated in the Maasai community where almost everything is communal.

The above situation is when the murdered person is not a wife murdered by her husband. If this occurs the situation changes radically. There is no compensation to be paid, or any cleansing to be made. The punishment for the murderer husband is that he will probably not get any more wives:

Diana: When they (the wives) are beaten to death, what happens, what does happen to the husband (who kills the wife)?

Frederic: Sometime they can get arrested or sometimes the communities keep quiet, they don't report the cases, because these people are innocent, they just kill and they bury at the same day. Maasai don't take the bodies to mortuary, you died today you are buried immediately. So they have the government system, they just address the issue at the community level, the customary law, it is very important there.

I was frustrated in the dialogue; I thought that I had been misunderstood. So, I asked again directly about compensation, and punishment for the murdering husband. I obtained a clear response, there is no compensation. Additionally, it is very clear in the voice record and I also remember that the participant was annoyed by my limited capacity for understanding *the very obvious*. Nothing happens to the husband who was killed his wife because he has already paid the cows/bridewealth:

Diana: When the killing involves a husband and a wife, what does happen to the husband? Is it the same? The cleaning and ... he has to pay cows [as compensation] and...

Frederic: **NO!**  
Killing someone from your family. You know sometime you kill someone by accident. Okay it would be very bad for you if you kill someone, your family will disintegrate. No one will [give] you another wife to marry. You will be never marry again.

Diana: If a husband kills a...

Frederic: ... a woman.

Diana: His wife.

Frederic: His wife [he repeats].

Diana: Usually they don't give more wives because. They don't remarried

Frederic: No one will give you a wife again. That is a very bad thing, but these things happens. It happens every [all the] time.

- Diana: I didn't understand very well. So the murderer, the husband murderer, has no obligation to pay any cow or any...
- Frederic: You cannot pay because is your family. How can you pay yourself!
- Diana: But to the parents of the girl [the wife].
- Frederic: You see, that is something that is a big problem in Maasai marriage. You see, when I married you I paid cows.
- Diana: The dowry?
- Frederic: I paid dowry, but that dowry is very bad because when I pay the dowry you become my property even if I kill you no problem, you became my personal...you cannot be married again. It's very funny. That is the law. If now I marry you I pay your father cow, there is a sheep that Maasai exchange, this dowry the family will never get another dowry. So, it is very complicated, if now I marry you, you decided to run away from me and get another man. That man can never pay dowry to your family and the children you get with this man, they belong to me according to the tradition. So, you see? So, so, the tradition of marriage is very rigid.

Frederic was a very good collaborator in this study. Additionally he has helped many girls to get education because in his ethnic group it is less usual for women to receive education than in the other ethnic groups. Although I upset him with my lack of understanding regarding the compensation for murder or killing a wife, Frederic has saved very young girls from child marriage. The age of the girls was about nine. In the Maasai ethnic group, parents can arrange the bridewealth of young girls. Another source, a highly-educated woman, very famous in Kenya for her intellectual contribution in the area of geography, told me that bridewealth has been paid for even four-year-old Maasai girls were the object of bridewealth, and the marriage consummated. I received that information along with the request to go to the Maasai land to see the situation for myself and describe it in this study. Unfortunately, I had no time to do so, because at that time my departure to Finland was already approaching.

The third important part of this interview consisted of a story related by Frederic as true. The story is about a Maasai wife subjected to physical abuse as her husband beat her, and dismembered parts of her body with a Maasai sword. The wife was taken to the hospital, and after being discharged from the hospital, she went back to her husband. No criminal charges were laid. All this is connected to this theme of violence against the wives and the bridewealth transaction:

Frederic: A man from my community...eee... beats the wife, he really beating the wife terrible , he cut, I remember the sword was coming like this, the sword was cutting here, hands like this a lot [he points the knuckles of the hand] the woman was taking to hospital, you see?  
When this lady was taken, she was not talking, she stayed in the hospital for a whole month, she cannot issues like this this everywhere.

Diana: So, the arms were seriously injured.

Frederic: Seriously! The whole body. She was crying –My husband don't kill me, don't ... The husband was chopping with the knife, the Maasai sword.

Diana: The Maasai sword...hands and the rest of the body too [pointing the husband was cutting her body everywhere].

Frederic: Yes, yes yes! And when this lady was taken to hospital, AFTER HOSPITAL, after hospital, she was asked where do you want to go? Do you want to go to your family [born family] or where do you want to go? Everyone was expecting that, she was an old lady, everyone expected, that this lady would say I go to my family, I'll no go to that husband because he will kill me. But you know what the lady say I go to my husband.

Diana: How old was she?

Frederic: The lady, they are very old, they've very old children. The old man around 60 and the woman 50, early 50. And the woman went back in Maasai there is no where you can go as a woman I will beat you, I beat you, I beat you, but you are still mine. Even if you go there, your family always say this one run away from the husband, she's not bringing problems here. You see? There is a lot of retrogressive culture practices subjective to women in Maasai land.

Diana: Uhu...eee...Arriving at a conclusion here, a woman who is beaten, has no choice, has no one to protect her. She literally can do nothing. Only to accept the situation.

Frederic: You just accept the situation because you go to your village, to your parent's home, and your husband will come there, may be they talk, they maybe fine the husband maybe one cow, and then you'll go back because you CANNOT BE MARRIED AGAIN [emphasising], you'll be a burden to your family if you stay there.

My perception of the situation of violence against wives was that it was socially accepted. Moreover was expected as natural human behaviour for men to perpetrate violence and for women to accept it. Much of this violence can be traced to a perception of the rights bestowed on the husband through payment of bridewealth. At the same time this is a consequence of bridewealth for wives.

According to participants, the transaction of bridewealth gives the right to the husband to beat his wives, so it is not punishable. Because I am a lawyer the explanation or justification that bridewealth gives *that right* was not enough for me. Even when I observed how normal it was, it did not mean necessarily that it was legal. Since I had not enough time to search for court cases in Nairobi, and study them carefully, I decided to find a lawyer to resolve my immediate doubts. Luckily, I found Federica Lenis, (pseudonym) a female lawyer who works trying to help women in a national institute in Nairobi.

My dialogue with Federica<sup>134</sup> shows how intertwined patriarchy and the Kenyan legal system are, with the application and importance of customary law. The council of *Barraza* is extremely important, since it is the instance that resolves all conflicts. In the dialogue below Federica tells first that even though there is not a particular rule stipulating that a man can physically punish a woman, in Africa what a man says is law because the man is the head of the household:

There is no law that says a man can punish a woman or a woman punish a man. It is a criminal offence punishable by law. But the African culture, in the African context, Kenya to be precise, and since you're in Homeby, that is Luo, near Nyanza. So, Luo to be precise a man heads the home. A man is the ultimate, you know, whatever he says is law. And there you know, like a...ever since, that has been bear [tolerated], you know a man heading the home, beating the woman. Okay, in such a village maybe in case of this modern people coming up, the human rights, you know, activists, and you know that kind of people. But back in the village it is still practice. Because if you tell to the local area, chief, taking to the police they do nothing. At the end of the day, maybe some of them also men, they also beats the wives anyway. So it is a...deep in the village it is still very normal.

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<sup>134</sup> Federica is a Luo female lawyer. She was at about 30 years-old and single, at the time of the interview which was carried out in Nairobi

According to Federica in Homeby, Nyanza, beating wives was very normal as it was in Kitengela and Oyugis. Also I witnessed how normal it was in Nairobi. I moved from my student hostel to a hotel before returning to Finland. At that hotel, I heard how a husband beat his wife; there was no reaction from the staff of the hotel. When I enquired about the situation, someone at the hotel said that it is Africa and it is normal. Continuing with my dialogue with Federica, I asked if the chief does not care about that situation, women being beaten by their husbands, and is there nothing to be done about it? Federica answered:

Honestly, it is nothing to do about it, in most cases, typically nothing to do about it because you know, he (the husband) is the man, he makes the rules of the home, and.. if you say no, he beats you. There is nothing, nowhere to take it...Modern families with the new constitution, the penal court, you know is not allowed. It is criminal.

I continued by inquiring why, if there is a legal rule which does not allow physical punishment, it still happens? What is going on with the society and its legal system? Federica answered:

When we talk about the legal system, first at [of] all, the whole system is so discouraging because it is so slow, rigorous, involves a lot of money. It involves you know... The legal system is so rigorous, you know, as a whole. It is so sluggish, it takes long, you field this, you field that. Also with the fact that the women who live in the village still feel that disputes are not solved in the court. You're supposed to call the elders, you know, and discuss, it is called the *Barraza* is the gathering of elders. You know, it shouldn't get outside of the family, it what is believed in the rural areas.

The *Barraza* is a council of elders which decides on legal matters too, and has been operating in Kenya before the colonial era, which started in 1804 (Konogo 2005). So, Federica continues to explain about the *Barraza*:

Is a group of, you the husband, you have a dispute, he goes, he calls his uncles, or father or whoever. Some members of his family, male, men. You call your people, some of the members of your family, you know,



maybe your dad or your uncle. Then they sit out together you and the man also present. You know, your tribe solve the dispute. So that small gathering is called the *Barraza* it should...

- Diana: And it is compounded [formed] of men, composed of men?
- Federica: Yes, because they believe that men are the decision makers. Whatever they say is final. They believe women are just parrots, there is no sense we talk. These *Barrazas* are composed of men.
- Diana: How many members has a *Barraza*?
- Federica: It depends. Some kind can be about four. Maybe the man's father and his uncle, the lady's father and his, her uncle, yeah and now then the couple themselves. It is not a big gathering, no. It is just small gathering.
- Diana: What about if a woman wants the custody of her children? *Barraza* denies it, the custody. If she wants furthermore to go to the court. How can she go to the court, let's say to appeal its decision? [we laugh] Sorry I don't know how it works.
- Federica : Most of the time we don't appeal the decision of *Barraza* because *Barraza* is believed to comprise intelligent, wise old men, you know the elderly and they believe to be wise. So, whatever they decide it's believed, is the WISEST decision. If you taking further is disrespecting the elders [she repeats]. It even leads to separation or divorce. It is like you disrespecting the elders, and the elders are believed to be wise. The decision they make it is full of wisdom.

To sum up the interview/dialogue above shows how Kenyan society is eminently patriarchal: men have the power, and as my informants as well as anthropological and legal literature have established, male power comes from the transaction of bridewealth. Additionally, Kenyan society is predominantly virilocal as women have to follow the ethnic group of their husbands since women have to live with the ethnic group of their husbands.<sup>135</sup>

This interview continues in the following section Bridewealth and Divorce in which Federica mentions divorce or separation in the case of disrespecting the decision of the *Barraza*, and

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<sup>135</sup> See for instance Tambiah (1989: 413–435); Brett (2003: 241–262); Rusell (2011: 317); Colson & Gluckman (1951: 227–229); Spiro (1992: 137); Apostolou (2010).

importantly some women even when they have been abused do not want a divorce because their husband has paid bridewealth. So I analyse below this how the custom of bridewealth operates with regard to divorce or separation in this strongly patriarchal.

### *8.7. Bridewealth and Divorce*

The theme of leaving their husband or wives, or getting divorced was present in many of the interviews of both genders mentioned. Unfortunately, due to my short time in the field my ethnographic work could not cover in depth the area of the feeling, emotions, fears, advantages and disadvantages of conjugal abandonment, separation or divorce. Nevertheless, the material I have recorded in my interviews, and my own observations and findings from research literature are enough to establish that the custom of bridewealth payment plays an important role with regard to this theme. So in this section, I analyse the consequences/effects of the custom of bridewealth on divorce (dissolution of marriage) or separation.

I start by continuing with Federica who was astonished by my question about women filing for divorce:

Diana: In your opinion, do they, women, usually go further to take divorce?

Federica : Honestly, NO! I don't know was a nature of women, mostly women in Africa, I don't know [if] it's how we are brought up. Honestly, I can't tell because you get a woman been butchered, literally day in, day on by the husband. You can tell to the lady, do this, do this, go to the police, report. You know take it up, you know it is a criminal proceeding. But the lady will be like—No, ahh no... it's my husband, you know all that. In most cases they don't. So, you cannot force her to do that if she doesn't want it's okay, at least you try your best, but in most cases they don't at all. They just tell you —well he has a beer, we'll see how it goes, you know he is my husband, he's paid dowry, you know...

In the case that a woman divorces her husband, she and/or her parents have to return the bridewealth to the husband. Besides returnability of bridewealth there are five other aspects involved. I proceed to explain some of these aspects, because they are intertwined with divorce.

Already mentioned was **returnability of bridewealth**. As Dona, a Luo single woman, says, “How to think of divorce or abandon your husband when you know that the parents have to return the [dowry].” This aspect has been investigated by John Ogbu (1978). According to Ogbu, in African societies the dissolution of marriage is determined by returning the bridewealth. In other words, the legal termination of marriage “...is made effective by the return of bridewealth” (Ogbu 1978: 246, 247).

Furthermore, in the event that the parents of the separated wife do not refund the corresponding bridewealth, the husband of the woman/separated wife can take any children of hers conceived with another man, after the separation took place. The children in question take the place of the unpaid bridewealth. As the following case presented by Janeth Walsh (2003) shows, a woman, Naiyeso Samperu, abandoned her husband because of his cruel beatings. Naiyeso conceived a child with another man after the separation took place. The husband to whom bridewealth was not refunded after the separation (because Naiyeso’s father did not want to refund it) took the woman’s child in his custody. I specify again that the abandoned husband was not the father of the child. When Naiyeso reported the situation asking for help from the chief and elders, the decision of the elders was “let the child to stay with him to represent the dowry that was not repaid” (Walsh 2003: 27). My informant Frederic a Maasai man stated that when a woman runs away from her husband and conceives children with another man, “**the children you get [the woman] with this man, they belong to me according to the tradition**”.

The second aspect deals directly with a consequence and effect of bridewealth explained in this chapter, namely the difficulties that wives have in accessing economic resources. The result of that is women face **insolvency to pay for getting a divorce**. As Melinda I, a Luo participant and first wife, says, “Women have no money to pay for a divorce.” According to the participants of this study, men are entitled to get any salary/fee arising from the work performed by their wives because husbands have paid bridewealth.

The third aspect which is also a consequence and effect of bridewealth payment deals with the fact that men have the right to keep their children. So women have to face that **losing their children** is more likely to happen in the case of separation or divorce. In other words, the father is the legal guardian or the person who has custody of their children because he paid bridewealth for them. Moreover, women face not only the possibility of losing the children to the father, but also the

probability of losing their future children with other men in the case that the woman's father does not refund the bridewealth in case of separation or divorce.

The fourth aspect is linked with the fact that women usually do not have property rights. They are themselves considered property according to customary law, which is one effect of bridewealth. So, in the event of divorce, the most likely outcome is that the husband retains land or/and house. Thus, women probably have to **face more poverty** (Walsh 2003; Georgetown University Law Center Report 2009)

The fifth aspect which is also very important deals with the **societal disapproval** that women must also face. I observed that the status of being a married woman gives respectability in Kenyan society; and consequently Kenyan society does not value separated or divorced women. Regarding the facts that being a married woman gives respectability in Kenyan society, Silberschmidt (1991: 86) establishes that "marriage is the social norm and necessary to gain social acceptance". Additionally, Thomas Håkansson (1985: 113) affirms that "an unmarried, single Gusii woman has no culturally-accepted identity" (Håkansson quoted in Silberschmidt 1991: 84). These affirmations are consistent with my participant observation. Additionally during my field trip I was told by participants and friends that a common goal among young women was to get married and become mothers. As Manolo<sup>136</sup> says, "African women want to be married and have kids." Eva, a Kikuyu participant, also told me this, more than once.

According to Samuel, a Luo participant, "Girls should be well mannered, and even virgins so, they can get married, and, thus their fathers can obtain a good price." There is a noteworthy statement by Thomas Lynn (2003: 174) who argues that "[t] throughout the twentieth century, struggles over reproduction were crucial to the construction of political and moral order in Kenya. Of particular concern was how to ensure that daughters became well disciplined— not wayward— mothers and wives." Lynn links this concern of well-mannered daughters to reproduction as an important aspect of the order of moral and political construction of Kenya during the colonial period. Also Lynn argues the aspect of reproduction and construction of political and moral order in Kenya has recently changed (*ibid.*). However what I observed is that the situation regarding the enforcement of daughters' conduct still remains the same. Additionally, girls should be well-mannered not only to become wives and mothers, but also to retain in the status of wives. I proceed to explain this point below.

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<sup>136</sup> Manolo is a Kikuyu man, at the time of the interview through Facebook was about 24 years-old, single and he has studies in procurement and suppliers management.

### 8.7.1. *Embarrassment and Mortification at Being a Divorced Woman*

Being a divorced or separated woman is not a position or status approved of by Kenyan society. For example, bridewealth paid is less for a divorced woman. As Keanu says, she is a *used car*. I feel that this comment is related to her virginity; additionally it is said that new cars work better. So probably there is a belief that a “used” wife will not perform her duties satisfactorily or produce as many children. At this point it is worth mentioning that bridewealth according to Kenyan tradition is only paid once, and fathers should return the bridewealth in order to dissolve a conjugal union. In such a case, if the woman wants to remarry, the bridewealth is less than would be the case if she had never been married.

A study carried out by the anthropologist Tom Ondicho (2013) establishes that women feel the “fear and shame of being called a divorcee” (Ondicho 2013: 108) due to the “stigma” connected with the position or status of being a divorced woman. Furthermore, women not only feel the disapproval and lack of solidarity, but the rejection of their own families and friends for being divorced (*ibid*: 110).

Ondicho also writes that: i) wives should accept the violence of husbands, ii) wives’ families and friends reinforce the conception, already in wives’ mind, that they should not provoke their husbands, iii) beating is part of a normal life, iv) beaten wives do not usually receive any kind of moral support from their families and friends, v) divorced women often are not welcome to return back to their natal families (Ondicho 2013: 110). These points corresponds with the comments of Melinda I, Jennifer, Gerald and Frederic. Melinda I says that “She run away to [her] father’s house, and her father told her to go back to his husband house even when she had been beaten, and accept what her husband says. She did so, and after it she got peace.” Gerald says, “Women are not respected and they cannot leave their husbands because of the dowry [=bridewealth]” Frederic after describing how a Maasai woman was brutally attacked says, “Women cannot go back to their families, it is a burden for them.” I interpret that the woman’s rejection by her natal family is probably due to the fact that her father would have to refund the bridewealth which is an extremely hard task due to the economic situation of the majority of Kenyans who live in poverty. Poverty is one aspect present in the daily lives of Kenyans.

The sixth aspect deals with **women’s acceptance of their situation**. What makes me think that often women do not even consider the option of leaving, divorcing or separating their husbands is

that women get used to being abused physically and psychologically. This is a normal thought for many Kenyan women: being married and abused is their destiny. When Melinda I and Jennifer expressed that women cannot go home (parent's home) for a visit because on their return they will be beaten fiercely, what drew my attention was the resignation and even laughter of Melinda I and Jennifer. I want to be clear that the laughter was not an expression of happiness or amusement was intended to indicate that what could they do but accept their reality.

Additionally, when Norma told me that her husband beats her, and chased her and her children away from the main house, and that she had to live in the kitchen<sup>137</sup> until she and her children could come into the main house again, I noted resignation in her behaviour. Acceptance, women becoming used to receiving any kind of violence, is part of women's reality among the ethnic communities which I had the opportunity to study in Kenya.

I present below part of a conversation with Jennifer which shows how some married women get used to the abuse perpetrated by their husbands. She presented the acceptance of being abused in the context of the husband's permission to go to her birthplace:

You feel abused the first time, the second time, the whole year it is normal. The abuse after sometime becomes part of you. I told you about asking permission to go back to your mother's place. You get married to a Luo man, you say, December I want to go to Finland, [the husband says] no, no, no December, [the wife is afraid to ask permission to go because of] fear, fear to go to my place! You start quarrelling. Next time, another year I want to go to Finland, the husband no, no, no. As the time goes by she'll find it is normal not to have a right to go to Finland. You see it's normal, it's kind of normal. When she goes to her husband I want to go to Finland, [...] [she is afraid of him]. She says okay. She is not quarrelling anymore. She is not quarrelling anymore, she is been used to that abuse. For the first time she was quarrelling because she was not used to that abuse. I want to go to my mother's and thing like that. But as the time goes by she became to the abuse, and then, she goes to the husband I want to go to Finland,

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<sup>137</sup> I visited Norma's home, I saw for myself the deplorable conditions of her kitchen where she had to live with her children. It was well known within the ethnic group that Norma's husband used to beat her. But apparently no one could interfere to help her and her children. Norma is a middle-aged Luo woman, she attended a few years of primary school. She lives in Oyugis.

[he husband says] no, you go next year in January [the wife says] okay thank you.

And that is true. So you get used to that abuse. So touching, I know very touching

Diana: [Nodded] [I was extremely moved and Jennifer noted it]

Jennifer: But [she tuts] that is us.

As Jennifer says *we get used to be abused*. Thus, I believe that commonly there is no room in the minds of these women for even conceiving the possibility of a divorce or separation because they would decide to stop being abused. The following comment made by Samuel through Facebook depicts the reality of most of the women:

the truth is, if a woman was married and dowry [= bridewealth was] paid as expected, then she has to stick to the husband. You know, traditionally, marriages were not meant to be terminated at all. In fact, among the Luo community, it was only possible to do that if the woman was unfaithful, had developed bad characters after marriage which the husband could not condone and also if she got into witchcraft.

But in the case that the husband wants a divorce due to the bad character of his wife (wives) or because she practises witchcraft, the father of the wife has to return the bridewealth.

Continuing with women's acceptance of their abuse, I present a dialogue which emerged sporadically in my visit to Oyugis. In that dialogue, Melinda I, Melinda II, the husband's mother, a few female neighbours, Jennifer and two of my Finnish girlfriends were present. My two Finnish friends and I were fascinated by the vast wilderness of that region of Kenya, the air was pure and food was fresh. My girlfriends mentioned their wish to live there, and maybe get married. But how it could be possible wondered our African hosts, since my girlfriends, the Finnish young women did not have a "*degree*" to marry an African man, since they are not used to being abused like African women are. Jennifer said:

If you want to get married to an African man, then will be ready to be beaten here. But we [African women] are used to it.....If you do a mistake instead of telling you [she makes a gesture of a fist]

In the following dialogue, the acceptance or resignation at being abused as described before also emerged; crucial new words were used and emotions expressed, such as humiliation, discrimination, being neglected. Also, importantly, the acceptance of the probability of an earlier death being caused by the abuse. Jennifer and the rest of the women were very respectful in their treatment of the mother of Robert who is the husband of Melinda I and Melinda II, the family who resides in Oyugis. In the following comment she is mentioned as the grandmother. Jennifer recounted:

When you see a Luo woman as old as our grandmother, I beg you to respect her totally because she has passed all through hoops and cups, ups and downs to stay and that stage. So, if you see a Luo woman to staying with the husband to that old age, stand up, she has passed through all the abuses and discrimination, she'd been that [diminished], she'd been neglected... Most of the women will never, will never grow up to the that age to the husband because through a stage you say –Not, enough is enough. I will respect her [the grandmother] she is a total woman, I am too because I have been seventeen years in marriage.

Ups and downs, hoops and cups - this is metaphorical language used to express all the abuse and the rights which are absent in the life of female participants. Even male participants pointed out that “women stick to the marriage”. In a society where legal custody of the children is granted to the father, a divorced woman is not well accepted, and the burden that this woman will impose on her father that is, making him return bridewealth is heavy; in this society it is logical that women will contemplate that an earlier death as the result of the abuse is more of a realistic outcome than a divorce or separation.



## 9. Conclusions

This study establishes through in-depth ethnographic some of the purposes, consequences and effects of the practice of bridewealth among the Luo, Kalenjin, Kisii, Kikuyu, Luhya, Meru, Kamba and Maasai ethnic groups in Kenya. The narrations and descriptions of the participants are the main focus of this study. I also rely on anthropological literature which includes medical and legal anthropological research literature, to bridge the gaps which emerged in the course of the analysis. My approach to the topic of bridewealth takes place from a legal perspective, as the practice is analysed in terms of its effects and its consequences the rights and obligations of the parties involved, that is, husbands and wives. At the same time, my approach is functionalist, since I establish some of the purposes of bridewealth within the broader context of social institutions and relationships. These approaches complement each other in the understanding of this practice.

Additionally, I added an historical view which gives some perspective on the history of this tradition. In Kenya, bridewealth was practised before British colonization (1864). During the colonial period (1864-1963) bridewealth survived the foreign intention of abolishing it and bridewealth is still practised today.

According to the data I collected, bridewealth symbolizes marriage, and it consists of a transaction with two conditions: negotiations and payment. In the phase of negotiation male figures from both parties, groom and bride, traditionally establish the price to be paid by the groom and his kin group to the bride's father. Negotiations and payment are two fundamental conditions which make the transaction legally binding. I have deduced that the phase of negotiations is the relatively easy part, while obtaining the means to pay may be difficult in a poor country. Negotiations are basically to establish the price according to the bride's fertility. Younger women are believed to be more fertile, and as the price is set in terms of goats and/or cattle; the younger the bride, the more cattle and/or goats the father receives.

When the transaction of bridewealth is completed it symbolizes that a marriage is born to its legal and social life. So, bridewealth legalizes the union, and it gives to husbands rights over wives and children. Thus custody of children accrues to fathers. When the transaction is not completed, this means that there is no marriage, such as in the case that the father and his ethnic group do not pay the agreed price, the man is stripped of his rights over his children and wife. In such a case the children

belong to the ethnic group of the mother, which brings shame on the father as he is not considered an honourable man. In case that the married couple does not produce children, it is presumed to be the wife's fault; she could be repudiated by the husband's ethnic group, her family and friends, and the husband is entitled to return his wife to her parents and demand the refund of the value paid in the transaction of bridewealth. This refund is equivalent to the dissolution of the marriage.

Based on the above I conclude that the practice of bridewealth is concerned with: a groom and his ethnic group acquiring a bride as a means to procreate children, preferably male children. The purpose of negotiating and paying the price for the woman is that she conceives children for the man and her ethnic group, which is one of the main findings of the purpose of bridewealth in this study. If there are no offspring from a marriage, there is no reason for the marriage to exist. Men are protected because the absence of offspring is understood to be the wife's fault. Thus, the "infertile" woman may be returned to her birth family, and her husband may demand the refund of the payment which implies the dissolution of the marriage, this is an effect of this practice. This purpose of bridewealth in addition to its effect give the husband the right to pay bridewealth for another wife in case of no offspring, so that the second wife can conceive children for him and his ethnic group.

In Kenya children are crucial, they are a matter of survival for old people, as in Kenya basic needs are not meet by the state. The responsibility for the wellbeing of elders lies with their own children. So bridewealth establishes a kind of mechanism to safeguard the production of children who will in the future be responsible for providing for the welfare of their parents.

Bridewealth protects male economic resources, I based this interpretation on the fact that one of the purposes of the practice is to acquire a female labourer for work. So, when a man pays the bridewealth, he obtains certain rights over his wife and simultaneously the wife enters into obligations; one of these obligations is to work both rural and urban areas, and her husband has the right to benefit from her work, since he owns the land upon which she has been actively working and also enjoys rights to his wife's earnings. Therefore I see that in this sense, bridewealth is a kind of investment. The husband pays bridewealth and in exchange obtains a person who should produce financially for him, so he benefits from that payment. Additionally, it is worth remembering that a woman is the property of her husband: she has no freedom of movement, in the sense that she cannot travel at her own will. In simple words the wife is not free to come and go as she wants, since the husband owns her, thus, she has to be obedient to him, to be where he wants, and serve him in the way he wants.

Bridewealth also protects men's economic resources in the case of a marriage producing no children: the husband has the right to ask for a refund of what he paid as bridewealth. Thus children are a guarantee for wives and her natal family, since when a wife gives birth, preferably to male offspring, she attains a secure position with her husband and his kin, because she could hardly be returned to her natal family under those circumstances, she would maintain her status of married woman, and her father would keep the bridewealth paid for her. This woman would have thus accomplished one of the purposes of the practice of bridewealth by having produced children which is her obligation.

Since all these rights given to men imply obligations and consequences for women, one may ask: why women marry? Overall, as more than one participant told me, the goal for many women in Kenya is to get married and have children; the point of children as I expressed before is obvious, since they are responsible for the welfare of their parents in their old age. But no woman needs to be married in order to conceive children; she can, if she chooses, avoid the entire situation of being a man's property, and having to obey and serve him. I find that the explanation is about honour status. So, the honour not only covers men (who become honourable by paying bridewealth) but it covers women too, since married women enjoy a respectable status. Based on the data collected and analysed, marriage gives a position of appreciation and dignity to wives; and feelings like honour, respectability, appreciation and dignity are very difficult to measure in terms of money. So, from this perspective, the transaction of bridewealth offers to a woman in exchange for her services as a mother, labourer and subordinate to her husband, the feeling of being respected and valued. In this sense the transaction is also a kind of investment for women because they receive something in exchange as compensation.

The question arises of whether the benefits that the husband and his ethnic group obtain are proportional to the benefits which the wife and her ethnic group receive. Maybe it is accurate to claim that it is a matter of personal opinion, and that Kenyans are the most appropriate people to answer it, since emotional benefits are difficult to measure. However with regard to this study, participants of both sexes expressed their non-conformity and frustration regarding the treatment to which women are subjected.

If we examine the components which form the practice of bridewealth and ask who are the negotiators? Who must pay the price? The answer is men. The consequences of non-payment also fall to them, these include being deprived of their rights over their children and wives. On the other

hand, the practice makes women an instrument of production (economically) and reproduction (biologically) for their husbands and his kin group. Additionally, the rights to personal integrity and life are also transferred to the husband by virtue of bridewealth as he in his absolute power can perpetrate any violent act on his wives. Even the death of a wife is subject to indulgence or impunity. This practice puts women in an extremely grave situation as fundamentally many rights are given to husbands (including custody over children, economic and property rights in which I include inheritance rights; women are usually excluded from inheriting, indeed, instead of inheriting, a wife may herself be inherited by relatives of her deceased husband). The practice obliges women to accept harmful situations such as physical abuse, economic dependence and being treated as property. So, the deeper I have examined this practice, the more advantageous for husbands it appears to be. Therefore I conclude that the elements which comprise the practice are aimed at preserving patriarchy and patriarchal forms of family and marriage. In other words, it is not only that bridewealth is practised *within* patriarchal system, it is *the practice of bridewealth per se which is the mechanism that keeps it going*. The practice of bridewealth subordinates women; through the practice of bridewealth a wife is more likely to contemplate her death than separation or divorce with the clear insight that her death is meaningless as he has all the rights over her.

Based my foregoing analysis, I feel obligated to present my own definition of the practice as part of my conclusion. I define bridewealth as a contract in the fullest sense of the term. Thus, it contains the essential clauses: negotiation of price and payment of that price. These clauses demand mandatory compliance, are binding on both parties, the groom and his kin and the bride and her kin. The obligation which arises for the groom is fulfilled when he pays the agreed price to the father of the bride, and for the bride there are several obligations: to procreate biologically, to produce economically, to obey and serve. The benefits which arise from the contract for the groom are being obeyed and served by her, also being the custodian of the end results of her reproductive and productive activities. The benefit for her is to enjoy a position of respectability as a married woman. This contract is framed in the context of a patriarchal system which strengthens it and prevents it from dying out. Thus, the bride is subordinated and mistreated as in any social interaction in which the parties are not equals/on equal terms, since even her life is in the hands of her husband.

Being in Kenya, sharing routine life with the participants was a wonderful and enriching experience, although sometimes listening to the narrations was emotionally devastating. My research into bridewealth raises many questions. I wonder what would happen if there were more opportunities for men and women to receive more education, and what would happen if people were to accept the

scientific view that the woman is not the one to transmit biological sex to a child. Could this aspect contribute to women not being rejected for giving birth to girls? What if there were the possibility of obtaining public social services provided by the state and parents could grow old without expecting financial assistance from their children? Would conceiving children then be so important? In that case, would the purpose of bridewealth, that is, obtaining a wife to conceive children, remain the same? Would women who are biologically prevented from conceiving children thus be rejected?

In the practice of bridewealth, poverty plays a crucial role since poverty creates: 1) lack of opportunities to obtain education and 2) the situation in which basic needs (food and medical health care) are unmet. Future research could, for example, seek to answer the questions: if there were no poverty in the communities I studied, would patriarchy continue in its present form, or would it change, and if so, how?

Additionally, poverty is one of the reasons why women must remain in unions in which they are abused, as neither she nor her parents have the economic means to refund the bridewealth. So the question here is: if it were not for poverty, and economic resources were available to refund the price of bridewealth, would the father want his own daughter to come back home instead of suffering in an abusive marriage?

My suggests also the scope of this study did not cover a particular right that is given to the husband by virtue of bridewealth which some female participants mentioned; that is the husband's right to sexual intercourse with his wife or wives upon demand. This right is considered the most important of the uxorial rights transferred due to the practice of bridewealth in Sub-Saharan Africa (Goody 1973: 16; Banda 2005: 109; Ishwaran 1963; Tamale 2008). Although the female participants who mentioned this sexual right were very clear that there is not the remotest possibility of denying the demands of the husband, I considered that the examination of this right would have required more than a few dialogues, as such a right may imply, from my point of view, not only physical abuse but also sexual abuse. In order to establish how bridewealth and uxorial rights are connected from a sexual perspective and how wives and husbands feel about it, time would be required on both sides. I consider that the analysis of this topic would provide a broader understanding relating to the magnitude of the practice of bridewealth.

I also perceive that there is a strong connection between female circumcision and bridewealth. First at all it is worth mentioning that female circumcision is believed to decrease women's libido

(Shell-Ducan 2000: 254; Abdel-Azim 2012: 142). I observed that obedience and loyalty are required from wives, and as I present in the Analysis Chapter parents can obtain a better price in the transaction for virgins, and well-mannered girls, so, I hypothesize that a circumcised woman is probably more appreciated as a wife than a woman who is not circumcised. In one interview with a female Maasai shaman who is in charge of circumcising girls in the Maasai ethnic group, she points out that women who do not want to be circumcised are prostitutes. Thus, I think if in women good manners are valued, and virginity is a good quality, why should circumcision be less appreciated than virginity and good manners? My perception is that female circumcision is connected to female virtue. Thus, in order to obtain a broader knowledge of bridewealth, it would be valuable to study the position of women in the groups where circumcision is practised, and to investigate, for instance, what happens to a woman who is not circumcised. Would be she marriageable, and what would her likely value be in terms of cows or goats?

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## 11. Appendices

### 11.1. Appendix 1: Table of Participants

	Participant	Age	Ethnic group	Education	Gender	Marital Status
1.	Melinda I	30	Luo	Primary (Unfinished)	Female	Married
2.	Melinda II	23	Luo	Primary (Unfinished)	Female	Married
3.	Robert	45	Luo	Taylor	Male	Married
4.	Samuel	28	Luo	University	Male	Single
5.	Jennifer	36	Luo	University	Female	Married
6.	Norma	33	Luo	Primary	Female	Married
7.	Nahomi	24	Luo	Primary	Female	Married
8.	Widow 1	70	Luo	Illiterate	Female	Widow inherited
9.	Widow 2	65	Luo	Illiterate	Female	Widow inherited

10.	Widow3	60	Luo	Illiterate	Female	Widow inherited
11.	Grandfather 1	80	Luo	Illiterate	Male	Married
12.	Grandfather 2	80	Luo	Illiterate	Male	Married
13.	Gerald	25	Luo	University	Male	Single
14.	Widow4	37	Luo	Primary	Female	Widow
15.	Chaplin	46	Kalenjin	University	Male	Married
16.	Chaplin's wife	40	Kalenjin	University	Female	Married
17.	Keanu	45	Kikuyu	University	Male	Married
18.	Keanu's wife	35	Kikuyu	University	Female	Married
19.	Tomas	24	Kamba	University	Male	Single
20.	Eva	23	Kikuyu	University	Female	Single
21.	Frederic	30	Maasai	University	Male	Married

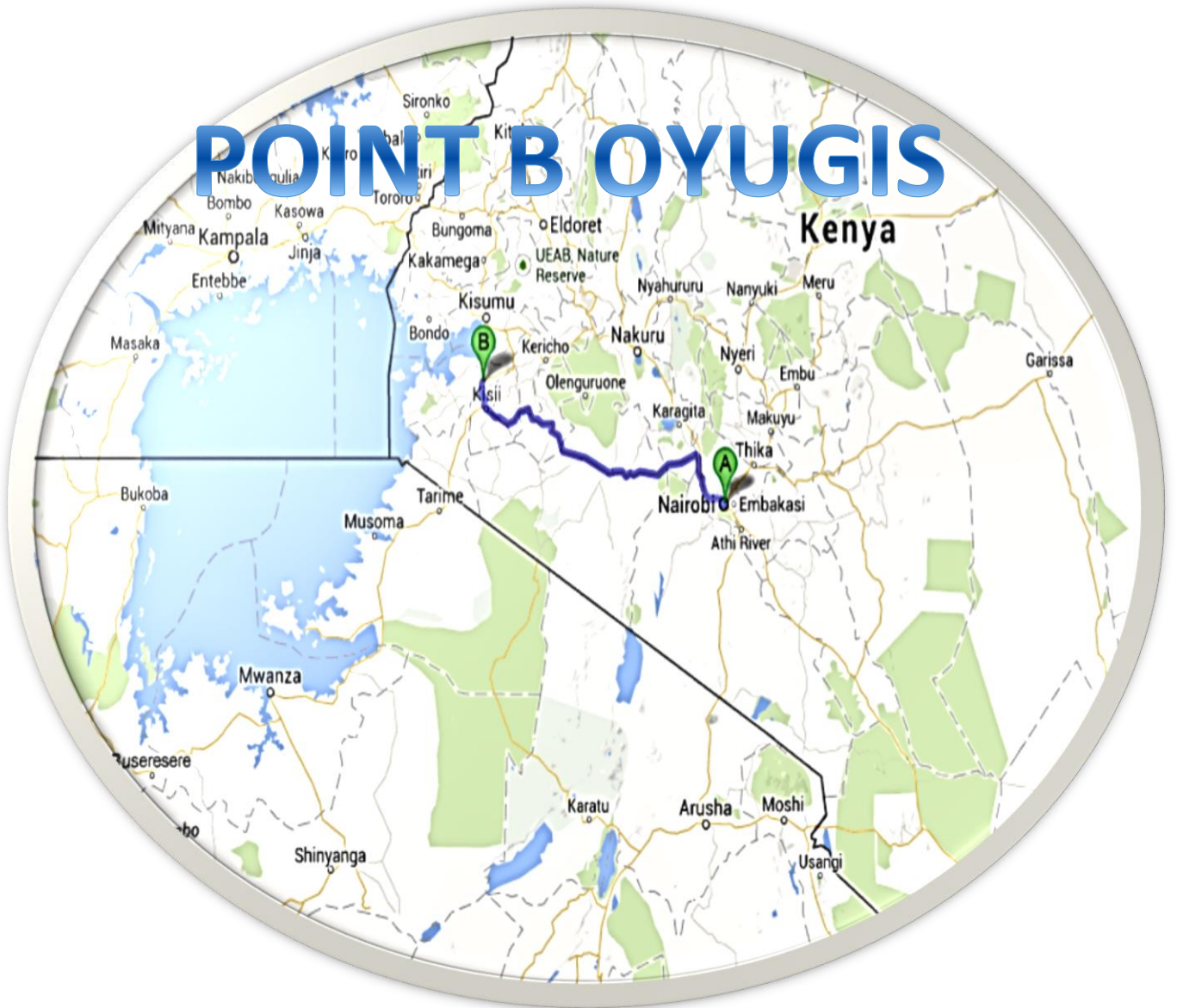
22.	Manuela O.	70	Maasai	Illiterate	Female	Married
23.	Mindy O.	70	Maasai	Illiterate	Female	Married
24.	Federica	30	Luo	University	Female	Single
25.	Dr. Marcato	45	Luhya	University	Female	Widow
26.	Paul	29	Meru	University	Male	Single
27.	Manolo	24	Kikuyu	Polytechnic	Male	Single
28.	Kristine	32	Kisii	Primary	Female	Married
29.	Dona	24	Luo	University	Female	Single

11.2. Appendix 2: Maps and Diagram

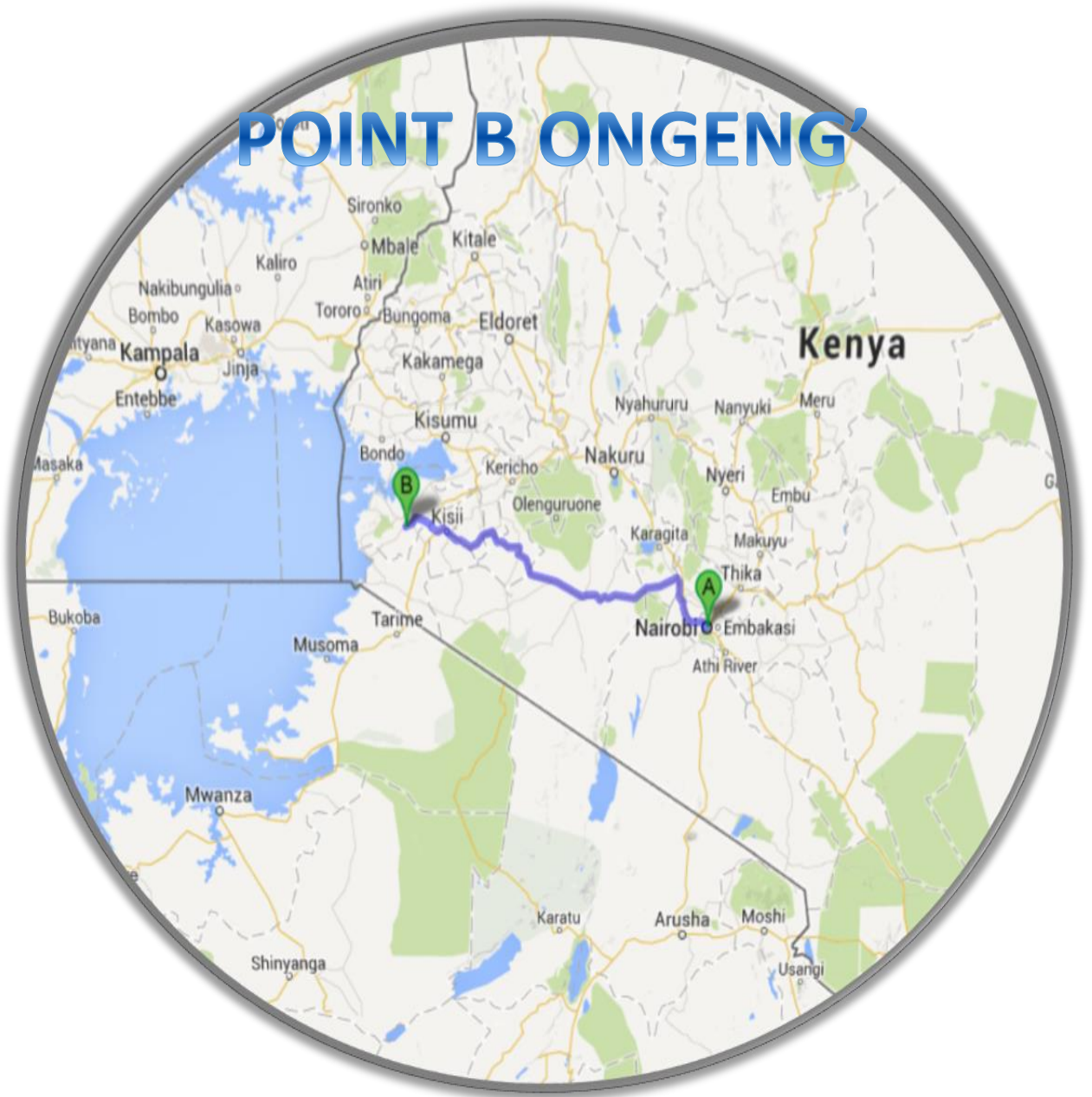


Map 1  
Google map.





*Map 2*  
*Google map.*



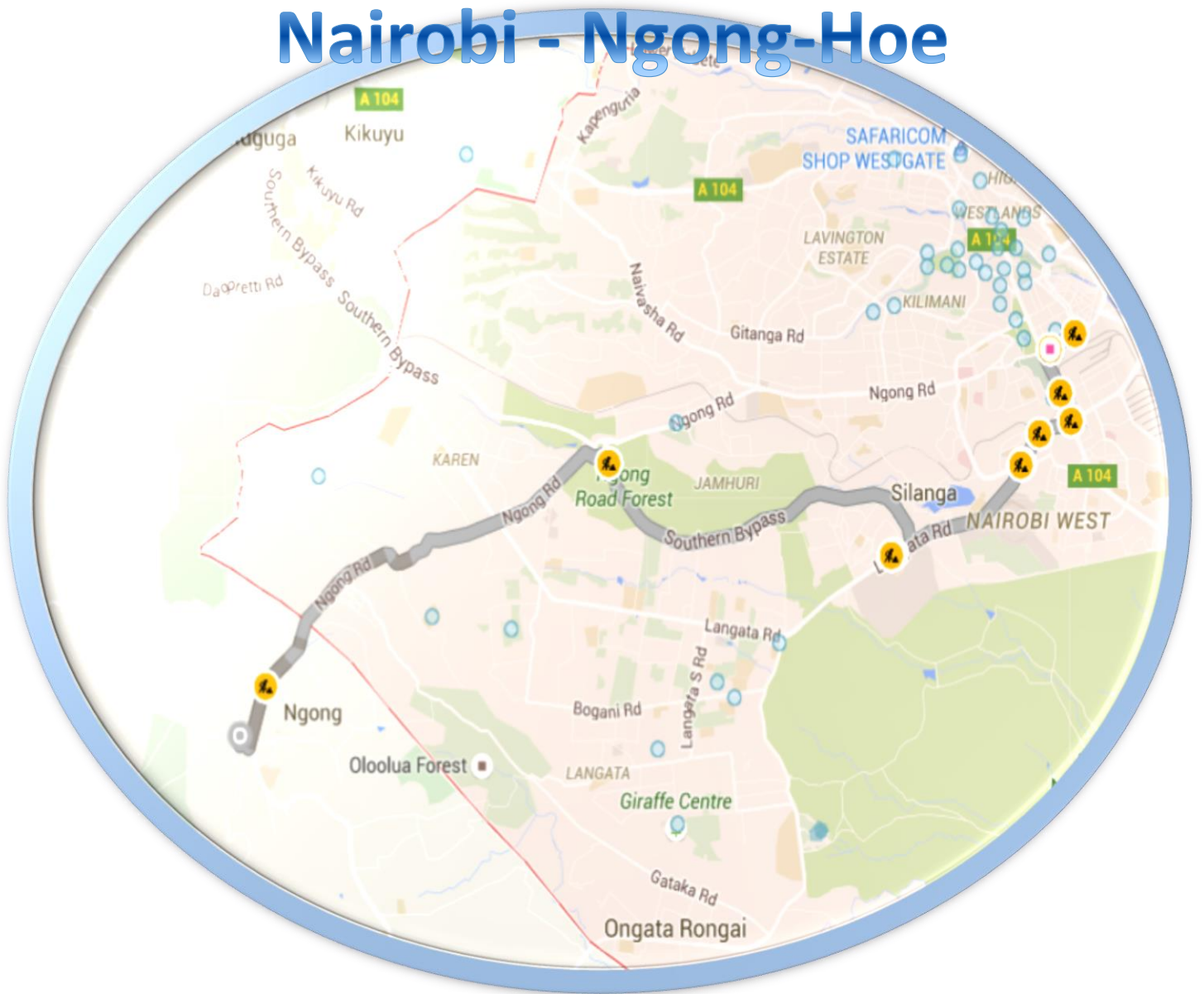
Map 3.  
Google map.

# NAIROBI - KITENGELA



Map 2.  
Google map.

# Nairobi - Ngong-Hoe



*Map 3.  
Google map.*

# Geographical Location of Some Ethnic Groups

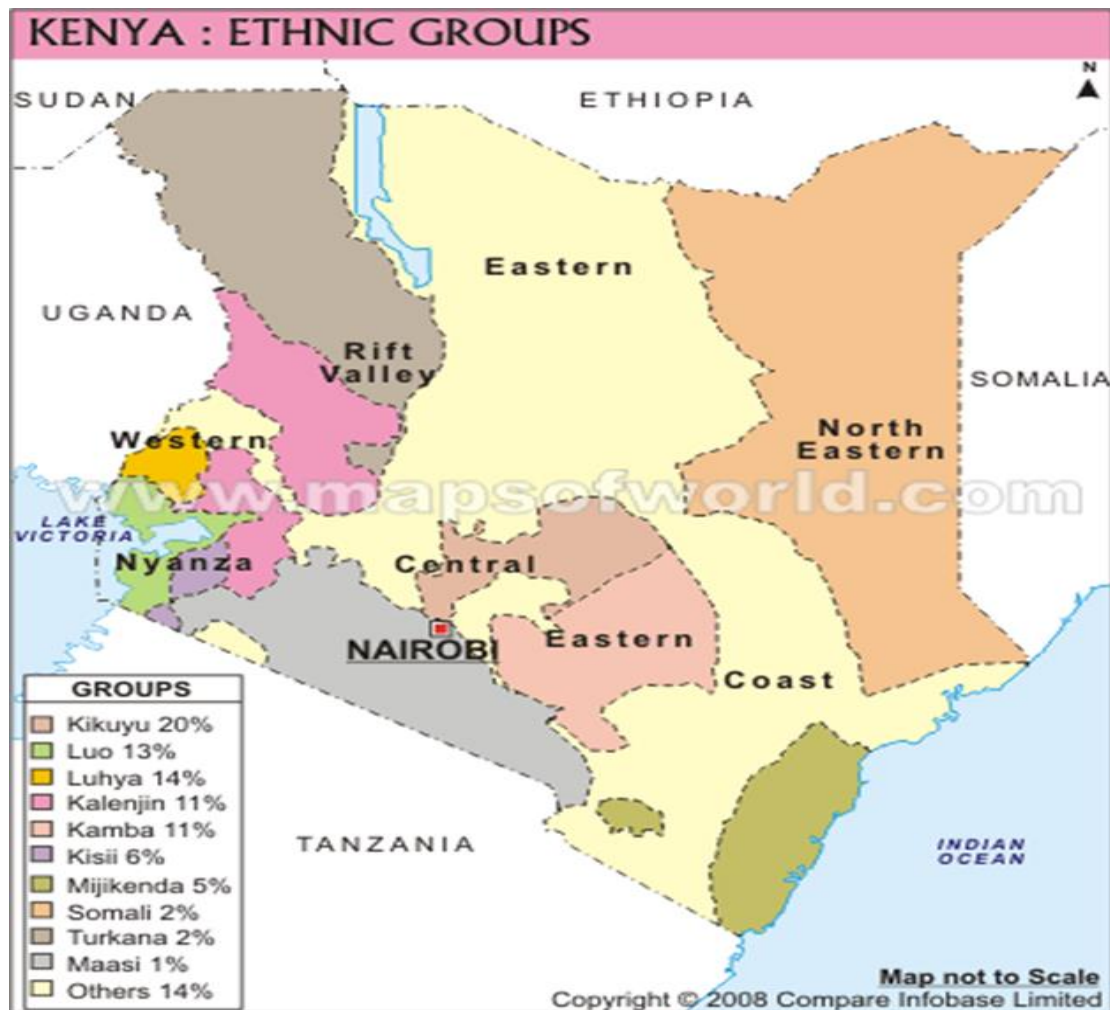


Diagram 1. Kenyan Ethnic Groups, Maps of the World.com <http://www.mapsofworld.com/kenya/kenya-ethnic-groups.html>

### *11.3. Appendix 3: Questions*

Q: Tell me about you

Q: Does your husband help?

Q: What time do you wake up:

Q: For how long have you been married?

Q: Did you have your wedding in the

Q: your wedding was a church wedding?

Q: How old were you?

Q: When they took you away from school?

Q: When you did you move in with your husband?

Q: you were (studying) at school and then you met your husband or how was it?

Q: How old were you?

Q: Where does the grandmother live?

Q: About the grand-father (whose grandfather) ?

Q: How old is he?

Q: Did he have a wife?

Q: All they remain widows?

Q: How old were you when you had your first child?

Q: What age, at what age you had your first child?

Q: Did you have your first child at 13?

Q: Do you have the same institution (dowry)?

Q: Did your husband have to pay?

Q: And how do you there?

Q: and when it is a bad husband that beats the wife, can she divorce? (Can she get a divorce?)

Q: what age did you get married?

Q: and your first child you were? (How old were you when you had your first child)

Q: And you are the first wife or the second?

Q: Are you the only wife?

Q: Do you want a co-wife? Would you like to have a co-wife?

Q: Does he, your husband know that you don't want another co-wife?

Q: What did he say it?

Q: Why? (A foreigner husband)

Q: What does your husband think about the future American son-in-law?

Q: Where the idea of marrying an American boy comes from?

Q: So, they live in The States?

Q: If someone wants to marry V (her daughter) in two years, what would you say?

...So, you were telling me about the dowry..

Q: What if the groom is poor?

Q: So, the more you pay the more appreciation you (the groom) shows for her family or what?

Q: It means that a homosexual will lose her or his job?

Interview with a woman who has been abused

Q: but you are still together?

Q: Does he (the husband) have other wives?

Q: Do you live together, all of you?

Q: Yes, your situation is complicated, Can you find a job here?

Q: Did your husband pay the dowry?

Q: How do you feel about it?

Because he did not pay anything

Q: Did he take you by force?

Q: Do you think your husband is going to change?

Interview with a highly educated woman too (Now we are m any women speaking)

Q: How many people are in the Luo community?

Q: It is the dowry that S (participant) told me?

Q: What is the average number of cows?

Q: Is it like a symbol?

Q: What happens if you give up that cow (dowry) tradition?

Q: Is it possible for an educated woman to have a divorce and to manage alone, for example, it in the city?

Q: Does women in rural areas have identification cards?

Q: What is the relationship between a married woman and her father in rural areas, for example?

Q: Explain a little bit more, please. Is it a permission to go? I am not getting it

Q: Does technology help to women to be more equal to men?

Q: Do you have this kind of groups, women talking groups, kitchen women talking groups?

Q: Women?

Q: Isn't it frustrating?

Q: What do you think of your husband having another wife?

Q: How do you feel about that?

Q to wife 2: And you, how do you feel?

Q to wife 2: And your dowry how many cows? How much money?

Q: Paid to your mother and father?

Q to me: Is it the same in Finland with the men?

Q: Bribe?

Dowry Ceremony

Q to me: So did you see the ceremony, is the traditional ceremony. Did you see?

Q: What is going to happen tomorrow? Is the husband coming at around 10?

Q: What time, do you want us to come to help you, to cook?

Q: Or it will be too complicated for you? To have us to help you because we don't know how to prepare your food (we laugh)

Interview with a male participant

Q: So, did you have to pay a dowry?

Q: Where exactly is this area? Where exactly Obama comes from?

Q: Which community?

Q to me: With you, you pay dowry or pride (price)?

Q to me: How do you do it?

Q: What they (grooms) pay?

Q: What about the children?

Q: So, do you feel that this culture obligates man to pay dowry?

Q: Is it possible to have many wives and not pay dowry?

Q: What about your second wife, you paid also dowry for her you told me...

Q: How many cows?

Q to me: You have a son?



Q to me: What his name? [Inaudible] (It's raining and noisy)

Q to me: Why you rush to marry?

Q to me: If you are happy to go to Finland and marry our daughter?

Q: With my, my son?

Q to me: What is your plan, how many children?

Q to me: Only that one, why?

About a man with 100 wives

Q: How many children?

Q: How can he keep his wives happy?

Q to me: Can you in your country...can men marry 2 or 3 wives, is it possible?

Relationships with in laws

Q: You were telling us about how is your custom with your mother –in-law...

Q: because you respect her... ?

Q: Is that a custom (belief)

Q: Do you have many Luos who believe in these “old traditions”?

Q: So, people still believe in witchcraft?

Q: So, regarding your relation between a marriage couple and in-laws, you told me that feel so much respect for your mother-in-law. What about parents-in-law and daughter-in-law (relationship)?

Q:... Because are they living very closed, even together?

Q: With the parents of the husband?

The ritual of dowry

Q: How much (do they drink?

Q: Busha. How do you prepare it?

Q: In Swahili uguru..is it very hard?

Q to me: You told me, you like music ?

Q: Did he (the neighbour) have to pay also a dowry for his wife?

Interview with the neighbour

Q: How many wives do you have?

Q: Do you want to have another?

Q: This one (she is K)?

Q: (Do) you have to pay dowry also if you want to add this one (K),

Q to me about my personal life, wedding etc...

Interview with wife number 2

Q: How much did you husband pay for your dowry?

Q: Two cows?

Q: Two cows is good.

Q: Did he (the husband) pay money?

Q: How much is he going to pay? Do you know how much?

Q: When did you get married? How it happened? Eee... How did you come here?

With a friend who came

Q: How did you know he was willing to marry you?

Q: Why you didn't?

Q: Has he to build you (the house) this home?

Q: Yes, are you relatives? You are relatives?

Q: How long have you been married?

Q: Did you go to the church to get married?

Q: or you came here?

Q: The other day PAN told me - you (PAN) don't have a co-wife. You are the only wife. So, don't you want a co-wife?

Q: Why you don't?

Q: Will she be short of money, no enough money?

Q: (is it) because of the money?

Q: Co-wife?

Q: But is it possible that the husband has been casted on (the spell), is it possible?

Q: The new wife can use witchcraft to get a new husband that loves her? With magic?

Q: Did your father have only one wife?

Q And your father reminds unmarried?

Q: What happens if the husband wants the new wife, only? Can the husband chase away the first wife?

Q: The husband and the new wife can get the house?

Q: Does the husband build for her (a new house)?

Q: Chasing the first wife away?

Q: Where is that place you can go?

Q: Are there police officers?

Q: The people there, in that headquarter, who are they?

Q: Feather, How do you spell it?

Q: Fiider are men or women?

Q: Only men?

Q: Only women?

Q: Are they social workers?

Q: The place is closed tomorrow, isn't it?

Q: Where is that place?

Q: OH! 200 Km?

Q: And you have to go by matatu (local minibus), or?

Q: Is it in Oyougis or is not in Oyugis?

Q to me: And you in Finland, you don't have such a problems?

Q: What is the difference between it ( Rojo Israel) and your church?

Q: Do you know how old is that religion (Rojo Israel)?

In the house of wife number 2, having dinner

Q: What it is called?

Q: Is this for dinner? What are you preparing?

Q: Yes, we have. Here in our home?

Q: Yesterday, we has spinach or not? I am confused

Q: What is this?

Q: and that one is not yours?

Q: Do you usually get married within the same tribe?

Q: And even your family is very closed or nearby (I repeat)

Q: And also it's very GOOD when you cannot communicate with your mother-in-law (all laugh).  
Are you getting me?

Q: How old (I repeat) are you?

Q: And you have been married for 7 years?

Q: you have 2, how many?

Q: Do you want more?

Q: How many children would you like to have?

Q: Is your father alive?

Q: Can you go to visit her (mother)?

Q: How old is she now?

D: So, your husband had to pay the dowry to your grandmother?

Q: Where does your brother live?

Q: Is closed or far away?

Q: What does your brother do?

Q: Is your grandmother at home?

Q: (Do) they live together?

Q: Is he ok?

Q: Do you like to have daughters?

Q: What do you prefer sons or daughters?

Q: Do you like being here?

Q: Do you like to have more time for yourself?

Q: How do you feel because your husband likes mostly that house? (Sad and concern voice)

A relative (female)

Q: Do your husband has another wife?

Q to me: They cannot have piece. Have you seen a polygamy family?

Q to me: Sure? Haven't seen a man with more than one wife?

Q: Why they like polygamy?

Q: Tell me about the book, who is the writer?

Q to me: You know him?

Q to me: I am going to confirm it, if not I call you. Can I have your number?

Q to me Do you think he satisfies the women? Sexually?

Q: Security?

Q to me: You can imagine this family with 8 and another with 10, which is more secure?

Interview with a young educated Kikuyu woman

Q: Is dowry not enough?

Q: A Christian wedding?

Q: Is it considered (that) you are married?

Q: And your status will be as a wife...or?

Q: As a lover or mistress?

Q: What kind a dowry do you have?

Q: Okay would you like to sing a little bit the song you have to sing?

Q: In Swahili or?

Q: Is it like a play?

Q: If the groom choose the wrong girl, he has to marry her?

Q: But the urban family doesn't need any cows, or goats. So, is it a symbolic form for money?

Q: If you are talking about mobile phones, how many mobile phones? (we laugh)

Q: A bad omen?

Q: What happens if, in your community, if he (the groom) doesn't pay any dowry and you have a Christian ceremony, a wedding, or civil wedding or whatever...legal wedding

Q : Is it like...aaa... decl let's make this symbols the 1st born girls should be married 1st, the 2nd should be married 2nd , and so on... ?

Q: The 1st born 1st dowry, and accordingly 2nd, 3rd, 4th and so on?

Q: In that case, if the older sister, or the oldest sister doesn't give anything to her parents, a dowry, a symbolic dowry, and something bad happens it's because of it (is it because of it)?

Q: Do you people believe that something bad is going to happen?

Q: How common is in Kenya people live together before dowry or before wedding?

Q: You are married by tradition, or?

Q: What about the children?

Q: In your community?

Q: Are they back and forth?

Q: Yes, because you are part of different family (his family)

Q: Dowry?

Q: Civil wedding?

Q: Married by law?

Interview with a highly educated man

Q: Did you pay dowry?

Q to me: Okay?

Q: Your wife?

Q: (Tell me that story please)

Q: Yes...eee...you said ...you spoke with the grandfather, what about the mother, does she has a voice in this situation?

Q: This grandfather is the father of the father?

Q: Custody. What if you wouldn't pay and your wife died?

Q: Can you take this case to the court?

Q And in that case what would probably, likely happen to you and your child and the custody?

Q: The principle of law?

Q: To the grandfather?

Q: What if somebody wants to get married by church and they have the certificate because I think that in Kenya both are equal, civil and religious?

Q: and the husband doesn't want to pay any dowry and the wife dies and there are children involve?

K: If we have done civil marriage, and the wife dies...

Q: Not even the church?

Q: Families?

Q to me: if we are not commercialized many things here, why we would commercialized marriage?

Q: You mentioned your mention your father and your uncles in this negotiation, the uncles are your father's brothers?

Q: Aha. And the process also involves or involved in your case the mother of your wife, the mother-in-law, asking the grand-father how much and so on. Did you all meet together in a physical place?

Q: How that process starts and how it ends. It ends when you pay, but how it physically (in practice) happens?

Q: When you mention your uncles, is it also possible to have friends? Your mother's friends, your own friends or whose ever friends?

Q: In the negotiations, the key persons could be mother's brothers?

Q: Also could be sisters?

Q: That is some kind of union of families?

Q: Before I go, you would like to write the song for me?

Q: Why?

Q: What if the new wife is divorced or a widow?

Q: As it is. Are you tired?

Interview with G male, early 20s, university student

Q: Tell me about wife's inheritance

Q: The wife?

Q: What do you think, in your own opinion that a woman would feel in that case?

Q: Do you know somebody who has been inherited?

Q: Your grand-father wanted to inherit the wife of the sons... ?

Q: Because she is more respectable. (Is it about) status?

Interviewing the grandfather. The interview is in English and Luo, G works as an interpreter.

Q: Do you have the dowry system as well?

The interview continues on the topic of widow's inheritance and male control over women

Q: So, can you G inherit a wife?

Q: What? Does he think about one woman wanting her husband only for herself?

(If) she is educated?

Q: Aha! Does he think about jealousy?

Q: How many wives (do) you have?

Q: Do they get along together? Do they like each other?

Q: So, they didn't fight between them, the wives did not give you any trouble?

Q: How old is the grandfather?

The interview continues about when he got married the first time

Q: What does he think about dowry?

Q: It is because some people, some men cannot pay the dowry from the real beginning. So, when the wife passed away the husband has to pay, should he pay (the dowry) ?

Q: -How do you say thank you?

Talking about dowry

Q: So, is it allow for a woman to go from one husband to another husband?

Q: (What about) If both have equal capacity of feeding the children?