

A Cross Cultural Exploration of Marriage, Dowry/Lobola and Related Societal Attitudes

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Abstract : This study delves into the meaning of marriage within the Indian and South African context, examining the cultural, legal, and social dimensions. It aims to elucidate the intricacies of dowry practices in India, despite the controversies and tragedies associated with it. Additionally, the research explore the concept of lobola, prevalent in Southern Africa, which refers to the bride's price and it's significance in marriage customs as well as societal attitude towards dowry.

Keywords: Marriage, Indian context, South African context, Dowry, Lobola, Arranged marriage, Love marriage, Customary marriage, Societal attitude, Civil marriage.

Introduction

The study aim at exploring the meaning of marriage in Indian context and South African context. It also aim at understanding the concepts of dowry in India despite many tragedies surrounding the concept of dowry yet one may still wonder what is dowry?. To also explore the term lobola which is commonly used in Southern Africa to refer to bride's price. Lastly to understand the societal attitude towards it

Despite diverse marriage customs globally, marriage has always been vital in traditional societies (Zondo& Simelane, 2023). Marriage is a legally and socially sanctioned union, usually between a man and a woman, that is regulated by laws, rules, customs, beliefs, and attitudes that prescribe the rights and duties of the partners and accords status to their offspring (Britanica, 2024). As many people acknowledge, marriage involves: first, a comprehensive union of spouses; second, a special link to children; and third, norms of permanence, monogamy, and exclusivity. All three elements point to the conjugal under- standing of marriage (Girgis, et.al, 2010).

The common type of marriage that is practiced mostly in India is arranged marriage. Unlike "love" marriages, which are organized against the background of the relationship between two individuals, arranged marriages are premised upon the similarity of social standing of the families of the prospective couple, and the families are very much involved in the process of selecting a marriage partner (Applbaum,

1995). In India, most marriages are arranged. Even among the educated middle classes in modern, urban India, marriage is as much a concern of the families as it is of the individuals. So customary is the practice of arranged marriage that there is a special name for a marriage which is not arranged: It is called a “love match”(Devita, 2000), although sometimes opinions of the partners are consulted, and in cases of adults, their opinions are seriously considered (Pederson & Gupta, 1983). Love marriages, by contrast, are premised on the existence of affection between the two individuals entering the union and only the two principals, ideally, need be involved (Applbaum, 1995). Love is considered a weak basis for marriage because its presence may overshadow suitable qualities in spouses. Therefore, arranged marriages result from more or less intense care given to the selection of suitable partners so that the family ideals, companionship, and co-parenthood can grow, leading to love (Applbaum, 1995). Where else the most common marriage type in South Africa is love marriage. Before marriage there are actually many other customs that are required to be followed which include ukumemeza, lobola and amatshalo where by the groom to be buy blankets and other gits requested by the in-laws then marriage.

South Africa has a mixed legal system comprised of transplanted European laws (the core being Roman-Dutch law, subsequently influenced by English common law) and indigenous laws, referred to as customary law. This mix is also evident in South Africa’s marriage laws, which can roughly be divided into two categories: civil marriages or unions, and African customary marriages (Rautenbach& du Plessis, 2012). A customary marriage in South Africa is defined as one conducted in accordance with indigenous African customary rites. This does not include marriages conducted under Hindu, Muslim, or other religious rites. While there is no limit to the number of customary marriages a husband can have, additional marriage are prohibited unless a court order regulating the matrimonial property system is obtained. Meaning polygamous marriages are culturally accepted, offering wives the support and security of a large household. However, In contemporary settings, the second wife often resides separately in urban areas, leading to limited interaction between the families. The new head of the family (mostly the it’s the deceased’s brother) stepping into the shoes of the deceased husband may prioritize the interest of one household over the other, unlike in traditional polygynous setup where both households are typically considered. On other hand, Women in civil marriage have full legal capacity to enter into contracts and to hold property in their own names. Neither husband nor wife can marry any other person while they are still married to each other and they can exit from the marriage only by securing a divorce through a court that applies community property rules to divide their assets, determines whether one should make additional periodic payments to the other in the form of alimony, and decides who will have custody of their children (Chambers, 2000). The civil Union Act of 2006, identified as Act No. 17 of that year, It permits individuals of the same gender to enter into either marriage or a civil partnership.

Prior to marriage there is traditional practice which is known as Lobola in South Africa and Dowry in India.

lobola:

Lobola is the provision of gifts to the parents of a bride, usually in the form of cash or Livestock, is an entrenched part of marriage in parts of Southern Africa (Ansell, 2001). It is a significant element of marriage among many tribes and there are strict rules to adhere. According to tradition it was customary to pay the lobola with cattle. In present times, however, the payment can be made with money or cattle, depending on the families' circumstances. For example, families living in a city might not have the physical capacity to receive cattle. The number of cattle or their actual value has to be determined prior to the ceremony and is dependent upon on the bride's background, her education, and the social position of her family (Heeren et al., 2011). In South Africa, the groom traditionally offers eleven cattle to the bride's family, symbolizing the establishment of parental rights on the groom's side over future children. The number of cattle paid for lobola can vary and is typically negotiated between the families involve. However, the average number of cattle paid is often eleven is also based on the status of the women. There are factors that are considered such as the standard of her education, whether she is still a virgin or not. If she is a mother the number of cattle to be paid reduces. These cattle are meant to be sent by the uncles of the groom to be to the bride's side, then the bride's family would be asked whether she recognized these people standing on the gate with cattle, if she says 'yes' they will be let in and proceed with payment. On the hand, In India this process is known as dowry.

Dowry:

According to Merriam webstar diction dowry is the money, goods, or estate that a woman bring. In India, the process of dowry involves the bride's family providing cash, goods, or property to the groom or his family at the time of marriage. This practice is deeply rooted in cultural and societal norms, where dowry is often seen as a demonstration of the bride's family wealth and status. The amount and items given as dowry can vary widely depending on factors such as socioeconomic status of the families involved and regional customs. The payment of dowry can occur before, during, or after the wedding ceremony, and it is often a significant aspect of marriage negotiations between families.

Societal Attitude towards Dowry and Lobola

In India, dowry have completely taken a different purpose than what it was originally meant for. There have been so many crimes committed against women all in the name of dowry. Women have suffered in the hands of their husband and their in-laws demanding the dowry. Even though this practice of dowry has been restricted

according to Act No. 28 which was declared in 1961 clearly prohibit the dowry system, yet it is still commonly practiced.

As many time changes there have been so much on the attitude towards dowry in India. Northern Indian society is changing in its view regarding dowries and emphasizes how social change may be archived by questioning long-standing customs that support support gender inequity (Srinivasan & Lee, 2004). There is no significant difference between the attitude towards dowry among working and non working women. All the groups possess unfavorable attitude towards dowry. They equally believe that dowry is a social evil and taking and giving dowry must be prohibited (Singh, 2014). The same goes to South African society's attitude towards lobola is extremely unfavorable. Students perceived the practice of lobola to place women at risk for abuse by males and families (Khomari et al., 2012). High ilobolo payments, in addition to the other costs associated with a wedding, mean that marriage is not an affordable option for many African couples (Posel et al., 2011).

Factors to be Considered

i) Dowry is still a continuous common practice and dowry crime-related have not stopped.

ii) There is high rate of unemployment in South Africa according to statista, therefore it is highly impossible to obtain marriage in South Africa, considering that each cow coast around 11,529 rand which is equivalent to 604.94 United States Dollar, that will mean a groom to be will have to pay R126 819 which is equivalent to 6,670.57 USD for lobola alone, excluding other ritual which also requires more money, and marriage.

iii) In South Africa, the rate of marriage has been low and has been dropping, while the incidence of cohabitation has increased in tandem, particularly among the majority black African population. Children born out of wedlock have become more common, particularly among the nation's predominantly Black population meaning marriage is unattainable.

Conclusion:

The exploration of marriage in both Indian and South African contexts highlights the significant cultural, legal, and societal factors shaping marital customs. Despite diverse marriage customs globally, marriage remains a vital institution, reflecting conjugal understandings and social norms . Arranged marriages dominate in India, emphasizing familial involvement and social compatibility, while love marriages gain prevalence in South Africa, reflecting shifts in societal values.

The practices of lobola in South Africa and dowry in India underscore cultural norms surrounding marriage transactions, with divergent societal attitudes. While dowry in India faces criticism due to its association with gender-based violence, lobola payments in South Africa are perceived as financially burdensome and potentially contributing to marital instability.

Factors such as continuous dowry-related crimes in India and high unemployment rates in South Africa further complicate the marriage landscape, influencing societal perceptions and practices.

The study sheds light on the complexities of marriage customs, dowry, and lobola, urging a deeper understanding of cultural, legal, and socioeconomic dynamics shaping marital institutions in India and South Africa.

Suggestions:

Qualitative studies on women who have recently experienced crime and tortured related to dowry. More qualitative studies can be conducted to measure the attitude towards lobola between rural and urban citizenship. Lobola is mostly perceived as a prestigious tradition and highly valued yet extremely expensive to fulfil. Therefore there is a need for adjustment of the lobola price for the sake of the future generation to build sustainable nation..

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