



DOWRY AND BRIDE-PRICE: A COMPARATIVE LEGAL AND SOCIOCULTURAL

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Abstract

*Dowry and bride-price are deeply entrenched marriage customs that perpetuate gender inequality and economic exploitation across diverse cultures. While dowry involves wealth transfers from the bride's family to the groom's, bride-price entails payments from the groom's family to the bride's kin. Historically rooted in ancient Greek, Roman, African, and Asian societies, these practices have evolved into systemic tools of oppression, linked to domestic violence, financial burdens, and the commodification of women. This paper examines the legal, cultural, and socioeconomic dimensions of dowry and bride-price, focusing on their prevalence in South Asia and Sub-Saharan Africa. Through legislative analysis, judicial case studies (e.g., India's *Arnesh Kumar v. State of Bihar* and Uganda's *Mifumi v. Attorney General*), and ethnographic research, it highlights the failure of laws to eradicate these practices due to cultural resistance, enforcement gaps, and patriarchal norms. The study reveals how colonial legacies and modernization have distorted traditional practices into exploitative transactions, exacerbating gendered disparities.*

Keywords: Dowry, bride-price, gender inequality, legal frameworks, judicial responses, cultural practices, socioeconomic impact.

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I INTRODUCTION

PRICE PAYMENTS at marriage were common in the past across much of the industrialized world and are now prevalent in many parts of the third world. Bride-price payments can be substantial enough to influence women's health and the wealth distribution of society. Recent estimates indicate transfers per marriage equivalent to six times the annual household income in South Asia.¹

Dowry and bride-price are two similar but distinct marriage customs that sustain gender inequality and economic exploitation across cultures. Dowry entails the movement of wealth from the bride's to the groom's family, whereas bride-price (or bride wealth) entails payments from the groom's family to the bride's family. This essay discusses the legal, cultural, and socioeconomic aspects of both customs, highlighting those areas where they are most common, such as South Asia (dowry) and Sub-Saharan Africa (bride-price). Through legislative model case studies, judicial responses, and ethnographic field research, this study highlights the failure of legislation to eliminate these customs and suggests holistic reforms. The research contends that both dowry and bride-price commodify women, reinforce patriarchal values, and require context-specific legal and societal interventions.

Prevalence of Payments During Marriage

Most societies, at some point in their history, have been characterized by marriage payments. These payments typically accompany parentally arranged marriages. These marriage payments take many forms and sizes. But they can be divided into two broad categories: from the brides

¹ Vijayendra Rao, "The Rising Price of Husbands" 101 *Journal of Political Economy* 666-677 (1993).

to the groom's family, often called "dowry," or from the groom's family to the bride's, often called "bride-price." Bride-price occurs in two-thirds of societies included in Murdock's World Ethnographic Atlas² of 1167 preindustrial societies. Dowry, however, occurs in less than 4 per cent of this sample. But in numbers of individuals, dowry has been more prevalent, since the dowry convention has occurred primarily in Europe and Asia, where more than 70 percent of the world's population reside.

Dowry and bride-price are deeply rooted in traditional marriage systems, yet they manifest differently across cultures. Dowry, prevalent in South Asia, often leads to harassment, domestic violence, and dowry deaths. Bride-price, common in Africa and parts of East Asia, can result in the commodification of women, child marriages, and marital disputes over refunds. Despite global condemnation, both practices persist due to cultural inertia, economic inequality, and weak enforcement of laws.

Prevalence of Dowry and other Practices

The dowry system, a practice involving the transfer of wealth from a bride's family to the groom or his kin, has deep historical roots, originating in ancient Greek city-states and later codified in Roman law (*dos*) as a financial safeguard for wives and a mechanism for elite familial alliances. While the Germanic bride-price (*pretium*), wherein the groom compensated the bride's family, dominated early medieval Europe, dowries resurged by the late Middle Ages, fuelled by urbanization, mercantile wealth, and the Church's emphasis on marital consent.³ This resurgence entrenched dowries across social strata, a trend mirrored in the Byzantine Empire's adherence to Roman legal frameworks until the

² George Peter Murdock, *Ethnographic Atlas 28* (University of Pittsburgh Press, United States, 1967).

³ Jack Goody and S.J. Tambiah, *Bridewealth and Dowry in Africa and Eurasia* 1-58 (Cambridge University Press, England, 1973).

15th century. Colonial expansions further globalized the practice: Spanish and Portuguese *dotes* in Mexico and Brazil formalized dowries to secure women's limited property rights under patriarchal legal systems.⁴ However, dowry is only one facet of global marital exchanges. In many African and Indigenous societies, bride-price (*lobola*, *bogadi*) prevailed, symbolizing reciprocity and kinship bonds through payments from the groom's family. Islamic cultures mandated *mahr*, a groom-to-bride transfer ensuring financial autonomy, while hybrid systems in China merged dowries with bride-price (*pinjin*), reflecting both reciprocity and female agency. In contemporary South Asia, dowry remains entrenched in India, exacerbated by modernization and consumerism, despite legal bans. Neighbouring nations like Bangladesh and Pakistan report similar trends, though scholarly attention remains sparse. Critically, these practices are not relics but evolving phenomena: dowry inflation correlates with gendered inequality, while anti-dowry laws and shifting norms in Africa and the West highlight tensions between tradition and reform.⁵ Thus, marriage transfers—whether dowry, bride-price, or dower—reveal enduring intersections of economics, patriarchy, and cultural identity, demanding analysis through lenses of gender equity and transnational legal activism.

Prevalence of Bride-price and other practises

The practice of bride-price has been widespread as a marriage tradition among societies throughout history, in many different forms throughout the world. Among the Bantu-speaking populations in Southern Africa, the *lobola* system is widespread, involving the payment of cattle or

⁴ Muriel Nazzari, *Disappearance of Dowry: Women, Families, and Social Change in Sao Paulo, Brazil 1600–1900* (Stanford University Press, California, 1991).

⁵ Siwan Anderson, "The Economics of Dowry and Brideprice" 21(4) *Journal of Economic Perspectives* 151-174 (2007).

money by the groom's family to the bride's family for legalizing the marriage. The Shona of Zimbabwe have the practice of *roora*, where animals or cash is offered as an appreciation token and to seal kinship. Among the West African societies, such as the Igbo of Nigeria and the Akan of Ghana, the practice is that of paying bridewealth, where complex negotiations occur over the value of money, cattle, or commodities. In Islamic societies, the mahr forms part of a mandatory gift by the groom to the bride, mentioned explicitly in the marriage contract as her own property.

II HISTORICAL AND CULTURAL CONTEXT

The practices of dowry and bride-price have deep historical roots, evolving over centuries from culturally symbolic rituals into systems of exploitation that reflect and reinforce patriarchal norms. While their manifestations differ across regions, both practices underscore the commodification of women within marriage systems, shaped by shifting economic, political, and social dynamics.

Dowry: From Stridhan to Systemic Exploitation

In ancient India, dowry originated as *stridhan*—a concept rooted in Vedic traditions that granted women exclusive rights over gifts received during marriage. These gifts, which included jewellery, land, or livestock, were intended to provide financial security to brides in a society where inheritance rights for women were limited. *Stridhan* was voluntary and non-coercive, symbolizing familial affection rather than obligation. However, this practice began to transform under colonial rule. British land revenue policies, such as the Permanent Settlement Act of 1793⁶, disrupted traditional agrarian economies, concentrating wealth among

⁶ The Colonial India Permanent Settlement Act, 1793.

male landowners and marginalizing women's economic autonomy. Colonial administrators, influenced by Victorian moral codes, misinterpreted *stridhan* as a form of dowry, inadvertently legitimizing its coercive potential. By the late 19th century, dowry had shifted from a gesture of goodwill into a mandatory transaction, with families pressured to offer cash or property to secure marriages.

Post-independence India witnessed the further commercialization of dowry, fuelled by urbanization and consumerism. The rise of a capitalist economy in the mid-20th century linked social status to material wealth, escalating demands for luxury items such as cars, electronics, and cash. This shift transformed dowry into a tool of systemic exploitation, where women's worth became tied to their families' ability to meet escalating financial expectations. Tragically, this commodification has led to widespread harassment, domestic violence, and even dowry-related deaths, as families struggle to fulfil or sustain these demands.

Bride-price: From Social Bond to Economic Transaction

In contrast to dowry, bride-price—or bride wealth—is a practice prevalent in many African societies, where the groom's family transfers wealth to the bride's kin as part of marriage negotiations. Historically, in regions like Uganda, bride-price symbolized the creation of social bonds between clans, affirming mutual respect and reciprocity. Gifts such as livestock, grains, or handmade goods were exchanged to acknowledge the bride's value to her community and to solidify alliances. Anthropologists like Nyanzi⁷ note that these exchanges were embedded

⁷ Stella Nyanzi, Barbara Nyanzi, *et.al.*, "Contemporary Myths, Sexuality Misconceptions, Information Sources, and Risk Perceptions of *Bodabodamen* in Southwest Uganda" 52 *Sex Roles* 111-119 (2005).

in cultural rituals, emphasizing the bride's role as a bridge between families rather than a commodity.

However, modernization and economic pressures have distorted this tradition. Urbanization and the monetization of economies in countries like Uganda and Kenya have reduced bride-price to a commercial transaction. Cash payments now dominate, often calculated based on the bride's education, employment status, or perceived "market value." This shift has dire consequences: families in impoverished rural areas may demand exorbitant sums, trapping women in abusive marriages where they are viewed as purchased property. In cases of divorce, disputes over bride-price refunds frequently escalate into violence, as men seek to reclaim their "investment." For instance, studies in Uganda reveal that 58% of women subjected to bride-price practices report physical or emotional abuse linked to repayment demands.⁸

III MAGNITUDE OF MARRIAGE PAYMENTS

The historical record shows that marriage payments are pervasive. These payments can be large enough to affect savings patterns and have implications for the distribution of wealth across families and generations.

There haven't been many empirical studies done on marriage payments and, thus, it is difficult to generalize. However, dowries do seem to comprise a substantially larger proportion of household income, amounting to several times more than total annual household income, than do bride-prices.

⁸ UN Women, "National Survey on Violence in Uganda- Module 1: Violence Against Women and Girls" (2021).

However, bride-prices are still significant, and can also represent a large financial burden for poor households.

Social Stratification, Economic Systems, and the Prevalence of Marriage Payments

Anthropological research has long attempted to explain the universality of marriage payments, in particular the contrast between bride-price and dowry. Cross-cultural evidence indicates that these are extremely correlated with levels of social stratification and economic organization. Bride-price is characteristic of less stratified, tribal, and often nomadic groups, while dowry emerges with increasing social complexity and urbanisation.

Historical trends validate this pattern. Ancient societies like Babylonia, Egypt, and the Hebrews evolved from bride-price to dowry as they transitioned from pastoralism to settled agriculture and urban civilization.⁹ Likewise, China's Sung Dynasty saw dowry institutionalization as education and the more stratified social order evolved.¹⁰ Greco-Roman societies, which did not have bride-price, were characterized by high social sophistication.¹¹ Contemporary examples also validate this pattern: dowry continues in highly stratified societies like India (with caste system), while bride-price continues to be common in more homogeneous, tribal societies like sub-Saharan Africa¹². Marriage payments are also influenced by economic structures. Bride-

⁹ G. Robina Quale, *A History of Marriage Systems* (Greenwood Press, New York, 1988).

¹⁰ Patricia Buckley Ebrey, *The Inner Quarters: Marriage and the Lives of Chinese Women in the Sung Period* (University of California Press, Berkeley, 1993).

¹¹ Diane Owen Hughes, "From Brideprice to Dowry in Mediterranean Europe" 3(3) *Journal of Family History* 262-269 (1978).

¹² *Supra* note 4.

price is associated by Boserup¹³ with hoe-based agriculture, in which women's labour is paramount, and dowry with plow-based agriculture that does not recognize women's productive labour. Bride-price is thus effective in ancient China and sub-Saharan Africa, in which women were directly engaged in agriculture, and dowry reappears in medieval Europe with heavy plow agriculture and domestication of women's labour.¹⁴ Marriage payments also fit with family organization. Bride-price systems are more likely to allow polygyny and divorce, while dowry systems encourage monogamy and marital stability. Interestingly, both systems most frequently function in patrilineal and patrilocal systems, i.e., lineage and residence rules are less significant than economic and stratification factors in deciding payment direction.

Taken as a whole, the prevalence of bride-price or dowry reflects a society's level of social stratification, its economic foundation, and gendered labour divisions—highlighting how marital exchanges are rooted in broader structural settings.

The Escalation of Marriage Payments: Historical Trends and Legislative Responses

Marriage payments, especially dowries, have experienced rampant inflation in most societies, frequently requiring legal interventions to soften their economic and social impacts. In India, real dowry prices rose by an estimated 15% annually between 1921 and 1981¹⁵ while Delhi case studies documented increases from 3,998 rupees in the 1920s to

¹³ Ester Boserup, *Women's Role in Economic Development* (St. Martin's Press, New York, 1970).

¹⁴ *Supra* note 11.

¹⁵ *Supra* note 1.

71,173 rupees in the 1980s.¹⁶ Similarly, Goa indicated that dowry prices for bridegrooms of high status rose from 2,000 rupees in 1920 to between 500,000 and 1 million rupees by 1980, which far exceeded overall inflation.¹⁷ While India's Dowry Prohibition Act of 1961,¹⁸ as well as similar legislations in Pakistan (1976) and Bangladesh (1980), were passed, efficiency in enforcement has been low, and dowry inflation has continued.

This trend is not specific to South Asia. Historical accounts indicate that Europe too had such trends, with dowries among Roman aristocracy, as well as in the medieval and early modern periods, experiencing steep increases. Dowries in medieval Ragusa (*Dubrovnik*) increased eight times between 1235 and 1460, while costs increased only three times.¹⁹ British aristocrats' dowries also nearly tripled in the 16th and 17th centuries, with hardly any inflationary pressures.²⁰ Italian city-republics like Florence and Venice also experienced steep increases, with Florentine dowries going up from 438.3 lire (1242–99) to 1,507.7 lire (1420–36).²¹ Governments tried to regulate these financial transactions many times—Venice banned dowries in 1537, Florence restricted them in 1511, and Spain banned them in 1761—yet such efforts mostly failed to stop the practice. In contrast, evidence of bride-price inflation is limited. Some

¹⁶ Madan Chandra Paul, *Dowry and Position of Women in India: A Study of Delhi Metropolis* (Inter-India Publications, New Delhi, 1986).

¹⁷ Carolina Ifeka, "Hierarchical Women: The 'Dowry' System and Its Implications among Christians in Goa" 23(2) *Contributions to Indian Sociology* 261–284 (1986).

¹⁸ Dowry Prohibition Act, 1961 (Act 28 of 1961).

¹⁹ Susan Mosher Stuard, "Dowry Increase and Increments in Wealth in Medieval Ragusa (Dubrovnik)" 41(4) *Journal of Economic History* 795–811 (1981).

²⁰ Lawrence Stone, *The Crisis of the Aristocracy 1558–1641* (Oxford University Press, England, 1965).

²¹ Maristella Botticini and Aloysius Siow, "Why Dowries?" 93(4) *American Economic Review* 1385–1398 (2003).

research reports rise in the colonial era in Africa²² and in mid-20th-century Palestine;²³ these are, however, tainted by methodological shortcomings, including inadequate inflation adjustments. Legislative interventions, such as China's 1950 Marriage Law ban on bride-price, were more often driven by ideological factors than by economic considerations.²⁴ The causal disconnection between dowry inflation and bride-price stability raises significant questions about the socioeconomic determinants of marital exchange—an area that might benefit from additional comparative research.

IV LEGAL FRAMEWORKS

The legal landscape surrounding dowry and bride-price practices reveals a complex interplay between legislative intent, cultural resistance, and enforcement challenges. Across different jurisdictions, governments have attempted to regulate or abolish these deeply entrenched customs through various legal instruments, with varying degrees of success. The effectiveness of these laws often depends on how well they navigate the delicate balance between respecting cultural traditions and protecting women's rights.

In India, the legal framework against dowry represents one of the most comprehensive legislative attempts to address the issue. The Dowry Prohibition Act of 1961²⁵ stands as the cornerstone of anti-dowry legislation, explicitly criminalizing both the giving and receiving of dowry. The law defines dowry as any property or valuable security given

²² B. Monique Mulder, "Bridewealth and Its Correlates: Quantifying Changes over Time" 36(4) *Current Anthropology* 573–603 (1995).

²³ Annelies Moors, "Women and Dower Property in Twentieth-Century Palestine: The Case of Jabal Nablus" 1(3) *Islamic law and Society* 301–331 (1994).

²⁴ W. John Engel, "Marriage in the People's Republic of China: Analysis of a New Law" 46(4) *Journal of Marriage and the Family* 955–961 (1984).

²⁵ *Supra* note 19.

or agreed to be given in connection with marriage, with penalties including imprisonment and fines. However, the Act's effectiveness has been significantly undermined by several factors. One major loophole lies in its inability to clearly distinguish between voluntary gifts and coercive dowry demands. This ambiguity has allowed the practice to continue under the guise of traditional gift-giving during weddings. Families often exploit this grey area, presenting dowry demands as customary exchanges of presents, making legal intervention particularly challenging.

To strengthen the 1961 Act, subsequent amendments were introduced, and additional provisions were incorporated into the Indian Penal Code²⁶. Section 498A²⁷ specifically addresses cruelty by husbands or relatives in connection with dowry demands, while Section 304B²⁸ creates the offense of "dowry death," imposing stricter penalties when a woman dies under suspicious circumstances within seven years of marriage. Despite these provisions, conviction rates remain dismally low. According to the National Crime Records Bureau²⁹ while thousands of dowry-related cases are registered annually, only a small fraction result in convictions. This enforcement gap stems from multiple factors: societal pressure on victims to settle cases out of court, police reluctance to interfere in "family matters," and the difficulty of gathering concrete evidence in what are often private family negotiations.

Several critical gaps persist across these legal frameworks. Perhaps the most significant is the difficulty in distinguishing between harmful practices and benign cultural traditions. Laws often struggle to define

²⁶ Indian Penal Code, 1860 (Act 45 of 1860).

²⁷ *Id.*, s. 498A.

²⁸ *Id.*, s. 304B.

²⁹ National Crime Records Bureau, "Crime in India 2022" (Ministry of Home Affairs, 2022).

where customary gift-giving ends and coercive dowry or bride-price demands begin. This definitional ambiguity creates enforcement challenges, as law enforcement officials may hesitate to intervene in what appear to be voluntary exchanges between families. Additionally, the private nature of these transactions, often conducted within families and communities, makes evidence-gathering particularly difficult for prosecutors.

Another major gap lies in the lack of protection for women who attempt to seek legal recourse. Social stigma, fear of retaliation, and economic dependence frequently prevent victims from reporting violations. In many cases, women who refuse to participate in dowry or bride-price transactions face ostracization from their communities, making legal remedies practically inaccessible. The legal systems often fail to provide adequate support structures, such as shelters or counselling services, that would enable women to pursue justice without fear of reprisal.

The enforcement challenge is further compounded by the disconnect between formal legal systems and traditional dispute resolution mechanisms. In many communities, marital disputes, including those related to dowry or bride-price, are traditionally resolved by village elders or community leaders rather than through formal legal channels. These informal systems often prioritize family harmony and community cohesion over individual rights, making it difficult for legal prohibitions to take root at the grassroots level.

The effectiveness of anti-dowry and bride-price laws is further limited by their predominantly punitive approach. While criminal penalties are important for deterrence, they do little to address the underlying socioeconomic factors that drive these practices. Laws rarely include provisions for education and awareness campaigns that could help shift

cultural attitudes over time. Similarly, few legal frameworks incorporate economic empowerment measures that might reduce families' reliance on marriage transactions as financial strategies.

International human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)³⁰ have called for the elimination of harmful marriage practices, including dowry and bride-price. However, the translation of these international standards into effective domestic legislation remains inconsistent. Many countries maintain reservations or interpretive declarations regarding marriage and family matters, reflecting the sensitivity of these issues in different cultural contexts.

The legal handling of bride-price differs substantially between jurisdictions, in keeping with contrasting models of regulation of such a highly embedded cultural institution. Bride-price is legally entrenched in most African countries but increasingly regulated. In the Ugandan case of *Mifumi* (2010)³¹, it was ruled that the return of bride-price is unenforceable by law following divorce, without going so far as to outlaw the practice in its entirety. Kenya's Marriage Act of 2013³² clearly states that bride-price payments are not a legal requirement to validate marriage, and South Africa's Recognition of Customary Marriages Act³³ considers *lobola* (bride wealth) as a cultural ritual but not a contractual requirement.

³⁰ United Nations Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, *available at*: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> (last visited on: April 23, 2025).

³¹ *Mifumi Women's Network*, *available at*: <https://mifumi.org/> (last visited on April 23, 2025).

³² The Kenya marriage act, 2013.

³³ The South Africa Recognition of Customary Marriages Act, 1998.

There have been outright prohibitions in some countries. Papua New Guinea's Family Protection Act in 2013³⁴ made coercive bride-price exactions an offence punishable by up to 10 years imprisonment. Vanuatu's Family Protection Act³⁵ also prohibits exorbitant bride-price payments, acknowledging their connection to domestic violence. Nigeria has a dual system with both statutory and customary law existing together, resulting in legal contradictions – whereas some states such as Ekiti have set limits on bride-price (to ₦20,000 or ~\$50), others leave room for traditional bargaining.

International legal agreements offer further frameworks. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has consistently deplored bride-price for its reinforcement of gender inequality, although enforcement is poor. The Maputo Protocol³⁶ particularly requires African states to abolish harmful traditional practices, including "commodification of women" through marriage payments.

Challenges include enforcement difficulties in rural regions, judicial unfamiliarity with legislative reforms, and opposition from customary leaders. Current trends indicate a slow shift toward more stringent regulation, especially where bride-price is associated with gender violence or human trafficking cases.

Looking forward, more comprehensive legal approaches are needed to address these persistent gaps. Potential reforms could include clearer statutory definitions that account for both direct and indirect forms of coercion, stronger witness protection provisions to encourage reporting,

³⁴ The Papua New Guinea Family Protection Act, 2013.

³⁵ The Vanuatu Family Protection Act, 2008.

³⁶ The Maputo Protocol, 2003.

and the development of specialized courts or procedures to handle these sensitive cases. Equally important is the need to complement legal prohibitions with community-based initiatives that engage traditional leaders and work within local value systems to gradually transform harmful practices.

The legal frameworks governing dowry and bride-price across different nations demonstrate both the potential and limitations of using law as a tool for social change. While legislation can establish important norms and provide recourse for victims, laws alone cannot eradicate practices that are deeply embedded in cultural and economic systems. Effective reform requires a multifaceted approach that combines robust legal frameworks with community engagement, economic empowerment, and long-term educational efforts to shift societal attitudes about marriage, gender, and value.

V JUDICIAL RESPONSES

The judiciary has played a pivotal yet complex role in addressing cases related to dowry and bride-price, with landmark judgments reflecting both progressive interpretations and cultural constraints. In India, the Supreme Court's ruling in *Arnesh Kumar v. State of Bihar*³⁷ sought to prevent misuse of anti-dowry laws by mandating preliminary investigations before arrests under Section 498A³⁸, though critics argued this created additional barriers for genuine victims. Conversely, *Shamima Farooqui v. Shahid Khan*³⁹ demonstrated the courts' capacity for restorative justice by awarding compensation to a dowry harassment survivor, setting an important but underutilized

³⁷ AIR 2014 SC 2756.

³⁸ *Supra* note 29.

³⁹ AIR 2015 SC 2025.

precedent. Similar tensions are evident in bride-price jurisprudence, as seen in Uganda's *Mifumi v. Attorney General*⁴⁰, where the Constitutional Court prohibited post-divorce refunds of bride-price without banning the practice outright, and Kenya's *R v. John Kemboi*⁴¹ which rejected the enforcement of bride-price repayment demands. Despite these significant rulings, systemic challenges persist, including judicial reluctance to challenge cultural norms, evidentiary burdens that disadvantage victims, and geographic disparities in access to justice. Rural areas often prioritize traditional dispute resolution over formal legal systems, while urban centres see comparatively better enforcement of protections. Furthermore, lengthy judicial delays and inconsistent application of laws at lower court levels undermine the potential impact of progressive precedents. These limitations highlight how legal solutions alone cannot eradicate deeply entrenched practices, pointing to the need for complementary measures such as judicial sensitivity training, victim support systems, and community education. The judiciary's evolving approach to these cases reflects both its transformative potential and the enduring tension between legal reform and social resistance, underscoring the necessity of addressing dowry and bride-price through integrated legal, educational, and societal intervention.

VI CASE STUDIES

The tragic case of Vismaya⁴², a 24-year-old Indian dental student, exposes the brutal reality behind India's dowry death epidemic. In June 2021, Vismaya took her own life after enduring months of relentless torture from her husband and in-laws over insufficient dowry. Her heart-

⁴⁰ (2010) UGCC 2.

⁴¹ (2024) KEHC 7212 (KLR).

⁴² *Kiran Kumar v. State of Kerala*, 2022 SCC Online Kerr 6614.

wrenching WhatsApp messages to her father revealed how she was beaten, starved, and humiliated for not bringing a luxury car as part of her dowry. This case sent shockwaves across India, not just because of its brutality, but because Vismaya came from an educated, middle-class family - proving that dowry violence cuts across all social strata. The National Crime Records Bureau reports over 7,000 such deaths annually, though activists believe the actual number is much higher as many cases are disguised as kitchen accidents or suicides. Vismaya's case became a rallying point for women's rights groups, leading to widespread protests and forcing authorities to fast-track her husband's prosecution under Section 304B⁴³ of the IPC for dowry death.

Legislative treatment of bride-price has changed through seminal cases that weigh cultural practice against human rights protection. In *Mifumi v. Attorney General*⁴⁴ the Constitutional Court in Uganda banned the refunding of bride-prices upon divorce, acknowledging their deleterious effect on women's rights but not going so far as to outlaw the practice completely. Kenya's *R v. John Kemboi*⁴⁵ further categorized requests for bride-price refunding as economic abuse in domestic violence legislation. These forward-thinking judgments are in sharp distinction to previous decisions such as Zimbabwe's *Magaya v. Magaya*⁴⁶, which supported discriminatory customary inheritance provisions based on bride-price payments until such was invalidated by constitutional reforms. South Africa's *Mbungela v. Mkabi*⁴⁷ diminished the legal importance of lobola by holding that failure to pay does not invalidate

⁴³ *Supra* note 30.

⁴⁴ *Supra* note 33.

⁴⁵ *Supra* note 43.

⁴⁶ 1999 (1) ZLR 100 (SC).

⁴⁷ 2020 (1) SA 41 (SCA).

traditional marriages. In contrast, Nigeria's *Mojekwu v. Mojekwu*⁴⁸ invalidated patriarchal practises involving widow repurchases. Courts in Papua New Guinea⁴⁹ and Botswana have also curtailed coercive elements of bride-price. This new jurisprudence mirrors a worldwide trend in which constitutional principles of equality increasingly challenge traditional practices, yet enforcement remains difficult in rural communities. Supranational institutions such as the CEDAW Committee have reinforced this trend by emphasizing the connection between bride-price and gender discrimination, illustrating courts' increasing willingness to defend fundamental rights while holding respect for cultural contexts.

In Uganda, the work of the Mifumi Organization⁵⁰ highlights how bride-price fuels gender-based violence in African communities. This women's rights group documented numerous cases where men treated their wives as purchased property, demanding refunds of bride-price during marital disputes. One particularly disturbing pattern emerged - women seeking divorce were often trapped in abusive marriages because their families couldn't return the bride-price. In 2010, Mifumi's landmark constitutional petition⁵¹ challenged this practice, arguing it violated women's dignity. Their research found that 58% of Ugandan women in bride-price marriages experience domestic violence, compared to 43% in non-bride-price unions. The organization's grassroots work in rural communities has been instrumental in changing attitudes, working with local leaders to develop alternative marriage rituals that don't involve monetary transactions. Their advocacy led to important legal reforms,

⁴⁸ (1997) 7 NWLR (PT 512).

⁴⁹ *Re Miriam Willingal*, (1997) PNGLR 119.

⁵⁰ *Supra* note 31.

⁵¹ *Supra* note 33.

including a High Court ruling that abolished the enforcement of bride-price refunds. However, as Mifumi's field workers attest, transforming this centuries-old tradition requires more than court verdicts - it demands sustained community education and economic empowerment for women to break the cycle of commodification. These two cases from different continents reveal how both dowry and bride-price, despite their cultural differences, serve as vehicles for the same toxic mindset - that women's worth can be measured in material terms.

VII SUGGESTION AND RECOMMENDATIONS FOR COMBATING DOWRY AND BRIDE-PRICE PRACTICES

To effectively address the scourge of dowry and bride-price, a multi-pronged approach combining legal reform, institutional strengthening, and community engagement is essential. First, existing laws require urgent amendment to close dangerous loopholes. For dowry systems, legislation must expand its definition to include indirect demands disguised as "voluntary gifts" or "wedding expenses," with clear monetary thresholds established. The creation of specialized fast-track courts would help overcome the current backlog of cases and ensure timely justice. Regarding bride-price, governments should follow Uganda's proposed model of capping permissible amounts while criminalizing demands for refunds after divorce or separation. Such legal measures must be accompanied by strict enforcement mechanisms, including mandatory reporting requirements for marriage-related financial transactions.

Strengthening institutional capacity forms the second critical pillar of reform. Frontline responders – particularly police officers and judges – require comprehensive training in gender-sensitive investigation techniques and trauma-informed approaches to handling victims. Many

officers currently dismiss dowry complaints as "family matters," reflecting deep-seated biases that specialized training programs could help overcome. Simultaneously, establishing community monitoring committees comprising local leaders, women's advocates, and youth representatives could create vital accountability structures at the grassroots level. These committees could serve as early warning systems while helping bridge the gap between formal legal systems and traditional communities.

At the community level, sustained awareness campaigns must challenge the social normalization of these practices. NGOs should collaborate with religious leaders and educators to develop culturally-sensitive programs that reframe marriage as a partnership rather than a transaction. Economic empowerment initiatives like vocational training and microloan programs for women can reduce financial dependence that perpetuates acceptance of these harmful customs. Successful models like Bangladesh's stipend programs for keeping girls in school demonstrate how economic incentives can shift deeply entrenched social norms over time.

Finally, integrating these efforts into global frameworks will amplify their impact. Aligning national anti-dowry and bride-price initiatives with UN Sustainable Development Goal 5 (Gender Equality) could unlock international funding and technical support. Regional bodies like the African Union and SAARC should establish cross-border task forces to share best practices and coordinate policy responses. International pressure through human rights reporting mechanisms can also motivate governments to strengthen enforcement. While legal prohibitions provide the necessary framework, lasting change will ultimately depend on transforming the social and economic conditions that allow these

practices to persist. A coordinated approach addressing all these dimensions offers the best hope for eliminating these harmful traditions that continue to commodify women in the 21st century.

VIII CONCLUSION

The persistence of dowry and bride-price systems reveals their true nature - not as harmless traditions, but as institutionalized mechanisms of gender oppression that continue to thrive in modern societies. While legislative measures like India's Dowry Prohibition Act⁵² and Uganda's Marriage Bill⁵³ represent important steps forward, their impact remains limited by deeply entrenched patriarchal structures. These laws, though progressive on paper, face formidable barriers in implementation due to cultural resistance, bureaucratic inertia, and systemic gender biases within enforcement agencies. The sobering reality is that legal prohibitions alone cannot undo centuries of social conditioning that treats women as economic commodities rather than equal partners in marriage.

Meaningful progress requires simultaneous interventions at multiple levels. At the policy level, laws must evolve to address contemporary manifestations of these practices, including indirect demands and digital transactions. More crucially, judicial and law enforcement systems need comprehensive gender sensitivity training to overcome ingrained prejudices that currently hinder justice for victims. However, the most challenging yet vital work must happen within communities themselves - through sustained education campaigns that reframe marriage as an equal partnership rather than a financial transaction. Economic empowerment programs for women, particularly in rural areas, can help

⁵² *Supra* note 19.

⁵³ The Uganda's Marriage Bill, 2009.

break the cycle of dependency that perpetuates these harmful customs. Law schools and professional legal bodies have a critical role to play in this transformation by producing a new generation of gender-sensitive practitioners and advocating for systemic reforms. The path forward demands nothing less than a fundamental reimagining of marital relationships - one where mutual respect replaces financial transactions, and where a woman's worth is measured by her humanity rather than her dowry or bride-price. This transformation, though gradual, is essential for building societies where marriage becomes a true partnership of equals rather than an institutionalized form of oppression.