An exploration of *lobola* and its impact within the arena of sexual relations and procreative imperatives

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SECTION 1

Introduction

The cultural practice of lobola has sparked a lot of debate among African scholars and feminist writers. Some activists have advocated for its abolition because it is seen as a practice that entrenches the subordination of women. Some argue that the problem is not the practice itself but the way it has been commercialized in modern society. Others see lobola as a good cultural practice which is a pillar for the preservation of the marriage institution. The feminist perspective of abolition is the one which will be discussed in detail in this paper.

The abolitionist argument links the practice of lobola to the unequal power relations between men and women within marriages.

As May puts it:

‘One thing is certain; as long as the lobola system exists (as it is), women will never be free and equal members of society because men will not regard them as such’ (May, 1987:41).

This inequality is seen as curtailing the decision-making capacity of women for whom lobola has been paid with regard to how resources within the marriage should be used. They are also precluded from making decisions on sexual and reproductive issues within the marriage, thus increasing their vulnerability to HIV. On this premise, lobola payment becomes a violation of women’s sexual and reproductive rights.

Research in sub-Saharan Africa, including Zimbabwe, has shown that women are more vulnerable to HIV than men (UNAIDS, 2001).

In view of the abolitionist argument and women’s vulnerability to HIV, the meaning, significance and implication of lobola need to be explored. This paper will explore the relationship between lobola, women’s inability to negotiate safer sex within marriage and their increased vulnerability to HIV and AIDS. I will start by looking at the international and national legal framework for married women’s sexual rights. Other factors which bring about unequal power relations in marriages will also be discussed. As a way forward, the paper will focus on whether the abolition of lobola will bring about the desired change – women’s ability to negotiate safer sex in marriage.

The paper is based on a desk study of literature on the subject and my work experience in the form of research carried out in Marondera district. The research and subsequent discussion fora held sought to find out how cultural practices such as lobola affected women’s vulnerability to HIV and AIDS. I will focus on all married women regardless of the form of marriage contracted. However the reference to marriages means heterosexual marriages since same sex marriages are illegal in Zimbabwe. The sexual rights discussed in the paper are limited to the right to set conditions on when and how to have sexual intercourse in the marriage context.

Assumptions

The ideas, arguments and assumptions in this paper flow from the following assumptions:

1. International human rights instruments and national laws provide for women to be able to control their sexuality and intercourse but the reality is that married women, regardless of the form of marriage contracted, are still unable to negotiate safer sex with their husbands.

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1 Baseline survey carried out as part of a project named ‘A campaign for social change in the face of HIV and AIDS’, conducted by Women’s Action Group (WAG) in February 2005 in Marondera district. The baseline survey was followed by 12 discussion fora in three wards.
2. The failure to negotiate safer sex with marital partners is increasing women’s vulnerability to HIV and AIDS.

3. Perceived notions about the role of *lobola* in marital relations and in particular procreative power being vested in the male disempower some married women from demanding safer sex practices with their husbands.

4. The socialization process which promotes male dominance in sexual matters limits married women’s ability to negotiate for safer sex even in situations and societies where *lobola* is not paid.

5. Feminist theories locate the subordination of women in marital relationships in *lobola* payment.

6. Abolition of *lobola* alone will not address the unequal power relations between men and women in marriages.

**Literature review**

There is a lot of literature on *lobola* but this review will focus on literature that covers *lobola* in the Zimbabwean context. WLSA’s monography on *lobola* gives an in-depth study of the concept of *lobola* in the seven WLSA countries. It discusses the origins of *lobola* and its implications for women’s reproductive rights within a feminist framework. The authors note that:

‘*Lobola* is one of the practices that underpins the ideologies regarding the inequalities between women and men and denies women any decision-making power over their lives. Practices such as *lobola* are some of those that, for instance, perpetuate male dominance in sexual relations and decisions on the number and spacing of children’ (WLSA, 2002).

In an earlier publication, WLSA defines *lobola* and argues that use of words such as ‘bride price’, ‘bride wealth’ and ‘compensation’ can distort the practice and cause problems for women who will be perceived as property without legal capacity. According to WLSA research, this view is not correct because its studies has shown that women within families exercise power in a variety of ways. (Ncube *et al*., 1997) (WLSA Zambia, 2001) The question is whether that power extends to the power to control their bodies and to determine sexual relations with their partners.

There is also literature which shows that the practice of *lobola* is supported by the women themselves. Some women do not see the practice as oppressive but as a sign of love and commitment on the man’s part (ZWRCN, 1994). ZWRCN refers to some research findings in which one of the women interviewed said that:

‘I as a woman feel that the husband does not love me if he does not pay *lobola*; he does not value me … I feel uncomfortable if I am not paid for …’ (Manyame in ZWRCN, 1994).

Some authors have located male dominance in marriages in the patriarchal system as a whole. According to Haavind:

‘Men’s dominant position in marriage is often accounted for by the fact that he has been better equipped with resources than she is from the very beginning. The husband is most often older, he is educated, he has obtained a better paid job and he is more confident that she is. He is also expected to continue to exploit all possibilities to get further resources’ (Haavind, 1984).

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2 These are Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe.
Law review

The rights of parties in marriage are clearly articulated in international human rights instruments: Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides that:

1. State parties shall take appropriate measures in all matters relating to marriage and family relations and in particular shall ensure, on the basis of equality of men and women:
   a) the same rights and responsibilities during marriage and at its dissolution;
   b) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

Article 5 of the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (the Protocol) also has provisions on parties’ rights in marriage. It reads:

‘States parties shall ensure that women and men enjoy equal rights, and are regarded as equal partners in marriage …’

Although there is no explicit mention of sexual rights, the principle of equality means that one party should not dominate another. Sexual and reproductive health rights were defined under the Beijing Platform for Action. Under chapter 94, reproductive health is seen to imply that:

‘[P]eople are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so.’

Under strategic objectives C.3, governments are to:

‘(b) Review and amend laws and combat practices as appropriate, that may contribute to women’s susceptibility to HIV infection and other sexually transmitted diseases, including enacting legislation against those socio-cultural practices that contribute to it, and implement legislation, policies and practices to protect women, adolescents and young girls from discrimination related to HIV/AIDS.’

Zimbabwe has already enacted legislation to deal with HIV and AIDS in the form of the Sexual Offences Act (Chapter 9:21). The Act has now been incorporated into the Criminal Law (Codification and Reform) Act (Chapter 9:23) under Part III. The Act has been assented to by the president but the date of operation has not yet been gazetted. The section of the Sexual Offences Act which provides for the crime of marital rape will now be under section 65 of the Criminal Code. However, in terms of section 68 (a) of the Criminal Code, the Attorney General will have to authorize any prosecution in cases of marital rape.

Further to that, section 15 of the same Act also has a provision prohibiting deliberate transmission of HIV and AIDS. In terms of that section, any person who knowingly does something which may cause another to be infected with HIV shall be guilty of an offence. The law does not distinguish between spouses and non-spouses. Section 15 of the Sexual Offences Act is now section 79 of the Criminal Law (Codification and Reform) Act (Chapter 9:23).

The Zimbabwean marriage laws are gender neutral and they do not give any of the spouses power over the other. In terms of the Marriage Act (Chapter 5:11) any person who is 18 years or above can enter into a marriage with another of the same age and the payment of lobola is not a requirement. If one or both of the parties are under age, consent of the guardians is required.

The Customary Marriages Act (Chapter 5:07) still makes lobola a requirement. Payment of lobola has been accepted as proof of the existence of a marriage in cases of unregistered customary law unions.
The Protocol addresses HIV and reproductive health under article 14. State parties are to promote women’s sexual and reproductive health including ‘the right to self protection and to be protected against sexually transmitted infections including HIV and AIDS.’
SECTION 2

Legal framework for women’s rights in marriages

‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood’ (Article 1 of the Universal Declaration on Human Rights).

International human rights

In terms of both international and national laws, marriage has to be entered into with the free consent of both parties and the parties within a marriage are equal partners. If parties are equal, it means that all decisions have to be made in consultation with each other. Parties in a marriage also have the same rights and responsibilities. CEDAW goes on to specify some of these rights as encompassing the right to decide on the number of children and the spacing of the children.

These rights will remain in the abstract if not appropriated at domestic level. The government has ratified CEDAW but it has not been domesticated. However, it still has an obligation to ensure that married women are regarded as equal partners in marriages and enjoy the same rights as men. To achieve this equality, the government has to eliminate cultural practices that discriminate against women and those that promote the superiority of one sex over another. As will be discussed later in this paper, payment of lobola by men is one such practice which has given men the perception that they are entitled to dominate women.

National laws

Elimination of discrimination is not achieved by enactment of positive legislation alone. This has become evident from the enactment of the Sexual Offences Act with its provisions that penalize marital rape. This provision was supposed to empower women so that they could have a voice regarding when and how to have sex. An incident was once related to me of a man who went for an HIV test with his wife. The husband tested positive while the wife tested negative. The husband then forced the wife, through beatings, to have sex with him so that she could also become HIV positive. The woman could have reported the matter to the police so that the man would be prosecuted for rape.

However, women are reluctant to go to courts. The reasons for this reluctance are many and varied but cultural barriers top the list. When women get married and lobola is paid for them, they are in a way transferred to their husbands’ families. Their marital families become their real family and in the rural setting, they move to the husband’s homestead. This places the women in a difficult position where they cannot have their husbands arrested for marital rape because when the court case is over they still have come back to his family. The marital family will not take kindly to a woman who sends their son to jail, regardless of the gravity of the offences committed.

3 Related by a participant at a discussion forum in Ward 10 in Marondera district. The discussion was part of the campaign for social change referred to in section 1.

4 This view was expressed by many participants at workshops held by Women’s Action Group in 2004 as part of a nationwide project called ‘Taking the Sexual Offences Act to the communities’.
Men seem to be unable to grasp the concept of equal rights and equal partnership with a woman for whom they paid. They view *lobola* as a licence for them to dominate women. The degree of dominance varies with some using physical force to induce submission. Some do not use physical violence but they still find other ways, such as denying them access to financial resources, to stamp their authority on the situation and deny women equal sexual rights.

The use of *lobola* to deny women their sexual rights caused one man to refer to *lobola*:

‘[a]s an outdated practice that turns women from human beings into property. Some men abuse their wives, physically or emotionally, because they feel that they [wives] are purchased commodities: like cows or cars …’ (William, Kampala, Uganda on BBC NEWS, 2005).

It can be argued that abolishing the practice of *lobola* could help to level the entry point into marriage so that the issue of a purchaser and the purchased falls away. However, *lobola* is not the only impediment to parties’ equality in marriages.
SECTION 3

Causal link between women’s vulnerability to HIV and their inability to negotiate safer sex

‘In 1997 women represented 41 per cent of adults infected with HIV – by 2000 the figure had increased to 47 per cent’ (UNAIDS, 2001).

Women’s vulnerability

There is a growing consciousness of the fact that women’s vulnerability to HIV is related to their disempowerment. This vulnerability stems from women’s inability to take charge of their own health and wellbeing and to protect themselves from HIV. Married women in all forms of marriage have not been spared from this vulnerability. In fact there used to be a false sense of security among married women, especially those in monogamous unions, who associated HIV infection with promiscuity and hence saw no need to protect themselves. There are many reasons behind this vulnerability but I will discuss those relating to the ability to set conditions for sex within a marriage. In other words, the question to be answered is: even if women wanted to protect themselves, are they able to do so within a marriage setting and what are their limitations or barriers?

Inability to decide when to have sex

It is generally agreed from research done by different organizations and individuals that women lack the ability to negotiate safer sex (SAFAIDS; Gender AIDS Forum). In my own work experience and discussions held with women, including married women, it was also clear that husbands make the decision on when to have sex. Women are socialized to wait for the husband to initiate sex and not to say no even if they do not feel like having sex. I have attended some kitchen parties where the bride to be is instructed that she should always accept her husband’s sexual advances even when she is angry or sick. The basis of these teachings is that if the wife submits to sex whenever the husband wishes, he will not look for other partners.

Unfortunately, the reality is that instead of protecting the woman, this submission disempowers her and makes her more vulnerable to HIV. This is so because the woman is forced to submit to sex even if she suspects or even has evidence of her husband’s infidelity. She even has to submit in circumstances where her husband might be HIV positive. In one workshop which I attended, a story was told about a traditional practice which forces a wife to have sex with her husband when he is about to die. According to this practice, a husband on his death bed can ask to have sex with his wife before he dies. The wife should not refuse. If she fails to comply with the request the husband’s avenging spirit (ngozi) will haunt her after his death and she will have to go through another ritual to appease the spirit.

In one case narrated by one of the participants at the workshop, a dying husband requested to have sex with his wife and all the relatives compelled the wife to comply. The husband died but the wife became pregnant as a result of the intercourse and she gave birth to a child who was HIV positive. While there is no conclusive

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5 Parties organized and attended by women as a send-off for a woman who is about to be married. The bride to be is presented with gifts and given lessons on marriage and its responsibilities.

6 Workshop in Marondera Ward 10, part of the campaign for social change in the face of HIV project – April 2005.

7 Shona belief that if people die after being murdered or after some wrong has been done against them, their spirit will return to haunt the person who committed the wrong and the person’s family, in the case of murder.
evidence to the effect that the woman was infected on this last occasion, the story demonstrates the fact that married women lack power to decide when to have sex and, in some cases, this exposed them to the risk of infection.

**Inability to decide how to have sex**

Besides lacking the power to decide when to have sex, a majority of married women are also unable to decide how to have sex. In workshops women from both rural and urban areas have said that they have to have unprotected sex with their husbands even if they see sores on their husbands’ male organs. Men’s resistance to condoms is well documented and is the reason why the female condom was created to give women control over how to have sex. In interviews with men, it would seem that some men associate condoms with unfaithfulness. One of the statements which they kept repeating was that if both parties to a marriage are faithful to each other, then there was no need to use condoms.

The women said that husbands accuse them of having affairs if they suggest condom use. Some of the resistance is also based on beliefs that condoms are a health hazard and that they take away some of the pleasure from the sexual act. Introducing the female condom has not helped to break the resistance because the female condom is even less user friendly than the male condom. The condoms are expensive, less available and noisy when being used. Women have pleaded for another means for them to protect themselves without the knowledge of their husbands.⁸

Researchers are already working on microbicides which are seen as the answer to the women’s cry. These microbicides are a female-controlled means for women to protect themselves from infection during sexual intercourse.

However, the fact that women are asking for a means of protection which they can use without their husbands’ knowledge shows that the problem is that of power being vested in the husband. Even if these microbicides are manufactured, if the husband says no to them, the wife might still not be able to use them. Therefore the problem goes deeper than the method of protection – to the need to answer the question of why men control women’s sexuality. The following sections contain discussions of some of the reasons why women are unable to negotiate safe sex.

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⁸ Some of the views which were expressed by interviewees during the baseline survey in Marondera – February 2005.
SECTION 4

*Lobola* in the traditional and modern context: Role and significance

‘Bride price is our heritage. The purpose of it was to thank the parents of your woman for giving birth and bringing up this beautiful lady who you are going to spend the rest of your life with. I know men who have paid bride price and they are not complaining because the benefits you get from a wife, her care, help and companionship, far outweigh the cost (Collins Chidimuro, Aberdeen, UK/Zimbabwe – BBC NEWS, 2005).

*Lobola* is the term used to refer to the process through which the family of a man makes payments in the form of cash, cattle or other goods to the family of the woman whom he intends to marry (WLSA, 2001). The practice is common in most patrilineal societies in sub-Saharan Africa. Even some matrilineal societies which did not have the practice originally have now adopted it (WLSA, 2001). While there is agreement on the fact that the man has to pay something to the woman’s family, differences arise as to the interpretation and significance to be given to the payment. The reasons given as to why *lobola* has to be paid include appreciation, creating a bond or unity between the two families, respect and security for the woman and a sign of commitment from the men. These reasons are all discussed in detail below.

**Token of appreciation**

In a debate on the BBC Live Africa, programme many people who participated in the debate supported the practice of *lobola*. Some of the views which were expressed are:

‘It’s a gesture to the bride’s parents that you cherish your wife-to-be and is also a sign of appreciation to them for allowing you to marry their daughter ….’ (Oli Kapopo, UK– BBC NEWS, 2005)

Another person commented as follows:

‘Dowry is the recognition of the struggle the bride’s family has gone through in raising her. It is a way of saying “thank you” …’ (Mathiang Ayoor, Southern Sudan, USA – BBC NEWS, 2005).

According to these views, paying *lobola* is necessary because the bridegroom has to thank his in-laws for allowing him to marry their daughter. Marriage is a contract between two parties and the question which arises is why it is only one party which has to be appreciated and not both parties. Further to that, if it is a token of appreciation then it is a gift. A gift should be given freely and voluntarily and the giver is the one who determines what he or she wants to give. However, with this token of appreciation called *lobola*, the wife to be’s family are the ones who sit down and determine the kind of gift which they want to receive and even impose sanctions for non-payment. I submit that this makes *lobola* something more than just a token of appreciation. The aspect of appreciation raises the man’s expectation about the benefits which he is to find in the wife and it might lead to wife abuse where those expectations are not met.
Bond of unity

According to Chigwedere, *lobola* is a bond uniting two families (Ncube et al., 1997). The same view is echoed by participants in the BBC debate on bride price (*lobola*). One participant commented as follows:

‘Just as the wedding ring symbolizes unity between two people, the bride price is a symbol of unity between two families. Bride price injects a sense of accountability into a marriage giving both families a stake in it. This helps to create strong marriages’ (Tafadzwa, US/Zimbabwe – BBC NEWS 2005).

In the traditional setting, the bond was strengthened by the fact that marriage negotiations involved all members from the two families. The women’s father invited his parents, uncles and brothers who took an active role in deciding the amount to be paid. On the other hand, the man’s family also helped to raise the *lobola* and to negotiate with the other family. Members of the man’s family who had cattle gave him some of the cattle to pay as *lobola*. The man could therefore not divorce his wife without consulting the other family members who would have contributed to the marriage.

The problem is that this bond can also have negative consequences for the marriage. All those who have a stake in the marriage will also wield some control or power over the couple. Hove’s report (ZWRCN, undated) narrates an incident where a mother-in-law refused permission for her daughter-in-law to be interviewed by the researcher. Sometimes the in-laws can take it upon themselves to decide the number of children which the couple should have and their spacing. They also decide whether the wife should be divorced or not in cases of infertility or where she produces only girls (ZWRCN, undated).

The bond between families also creates problems for women in the event of widowhood. In workshops held with members of the community in Marondera, the issue of *lobola* kept coming up as the justification for widow inheritance. Participants also said that even if she refuses to be inherited, she should not have sexual relations with any other men because the *lobola* that was paid for her made her a wife of the family. Thus her marriage does not end with the death of the husband. Widow inheritance is one concept which has increased women’s vulnerability to HIV and AIDS.

Another problem with the bond or unity is that they exclude the woman who is getting married. The woman does not participate in the rites except for acknowledging that she knows the suitor. She has no power to decide the amount to be paid. According to Halim:

‘…the woman is the subject matter of the contract of marriage rather than a party to it. These intimate relations are where subordination of women begins and where dependency is institutionalized …’

(Halim, 1994:26).

The man who paid *lobola* for his wife is bound to treat her as an object instead of an equal partner. Again the question has to be asked as to why the bond should be created by payments made by one party to the contract. Arguably if the purpose is to create a bond then both parties should exchange payments.

Security and respect for the wife

*Lobola* is seen as a way of giving the wife respect and an insurance in her marriage. According to WLSA:

‘In traditional society, the payment of “*lobola*” secured the position of the woman within the marriage and his family, it also granted her certain rights, claims and guarantees. She could not just be “expelled” or arbitrarily divorced by the husband without an elaborate process involving both families’ (WLSA – Zambia, 2001)."
While this may be seen as a positive aspect, it may also work against the woman if she is the one who wants a divorce. In such a situation lobola will tie the woman to a marriage which she no longer wants may be because of abuse.

**Validity of the marriage**

In most countries where lobola is practised, lobola is a prerequisite to the validity of customary marriages. In Zimbabwe, when registering a customary marriage, one has to produce proof that lobola was paid. In the traditional context parents acknowledged that their daughter was married when they had received a part of the lobola. Before any such payments, parties living together were said to be cohabiting even if they had lived together for many years and raised a family. Civil marriages are valid without payment but few women have dared to get married without having lobola paid for them. Thus the argument that lobola gives validity to a marriage falls away because even where there is other proof such as a marriage certificate, it is still demanded.

In the modern context lobola has become a commercial transaction with the woman becoming the object for sale. It is difficult to view the process as anything else because the amounts being charged are now based on considerations such as level of education. The amounts charged are also very exorbitant but they differ from place to place. It is argued that people are now making lobola a profit making venture which is an abuse of the practice and this may be a contributing factor to women’s oppression.

It would appear that all the arguments supporting lobola as a positive cultural practice, although valid in some aspects, do not answer the question why payments are only made by the man and not the woman. The one-sidedness of the payments contributes to the creation of unequal power relations between men and women in marriages. Unequal decision-making power results in women’s inability to negotiate safer sex and increases their vulnerability to HIV and AIDS.

Lobola payment by the man is seen as one reason why men in marriages are the ones who set conditions on sexual matters. Lobola is seen as giving men exclusive sexual rights over their wives and also the right to demand sex at will. I once heard that the main portion of the lobola, called rusambo or rugaba in Shona, is paid to give a husband the right to have sex with the wife. After paying that portion, the husband sees himself as having power to get sex on demand. However, as will be discussed in other sections, lobola is only one aspect of the problem. There are other factors which disempower women in negotiating for safer sex.
SECTION 5

Other factors that create unequal negotiating powers between men and women in marriages

‘In countries across the world, sexual activity is framed by intensely patriarchal social, cultural and religious norms that result in women having little or no say over sexual relations’ (Albertyn, 2000).

Placing the whole blame for married women’s inability to negotiate safer sex on lobola would amount to an oversimplification of the problem. There are other economic, social and religious factors that affect women’s ability to negotiate safer sex. This is the reason why this inability is not a problem for lobola paying communities only.

Economic factors

Lack of educational qualifications to get well-paying jobs and poverty increases women’s dependency on men, even in marriage. As Haavind (1984) points out, most couples enter into marriage on an unequal footing where the man already has a lot of economic resources and the woman has little. The economic resources put the man in a position of power to set conditions within the relationship, including conditions on when and how to have sex. If the woman is dependent upon the husband for her subsistence, she is bound to agree to any conditions set for fear of losing her source of livelihood.

Religious factors

In Muslim countries, religious taboos on talking about sex and sexuality hinder married women from suggesting condom use to their spouses (Albertyn, 2000). Some Christian teachings also forbid the use of condoms. Since women form the majority of the members of these churches, embracing these teachings also hinders them from suggesting condom use to spouses. Submission of wives to their husbands is another doctrine taught in most religions which disempowers women from negotiating safer sex because this might be interpreted as a lack of submission.

Social factors

The institution of marriage is held in high esteem by society. Women endure all forms of dominance and abuse in order to stay married because getting out attracts stigma. Some women will allow the man to make decisions or not question his power in making decisions about all sexual matters in order to please the husband so that he cannot divorce them. They are driven by the desire to maintain their status. Society respects a married woman more than a single woman. A woman who is not married is regarded as a failure and stigmatized (ZWRCN, undated).

Violence

Women in violent relationships face difficulties in negotiating for safer sex regardless of whether lobola has been paid or not. Reasons why women are battered in marriages have been gathered through research and are well documented. Women have been beaten for refusing sex or insisting on condom use (WLSA – Zimbabwe, 2002).

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9 The Roman Catholic church has come out openly against condom use.
10 Islam and Pentecostal churches. These churches believe in the baptism of the Holy Spirit manifested through speaking in tongues.
All these factors point to the need to look at the problem in a holistic manner. Targeting one factor only will not solve the problem. The factors themselves only explain male dominance but they are not the root cause of dominance. For example, lobola leads to women’s oppression but who determined that it should be paid for women only and not men? Poverty may be the reason why women lack decision-making power within marriages but why are women poor? These questions led me to look beyond the factors discussed above to examine and analyse the power behind them.

**Patriarchy, the power behind**

Hartman defines patriarchy as:

‘A system of power relations in societies where senior men have authority over both women and young men and where men act in collusion in order to keep their dominant position unassailed.’

In the public sphere, patriarchy is evident in many ways. It is the system that has kept women out of decision-making positions. It is the same force that leads to discrimination against women in the labour market and subjects them to sexual violence and exploitation. The operation of patriarchy does not draw a boundary between the public and the private. The same men who dominate women in the public sphere are the ones who enter into marriages. Hence they will still exercise power over women in these marriages.

**Conclusion**

In the preceding discussions, it can be seen that lobola plays a role in husbands denying wives their sexual rights. Therefore there is need to eradicate or modify this cultural practice in accordance with CEDAW. I submit that there are two ways of doing this. One way would be for parents of both parties to pay lobola to each other so that if one party says I purchased you, the other party can also answer back and say I purchased you too. The other radical way is to abolish the practice. While this may seem to be a disregard for culture to the traditionalist, it is a given fact that culture is dynamic and changes with the times. With the original meaning of lobola not being adhered to, there is no need to keep the practice. Moreover, if we are serious about combating HIV, we need to implement interventions that reduce women’s vulnerability to the epidemic.

Interventions that target cultural and religious practices together with social and economic factors without challenging men’s power over women will not empower women. Men need to be sensitized to the negative aspects and consequences of power over women while the women must summon the power within themselves to resist male dominance. As Tallis and Cavanagh state:

‘…women can exercise power despite the dominance of men. No one is completely powerless …’

(Tallis and Cavanagh, 2004).

This assertion entails that women mobilize the strength within themselves to resist male dominance in sexual matters, even where lobola has been paid. I say so because abolition of lobola is not abolition of patriarchy and, as long as patriarchy is in place, men will always find reasons to dominate women. Challenging the patriarchal structures is just one way of dealing with the problem. Married women have a responsibility to themselves to demand their negotiating space in sexual relations with their spouses.
Statutes

Zimbabwe

Criminal Law (Codification and Reform) Act (Chapter 9:23)
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Marriage Act (Chapter 5:11)
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