

Paying Lobola When My Wife Dies: An African Pastoral Study about the Practice of Forcing People to Pay Lobola After Their Wives Passed Away

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ABSTRACT While African people view lobolo as a way of ensuring that families come together to agree, witness and accept that their family member is married, some use the same tradition to generate income. Just as lobola cements marriage traditionally, those who avoid lobola are made to pay when the situation forces them to. There are several cases where the death of the woman or girl who lived with a man without being married according to the lobolo custom brought an issue of the forceful payment of lobolo, as a condition to allow the burial to take place by the parents (family) of the female. Besides scaring the young males and females who seem to ignore the importance of lobolo agreement when marrying, the practice also had its own unintended effects on the male and his family. The intention as well as the gist of this article is not only to argue that African people should respect the tradition by agreeing on the lobolo issue to avoid an unexpected forced payment, but also to try to check how pastoral caregivers and the Christian church come in to assist those who will negatively be affected by the practice.

INTRODUCTION

A radio programme presenter used the concept of “*masihlalisane*” to introduce discussion on the topic of lobola: “*Ku tshama swin’we mi nga lovolananga*” (meaning living together as husband and wife but unmarried according to the lobola custom); a heated discussion followed when callers debated the impact and consequences of living together unmarried during the Munghana Lonene Radio talk show held on 27-01-2013 between 13:00 and 14:00 in South Africa. Although some other side effects of this practice were debated, the issue of parents asking for lobola when the wife dies was not only part of the discussion but also an eye opener for the writer of this article. The discussion revealed the need for a study about pastoral intervention on the issue of lobolo being paid after the wife dies.

“No lobola, no funeral”: this was the groundbreaking statement that came from the family of the deceased lady who died in Cunningsmore village, Mpumalanga, after a 21-year marriage, but without lobola ever having been paid. Although the husband, Colbert, claimed that he had paid R3 000 for lobola, the corpse of his beloved wife was sent back to the mortuary by the police under the court interdict of his mother-in-law, while the coffin he had bought lay empty in his house (Mnisi 2012). Bad as this situation was, it is a

reminder that those who still undermine the lobola custom and prefer the “*vat-en-sit*” form of marriage are avoiding or postponing a situation that will most likely catch up with them in future. According to Baloyi (2001) three similar incidents were experienced in Limpopo province. The first one occurred at Miningisi Block 3 shortly before 8 August 1997 when lobola was paid for a deceased mother of five before her funeral was allowed to take place. The second one was at Nkovani village outside Malamulele between October and December 1998, while the other case was at Thomo village in January 1999 in which the husband was instructed to pay R15 000 before he was allowed to bury his wife. Without denying the pain that the respective husbands had to undergo during these sad times in their lives, one does understand that without pastoral interventions many bereaved families and lonely husbands will have to endure pain that they may never be able to recover from. The last incident was when Tembi’s family demanded lobola from the policeman-turned-killer who shot his wife and then handed himself over to the police in Mkhuhlu, Mpumalanga. The family was quoted saying: “They agreed to pay for the funeral but tradition dictates that they should first pay us lobola.”

In contrast, it is unimaginable that someone should pay lobola but never gets a wife. There is the case of Abel Tlhong from North West prov-

ince who complained that he wanted his R18 000 back when his wife filed for divorce, even before she had lived with him (Mushi 2012). A similar incident happened to Golden Rasi in Western Cape, who did not receive a wife after he paid R30 000 and bought a ring costing R6 000 for her (Mushi 2012). The bigger question is not whether or not the custom is still a good one for African people, but whether the practice is always observed for the benefit of the African people or is being hijacked by people who use it for the wrong reasons. Perhaps we have not only western civilisation to blame but also ignorance on the part of our people about their own customs, which were intended to ensure that marriage conformed to the norms and values of our society. That is why in African marriages people are now faced with challenges that could have been avoided if the proper procedures for conducting African marriages had been followed. The sad thing is that at the time of death, when the priority is to be able to bury the deceased, a forgotten or undermined custom should now create another unavoidable priority. It is unthinkable to imagine how the family and the bereaved husband must feel about having to pay lobolo and prepare for a funeral at the same time. Many people who belong to this tradition know very well how demanding and costly it is to satisfy the demands of just one of these two things. This article will discuss how African people are trying to retain the dignity of our marriage customs which has been lost through the neglect of the lobolo custom. It will also be the intention of the study to check how pastoral caregivers can intervene and play their part during the crisis that is caused by this neglect.

Objective of the Study

The objective of this study is to argue that the creeping issues like cohabitation, the so-called 'vat-en-sit marriages' and concubinage which seem to overlook and undermine the African tradition of lobolo are not only destroying the trait, but they are also reducing and destroying the African identity on issues of marriage. Therefore forcing young men to give their lobolo when their "unmarried wives or concubines" die is a way of reverting and penalising those who avoided the practice. It is the duty of the article to argue that concubinage and cohabitation has never been allowed in African context.

It is for this reason that this argument will also argue in favour of the fact that retaining this practice as African people is as important as keeping our own culture. Marriage without both families blessings after lobolo has been agreed upon, cannot be regarded as legitimate marriage in African context. For African marriage to retain its dignity and respectable position in the community, this study becomes an important one.

Background

Looking back where we come from, many customs and traditions which our forefathers employed to ensure that an institution like marriage was governed and properly run are often not only neglected but also sometimes even denounced and discouraged. Among many, lobolo is one of those which some people are not only trying to forget but also to destroy by their own neglect. African people need to consider the significance of this ancient practice. It will be difficult if not impossible to reinstate the beauty and dignity of African marriage without taking heed of the general African tradition embedded in the belief summarised by Nofinishi Kambe: "Many men wanted to have sex with me, but I told them that a man who wants to sleep with me should pay lobola first" (Sizani 2013). It is not only my contention, but also a strong conviction, that if today's girls still held this belief, cases where people are forced to pay lobola when their spouses die would be very rare.

Before deciding whether or not it should be abolished, it is important to ask why lobola was practised. While Burman (1991) asserts that bride wealth validates marriage, Mkhola (1997) agrees that it ensures the husband's accountability and responsibility to his wife, particularly in the African context where marriages were not formalised in courts, but traditionally in the community. Many other scholars agree that lobolo cemented marriage (Chigwedere 1982; Kagana and Murray 1991; Currie 1994). This cementing did not necessarily mean that a marriage would not be strong without lobolo, but it was a way of saying that the marriage needs to be acceptable not only to the family, but also to the community in which the particular people lived. Africans will always live in community, where the norms and the values of the entire communi-

ty determine what an individual should be. In this way, marriage should be acceptable not only to the husband, but also to the in-laws as well as the entire community. It is therefore logical to argue that if a marriage did not go through the acceptable traditional practices, particularly the lobolo practice, it would be difficult for both families involved as well as the entire community to accept the marriage.

The few arguments above strengthen the researcher's view that any form of cohabitation or living together when unmarried has always been an unacceptable form of relationship amongst many African people. When Mbiti (1991) argues that initiation ceremonies are under obligation for marriage, the researcher suggests that such ceremonies should be performed only after lobola had been agreed upon.

But the other question is whether, after disregarding some of our customs, we can still function as respected and dignified communities as our forefathers did. Besides, another argument is whether the neo-western culture people are embracing will solve our problems and challenges. The researcher agrees with President Jacob Zuma when he states that "white man's justice is not the only way". Speaking at the opening of the National House of Traditional Leaders in parliament on Thursday, 01 November 2012 the president said: "Let us solve African problems the African way, not the white man's way. We are Africans; we cannot change to be something else" (Williams 2012).

THE IMPACT OF LIVING TOGETHER IN AN UNMARRIED STATE

According to Curran and Bonthuys (2004) Makofane's interview one woman said:

"The nurse said that since I was not married to my partner, there was nothing she could do to stop the abuse. Her attitude was negative. She told her colleagues that I was a fool to stay with a man I was not married to."

The researcher personally supports the view expressed in this quotation about the African view on cohabitation or any form of living together in an unmarried state. The truth is that Africans do not regard the state of living together as a marriage, and will even shun a person living in this unmarried state. For them a denial of help and not wanting to have anything to do with such a person is a fitting punishment

for the person who chose to disobey them in this regard. In this way, the impact is that the community will always disapprove such unions and those who are involved will always be labelled as traitors to their own practice. In the light of the quotation above, the researcher agrees with Makholwa (1997) that there is always disrespect towards a marriage in which lobolo has not been paid. Even though some people may argue that parental and community blessings are not important for one's marriage, the ancient Biblical teaching supports the idea with the example of the patriarch Jacob having laboured before his wife (Rachel) was given to him in Gen.29:20 which says: "And Jacob served seven years for Rachel, and they seemed unto him but few days, for the love he had for her." Dlamini (1991) also emphasizes this when arguing that a marriage is valid only when lobolo has been paid. A proper marriage is one that is blessed by both parental and social approval (Baloyi 2012).

Many African women do not feel married until lobolo is agreed upon. Currie (1994) argues that lobolo is a custom, and without it marriage is not marriage, and women do not feel "married" without it. The researcher emphasizes the last phrase, in which women themselves "do not feel married". This means that even those women who cohabit for some reason or other are not happy about it. In other words cohabitation degrades both the parents and the girls who involve themselves in the practice and feel ashamed and degraded too. It therefore makes sense when parents react by wanting lobolo when their daughter who cohabited dies. Their embarrassment and anger is demonstrated in this practice. My view is that parents are not happy about wanting this lobolo but take action out of frustration and a need to punish the obstinate men who did not heed their own traditions in the first place.

Decline in Marriage

Another impact is a decline in marriage. Among other factors, Mashau (2011) is correct to argue that cohabitation and premarital sex are factors that have contributed to a decline in marriage. The researcher's previous research paper entitled "*The use of Imago dei as a pastoral healing argument to South African women*" discusses many incidents where women were killed by their "husbands" and boyfriends, which may

seem a sad reflection on the marriage institution (Baloyi 2012). In this way the institution has come under attack because many people who read these events in the media project marriage as an undesirable state. Mavundza (2013) reports: A young woman fears her ex-boyfriend is going to knife her” after beating her up for suspecting that she might be having an affair. This happened after the “jealous boyfriend” was living with this woman without a committed marriage. At the time of the report, the boy was still on the run and the police were looking for him; part of the problem was that, since he had not been introduced or committed to the girl’s family through the proper channels of marriage, it was difficult for the girl’s family to locate him. There have been similar incidents in which young men living with women without having married have run away after committing murder; it would have been different in a situation of a traditionally formalized marriage. The title “Man kills his lover and buries her body in the shack” (Magagula and Nkhwashi 2013) indicates clearly that the two adults were not married: this was a boyfriend, not a husband. My argument is that such killings scare many young people away from the marriage institution. The researcher is of the opinion that if the union of two people in marriage was still strictly regulated by traditional practices like lobolo, such killings would not happen because the young people who are committed to their marriages would not destroy lives of young girls, and they would of course be known to the families of their wives. In this way, marriage as an institution would still be as respected as it was in earlier days.

Shotgun Weddings

The practice of shotgun marriages is observed among conservative and traditional cultures that hold the preservation of a girl’s virginity before marriage in high esteem (Answer Blog 2010). An unexpected premarital pregnancy often prompts two people to get married. Baloyi (2001) is in full agreement with Kimathi (1983) about weddings involving pregnant young women, an obvious indication of premarital sex. Olthuis (1976) argues that shotgun marriage tries to make a marriage where it did not exist. It is very common today that young people who just fall in love jump into marrying before they know one another. Here the parents

and family are given short notice about a marriage that they were not even expecting. Many go into a forced marriage not because of real love for each other but to protect the unborn child and escape the challenges of raising a child outside wedlock.

POSSIBLE CAUSES OF NEGLIGENCE

Lack of Resources to Do the Right Thing

While greed from some parents has distorted the meaning of lobolo, for some the expense of lobolo has led many young people to cohabit (*vat-en-sit*), which according to Khathide (2007) is both un-Biblical and un-African.

It is true that poverty and unemployment make it difficult for some people to pay for lobolo. But these cases should be treated on their own merit because the culture of lobolo is meant not as a payment but as a negotiation. In fact originally this tradition was meant to bring the two families together to discuss and agree on the marriage of their children. It may be that the families agree to marry their children without payment of lobolo: in Tsonga there is a saying “*Lovola n’wananga anga heli*, meaning that “lobolo payment does not come to an end”. This implies that after the giving of the “*matlhomanyangweni*” (small amount that is used to open up the discussions) the families may agree on the marriage, since the lobolo can be paid later. That is why in the African context, the parents and the extended family would contribute to help the unfortunate man pay for lobolo. That is the beauty of African communalism. For this reason, the researcher disagrees with Curran and Bonthuys (2004) who argue that the much higher amounts claimed for lobolo make it more difficult for young people to marry, who then resort to cohabitation. The researcher’s former argument on lobolo proves that even the poor and less prosperous can afford to marry. It is a pity that the western individualistic lifestyle has influenced us to a point where we are so fragmented that we no longer help out in cases like these. It is the researcher’s contention that if the African communal lifestyle is practised, even unemployed young people would be able to marry. The researcher concludes this section by agreeing with Kathide (2007) who indicates that by its nature *ilobola* (in Zulu) was so designed that no man, no matter how poor, should remain un-

married because of the importance Africans attached to the marriage institution.

Peer Pressure

The temptation of falling prey to cohabitation and living together in an unmarried state is very common these days. One of its causes according to Mwaba and Naidoo (2005) is peer pressure. Few students and young people survive the pressure of sharing space in hostel rooms with other students who tend towards cohabitation. In support of this argument Mashau (2011) argues: "They look at their peers and give into temptation, because 'everyone does it'. Because of the peer pressure, it becomes difficult for most girls to wait for their marriages to be officiated before they lose their virginity."

Insubordination towards the Elderly and Parents

According to Mbiti (1991) Africans had three ways of acquiring wives. The first one was that parents would choose marriage partners for their children even before they were borne. The second one was when relatives made the choice for the young people. The third custom was to let the young people themselves find the person they wish to marry, and then inform their parents or other relatives. All of these three customs were intended to culminate in informing the parents about the choice before the marriage took place. It must be understood that none of the three customs barred young people from making decisions about their marriages. On the other hand, the consent of the parents must not be taken to mean that they should abuse and force their children into unwanted and unexpected marriages. An example is what happened outside Mahwelereng in Limpopo when the parents forced their 13-year-old daughter to marry a 57-year-old *sangoma*, who was four years older than the girl's mother (Maponya, 2013). In this way, the implication is that the services of the *sangoma* to heal their daughter substituted lobolo. Fortunately the government intervened by taking the girl into safety and the case is still being investigated. The report confirmed: "Limpopo police spokesman Brigadier Hangwani Mulaudzi said yesterday the girl had been taken on Friday from the sangoma's house in Masehlaneng village near Mahwelereng to a place of

safety in Polokwane" (Maponya 2013). The researcher therefore agree with Waruta and Kinoti (2000) that it is not correct to claim that marriages were arranged by elders while the young people had no significant say. In this way the young people's role as subordinates as well as their respect for the elderly was observed. In this situation young people would have feared cohabiting or marrying without the consent of their parents or elderly members of the family; it would have been easy to avoid the problems around living together when unmarried.

Ensuring Ability to Procreate Before Commitment

The dilemma of ascertaining the girl's ability to give birth before getting married is not a new phenomenon, but Ward (1970) indicates the relevance of such a dilemma from long ago, when he asks the question: "If sexual intercourse before marriage is not allowed, how will I tell whether the girl is fertile or not before marrying her?" This arises because of the emphasis that traditional African people put on childbearing. For instance, while Kimathi (1994) argues that fertility for Africans makes a person authentic, Nhlapo (1991) indicates that procreation ensures the continuity of the clan. Although this argument is not the focus of the study, it is important to note that the connection that was made between procreation and marriage sometimes confuses young people who want to prove that their prospective wives will bear children before they commit themselves in marriage, leading to the practice of living together without marrying. That is why Baloyi (2001) agrees with Kimathi (1983) that some weddings take place while the girl is pregnant as a result.

The article entitled "Only fools pay lobolo" (Writer 2012) gives some evidence why some Africans are being taught to neglect, denounce and abandon their own way of doing things. Among many other reasons the writer's allusion is that lobolo has adopted an "inflation system" and that parents have no right to demand an unreasonable amount for lobolo since the man is going to take care of their daughter. The researcher considers this argument invalid because the custom is not about inflation but about giving a reasonable gift. A good example is the cost of the rings western people used to buy for their prospective wives, which cost far

more today. Likewise, cattle cost far more nowadays. One cannot expect lobolo to remain unchanged while other prices are rising. Taking care of their daughter is a choice that the husband made; therefore it cannot be counted against the lobolo negotiations. It is very much clear that a man decides to marry because he is ready to take care of someone; therefore even if lobolo was not paid, still taking care of one's wife is an expectation.

There is a lot of confusion now, particularly when people misunderstand the rights of people as part of our democratic constitution. Some young people today think that their rights allow them to have a wife without having undergone all the African processes of marital rites. Cheap marriages are resulting, where "*vat-en-sit*" marriages and cohabitation are becoming common at the expense of traditional marriages that involve the bridal gift.

THE CONSEQUENCES OF THE PRACTICE OF LOBOLO AFTER DEATH

Undermines the African Traditional Way of Marriage

Clearly paying lobolo when the body of one's wife lies in the mortuary is not only stressful; but it is a way of forcing African people to do what Africans should do. Such a situation cannot possibly be a happy one for either family, but it is the means to teach a lesson that should have been learnt before. In this way one can understand that this practice was not part of African tradition, but something that came up because of circumstances. It is the researcher's contention that the parents of the girl feel they have been left no choice but to punish someone who did not want to follow the proper procedure in the first place. African people very seldom or never enjoy mixing joy and sorrow at the same time. Lobolo is a happy moment on its own, but burial means grief and the two should be kept separate.

Confusion about Children

The first thing is that the very resources supposed to be used for those left behind (particularly any children there may be) will be misused during the process of relocating goods and chil-

dren as well as opening court cases. The relocating of the deceased's goods brings confusion for any children in the marriage. The example of Pindiwe's death where her family members went to collect all her belongings from her boyfriend not only punishes the boyfriend but also the children who were part of this family too and therefore deeply affected by these actions (Sizani 2013). Unfortunately, no children were mentioned in the story of Pindiwe above, but if they had children, it means they would also be in the confused process of being relocated.

Unnecessary Court Interdicts during the Conflict

For African people, the time for burial should not be a time for courts and interdicts as well: all energies and focus should be on issues of burial. Going to and fro to court for interdicts also wastes the resources and energies that should be channelled towards helping the family, particularly if there are children. It is unfortunate too because problems related to lobolo as an African custom are supposed to be dealt with by African traditional courts like *huvo* (Tsonga) or *khoro* (Venda), without involving the western justice system. These interdicts may help to sort out problems but they will lead to unhealthy and unfriendly relationships. It is indeed unfortunate that African people resort to the western courts to solve their problems instead of using proper African channels to deal with issues affecting their customs. This is where the researcher completely agree with President Zuma when he argued that we need to reconsider doing some things in African ways because western ways are not the only ways to find solutions to our problems (Williams 2012).

GUIDELINES

The Law's Role in This Predicament

During the radio talk show mentioned at the beginning of this article Advocate Baloyi indicated that there is "*nawu-mbisi*" (interim ruling) which serves as a guideline which is being used by South Africans about the domestic problems that emanate from the acceptance of traditional marriages by the government. It is the very same interim ruling that will ensure that lobolo agree-

ments are reached as requested by the dead wife's family. This ruling accepts that if people have stayed together for more than six months, they are considered married. Therefore in case of goods they bought while living together there should be an equal share, but now, when coming to the lobolo issue, which is traditional, the man's family should reach an agreement with the woman's family.

The Role of Pastoral Caregivers

The researcher quotes one old woman who according to Sizani (2013) gave her reason for having had long life: "I told men who wanted to have sex with me that a man who wants to sleep with me should pay lobolo first." This is a typical view of elderly people and also an African truth which I believe should be taught to our daughters, even by pastoral caregivers who work within an African context. As an African pastoral caregiver the researcher is convinced that what the elderly Nofinishi Kambe (110 years old) said applies not only for the people of Port Elizabeth but is what many, if not all, African people believe should be the truth. This would surely also be one way to avoid having to pay lobola after the death of a spouse.

Pastoral caregivers need to understand the importance of practices such as lobolo in order to educate young people wanting to marry about how observing the custom can prevent unnecessary problems later. It is the duty of both marriage and pastoral counsellors to ensure the parents are involved when their children get married. This will help ensure that the traditional practices are performed before the wedding takes place. It is very unwise for marriage counsellors simply to marry the couple without consulting the two families concerned.

The Church's Responsibility

The African traditional teaching that forbids the practice of sex before marriage is in line with the Biblical teaching and not foreign to members of the church. It is interesting to note that the Bible is in agreement with the traditional view. The African Christian churches should take pride in this agreement. People who want a trial marriage or to cohabit often have an argument for premarital sexual intercourse. The church should not shrink from pursuing this Biblical teaching, particularly with young girls. The church needs

to keep teaching and informing young people: "No sex until you're married", "No sex until you are older", "No sex unless you're protected" or "No sex unless you're in love" (Anderson 2000).

For it is not only African that lobolo should be expected before the couple may live together and have sex (Sizani 2013: 3), it is in line with the Biblical teaching which forbids sex before marriage. The church should acknowledge that Africans only accept marriage as marriage when lobolo has been agreed upon. Therefore this point of meeting between the Biblical and African view should be held in high esteem and should become an important part of the church's teachings for young people. Although the church may claim that it is a family affair, it should be the duty of the church to ensure that those who come to the church asking for a marriage blessing have their parents' and in-laws' consent as far as lobolo is concerned. In the same vein, the researcher convinced that the same teaching can be accompanied by the revival of the practice of virginity testing that was observed in some parts of KwaZulu-Natal recently. Although some people argue that this practice is one-sided since it does not apply to young boys, the researcher strongly agrees with Curran and Bonthuys (2004) that the practice will reduce issues of premarital sex as well as HIV/AIDS. For the sake of this study, the practice will also play a pivotal role in eliminating unexpected pregnancies as well as cohabitation, which will in the end avoid the problems accompanied by forced lobolo when the spouse dies.

It will not be enough for the church to condemn only those who live together while unmarried; it should be its challenge too to ensure that after paying lobolo for their dead wives, they receive help from the church. The church can therefore form support groups for bereaved husbands as well as giving counselling to help them cope with life.

CONCLUSION

Marriage preparations for young Africans must still enjoy the involvement of both parents and elders for the sake of avoiding unnecessary mistakes. This involvement must be brought amongst other things by the initiation of lobola negotiations. However, if the lobola negotiations are not started, whatever happens may it be in the form of cohabitation or the so-called "vaten-sit" relationship, the family, particularly the girls family will not approve of such relation-

ship. Cohabitation in the form of unmarried people living together has never been sanctioned by either African tradition or the Bible. Besides the practice being disapproved, the frustrations that are also orchestrated by the humiliation that family suffers as a result mitigate that the girl's parents will expect their "son in law" together with his family to pay the price if and when their daughter dies. This is for them a way to correct the mistakes that were done, of neglecting the practice. It is important to note that this is a point on which African tradition and the Bible agree. African people have their own ways of punishing those who do not follow proper marriage customs. Pastoral caregivers need to help young people to understand that they should respect their African customs and never marry without the consent of their parents and families. The church, in particular, must play its role by ensuring that traditional teachings that are not foreign to Biblical teachings, for instance forbidding sex before marriage, are held in high esteem.

RECOMMENDATIONS

For African South African parents and pastoral caregivers it is recommended that they should include in their teachings an awareness to their young ones about dangers of practices like cohabitation and concubinage. The churches through their premarital and marital counselling should consider than ignorance to knowledge about lobolo issues may haunt our children in the course of life.

It is therefore recommended that the future study focuses on the South African Law regarding issues of marriage, particularly legitimising traditional marriages. The other study for the future is to concentrate on lobolo practice in a cross-cultural marriages in a democratic South Africa. It has also been realised that there is need that young people who are intending to marry should be aware of their African practices and should be encouraged to uphold them. It is lastly important to urge marriage counsellors and families to try to work together with their young ones when arranging for the marriage.

LIMITATIONS

The study must be limited to the context of Africa- South African context which is the main

focus at this point. It is the traditions that African black people should uphold for the sake of their own identity in marriage context.

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