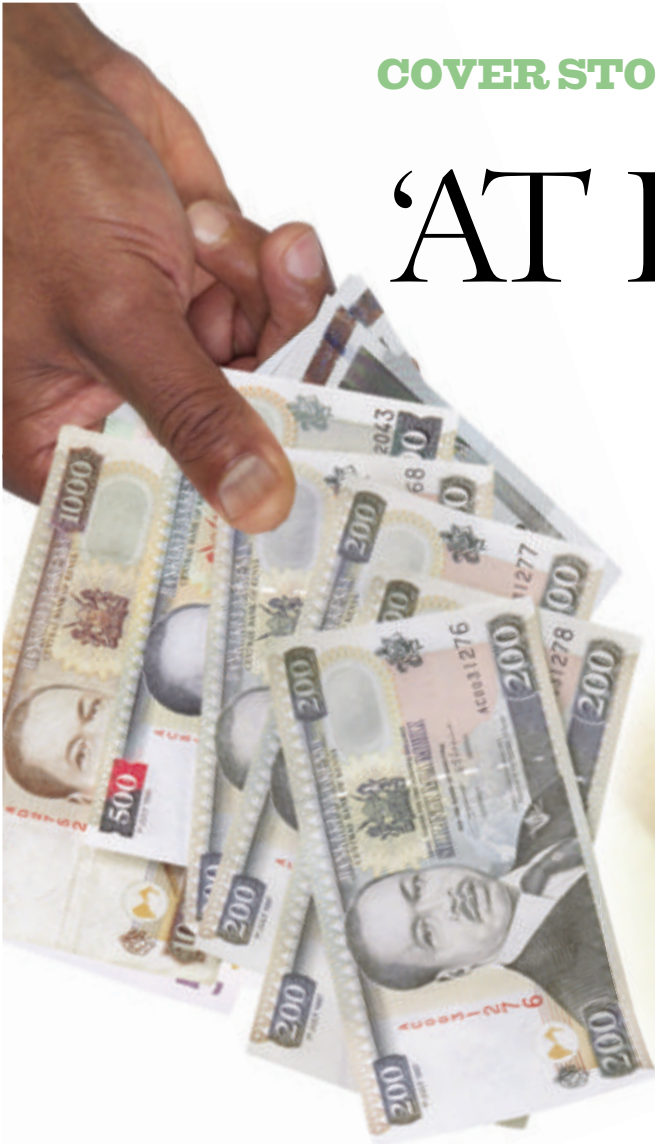


COVER STORY

‘AT LAST, MY BRIDE BY RIGHT!’

An initiative that undertakes to pay dowry on behalf of poor Muslim men results in previously ‘illegal husbands’ walking tall and proud. By **JOHN SHILITSA**



Ali Machache rises hastily to his feet when Kadhi Mohammed Ali Bukoko calls out his name. However, he has to wait at the podium for at least five minutes before Salima Ogia, the woman he has lived with as his wife for three years, emerges to join him from a group of ululating women seated on the left.

Hands intertwined, Machache and Salima exchange vows, repeating after Kadhi Bukoko: “*Mimi Ali Machache ninakubali kulipa mahari ya Salima Ogia jinsi tulivyokubaliana* (I, Ali Machache, agree to pay Salima Ogia’s dowry as agreed).”

Only then are Machache and his wife able to exchange pleasantries with the guests who have come all the way from Saudi Arabia. The guests hand over Sh10,000 to him and another Sh6,000 to Salima. They are all smiles as they pose for a photograph before signing their marriage certificate.

Many other names are read out as the crowd cheers on other couples who move forward in similar style to exchange vows, receive money and sign their marriage certificates at Harambee Mosque in Mumias district.

The recently held event marked the launch of a novel initiative to fight illegal marriages and HIV and Aids by an Islamic relief agency called International Islamic Relief Organisation, which has stepped up offering to pay dowry for youths in western Kenya who cannot afford to pay it.

The organisation released over Sh1.7 million to pay dowry for 108 young men mainly from Vihiga and Mumias districts. Leading a delegation of the organisation’s leaders from Saudi Arabia, Sheikh Abdalla Aljabar gave Sh16,000 to each of the 108 couples who turned up for the lively and colourful mass wedding.

Aljabar explains that it is out of faith that the team launched the initiative. “All Muslims around the world are brothers and our religious teachings urge us to help others while we are still alive,” he says.

Aljabar adds that the funds were contributed by individual Muslims in Saudi Arabia to help hundreds of struggling Muslim couples in Kenya to be able to meet their dowry obligations and live a righteous life.

“This will help our Muslim brothers who

cannot afford dowry to end illegal marriages, which go against the holy teachings of our religion,” says Sheikh Saleh Rashid, who is in charge of Muslim affairs in the western Kenya region.

Sheikh Rashid adds that according to Islamic teachings, all children who are born in an illegal marriage are illegitimate. “We view this initiative as a God-sent project that will help mend the tattered social fabric in this country,” he says.

Couples who have benefited from the donations are overwhelmed with joy. “This is what the grace of God is all about,” says Machache. “I have been living in fear that my wife could decide to walk out because I could not afford to pay her dowry.”

Like many others, Machache’s was a ‘come we stay’ arrangement that did not have the blessings of parents from either side. “I thought the time was ripe for me to get married and convinced Salima who accepted, albeit reluctantly, to move in with me,” he says.

For about three years, Machache had failed to live up to his promise to pay her dowry. Although he continued to live with Salima as her husband, he admits that he felt a heavy sense of shame whenever he thought of his broken promise.

“It is shameful to take somebody’s daughter without showing any appreciation. I believed I was the greatest sinner for having convinced an innocent girl to marry me secretly,” he says. “So I thank God for bringing our brothers from Saudi Arabia to bail us out.”

“**I believed I was the greatest sinner for having convinced an innocent girl to marry me secretly**



Four of the couples who received dowry during the event in western Kenya, from left Abubakar Kweyu and Zuleah Said, Ali Amuka and Rukia Luleti (pictured with their Saudi sponsor), Abdi Kweyu and Zainab Ali, and Ramadhan Wanyakha and Jamillah Nabwire.
Photos/John Shilita

Salima says she knew the route she had taken was wrong “but I could not wait and watch any longer as girls my age all got married.”

Muslim teachings dictate that dowry should be paid to the bride rather than her parents. However, Salima says she will share part of the money she received with her parents. “I am greatly indebted to them and I want to demonstrate it,” she explains.

Sheikh Rashid explains that the mass wedding was a pilot project and that International Islamic Relief Organisation intends to make such ceremonies an annual event across the country.

“Many people are living together in illegal unions and the number of couples here would have been much larger; unfortunately some people doubted the seriousness of the event when we asked them to prepare for this day,” says Rashid.

According to him, HIV and Aids has continued to spread because of such marriages. “We are told today that people who are married are vulnerable to the scourge more than any other person, meaning it has something to do with illegal unions,” says Sheikh Rashid.

According to him, this is because illegal marriages, as he refers to them, are not

planned and can be related to “marriage of convenience” in which the spouses do not regard each other as the preferred partner, but rather theirs is a relationship forced by prevailing circumstances.

“Owing to this, partners seek physical and emotional satisfaction elsewhere; this exposes them to HIV and Aids,” he says.

Some spouses present at the ceremony admit that seeing Sh50 in a month is a rare occurrence. They, therefore, could hardly believe that part of their problems had been solved in a ceremony that lasted half a day! “I have been able to pay my wife’s dowry and still have Sh10, 000 for my family’s use!” exclaims one proud husband, Hassan Mohammed.

Many of the couples hold the common view that the initiative will help stabilise many marriages and bring harmony and peace in families. There is a saying in Kiswahili: “*Mgeni njoo mwenyeji apone* (a visitor comes with hope to his host).” This is one visit that the Muslim hosts of western Kenya are likely to remember for a long time. living@nation.co.ke

Dynamics of dowry payment

In Islamic culture, dowry is a bride gift and not a price and it is given willingly to the bride. This is according to Mohamed Swalihi Mohamed, the chairman of the Kenya Council of Imams. He explains that this gift, which is set by the bride, is negotiable and whatever amount of money is agreed upon can be given in advance or in installments during the marriage.

Commenting on the ‘dowry relief’ ceremony in Vihiga and Mumias, Mohamed, who is also the assistant registrar of Islamic marriages and divorces in Kenya, explains that while it is not mandatory for one to pay dowry in Islam, it is wrong to live as man and wife and assume marriage without conducting an Islamic marriage.

“This is an act of fornication, which is a sin in the sight of Allah,” he says. “Children born out of such unions are considered illegitimate or born out of wedlock because the Islamic culture does not recognise ‘come-we-stay’ unions.

Mohamed expresses satisfaction that the children whose parents participated in the event in western Kenya can now feel proud because their parents have “legalised” their marriages, making the families “clean”.

Assumed marriage

These sentiments are shared by Muhammad Abdalla, an official at the Jamia Mosque. He says, “Ignorance of religion might have caused these couples to assume marriage.” This ignorance can arise when individuals start drawing more from their tribal customs than Islam.

The brides’ parents might also have contributed: “The young men might have married through the right channels, but their brides’ parents might have willingly or unwillingly hiked the dowry for themselves,” says Abdalla, adding that this might have forced the couples to engage in ‘come-we-stay’-style relationships.

There is no standard fee for dowry in Islam. It can range from a few shillings to millions depending on what the bride sets for the groom. But Abdalla explains that in Islam, the smaller the bride gift (dowry), the bigger the blessings that the couple gets from Allah.

In the Koran *Sura IV* verse 4, dowry payment is seen as obligatory to Islamic marriage: “And give to the women (whom you marry) their *Mahr* (bride gift) with a good heart, but if they of their own good pleasure remit any part of it to you, take it and enjoy it without fear of any harm, as Allah has made it lawful.”

Cultural historian, Professor Mutu wa Githui, says although dowry payment is mandatory in many Kenyan African cultures, the idea behind it is unclear since it is culturally defined. “The concept of bride price is misleading since it suggests a price for a girl,” he says, adding that it should ideally be a gift from the groom to the in-laws. But modernisation has highly commercialised dowry. “For some people, it has become a money-making venture.”

At the Nairobi Pentecostal Church, Pastor Ken Thiong’o feels the same: “When the issue of dowry leads some people into sin, such as cattle-rustling or stealing because the in-laws have asked for too much, then the church has to come in and talk about it.” But he adds that the Christian religion does not nullify cultural practices, dowry payment included.

The proposed Marriage Bill 2007 provides that non-payment of dowry should not necessarily result in the husband being penalised. In this respect, Kenya might be moving towards a future where marriage will no longer be based on the amount of dowry that has been paid or not paid.

- **Millicent Mwololo**

LIVING POSITIVELY

Until the eleventh hour

Sometimes, following procedure ends up costing you everything

For anyone living with HIV, time is a luxury you can’t afford to play around with. Last week we lost Peter, a young HIV-positive client we had been caring for. I don’t do this often, but with the benefit of hindsight I must admit this is one case I can’t really say I personally offered my best. Usually, we believe that by the time we are losing a person in our care, we have given our all.

After I received the news on this sad day, I went home feeling regret. Not that we could have stopped the Grim Reaper from reaping where he hasn’t sowed, but, truth be told, we started trying to lock the stable door long after the horse had bolted. In Peter’s case, we were merely playing catch up.

I think our organisation is in danger of falling into the trap of doing things in the ‘business as usual’ style. Like fat, bored bureaucrats, we follow what we perceive to be tried and tested patterns, forgetting that this virus often springs ugly surprises. And the cost is dear – Peter, a Form Two student, was a bright, jovial boy who dreamed of becoming a pilot.

He was only in his mid-teens, but Peter, who came from a village in Murang’a, had already been to hell and back. His father died several years ago and his mother, on realising her husband and son were HIV infected, took off never to be seen again. Peter lacked the most basic necessities – water and food. What’s worse, there wasn’t anyone to take him to hospital when the need arose.

Normal marriage

Peter’s mother had had what looked like a normal marriage. But after some time she realised her husband was spending more and more time at home. Suddenly, he was indoors all the time. He even insisted that there was no need for her to leave her work on the farm to come and make his lunch. One day she came home unexpectedly and caught her husband pants down with the house help. Previously, several house helps had left without a word. Now all the unpleasant pieces fell into place.

Like any woman who’s been scorned, she wouldn’t hear of trying to reach an understanding, or reasoning together or reconciliation. Unlike most women, she wouldn’t even think of staying for her child’s sake. And when her husband tested HIV-positive and went down with tuberculosis, she left Peter without a care what would befall him. She didn’t even attend her husband’s funeral.

These are the circumstances that caused a Good Samaritan to report Peter’s case to our Murang’a office. My staff were called to action a bit too late, but even then, we stuck to procedure and this delayed Peter’s access to appropriate care. I had initially said Peter should come and stay at my house while we planned the best course of action (I always do this for the sake of close monitoring) but my suggestion was vetoed.

The fact that Peter had one parent who was still alive (though missing) meant we needed a letter from the area chief granting us permission to move him to Nairobi for better care. It was during this process that Peter died from HIV-related complications.

Initially, I used to insist that a needy patient be moved immediately to a care facility while we followed up the paperwork. But I was advised to start following procedures because we have had some ugly incidents. A few times, people have died in our care and we’ve had to bear the brunt of angry relatives who couldn’t understand that our intention – and only mistake – was to try and save time and life.

Certain cases

Peter’s death made me wonder whether or not I should go back to my own way of doing things. I feel like I let him down; that I didn’t do enough. My intentions may be misunderstood sometimes, but the truth is in certain cases, time really is of the essence.

This isn’t Peter’s story alone. It applies to the hundreds of other people who are HIV-positive but who wait until the curtains start coming down before they seek help. I’m not God, but sometimes I feel like some deaths are avoidable. If we could dispense with the red tape, or fears of stigma, or the fear of going for an HIV test – then we would better manage this virus and lengthen the lives of people living with HIV.

So from now on, I promise to do things in my own ‘unofficial’ style. Even if it lands me in hot soup, I won’t wait for some bored bureaucrat to sign on the dotted line while someone’s life is slipping away. And to Peter’s mother, wherever you are, please know that your baby is in a better place. asuntawagura@hotmail.com

This is the diary of Asunta Wagura, a mother of two who tested positive 20 years ago. She is the executive director of the Kenya Network of Women with Aids (KENWA).