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Orla Treacy

Early and Forced
Marriage

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Early and Forced Marriage

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INTRODUCTION

There is an old story told of a Kerry woman who fell in love with a local farmer. They were both poor and the marriage seemed impossible without a dowry. The woman travelled to America where she worked until she had raised her own dowry. On her return home she was able to present to her new father in law the dowry and marry the man of her dreams. The story goes on to tell a tale of five other weddings that happened as a result of the same dowry. With the arrival of the dowry other young women in the village were able to marry and the same dowry passed from house to house. Ironically it ended up back in the original family home of the lady when her younger brother married and his bride came with 'the dowry'

One hundred years later in the town of Rumbek in South Sudan tales and stories of remarkable women trying to help pave their own future in marriage are beginning to happen. But there is a long road to go from Kerry to Rumbek. Early and forced marriage of girls is a normal practice of the Dinka tribe. Rooted in tradition, the pastoralist community of the Dinka seek a cow bride price for their daughters. While people in South Sudan feel the effects of war, many young women are rising up and seeking a change. These young women are fighting for their rights to be educated and not to be forced into marriage.

SOUTH SUDAN

The recent history of South Sudan is a painful one. Most of the last sixty years have been times of war for the people of South Sudan. Sudan received independence in 1956 and even before the British had handed over power the first civil war already in the making between the North and the South.¹ Issues and agreements from the first civil war were not settled according to Southerners

¹ PM Holt & MW Daly, *A history of the Sudan* (Essex: Pearson Education Limited, 2000), 139

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expectations and a second, longer and more deadly Civil War occurred. It is estimated that over two million people died in the civil wars.² In 2005 the Comprehensive Peace Agreement was signed, paving the way for a referendum on independence for the South.³ Over 99% of the population voted for a new and independent country. South Sudan was born as the newest country in the world on the 9th July 2011.⁴ But South Sudan was declared independent at the same time the country was recognised as the poorest and most illiterate country in the world.⁵

South Sudan is three times bigger than Ireland but with a complex mix of history and tribal groupings. There is a population of twelve million people, among which there are believed to be more than sixty tribes.⁶ With independence came hope and expectations that, under their own leadership, life in South Sudan would be better and easier. Power sharing was agreed between Salva Kiir and Riek Machar, leaders of the two biggest tribes, Dinka and Nuer. Unfortunately, people's dreams and hopes for prosperity were short lived. Political leaders disagreed on the way to rule, and within thirty months the new country was experiencing its first civil war. Eight years later the effects of the war are felt in every corner of the country. It is estimated that over four million people have been displaced, seven million are food dependent⁷ and it is believed that over four hundred thousand people have lost their lives.⁸

South Sudan tops the world rankings for many of the wrong reasons: It is one of the most illiterate countries in the world with estimates that 70% of fifteen year olds cannot read or write.⁹ It is considered one of the most dangerous countries to live in. It is one of the worst countries to be a woman.¹⁰ It is seen to be one of the poorest, with three out of every four households

2 https://www.everycrsreport.com/files/20050311_IB98043_6adb4d78defad354f8160009242abe33c98dec89.pdf

3 John Ashworth, *The Voice of the Voiceless: The Role of the Church in the Sudanese Civil War* (Nairobi: Paulines, 2014), 206

4 Arnold, M. LeRiche, M. *South Sudan: From Revolution to Independence* (Oxford: University Press, 2012)

5 <http://www.thenewhumanitarian.org/analysis/2012/09/04/south-sudan-struggles-meet-demand-education>

6 [https://www.usip.org/sites/default/files/Diversity,%20Unity,%20and%20Nation%20Building%20in%20South%20Sudan%20\(Jok\).pdf](https://www.usip.org/sites/default/files/Diversity,%20Unity,%20and%20Nation%20Building%20in%20South%20Sudan%20(Jok).pdf)

7 <https://www.hrw.org/world-report/2019/country-chapters/south-sudan> [accessed December 22nd 2019]

8 <https://apnews.com/4f5a8681027c4ee7894289c058805b3e> [accessed November 23rd 2019]

9 <http://apanews.net/en/news/south-sudan-has-one-of-worlds-highest-illiteracy-rate-unesco> [accessed September 10th 2019]

10 <https://www.africanews.com/2019/10/29/world-s-worst-places-to-be-a-woman-south-sudan-drc-mali-libya-car/> [accessed October 30th 2019]

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headed by females living below the international poverty line.¹¹ The current peace agreement known as the Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan has already had a number of delays. Peace talks continue, there have been two extensions to the talks but as yet the leaders have not formed the unity government. Interventions from other countries have been common place while the action of the Pope was profound and powerful when he knelt down to kiss the feet of the political leaders.¹² Peace is the first step in rebuilding the nation but tradition and culture also bring its challenges.

DINKA AND TRADITION

The Dinka are the largest tribe in South Sudan. Their traditions and culture are very strong and defined. Dinka men traditionally are pastoralist and warriors; they move with their cows. Their love of their cows reaches into their social and moral lives. The Dinka are probably among the wealthiest in cattle in the African continent.¹³ They are warriors and from an early age young Dinka men are taught to defend the community and protect the cows. While traditionally the weapon of choice has been the spear the recent wars have introduced the traditional cattle keepers to modern weaponry- today you are more likely to see the cattle keeper carrying an AK-47 than the spear.¹⁴ Cattle raiding has also become part of their life.¹⁵ The overriding goal for a Dinka man is to marry and produce many children, especially sons, for which he needs the cows for the bride price.¹⁶ Marriage can be polygamous for the man but monogamous for the woman and all marriages are conducted with a bride price. In customary law a Dinka girl is considered ready for marriage once she has had her first menstruation, girls can be married as young as twelve years of age.¹⁷

11 <http://uis.unesco.org/sites/default/files/documents/global-initiative-out-of-school-children-south-sudan-country-study.pdf> [accessed December 22nd 2019]

12 <https://www.vaticannews.va/en/pope/news/2019-04/pope-francis-kisses-feet-leader-south-sudan-retreat-vatican.html> [accessed June 6th 2019]

13 Francis Deng Mading, "The Cow and the thing called "what": Dinka cultural perspectives on wealth and poverty", *Journal of International Affairs* 52 (1): 101-129

14 <https://jhumanitarianaction.springeropen.com/articles/10.1186/s41018-018-0030-y> [accessed December 22nd 2019].

15 *ibid*

16 Francis Deng Mading, "The Cow and the thing called "what": Dinka cultural perspectives on wealth and poverty", *Journal of International Affairs* 52 (1): 101-129

17 Dr. Mohamed Fadlalla, *Customary Laws in Southern Sudan, Customary Laws of Dinka and Nuer* (Bloomington: iUniverse, 2009), 33.

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The dowry known as the bride wealth is the gift of cattle given by the groom and his family. Without it the marriage would be deemed invalid.¹⁸ The male members of both families are involved in the process of settling the bride price, the number of cattle. At times the girl may be asked her opinion, though it is not expected. Should other suitors also be interested in marrying the young girl the relatives will ask to view the bride wealth (cows) and then decide on the suitor. A girl's bride price can vary according to the circumstances; a girl with other suitors will generally get a higher bride price as the men can compete with one another. Belonging to an important family, a wealthy family, being tall, being young and being beautiful can all add to the value of the girl's dowry. A dowry can vary between 10 and several hundred cows.¹⁹

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Seventeen old Rebecca was a final year student in Secondary School with four months to go till her completion. It was widely known that Rebecca's family elders were interested in her marriage. Three men were competing to marry her. Rebecca was called home and invited by her family to choose which man was her preference as husband. Having chosen her husband Rebecca returned to her studies. Five days later Rebecca was taken to her home village, she never returned to complete her education. Her extended family had chosen a different suitor for her and, fearing that she would reject their choice, she was given in marriage the same day. She recounts the story of being beaten, tied up and carried to the suitors' home. When news of Rebecca's abduction reached the school a delegation was sent and confirmed that Rebecca was being held against her will and forced to marry.

Stories such as Rebecca's early and forced marriage are common place in South Sudan today. It is estimated that 9% of 15 year old girls are married while 52% of 18 year old girls are married.²⁰ In following up the case of Rebecca the school authorities met with her local county commissioner. His response was that there is no such thing as forced marriage in the community; girls are talked to until they accept. Such comments are not unusual as traditional mind-sets clash with a younger, discerning mind.

As the war has been played out it is the women and girls that have suffered the most. Many believe that in this recent civil war as hunger and displacement increased so did the numbers of girls

18 *ibid*

19 <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf> [accessed December 20th 2019]

20 <https://www.girlsnotbrides.org/child-marriage/south-sudan/> (accessed December 21st 2019)

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who were forced into marriage.²¹ There are many reasons why the culture and tradition of early and forced marriage has continued; the viewing of women as commodities, poverty, family honour and protection.

WOMEN ARE SEEN AS COMMODITIES

The reality of early and forced marriage in South Sudan is traditionally linked with wealth. A man blessed with daughters is seen as a wealthy man as each daughter will bring more wealth into the family. The traditional view for many elders is that girls are seen as commodities, goods to be bought.²² While traditionally it is believed the Dinka married their daughters for few cows there has been a shift in the past few decades. When a daughter is married she should be married for more than what her mother was married for.²³

POVERTY

With South Sudan's ongoing conflict the economy has collapsed, government workers can wait months to be paid their salary and even with their salaries they can no longer afford to support their family.²⁴ Young girls are often seen as the saviour of their family.

Martha is a fifteen-year-old student. In July her father arranged her for marriage for twenty cows. When questioned by the school representatives he admitted that he was desperate and confused. The father had lost his wife, his children were without a mother and someone to look after them, they were hungry and they had nothing. The father couldn't see beyond the week and in his desperation marrying off his daughter seemed his best solution.

FAMILY HONOUR

There is a cultural understanding that a teenager should be married. Parents and extended families fear the girl will become pregnant before the dowry is paid. The marriage can be seen as a way to 'protect' girls against premarital sex and pregnancy outside marriage, both of which can be seen to undermine family honour and diminish the value of a girl's dowry.²⁵ However, as the girls

21 <https://www.girlsnotbrides.org/resource-centre/child-marriage-in-humanitarian-crises/> [accessed December 10th 2019]

22 Francis Mading Deng, *Dinka Cosmology* (London: Ithaca Press, 1980), 214.

23 *ibid*

24 <https://www.occrp.org/en/investigations/as-south-sudan-seeks-funds-for-peace-a-billion-dollar-spending-spree> [accessed December 20th 2019]

25 <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf> [accessed December 15th 2019]

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are often young and their bodies forming many girls are not able to carry a pregnancy. Maternal mortality rates are the fifth highest in the world, with complications during pregnancy and childbirth the leading causes of death for women in South Sudan.²⁶

PROTECTION

While traditionally inter marriage with other clans was seen as a means of peace building, today it is seen as protection. South Sudan has become more violent and revenge attacks are common place. Many families seek to make pacts with other clans and families. These agreements are hoped to protect the families and insure they are well connected and even powerful.²⁷

CHANGING CULTURE AND THE WAY FORWARD

While women are often the greatest casualties of war they are also seen as the agents of change. There is hope that the Dinka culture and South Sudan can change and adapt. The government has made changes by offering women positions, social media is highlighting the challenge of early and forced marriage, girls are seeking an education and child protection legislation is changing.

As South Sudan finds its way into peace the new peace agreement offers 35% of all positions across the government structures to women.²⁸ However, the current reality in South Sudan is that there aren't 35% of the population of women educated. Statistics for the country indicate that only 19.19% of women are educated.²⁹ Women are therefore employed as cooks, cleaners and gardeners in many Government offices.

Social media can be viewed as a friend or foe. In the past year social media has highlighted two important cases of abuse and injustice regarding early and forced marriage. In one posting a family advertised their seventeen-year-old daughter's availability for marriage. What followed was five possible suitors, the girl being given to the highest bidder, a man who presented the family with five hundred cows, 3 luxury cars and \$10,000 in cash.³⁰ In the

26 <http://uis.unesco.org/sites/default/files/documents/global-initiative-out-of-school-children-south-sudan-country-study.pdf> (mortality rate) [accessed December 20th 2019]

27 <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620620/rr-born-to-be-married-efm-south-sudan-180219-en.pdf> [accessed December 15th, 2019]

28 <https://www.un.org/press/en/2018/sc13585.doc.htm> [accessed December 15th 2019]

29 <https://countryeconomy.com/demography/literacy-rate/south-sudan> [accessed December 20th 2019]

30 <https://www.reuters.com/article/us-southsudan-women-child-marriage/facebook-auction-of-south-sudan-child-bride-could-inspire-other-families-activists-idUSKCN1N111> [accessed November 10th 2019]

same town some weeks later a twenty-year-old girl was killed for refusing to marry the man her family had chosen for her.³¹ Justice groups are highlighting these stories on social media and helping young women realise they too have a voice.

Girl child education is on the increase and while some parents struggle to support it, others are embracing it and allowing their daughters to study. The traditionalists believe education can morally corrupt a girl and render them useless for traditional marriage, which is seen as the real role for women.³² The reality in South Sudan today is that more teenage girls die in childbirth than finish secondary school.³³ South Sudan has the lowest proportion of female students enrolled in primary school and the second lowest in secondary school. South Sudan has a youth population of 4.1 million children, 2.2 million are still without access to school, many of these are girls.³⁴

As the government looks towards peace, the hope is that more child protection legislation will be drawn up to support the girl child. Currently the Child Act of 2008 does include provisions to protect children under the age of 18 from being forced into marriage.³⁵ Some schools have drawn up written agreements with the guardians of the girls to ensure they will not force them to enter into early and forced marriages. These agreements are beginning to be respected by Church, community and Government bodies.

Bakhita a seventeen-year-old student was received by the school authorities, during her reception her family member was asked to sign a document ensuring she would not be forced out of school for the purpose of marriage. During her home holidays of her second year in secondary school her family arranged her marriage. Bakhita ran away from home, returned to the school authorities who in turn contacted Church, community and Government officials. The case was brought to the Governor's office and Bakhita was given the right to continue with her education.

This is the first known case in the home of the Dinka where Church, Community and Government joined together to protect the rights of the girl. It has paved the way for other girls to speak out and to fight for their right to continue their education.

31 <https://www.amnesty.org/en/latest/news/2019/04/south-sudan-provide-justice-for-girl-killed-for-refusing-to-marry/> [accessed November 10th 2019]

32 Francis Deng Mading, "The Cow and the thing called "what": Dinka cultural perspectives on wealth and poverty", *Journal of International Affairs* 52 (1): 101-129

33 <https://www.politifact.com/global-news/statements/2016/jul/25/unicef/unicef-more-girls-south-sudan-die-childbirth-gradu/> [accessed December 10th 2019]

34 <https://www.unicef.org/southsudan/media/2821/file/2020-HAC-South-Sudan.pdf> [accessed December 10th 2019]

35 <http://www.gurtong.net/LinkClick.aspx?fileticket=6zJnrX9nF8s%3D&tabid=342> [accessed December 10th 2019]

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CONCLUSION

South Sudan is poor and struggling in many ways. The sad irony is that many of the Dinka are rich in animal wealth but deeply steeped in the traditional life and the place of the cow. Early and forced marriage is still very much alive and active in South Sudan today. Traditionalists struggle to embrace a newer way of life. Young women struggle to live the traditional life. Support structures such as Schools, Churches and Government can all help to change the mind-set of the people.

Today Bakhita continues to be under the protection of her school, she hopes to complete her secondary education and become someone in the future. She wants to change the culture and the way of life for her people. She wants to marry, when the time is right, the man of her choice and she wants to also be able to contribute to the dowry. The story of the brave Kerry woman is alive and well in South Sudan though in a different time and in a different way.

The Lenten Call. To repent, to be converted, is to involve ourselves in a lifelong process of personal change, a renewal affecting every dimension of ourselves and our activities. And just as each of us knows this as we begin Lent, we also know only too well how difficult we find the reality that follows uncomfortably close behind the theory. Even more than is the case with our secular New Year resolutions, now almost proverbial for the frequency and ease with which they are abandoned, there is a deep-seated reluctance in us to respond to God's Lenten call, a *not wanting* rather than an eagerness; Ash Wednesday is well named for those of us who find our hearts dry as dust when the holy season of Lent comes around.

– Mark Bennett, OSB, *The Wind, the Fountain and the Fire – The 2020 Lent Book* (London: Bloomsbury) 2019. p. 35.