Bride kidnapping: A key test for Kyrgyzstan

Anick Otieva

otieva.anicks@gmail.com

Executive summary:

* Bride kidnapping remains prevalent in Kyrgyzstan, affecting an estimated 35-45% of women.
* Despite being illegal, under both domestic and international law, it is de facto tolerated and even supported by state structures and local authorities.
* The scholarly consensus is that it is not a true “tradition”, even if supported—however, when cases emerge, justification prevents its repression by the authorities; hence the offenders escape the punishment.
* The Soviet system was able to control some aspects, which were not in tune with their ideology, including bride kidnapping.
* After 1992, the new state set a course towards capitalism. However, its application caused distortion of the local traditions—de-facto supporting bride kidnapping.
* The weakness of the institutions and the law in the new state, on the other hand, made it unable to control the situation, causing the re-emergence of other social mechanisms, which are the local councils and religious authorities, in their turn supporting the new-pseudo traditions of bride kidnapping.
* Modern societies, however, have reached unprecedented levels of complexity, involving the presence of international agencies and international aid organizations. In addition to local actors, these also get involved in the process of state building. Therefore, at present we can observe several institutions on the local, national and international levels operating out of their own interests, sometimes opposed to each other.
* The Islamic revival funded by countries in the Gulf threatens to downgrade the status of women, making it even more difficult to eradicate this practice, despite not being originally Muslim.
* At the other end of the spectrum, international NGOs are fighting against it, while its prevalence is damaging Kyrgyzstan's image and soft power abroad.

Introduction

The practice of “bride kidnapping” or “marriage by abduction” is known historical practice, and is still common among some ethnic groups living in the Caucasus region,
among the Turkic peoples of Kyrgyzstan and Kazakhstan, Ethiopia, Rwanda and some other places. The reasons of this practice very depending upon the case. It might be innocuous, as the lack of dowry from bride’s side, parents’ discontent of the marriage, inter-family agreement to escape the financial implications related to wedding party expenditures, or from paying the dowry to the bride's parents by groom. However, the latter, without the bride’s consent, turn this practice into a serious violation of the basic human rights of the free will; and therefore, is considered criminal worldwide according to the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights, 1966 (Article 23.3).

In Kyrgyzstan, the bride kidnapping continually gains in scope over the years. The kidnapped woman (alakachuu) is brought to the groom’s house and forced to agree either under psychological pressure or because of intercourse with the abductor. Sometimes, even the fact of her staying overnight is enough to be considered disgraced. After that, the chances of being accepted back by the family or of marrying someone else, especially in the rural areas, are very small. Officially this practice is also considered criminal in Kyrgyzstan according to the International Covenant on Civil and Political Rights, 1966 (Article 23.3) acceded by Kyrgyzstan in 1994, and the Criminal Code of the Kyrgyz Republic (Articles 155, 104, 105, 111), which stipulates a three to five year prison term.

In reality, only a few cases ever reach the courtroom, as the victims’ families either do not proceed with the criminal case out of shame and community pressure or, even if they do, the government authorities often block women’s access to justice and the accused is punished with minor fines. The justification given for inaction is the claim that these practices are an old tradition widely accepted by Kyrgyz society, and therefore insurmountable. The scholarly consensus is that it is not a true “tradition” as it was justified by authorities on state and local levels. The fact that almost half of Kyrgyz women (35–45 percent) are forced to marry through the process of kidnapping, and the lack of state juridical protection, caught the public attention of the international community worldwide. The international organizations based in Kyrgyzstan started to launch sexual education programs through local NGOs.

The history of morality is above all else is a history of sex, of the private conduct of individuals and the different agencies used to control conduct.¹ Sexual behavior was always, and everywhere is, subjected to social control, though different in its forms and methods. In a patriarchic society the position of women has been determined by their relation to men, first to father and then to her husband. The sexual regulation can provide an effective site for the regulation of both individual and social bodies, and in so doing it works to regulate social relations along the lines of gender, race, sex, and class.² The consequences of gone out of control female sexuality were considered the cause of change in the social system, and therefore for a long time the women were bearers of the moral responsibility for everything that has gone wrong. It required

women in a way to play an active role in their own oppression, joining into a conspiracy of silence. All the societies have a pool of cultural traditions, collective memories and ‘common sense,’ which are dynamic, full of contradictions and differently available to different social categories and groupings.³

At the same time, even though the practice does not have anything to do with tradition, the population being predominantly Muslims are facing another dilemma. Before the conquest of Central Asia by the Tsarist troops in the 19th century, the Kyrgyz did not possess a codified legal system. Coming from the extended families into constant and economic entities they had respected people, known as aksakals (aksakaldarsotu), who presided over the activities of the unit and acted as mediators and judges in cases of conflict. Decisions of the aksakals were based on customary law (adat) which in turn was influenced by the Islamic Shari’a. Local judicial practices (Kyrg. erezhe) were orally transmitted and changed throughout the course of the years. There was no official court of aksakals, but rather gatherings and councils (Kyrg. kenesh) during life-cycle rituals (such as births, marriages, deaths and obsequies) and in acute cases of conflict. Nowadays, this institution is back to life, since the aksakals as individuals have continued to exist throughout time, and form a body of customary law, but they act as an official organ of the Kyrgyz state.

Women, tradition, and Islam in Kyrgyzstan

When modern Kyrgyzstan became a part of the Soviet territory it was subjected to forceful and rapid modernization, industrialization and nation-building processes implemented by the Soviet authorities. During the Soviet Union’s “state-building” process, the modernization reforms constituted an intrinsic component of national consolidation and development, and the expansion of women's citizenship rights was framed as an integral part of the process. These changes caused resistance on the local levels represented in Kyrgyzstan by cultural (elders councils, aksakals) and religious bodies (local mufti), who were univocally patriarchal. They saw the position of women as clearly circumscribed to the home: the private domain. Despite this, we must note that the Kyrgyz, being a nomadic population, had always had a perception of women as equal counterparts. Even the implementation of Islam in these territories had less of a canonical character. Women did not veil their faces. By some accounts, in order to get a woman’s and her family’s consent for marriage, the groom was supposed to compete with her in a horse race.

Despite the resistance, the Soviet state managed to change the traditional beliefs and social structures by destroying, distorting, or replacing them by re-invented pseudo ones. The reinvention of traditions in the periods of rapid political, economic and social changes, likewise urbanization and industrialization, where authentic traditions are destroyed, provides sustainability to the new order.⁴ For people it is important to have certain stability that refers to the past. During the process of nation-building, culture is linked to the state. Within the Soviet space, there were different

³ Devis, Gender and Nation, p. 47.
degrees of commitment to that process and hence in order to eliminate the holdups and resistance the Soviet system applied the criminal laws. This was also applied to the case of women kidnapping, apparently existing in the various areas of the Soviet space hindering their active participation in the public sphere. Another moment linked to the re-inventing of the culture is related nation-building.

New capitalism at the roots of a prevalent practice

With independence, the Kyrgyz Republic set a course towards capitalism. It seemed that the Soviet integration of women into the public sphere would be continued. However, it turned out that the change which the Soviet system had brought in was on the surface level. In reality, the society was influenced by a patriarchy-modernity consensus, which in the new state turned into patriarchy-capitalism consensus. This is what Hisham Sharabi refers to as a “neo-patriarchal society,” a result of the collision of tradition and modernity. Patriarchy provides a system of control, law and order, while capitalism provides a system of economy—in the pursuit of profit. The state thus articulates the interests of both: patriarchy and capitalism, and furthers them in its actions. This would be an example of state ideology coinciding with traditional thought and practices.

Behind the bride kidnapping practice was an economic rationale. Kyrgyz families do not want their girls to get married young as they lose them as workers and therefore demand economic compensation from the groom’s family. The groom’s family in their turn is also interested in having extra labour around the household. These create ambiguous roles for young women, especially concerning the tension of their position in the society as unpaid employees. In this case capitalism benefits from a particular form of family which ensures a cheap reproduction of labour and the availability of women as a reserve army of labour. This type of modernization became very typical in Muslim states, and happens when they undertake attempts to modernize, while maintaining “tradition,” they transport over the patriarchy to the new society—patriarchy and capitalism coexistence.

Women’s rights have always been highly politicized, and nowhere more so that in the Muslim world. International Islam enters the picture

After 1991, the Islamic revival was based upon the Saudi Arabian schools actively preaching in the area. Therefore, the existing, previously tolerant, Islam with Sufi tendencies started to gradually disappear, giving way to more radical forms. Since “traditions” and “customs” are self-describing categories, the revitalization of Islam in Central Asia in this novel way brings to life new traditions that were not there before. Some of the main driving factors which have resulted in violations of women’s rights are due to patriarchal perceptions, the social acceptance of the practice, and entrenched
social/gender stereotypes. The council of *aksakals*, which makes decisions based on Shari’a, is therefore promoting the radical patriarchal position, supporting the families created as a result. In many cases, *aksakals* are invited to the kidnapped bride’s wedding and they encourage the family of the bride to accept the marriage. Some do not see the marriages born from bride kidnapping as a crime, but rather perceive the participants as engaged in something important, a "traditional way of getting married".

*NGOs try to stamp out the practice*

On the other hand, the international community, either represented by governments or operating through NGOs, have clear views on the importance of achieving gender balance, as one of the main components of healthy state development. They are trying to promote programs supporting women and their active participation in the public domain. They seek to protect and empower women through education and assistance in securing jobs. The NGOs are also actively promoting legal reforms designed to facilitate the combat against bride kidnapping. These reforms do not only involve new legislation but also the training of police officers, local government workers, teachers, the judiciary, and other actors well positioned to help gradually put an end to the kidnappings. By all their deeds and programs, these global NGOs are, in their turn, influencing the process of state control of sexuality. More widely, they are to some extent shaping nation-building in Kyrgyzstan. Governments which are interested in having a good façade representation on the world scene have to accept these rules of the game to a certain extent. Thus international NGOs enjoy at least some measure of influence, although as already noted there are other forces pulling in an opposite direction.

**Conclusion**

From a modern human rights narrative the state appears as the protector of individual rights. It is supposed to protect them not only by abstaining from violating them in its relations to citizens, but, also, and this can often be more difficult, by protecting citizens from fellow citizens and other non-state actors. The regulation of sexuality is a key litmus test of nation-building, and of the ability of the state to prevail over previous social structures such as clan or family. In a way, the prevalence of bride kidnappings shows how Soviet state-building was not completely successful. European history shows how, as states become stronger, they clash with the Church and seek to replace its role in areas such as in the registration of marriage. This an example of the modern state seeking to gain the upper hand in its relations with the religious body, and seeking to directly control the population, without any other intermediate body. In a way, bride kidnapping may be a test for Kyrgyzstan and proof that the state is still weak since it is unable to prevent it. And, internationally, any state that appears unable to do this will see its soft power diminish. The door will be open for others to use this as an excuse to intervene in its domestic affairs, something facilitated by the very same weakness that allows bride kidnapping to go on in the first place.

*Anick Otieva is a post graduate student in Muslim Cultures and Civilizations at Aga Khan University specializing on Central Asia.*