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## The Domestic Relations Legislations' Debates in Uganda: Towards a 69 Perspective

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### Abstract:

The article sets out to explore the historical controversies that have shrouded Uganda's Domestic Relations legislations. It posits that the controversies are due to differing ideological standpoints between the proponents and the opponents in the legislative debates, all aiming at protecting the Ugandan-African family. Whereas the proponents' approach is influenced by the contemporary liberal and emancipation doctrines, the opponents' views are hinged on the Afro-cultural and religious standpoints. The article employs the analogue of 6 or 9 and 69 to illustrate challenges and prospects of positionalities and perspectives in the legislation debates. The article uses document analysis methodology, and is informed by symbolic interaction theoretical frameworks. In its conclusion, the article advocates for a 69 perspective, as the *tete e tete* positionality if meaningful legislation on Domestic Relations is to be achieved. The 69 perspective is a fresh perspective resulting from interactions and negotiations between the proponents' and opponents' worldviews hence creating a meaningful and harmonious standpoint.

**Keywords:** Domestic Relations, Family law, Legislative debates, Marriage, Uganda.

### Introduction

Ugandan law on domestic relations is governed by a mix of legislation and customary practices. The key pieces of legislation include the Marriage and Divorce Act, the Domestic Violence Act, and the Succession Act. These laws address various aspects of family life, including marriage, divorce, property rights, and domestic violence. In this case, domestic relations legislations in the context of Uganda refers to the parliamentary proposals that are set to be put in place of family laws. In turn, family law is a body of law regulations governing family relationships, marriage and divorce, the rights and treatment of children, and the economic matters (Baxter 2024). In the Ugandan legislative history, so many legal/legislative measures have been made to give the country its comprehensive domestic relations laws, but all have been either delayed or rejected or yet to come to fruition. The legislative proposals have been labelled controversial, because the proposals seem to contravene with the cultural and religious ideals of the larger Ugandan society. Central to the controversy is the African traditional ideas of family and marriage relations and the western ideals of family, marriage

and rights of women (Brown 1988). The matter of value and importance of domestic relations laws for Uganda is key. It has been severally observed that several legislations related to family and marriage are unconstitutional and outdated (von Struensee 2004). The 1964 Marriage Act is archaic and does not give a comprehensive legal framework to contemporary marriage and family issues. Similarly, the Customary Marriage Registration Decree (1973) merely recognizes customary marriages, but does not provide substantive laws. Uganda is a signatory to several international legislative protocols meant to protect families and women in that matter. Such instruments include: the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW 2020) and the African Charter on Human and Peoples Rights (Hansungle 2000); also, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child (Tobin 2019, Johnson 2014, CRC 2008). Moreover, Uganda acknowledges and promises in chapter 4 of the 1995 constitution to 'protect and promote fundamental and other human rights and freedoms,' which is undeniably the resolve of the UN's declaration of Human Rights. Most importantly, family especially in the Ugandan society is the most important basic unit of society (Amadiume 2017, Dyer 2007, Evans 2010). The intentions of the domestic legislations are largely to create stability in the Africa's most cherished institutions of marriage and family. That is to say: Consolidate laws on marriage, separation and divorce; guarantee equal rights in marriage, and protect rights and equality in the family property (UWONET 2013).

Do current legislative advocacy aim at preserving or derailing the African family relations in Africa? The argument in this question is dependent on the positionality in the isle of perspectives. Using the metaphor of 6 or 9, we opine that a particular view is dependent on the view. A popular quote in the 6 or 9 perspectives is that "just because you are right, does not mean I am wrong!"

### **Theoretical Frameworks**

The article is hinged on symbolic interactionism theory, which focuses on meaning creation through human interactions and negotiations. From their interactions, individuals negotiate and make sense of their world through shared interests, symbols and language (Carter & Fuller, 2015; Stryker, 2017). It is not a misdirected view that the legislative controversies at the floor of parliament is a microcosm of what happens in society outside the parliament. Nevertheless, the nation at large waits for the comprehensive legislation, and the mandate to produce the legislation has been given to the members of parliament, who have failed to agree due to problems of ideological positionality. Symbolic interactionism offers a valuable framework through which the legislators, through their interactions may negotiate meanings and positionalities in creating a harmonious perspective that would yield to domestic relations laws for the country.

### **Historical Overview**

It all started in 1964. Two years after Uganda's independence, a Commission on Marriage and Divorce was set up and charged with a duty to set up a roadmap towards legislations that would regulate marriage, divorce and the status of women in Uganda, for Uganda as an independent country. The proposed legislations would bear in mind the existing customs and traditions of the Ugandan society then (Morris 1966). However, the commission's proposals remained shelved for a very long time. It was worsened by the absence of parliamentary operations and stability caused by the political instabilities that characterized Uganda in 1970s and first half of 1980s.

In 1974, the Marriage and Divorce Laws Reform project was set up under the department of Law Reform in the ministry of Justice. The project produced the draft Domestic Relations Bill of 1980. Unfortunately, no further position action was taken on this document to give Uganda a legislative framework for domestic relations (Kiwanuka 2008). From 1986, a new pro-women optimism came to Uganda. The successful capture of power by the NRM fighters brought fresh political hopes, with the NRM pro-women agenda. Among other things, the NRM government preached affirmative action and included women in various ranks of political governance. In this era, the National Women's Council and a Ministry of Gender and Community Development were established to regulate women development issues. Women's rights were further guaranteed constitutionally following the promulgation of the Uganda constitution in 1995 under the NRM government. Despite these developments, there was still no law that governed domestic relations.

In 1994, efforts had been made to revive the Domestic relations Bill by the office of the Attorney General. Much of the stipulations in the draft documents of the Domestic Relations Bill of 1964, 1974 and 1980 in existence had been overtaken by the events. The ministry of Gender and Community Development and Uganda Association of Women Lawyers (FIDA-U) had also produced reports outlining global trends in women issues and other socio-economic developments; and deplorable situation of women and children in the Ugandan homes. This led to another nationwide consultative efforts towards the formation of what came to be called the Domestic Relations Bill 2003 (Kiwanuka 2008).

The domestic relations Bill of 2003 was first presented before the Ugandan parliament on 9<sup>th</sup> December 2003. The 7<sup>th</sup> parliament referred the Bill to the committee on Legal and Parliamentary Affairs, from where it stalled until 2<sup>nd</sup> May 2005 when it was presented again before parliament.

However, the executive arm of government rejected the Bill demanding that further consultations needed to be conducted from the wider society of Uganda especially with interest groups like religious and cultural leaders and indigenous groups. It turned out that the religious groups across the divides and cultural and traditional opinion leaders were opposed to several clauses of the Bill. This eventually led to the suspension of the debates and legislative process, pending the outcomes of the consultation. The delays created voided the parliamentary rules of procedure within which the Bill was to be tabled in the 7<sup>th</sup> Parliament. The end result was obvious: The Bill, if it was to be considered by the 7<sup>th</sup> parliament, had to be introduced afresh. This possibility was not forthwith, and it was only possible for the Bill related to family law to be introduced in the 8<sup>th</sup> parliament as Marriage and Divorce Bill 2009.

The Marriage and Divorce Bill 2009 is described as "An act to reform and consolidate the law relating to civil, Christian, Hindu, Bahai and customary marriages; to provide for the types of recognized marriages, marital rights and duties; recognition of cohabitation in relation to property rights; separation and divorce, and the consequences of separation and divorce; and for related matters" (2009). Unfortunately, and probably not surprising, the Bill was thrown out again. The members of the 8<sup>th</sup> parliament were sent out to make further consultations from their constituencies about the so-called contentious issues in the Bill. The Bill was reintroduced in a redrafted form in 2013, after the expiry of the 8<sup>th</sup> Parliament with new name Marriage and Divorce Bill 2013. In the turn of events, the Bill was further rejected. Many members of the 9<sup>th</sup> parliament, religious leaders and cultural diehards rejected the Bill. The Bill was further rebranded Marriage Bill 2022, and now Marriage Bill 2024. By the time of writing this article, the Marriage Bill 2024 has just received its first reading and hearing in the 10<sup>th</sup> parliament on 3<sup>rd</sup> October 2024. Generally, it is 60 years, since the idea of the family law was first proposed, but still Ugandans don't have an agreeable stand on the comprehensive law to regulate Uganda's domestic relations.

#### **Opposition to Domestic Relations legislations:**

It is not classified information that the Domestic Relations legislations in Uganda have stalled. The Bills are aimed at reforming and consolidating the law relating to family matters like marriage, separation and divorce, rights of married partners and children (The-Domestic-Relations-Bill 2003, 3). Edward Ssekandi Kiwanuka, the speaker of the 8<sup>th</sup> parliament of Uganda stated that, the reason why the Domestic Relations legislations like have stalled is because of "poor packaging and marketing because its proponents portrayed it as a law meant to benefit only the women and punish men" (Mubiru 2011). This is because there are several clauses in the Bills which are meant to alter the power balance and ensure gender equality.

One of the controversial elements of the Domestic Relations Bill 2003 was the issue of women's rights to property and sexual decisions. In Part ix, under matrimonial rights, the Bill stated in part that "Spouses are entitled to equal rights to consortium in marriage; and "a spouse may deny the other spouse the right to sexual intercourse on reasonable grounds." The reasonable grounds stated include: poor health, after childbirth, after surgery, during medical treatment or observation, or due to fear that engaging in sex may cause physical or psychological harm (The-Domestic-Relations-Bill 2003, 27). The Bill went ahead to criminalized marital rape (non-consensual sexual intercourse) and spelled out the punishment for marital rape which includes imprisonment and cash fines (The-Domestic-Relations-Bill 2003). Salient in the Bill is the attempt to safeguard the rights of women in a marriage setting. Issues of marital properties become prominent with about 25 mentions.

The proposed Bill was thought to be depriving men of their control over land and women, and it is not surprising that its failure was not only informed by the popular wide patriarchal society but also supported by the very society organizations like cultural leaders and predominantly patriarchal mind-sets. For instance, one cultural leader from Teso sub-region, at the Cross-Cultural Foundation of Uganda conference held in 2012 expressed his views in opposition to the Domestic Relations Bill. He said: "Passing the Domestic relations Bill in its current form tantamount to devaluing the Ugandan cultural values. As cultural leaders we don't agree with the proposed equal sharing of property amongst two partners in case of divorce on grounds that they have been staying together as the Bill suggests" (Chimp Reporter 2012). The Bill was further opposed by the religious community which regarded it as foreign, un-African and ungodly (Ross 2010).

In response to the Divorce and Marriage Bill 2013, the Lango sub-region, through their cultural leader rejected the Bill, and urged the Members of parliament to consult cultural institutions on such matters. To the Lango authorities, the proposed Bill would bring confusion in families among men and women. To the cultural leaders, the Bill meant that government and parliament in that matter was inciting women against men (Onyango 2013). Residents of Kinoni Sub

County in Nyabushozi in Kiruhura district castigated the Members of Parliament for wasting time on debating the Bill instead of concentrating on issues of national importance like corruption. To them, the Bill was anti-Christian and anti-African and has no value in their community. The residents who turned up in large numbers at a consultative meeting called for the area Member of Parliament Col. Fred Mwesigye made their views known (Ssendendo 2013). In Buganda, the Bill was rejected by the people of Kayunga District, who expressed fears that it contravened the doctrines of Christianity and undermines the Buganda culture. What angered the Baganda people in the Bill most, reports New Vision was the issues of marital rape. To the Baganda people who gathered at Kayunga taxi-park question their Member of Parliament Amos Lugolobi, why they wasted time discussing irrelevant laws in Parliament. The residents requested government and parliament to forget about the Bill and concentrate on issues of poverty alleviation and corruption (Jjuuko 2013). In the same way, the Christian leadership also condemned the Bill, claiming that it was against the teachings of the church. To the church authorities, the Bill is being championed by the people who try to compromise the essentials of the Christian faith (Sekanjako 2013).

Sadly, the Marriage Bill 2022 may have dropped divorce in its title but is embodied with clauses which still make patriarchal institutions anxious, for instance cases of marital rape. Mr. Christopher Tusubira, who also work as Secretary for Fathers' Union of Busoga Diocese categorically calls the new Bill "deplorable and a very unfortunate mind-set for women to gang up against men in a social and divine institution of marriage, for which men are the fountain of honour in spite of being largely implicated as the culprits" (Tusubira 2023). Among other loopholes identified in the new Bill, is that it is not balanced and seeks to oppress men: what does the Bill provide for women who deny their husbands sex indefinitely? What is the jail penalty or heavy fines for women outside marriage, a phenomenon that has sparked off DNA tests for almost every born child? Is the Bill taking care of uncountable husbands being insulted by their wives? Are some of the questions rhetorically asked Mr. Tusubira to him, the Bill is unbalanced and its aim is to incarcerate men as women take over ownership of their properties (Tusubira 2023). In other circles, the new Bill is characterized as "demonization of indigenous African cultures ... the deliberate trivialization of African cultures" (Owaraga 2023).

Arthur Larok (2013), one of the advocates of domestic relations legislations, while giving his reflections on Marriage and Divorce Bill 2013 cautioned that "We should not assume that everyone sees the Bill the way we do. We must go the extra mile, be more expansive for this to get around in an effective way. We must prepare for a more protracted struggle than earlier imagined for this is an undertaking that will have far reaching effect on the balance of power and historical injustices. We should communicate better and not take anything for granted" (Larok 2013, 11). In unpacking Larok's statement, he seems to agree that the opposition or resistance against Domestic Relations legislations is a matter of perspectives. Indeed, everyone else does not see the proposed Bills the way proponents of these Bills see them. Larok, however motivates fellow advocates to courageously soldier on, with the promise that they should speak better in order to succeed in putting in place the desired legislation, which not only alter the balance of power but largely address the historical injustices. What Larok forgets to understand is probably the possible fact that the proponents and advocates of the domestic legislations may not be understanding the perspectives of the opponents to the Bills. The failure to understand each other's perspectives polarizes relations and reduces the legislation agenda to the battle of words than strategies and consent. For instance, one of the advocates of the 2013 Bill angrily stated: '...wherever the Marriage and Divorce Bill is taken, we shall follow it and bring it back. If they bury it, we shall unbury, if they shelve, we shall unshelve, if they dismantle, we shall reassemble...' (Quoted in Larok 2013, 11). And so, that is what has been happening in all other legislative proposals related to domestic relations.

Key opposition against Domestic Relations legislations is largely African patriarchy, which informs African culture and power structures where male authority controls not only resources and power but also women and their reproductive essence. African patriarchy has further been reinforced and canonized through foreign religions especially Christianity and Islam. In all these religions, male control is idealized as a divine ordinance and godly order in an African home and society. The consciousness of Africanness in the contemporary society has been addressed in several writings, and what is salient is that Africanness today is a hybrid figure. Specifically, to this study, and in reference to masculinity constructs, an African man is a Christian or Moslem owning a home; in a heterosexual family and sexual relationship; and controls resources especially land and other sources of money. The ideological construct of a home is deeper and inner than a physical house. A home constitutes deeper emotional and spiritual significance (Sixsmith 1986, Easthope 2004, Mallett 2004). It is where the physical body rests and where the minds and emotions dwell. It is where the contemporary Africanness reproduces itself in form of firm control of women as wives, production and nurturing of children, the embodiment of male authority and control. It is an African man's castle where he exercises power, counts his blessings and plots further exploits. It is his resting place till his death. The Domestic Relations legislations are feared for their potential to distort the African home, dethrone the African man and therein upset the natural order. It is normative in the

larger parts of contemporary Africa for a man to build a house, and then marry the woman into that house. In this arrangement, the man assumes full control over the woman, including her sexuality by the fact that she is in his house, clan and village. Whereas they both make a home, a typical African man would always imagine that both the house, home and the woman married there belong to him, and he can dispose them off anytime at will. The emotional attachments and any other investments women would have or made in the homes is not always thought about. It is this mindset apparently that inform Ugandan's reactions on marital rape. The residents of Kayunga, for example, think that the idea of criminalizing marital rape was un-African because in Africa, husbands have right of access to sex with their wives, as long as there are "no reasonable causes" why they should not.

Marriage in Uganda is a legal relationship, and it is protected by the legal instruments like the 1995 Constitution of the Republic of Uganda, as amended, 1904 Marriage Act CAP 251, the 1973 Customary Marriage (Registration) Act CAP 248, the 1961 Hindu Marriage and Divorce Act CAP 250, the 1906 Marriage and Divorce of Mohammedans Act CAP 252, the 1904 Divorce Act CAP 249, the Succession Act, The Land Act CAP 227, and many others.

The domestic relations legislations advocate that some of these legal instruments are either obsolete or don't address the contemporary challenges women face, and are void of new developments in the rights movements which address the concerns and rights of women. That they don't give legal frameworks in the Ugandan courts of Law in adjudicating certain cases and concerns that affect women. In so doing, the proposed Bills employ certain verbs like "reform, repeal and consolidate" the legal framework and laws related to an African family. The proposals to reform and repeal are destabilizing to the patriarchal setup. Moreover, the proposed Bills and legislations are perceived as pro-women. Women are perceived to have made significant gains in the Ugandan society through affirmative action and other pro-women political and legal frameworks. This empowerment of women is one of the reasons, many Ugandans think has caused marriages problems and domestic challenges. Empowerment has made women uncontrollable and has broken the African home. Against this background, the aspect of consolidating sends a negative signal to the patriarchy. Advocating for domestic relations is conceptualized by many as women's insatiable appetite for more power over men, and a ploy to robe men and push them to the margins of life. By repealing and reforming the contemporary legal frameworks, and at the same time consolidate on their gains, women are seen as unappreciative to what the male society has already given to them. It is not surprising that the opposition to these legislations is not emerging from the rural unexposed members of society, but largely from the middle class civil servants, male members of parliament and even the executive arm of government. It is on record that H.E Yoweri Kaguta Museveni urged the Members of the 9<sup>th</sup> Parliament not to be too excited about pushing for the Marriage and Divorce Bill 2013, as this would cause a civil war in the Country (Kirume 2013). In respect to the Marriage and Divorce Bill 2013, the critics who included leadership from different religious organizations, members of Parliament (man and even women), and generally members of public opposed the Bill because it encouraged couples to contemplate divorce as they get married (Kirume 2013). To some religious traditions like the Roman Catholic Church in Uganda, divorce is ungodly. This is not to postulate that such marriages don't dissolve, but that the dissolution of marriages among these religious people should not practically take a legal dimension. The legal dissolution of marriage, it can be inferred would significantly affect men in terms of resources and power dynamics. Legal dissolution of marriage in most cases would demand the sharing of matrimonial property, accord women and children alimony and in most cases alienate men from homes. Studies demonstrate that most men who have divorced are either homeless or suffer from emotional distress as they battle with legal responsibilities of supporting their divorced wives (Felix, Robinson, and Jarzynka 2013, Farahani et al. 2023, Kalmijn 2005); which include becoming homeless (Feijten and van Ham 2010, Thornton 1989). The Bill further outlawed the African practice of returning bride price gifts to the husband in the event of divorce and separation. The society's fear for these reforms is that men will be robbed by unscrupulous women who marry just for material gains. The whole point is that the new Domestic and Marriage reforms are aimed at leaving men with nothing in the event of marriage problems. Many Africans and members of the Christian Church in particular have conceptualized the domestic relations regulations to be offering women an opportunity to marry with the intention to get property and then after, a divorce. It is a reform which deviates from Christian and African customary purposes of marriage purposes (Kirume 2013). Generally, the legislative Bills are perceived to have a destabilizing effect on African homes, and hence cause violence than solve any problems.

The key argument of this article is that, the relationship between the proponents and opponents of the domestic relations legislations is a matter of differences in perspectives with which these regulations are perceived. While the legislations are aimed at creating a comprehensive law for the Ugandan families, the opponents perceive it is as fodder for destabilization of the Ugandan families. The legislation aims at protecting the rights of women particularly wives in a home, who are the victims of domestic violence and injustices, opposition views the Bills as an agenda for emasculating

men in their homes, subject them to domestic abuses and other forms of injustices. To the opponents, the Bills shall reform the Ugandan home by robbing the African man of his status as the home owner.

The differences in perceptions is what this chapter calls a 6 or 9 perspective. The idea in the 6 or 9 perspective is simple: two people standing opposite to each other and on the ground below is a figure. For one person, the figure appears as the number 6 and for another, the figure is number 9. Each one is informing the other of his or her perspective of the figure, and wants to make the opposite side to perceive the figure from the perspectives of the viewer. Hence, the argument and probably frustrations for lack of harmonious agreement, as each side thinks is right, more intelligent while the other is wrong and less intelligent to conceptualize even basic things. But the truth is that both sides are right yet they both are wrong in the eyes of another individual because of the viewing perspective. It has been observed "if people simply understand that a life perspective can be changed, moulded, and explained.... it can put end to fights, wars, daily quarrels, and much more. The only requirement is to see things from another person's perspective" (Hill 2022). This view presupposes that in the domestic legislative debates; it is important for the parties involved to understand each other's ideological positionalities. As Larok would suggest, the proponents of the legislations ought to understand and appreciate the perception of the opponents and so are the opponents too.

This article recognizes the differences in perspectives, and argues that mere understanding of each other stand view point is not enough. The stakes are high, and so are also the fears. The domestic legislative proposals are not just opinions. If passed into law, the legislations will impact the African homes—for better and for worse. At the sometime, in conformity with other local and international documents, Uganda needs a domestic relations legal framework. We opine in this article that this legal framework should emerge from the negotiations between the opposition and the proponents of the Bills. Either side should be comfortable or at least adhere to the give and take principles. While we blame the opponents for being patriarchal and conservative, it is unimaginable to expect that suddenly the typical Ugandan societies are going to change akin to the societies in the Western countries. In their advice to the Member of the 9<sup>th</sup> Parliament, the president and the speaker of parliament advised for caution in passing some of the clauses in the legislative proposals (Kirume 2013). The idea that such proposals should be based on robust consultative processes with the local population is aimed at ensuring that the Ugandan society gets a pro-people legislation than just the Law the way it is elsewhere. Similarly, the opposition side should appreciate the dynamics of society, and champion for the legislations that protect African homes.

It is not true that the opposition to domestic legislations don't want the family law. What they don't want are some clauses within the Bills that are destabilizing in nature. The proponents of these Bills don't give any remedies or stop gap measures to address and rest the fears of the opposition. Rather, the Bills are aggressively fronted as a matter of women's rights against men's injustices, and men in this way view the legislations as an attack to their essence and being. For instance, there is no explanation or remedy for the possibility of women who will marry men for property acquisition, in order to protect men and maintain the sanctity of marriages.

The success of these legislations and their adaptability solely depends on how the actors engage with African cultural realities which govern gender relationships. For instance, while they advocate for empowering women, the advocates are not conscious of the reality that they are in some way disempowering the men and challenging African power structures. Why the marriage and divorce Bill 2013 is seen by the locals as a wastage of time and irrelevant is because it asks the patriarchal power structure to drop its privileges, which among other things control over resources and female gender sexual body. Whereas the proposed Bills aim at reforming and consolidating the legal frameworks in the domestic relations, the proposals seem not to protect the rights of men as they do for women. The proposals therefore imply that reform and consolidation agenda mean men losing (in the wider sense of the word) and women gaining and taking the place of husbands.

There is need to engage in conversations and negotiations at the grassroots with the patriarchal structures before gender legislations are imposed. The bottom-up approach with the very institutions which impede full realization of equality should be engaged, as the top-bottom legislative protocols also take shape. Men, especially husbands to the women should not be ignored in African emancipation drive. It has to be borne in mind that the husband is bonded to the woman first by love, which is deeply organic and emotional, and secondly the cultural and spiritual institutions which dictate terms that are different from the terms of equality and empowerment. The heart of the African patriarchal sensations needs to be smoothed through collaborative approaches and reassurances to men, that the emancipation of women and wives in that matter is not a selfish agenda promoted by women who want to robe men of their privileges, but a matter of human quality and development, which is necessitated by the social changes that have swept the world.

It is from this background that the current study finds expression to advocate for the conversations between the African authorities and the ideals of empowerment and emancipation towards a harmonious position between the

varying ideologies. This harmonious position can constitute a grounded theological and epistemological framework within which meaningful domestic relations can be harnessed. This agreed position is what we call a 69 perspective and not a mere understanding or appreciation of 6 or 9 perspectives.

In the ongoing doctoral research, an argument made is that the concept of emancipation in Africa needs to be contextualized in form and meaning for the African audience. Some African societies have tried to contextualize women emancipation and empowerment. It is important that as African women fight for emancipation, they have to be conscious of the structures of their society. This was witnessed in Ghana where women involved the cultural leaders in dialogue and negotiations in order for them to accommodate women's rights within cultural traditions (Bawa 2012). Involving the cultural leaders is helpful in this struggle because this group holds influence and power in the society. This is the group responsible for shaping beliefs, values, norms and attitudes bringing them in perspective therefore means that they help through their influence to persuade community members to embrace the empowerment agenda. Besides, Winnifred Bedigen from the context of South Sudan also identifies the need to indigenize empowerment of women since the western feminist who plan and implement empowerment programs may not clearly understand the plight of local women. She identified the need for a contextual interpretation and implementation of women empowerment programs rather not imposing a foreign pre-determined document which is out of context. This indigenized empowerment of women as noted by Bedigen is not an individual responsibility but rather the concern of the father, brother, husband and the patriarchal community in general. This women empowerment should further be informed by proverbs, myths, beliefs and knowledge values of the community (Bedigen 2022).

The efforts to have contextualized women emancipation paradigm has been embraced not only in the African context but also in other cultures like the Arab world. Rabia Naguib (2024) problematizes and challenges the western women emancipation and empowerment models in the Arab context. She calls for a contextualization of the western model to suit the worldview of the local community. Naguib rejected the top-bottom approach in implementing emancipation agendas and advocated for an indigenous approach which involves the local community. Naguib brings to light that Islam and Quran are pro-women empowerment and that this is the empowerment that makes sense to the Arab context (Naguib 2024b, a). Instructively, the Western version of emancipation is criticized as merely hypocritical: it gives women titles and positions yet contextually women do not have real authority and power. The recent elections in the United States of America illustrates it all when Americans elected Donald Trump (despite his absurdities) and rejected Kamala Haris, (as also Hillary Clinton in 2016) because of the dominant patriarchal power orientations.

This article argues that, for a comprehensive legislation to emerge, there has to be a methodological approach that will rise awareness on women issues as well as generate local solutions and opinions in making policies. Other than imposing the perspective, the African society needs to understand the perspective of women in advocating for the law. This approach has been effective in legislating against cultural injustices like FGMs in places like Kenya and Sudan (Green 2012). In legislating against FGM in Kenya, Linah Jebii Kilimo was a Member of Parliament from the Kalenjin community. She narrated to the Guardian newspaper that: To achieve delicate goals, campaigners must understand the priorities of the individuals whose influence they seek. She explained that the two interest groups they got to their side were the male members of parliament and the local people in forming the task force and eventual enactment of the law criminalizing FGM among the Kalenjins (Topping 2014).

Conclusively, the article was set out to explore the controversies that surrounded the Domestic Relations Legislations in Uganda since its inception in the nation's legislative history. Using symbolic interactionism as a theory and document analysis as the key method, the article exposes the paradox of positionality in the domestic relations debates in the Ugandan parliament. While the proponents of the debate want to stabilize family relations using the global human rights frameworks and emancipation doctrines, the opponents to the debates argue that the demeanour used in the proponents' advocacies undermines family stability, and hence prefer the Afro-cultural and religious doctrines, which maintain the status-quo. These controversies, it is argued, creates what is called the 6 or 9 paradox—denoting to the problem of positionality in the debate and perspectives.

In the article we opine that no perspective in the contemporary legislative debates is wrong or right. Both the proponents and the opposition to the legislation Bills are right and sometime wrong, yet the country needs a comprehensive family law. Both sides of the arguments need to put the country and the African home in perspective and produce a legislation that protects the rights of all stakeholders in the African home. A contextualized appropriation of the doctrines of emancipation and well negotiated standpoints shall produce a family law that safeguards the interests of all. Perspectives need to be harnessed in ways that shall constitute an agreeable common perspective, which this study calls the 69 perspective. In this 69 perspective as opposed to 6 or 9 perspectives, views of every standpoint shall be accommodated. It means that, from whatever position, the perspective shall remain a 69. This is what we think in this

article to be the modern African perspective, which incorporate the nuggets from the international laws with local realities; it is a contextualized perspective which shall mirror the 1964 dreams and desires of producing the legislations that would regulate domestic relations for Uganda as an independent country.

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The authors affirm that there are no financial, personal, or professional interests that could have influenced the study's results or interpretations. This research was carried out with full impartiality and independence.

#### **Author's Contribution**

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#### **Disclaimer**

The opinions and conclusions presented in this article are those of the authors alone and do not necessarily reflect the views or policies of the publishing journal.

#### **Ethical Considerations**

The study was document based, analysing print and online documents. It did not involve any human or animal subjects. In its make-up, all document materials used are referenced appropriately.