

**THE IMPACT OF CHRISTIANITY ON
THE ABANYALA LEVIRATIC MARRIAGE**

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT FOR THE
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EAST AFRICANA COLLECTION

DECLARATION

THIS THESIS IS MY ORIGINAL WORK AND HAS NOT BEEN PRESENTED FOR A DEGREE COURSE IN ANY OTHER UNIVERSITY.

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THIS THESIS HAS BEEN SUBMITTED FOR EXAMINATION WITH OUR APPROVAL AS UNIVERSITY SUPERVISORS.

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DEDICATION

Dedicated to my parents,

Pius Gumo Magero

and .

Marita Dienya Gumo.

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ABSTRACT

The main concern of this thesis was to investigate to what extent Christianity has contributed to changing the Abanyala attitude towards levirate marriage. The study further questions whether the Roman Catholic Church has appropriately applied the principle of adaptation to African practice of Levirate union.

Levirate as a marriage institution among most African patrilineal societies, was prohibited by the Catholic Church as being immoral and unchristian. To this extent, the Church denied the holy Sacraments such as baptism, holy eucharist, matrimony and confirmation to those who entered into leviratic relationships. In making this rule, it was the Church's hope to discourage Christians from practising levirate marriage.

From the research findings, the study showed that there was no pastoral application of Adaptation of leviratic pattern of marriage arrangement. The theological data further shows that there has never been a conclusive debate in the Catholic Church on levirate custom. The church outrightly identifies the practice as equal to polygamy, an institution with dissimilar objectives. Similarly, levirate union has been associated with cohabitation that is, unlawful sexual union. The comprehending of levirate union has therefore brought misunderstandings between the Catholic Church leaders and the Abanyala Christians and non-Christians.

Indeed, this study does not call for the change of Catholic theology and teachings, rather it calls on the Catholic Church to reconsider and respond positively while applying the theory of Adaptation to its doctrines on Christian marriage. This will make those African patrilineal societies, who practice levirate union, to comfortably fit into the Church. The Catholic Church should address itself to the Vatican II document which officially advocates for the right of each culture to preserve its custom and practices within Christianity.

This thesis is divided into five chapters. The first chapter, the introduction consists of the significance of the study, related literature, theoretical framework, research methodology and scope/limitations of the study. In the methodology, the use of questionnaire, oral interviews, participant observation and the use of the existing literature was applied. The obtained data was then analyzed and concluded into a thesis.

The second chapter presents the background of the studied social group. This comprised of their geographical and historical setting, social, economic and political organization and religious set-up.

The third chapter is an attempt at showing the characteristics of traditional Abanyala marriage arrangements.

The fourth chapter presents the Abanyala traditional practice of levirate marriage and its significance. It further presents the Catholic church's view on levirate union

Finally, the thesis concludes in the final chapter that the Catholic church should re-examine and re-address itself to levirate marriage. This will help the Church to comprehend the significant aspects found in the leviratic union. The chapter similarly calls for inculturation through dialogue between Catholic Church leaders and African traditionalists/Christians to choose valuable values found in levirate marriage hence incorporating them into Christian teachings and practices. It is hoped this will help many African societies who practise levirate union feel at home in Christianity.

Nevertheless, this study does not claim its findings as being exhaustive. It calls on interested scholars to further research into the field of inculturation touching on the Abanyala beliefs and practices that appear to contradict the teachings of the Roman Catholic Church.

ABBREVIATIONS

AS	<i>African Studies</i>
ACTA	<i>Apostolicae Sedis</i>
AFER	<i>African Ecclesiastical Review</i>
AIDS	<i>Acquired Immuno Deficiency Syndrome</i>
A.T.V. †	<i>African Traditional Values</i>
E.A.L.B.	<i>East African Literature Bureau</i>
E.A.P.H.	<i>East Africa Publishing House</i>
Amecea	Association of Episcopal Conference in Eastern Africa
Cor.	<i>Corinthians</i>
Dv	<i>The documents of Vatican II edit</i>
K.L.B.	<i>Kenya Literature Bureau.</i>
M.A.	<i>Masters of Arts</i>
Op. cit	<i>Opus Citatum (work quoted above)</i>
O.U.P.	<i>Oxford University Press</i>
Ph. D,	<i>Doctor of Philosophy</i> 3
R.S.V.	<i>Revised standard Version</i>
S.P.C.K.	<i>Society of Promoting Christian Knowledge</i>

OPERATIONAL/TECHNICAL TERMS.

Abanyala

The term is used to refer to the name of the sub-tribe from Luhya tribe. The word Abanyala comes from the term Okhunyalala which means to manage.

Age-set

The term is used to refer to a group of persons of the same or different sex and approximately of the same age who have been initiated together or have passed through other social experiences together.

Adaptation

This term is used to refer to the act or process of adapting, or modify indigenous or alteration of a form of structure.

Bride-wealth

This is the property or gift given by a prospective husband to the bride's family as a token.

Clan

It is a social unit smaller than a tribe and larger than a family and claiming descent from a common ancestor. This exogamous tribal 'division share a totem.

<i>Kinship</i>	<i>The term is used to refer to a relationship by descent from a common ancestor - a group of persons related by blood.</i>
<i>Levirate marriage</i>	<i>This is the union of a widow with the deceased's brother or classificatory cousin, for guardianship. In this study, we will use widow guardian to represent widow inheritor.</i>
<i>Marriage</i>	<i>The state of being united intimately to a person of the opposite sex as a husband or wife.</i>
<i>Monogamy</i>	<i>This is marriage but to one person at time.</i>
<i>Patrilineal descent</i>	<i>This is the tracing descent through the father and his ancestry, it is an organized descent on the basis of male origin.</i>
<i>Polygamy</i>	<i>A marriage form in which a spouse may have more than one wife at a time.</i>
<i>Ritual</i>	<i>This is a prescribed order of a religious ceremony with a symbolic significance.</i>
<i>Roman Catholicism</i>	<i>The term is used to refer to the doctrine of the Roman Catholic Church.</i>

Sacraments.

Something that has the significance of a deeply religious act or observances.

Theology

This the rational interpretation of religious faith, practice & experience.

Widow

A woman who has lost her husband by death.

Christians

This name applies to the followers of the gospel of Christian.

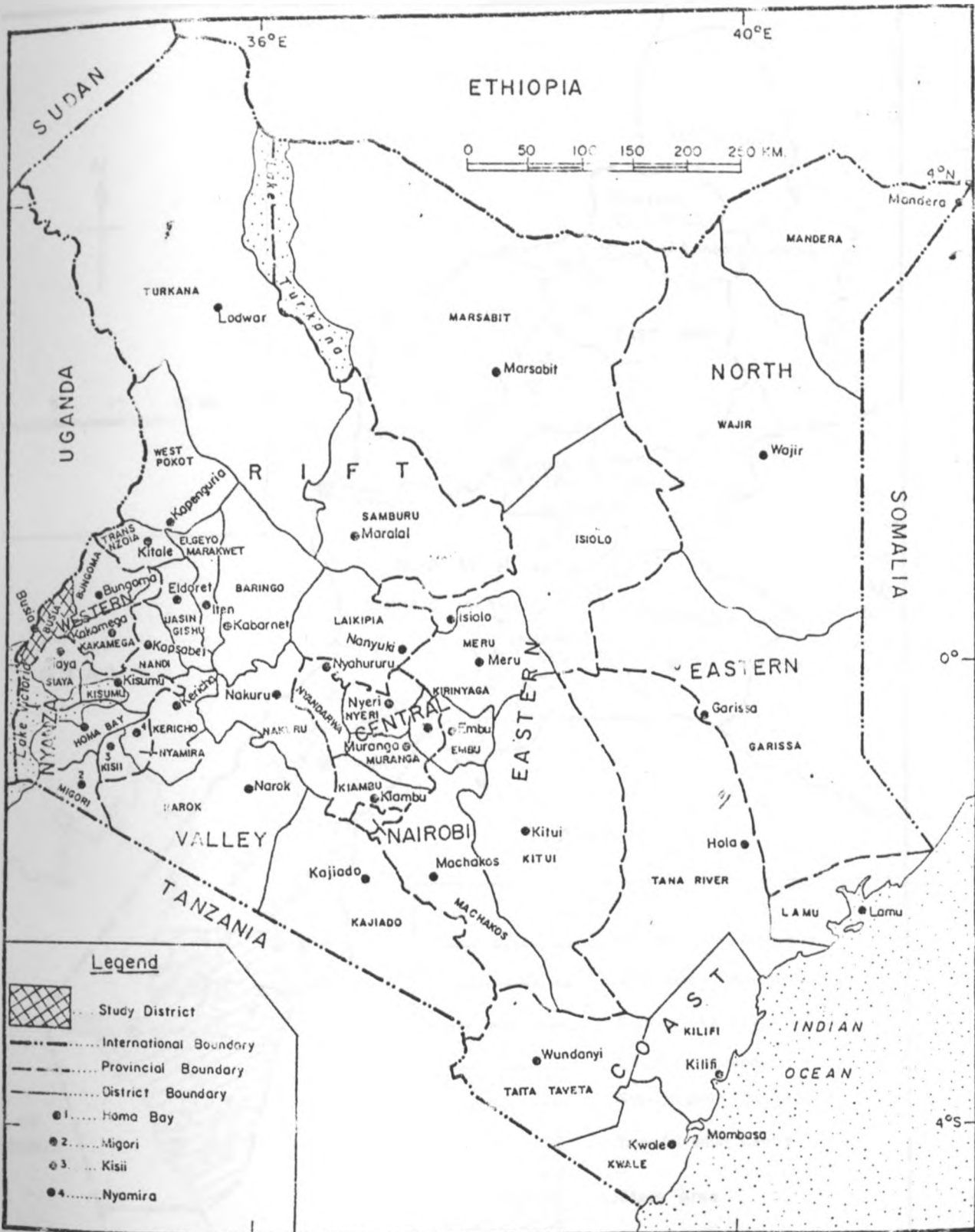


Fig. 1 : LOCATION OF BUSIA DISTRICT IN KENYA

Source : Survey of Kenya

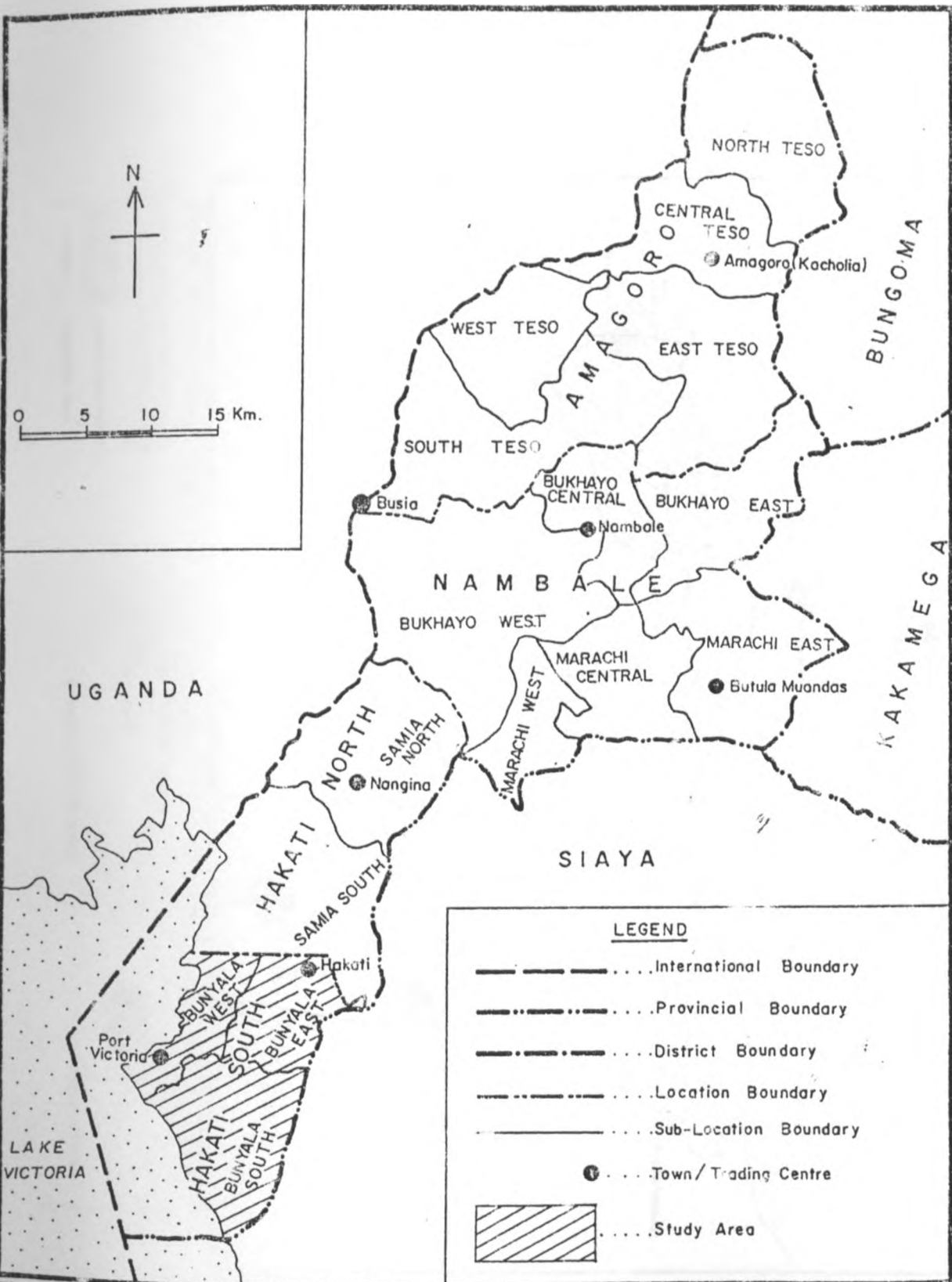
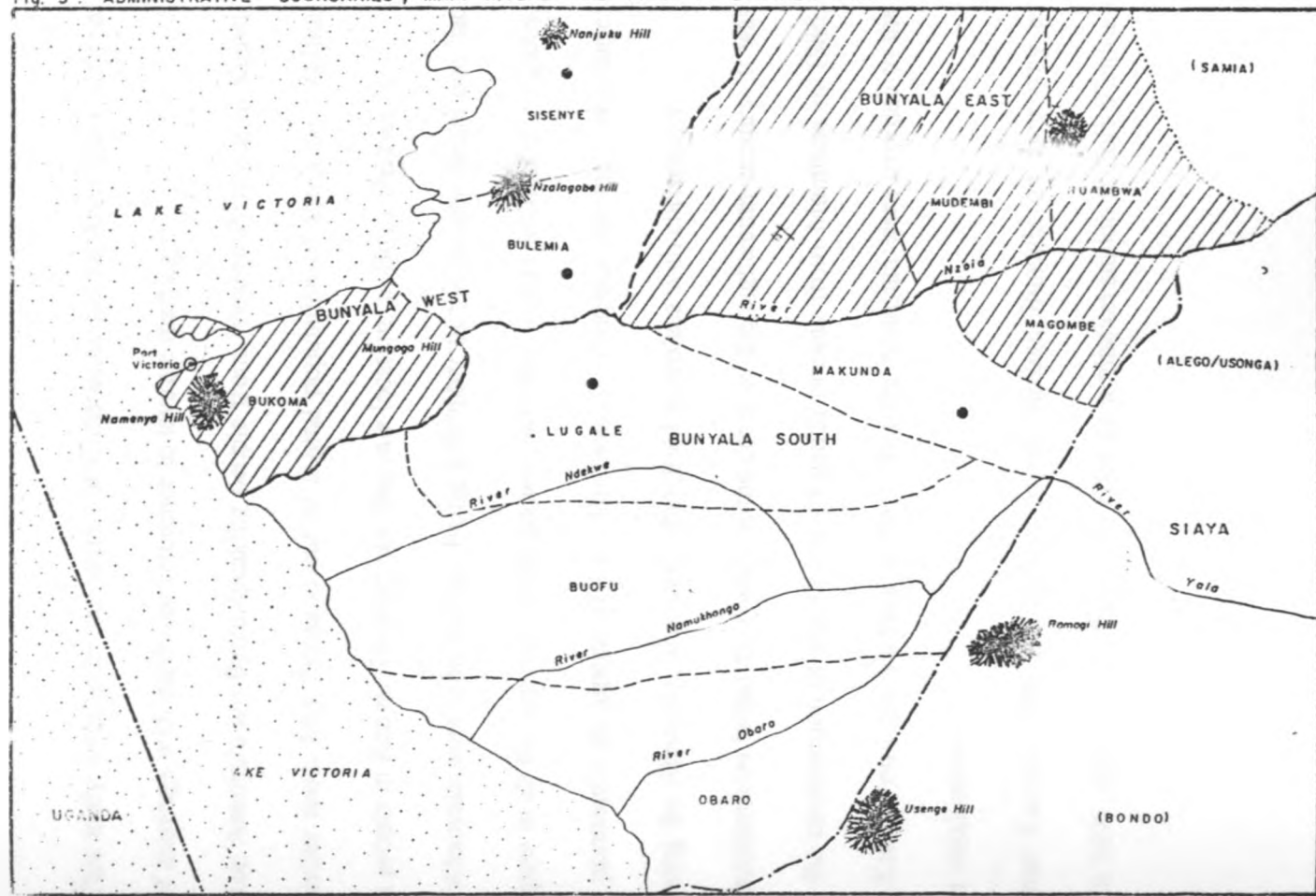


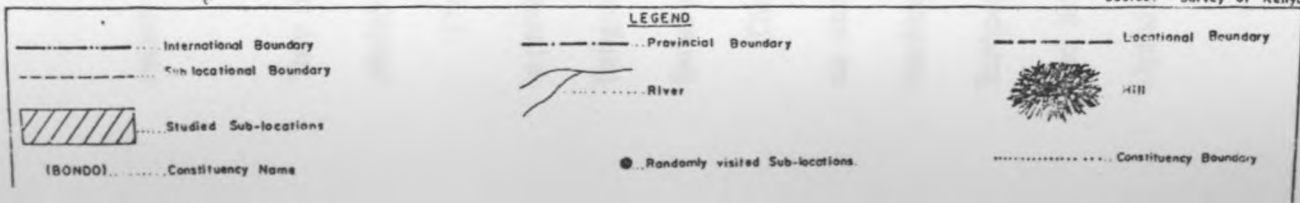
Fig. 2: LOCATION OF STUDY AREA IN BUSIA DISTRICT.

Source: Busia D. D. Plan, 1988-1993.

Fig. 3 : ADMINISTRATIVE BOUNDARIES, MAIN RIVERS AND HILLS IN BUNYALA AREA.



Source: Survey of Kenya



CHAPTER ONE

INTRODUCTION

This study investigates the impact of Christianity on the Abanyala traditional system of marriage with particular reference to levirate marriage.

The Abanyala are Bantu-speaking people from Western Province in Kenya. They number about fifty thousand out of a total population of about four million Abaluyia people in Kenya. They occupy Bunyala location, in Busia District.

The Abanyala were monotheists. Being a member of the society meant one had to participate in all the activities of the society, whether social, political or religious. Religion permeated all aspects of life. This was the religious life the missionaries found among the Abanyala, and which they tried to replace with christianity.

The missionaries began their work at the coast by the eighteenth century. It was not until the construction of the Kenya - Uganda railway from Mombasa in 1886, reaching Kisumu on Lake Victoria in 1901, that the Abanyala were exposed to the European missionaries.

The Roman Catholic Mill Hill fathers passed through Bunyala on their way to Uganda in 1895, only to come back, and open up a mission station at Port-Victoria.

Other stations were later built at Sirimba and Mukhobola. About ninety percent of the Abanyala belong to the Roman Catholic Church. The remaining ten percent belong to other denominations, i.e Protestants and Islam.

At first, the missionaries made no demands on their converts, or followers way of life. But as they continued to win more converts, some missionaries began to demand that their converts abstain from traditional practices such as levirate marriage.

This study aims at finding out to what extent the Roman Catholic Church has influenced the Abanyala practice of levirate marriage.

1.1 STATEMENT OF THE PROBLEM. .

The traditional Abanyala marriage was seen as the most significant feature in the society. Marriage wholly depended on different types of marriage arrangement. These include eloping, forced marriage through dragging, formal traditional marriage, child marriage and sovorol marriage. In a sovorol relationship, a man would request his wife to get him a sister or a close agnatic relative to marry. At the death of a wife, a husband could choose her niece to care for the children. A barren woman could also choose a relative as a way of procuring children for her husband.

All married women had different roles and responsibilities, according to the position each held in the family. At the death of a husband, each widow was inherited by a brother-in-law or a close relative of the deceased. Within a polygamous family, each widow was inherited depending on which position one held before the death of her husband. A woman who got married through formal traditional marriage, stood better chances of being inherited by a respectable brother-in-law than one who got married through elopement.

In the Old Testament, leviratic marriage was also practised among the Jews: (Deuteronomy 25:5-10) where a widow was not allowed to marry someone outside the family. It was the duty of the dead man's brother to marry her for security and protection. However, the Church does not approve levirate union.

Members of the Church who are involved in leviratic relationship have been regarded as immoral. Such members, have been denied holy communion. The practice has been reputed by the church as incompatible with the christian marital and moral behaviour. This may be an indication that the Roman Catholic Church does not understand nor appreciate the purpose and the distinguished significance of levirate identification.

The Abanyala beliefs and practices were meant to stabilize the family. Through levirate agreement, the family found it imperative to work together as a social group within a lineage. Levirate marriage was practised to perpetuate the social unit of the

Abanyala families. However, the present christian generation does not consider the social unit which was found in the Abanyala families through the practice of levirate union. This is so because the Catholic Church has its own view on how to care for widows without necessarily cohabiting with a brother-in-law. Due to conflicting views between the Catholic Church and the Abanyala traditions on the care of widows, the Abanyala traditional marriages, are taking a new pattern whose form is not yet properly established.

Consequent to prohibiting the Abanyala system of levirate union, the Church seems to have established another way of caring for widows. Nevertheless, has the Church brought any changes on the social structures and values of both the Abanyala christians and non-christians?

This is a problem which has not yet attracted the attention of secular scholars and theologians. Therefore, this study aims at examining whether christianity has had any impact on the Abanyala practice of leviratic marriage arrangement.

”

1.2 OBJECTIVES OF THE STUDY.

1. To examine the Abanyala marriage arrangement and its significance.
 - (a) Identifying different types of marriage.
 - (b) Showing sequence of inheritance in both polygamous and monogamous families.
2. To determine the meaning and practice of leviratic marriage and the purpose it served among the Abanyala by,
 - (a) Examining rituals performed at the death of a husband;
 - (b) Analysing the rituals observed leading to widow inheritance and their significance;
3. To assess the influence Christianity had on the Abanyala beliefs, practices and attitudes regarding levirate union.

1.3 JUSTIFICATION OF THE STUDY.

At present there is concern among African theologians on how to develop a culture that takes into account the rich values in the African

culture and their significance in the light of their cultural heritage. Levirate marriage among the Abanyala is a clear practice that continues to promote their culture.

This study was instigated by the fact that, although levirate union has been in existence for a long time, little has been studied on its significance. This will be highlighted and recorded through this study.

Another significant fact is that, to the best of my knowledge, no research has ever been done on this topic among the Abanyala. Therefore, the study will be of great importance to scholars, educators, church leaders and social workers who may be aspiring to do a similar research.

Written documents on African traditional marriage have dealt with this wide subject in general. Therefore, if a scholar intends to get a more detailed information on a specific African society, he/she has to take the task of understanding cultural values of that particular society. This study aims at making a serious inquiry on the impact of christianity on the Abanyala levirate agreement. It is through this study that the Abanyala levirate practice has something of importance for the promotion of Abanyala cultural values.

1.4 SCOPE AND LIMITATION OF THE STUDY.

The area of focus for this study was Bunyala. The study restricted itself to Mudembi, Rwambwa, Budalangi and Magombe sub-locations. However, other sub-locations were also visited. The above selected sub-locations are areas of field study which were more convenient because of their easy accessibility.

The study likewise limited itself to the Roman Catholic Church. The Church has its headquarters at Port Victoria. Apart from Port Victoria parish, other parishes were also visited. These included Sirimba, Rwambwa and Magombe. These parishes were chosen because they have the largest membership compared to the others within Bunyala.

As mentioned earlier, no research had ever been done on this topic among the Abanyala. Therefore, there were many limitations as I carried out this research. Some of the difficulties faced included lack of specific detailed records. We therefore relied on the present old generation who have knowledge on the subject of study.

A further problem was lack of enough data and interpretation. This came about due to misunderstanding the questionnaire thus respondents rephrased the questions to suit their intended answers. However the problem of lack of enough data from the informants was dealt with by reinforcing the informants to respond to the questionnaire adequately. The researcher in dealing with the problem of misunderstanding the questionnaire re-phrased the question to make respondents perceive it much better.

1.5 LITERATURE REVIEW.

In this section, an attempt was made to discuss a few studies which have dealt with traditional African marriage system. At present, no tangible research relating to the topic of study has been carried out among the Abanyala. However, the review of general literature on marriage among different African people will be looked into. This related review is an attempt to establish a link between the study and previous investigations.

Muga (1975) in his book African Response to Western Christian Religion, points out that, with the coming of the missionaries, a new pattern of marriage was introduced. This new pattern was alien to Africans. Monogamy as a new pattern of the family led to the disintegration and disruption of the African families which in most cases were polygamous in nature. Polygamy in African societies, was in harmony with African economic, political, and social way of life, prior to western European monogamous system of marriages.

Muga further asserts that, " When christianity was first introduced, any African polygamist who wanted to become a christian had to send away all his wives except one, the first married one".¹ Levirate marriage was also

discouraged. The adoption of monogamy as a system of marriage has caused a steady increase in the number of surplus unmarried women. The western christian missionaries also taught that African dowry system was tantamount to "buying and selling women". From this observation, the christian missionaries have contributed to the disintegration of the African traditional pattern of marriage.

Writing on African Heritage and Contemporary Christianity. Mugambi (1989) presents the concept of monogamous christian homes as the nuclei of the ecclesial family, presented significant challenges for African Churches. Although not all marriages were polygamous, the Churches had to decide whether or not the men and women living in polygamous and levirate union would be allowed to become members of the Church. Africans felt that this was a threat to their traditional system of marriage².

In his book, The Changing Family among the Bantu Kavirondo. Wagner Gunter (1939) clearly and concisely points out that, the coming of missionaries affected the Luhyia family pattern³. Initially, traditional African marriage pattern was polygamous. Widow inheritance was also practised. With the coming of the missionaries, monogamy was recognized by

christians as the ideal form of marriage. Widow inheritance was compared to immoral acts. Therefore, this means that, the traditional family life has to adjust itself to the christian marriage system. From this assumption, christianity has actually shifted the Abaluyia system of marriage. Gunter's work was therefore a guide to this study.

In most African societies, levirate marriage was considered the most important aspect of marriage after the death of a husband. Kirwen (1974) on, *The christian prohibition of the African Leviratic Custom*, defines levirate marriage as:

A marital adjustment in a continuing marriage in which a brother-in-law substitutes temporarily for a deceased legal husband⁴.

Kirwen definition of leviratic marriage is quite different from what the Abanyala perceive levirate marriage to be. According to the Abanyala, levirate marriage is not a temporal substitute for a deceased legal husband, but it is a permanent substitution. The union is taken to be permanent after the death of a husband.

Kirwen affirms that, a widow can not divorce herself from the deceased husband's family and remarry. She customarily enters Leviratic

marriage where all her rights are fulfilled. The widow's relationship with the lineage family does not end with the death of her husband. She continues in the lineage as a functioning wife in a leviratic union and the arrangement is not a new marriage.

Kirwen further explicates on the reaction of the Roman Catholic Church on Leviratic union. According to Kirwen, the Catholic Church strongly opposes leviratic union. Widow inheritance is compared to polygamy. Therefore those involved in such a union are denied holy communion. My study covered what Kirwen did not include in his research i.e rituals leading to widow inheritance and their significance.

Huber Hugo (1973) Writing on Marriage and the family in rural Bukwaya Tanzania. observes that when the head of the homestead dies, sometimes the full brother of the deceased inherits the widow. He may come and take possession of the homestead and of his brother's property⁵. Hugo further notes that the practice of widow inheritance follows general pattern of inheritance. The first to take a deceased spouse's wife and his brothers according to seniority, second in line are the sisters sons and the sons of co-wives who have been acquired for high bridewealth,

lastly, a classificatory grandson through the female line could have the chance. In all these cases, the widow remains in her husband's clan, and it's his immediate kin-group that continues to profit from her potential fertility.

Hugo further points out on the rituals performed after the death of a husband. These includes sleeping at the funeral and ceremonial cleansing of friends and relatives of the deceased. The same practice is common among the Abanyala but with a slight difference. The difference is that some of the rituals observed are quite different from those of the Abanyala that is when a widow dies before being inherited. On the inheritance of widows, Hugo observed the status of an inherited wife as inferior to that of the non-inherited wife. A widow cannot become a senior wife. If she has been a wife of a deceased elder brother she command respect within the domestic community. The inheritor as Hugo notes also

*assumes with the acceptance of his brothers or uncle's wife not only his full sexual rights in her regard, but, simultaneously the responsibility for her and her children's upkeep for their material and spiritual welfare.*⁵

Obudho (1985) in his thesis on *The Impact of Christianity on the Luo Traditional Marriage System*, stresses that leviratic marriage was convenient arrangement to protect and give support to the widows and their children.

He points out that,

The widow when entering into Leviratic union with a brother-in-law, based it on traditional duty, earlier friendship, co-operation and interest of the brother-in-law with the deceased husband⁶.

The refusal of the widow to cohabit with a brother-in-law meant she would marry another man. Leviratic marriage was a form of social security for a widow and her children.

While Obudho contributed much on leviratic marriage, he did not however point out the rituals performed before a widow is inherited. This study therefore bridges this gap, by examining what happens after the death of the head of a homestead or a husband and the rituals which follow thereafter.

Penwill D.J (1951) in Kamba Customary Laws, extends the argument that the widow normally chooses one of her dead husband's full brother as Obudho noted. Children born after the death of her husband are treated as children of the dead man and bear his name⁷. Penwill further points out that, when the dead man had no full or half brothers, a close male relative takes the responsibility of protecting the widow .

Levirate union was practised for the continuation or renewals of the existing structure of social relation in the family. This is an example of the principle of unity of the family since brother takes care of brother's widows.

A.A. Radcliffe and D. Forde (1950) in their book African System of Marriage and Kinship, emphasize that for a widow to refuse an heir was comparable to deserting her husband⁸. If a widow refuses to be inherited and returns to her father, the cattle given for bridewealth is returned. Sometimes a widow who has passed the age of bearing could not be inherited.

Radcliffe Brown further argues that, due to the coming of christianity, a young widow may remain with her children without accepting the heir as her husband and without causing her father to return the bridewealth given for her.

Among the Abanyala, a married woman depends on her husband's property and land to cultivate by virtue of the fact that she was adopted into the family. In case of divorce, she is entitled to take with her only what she had brought when she got married. She is not entitled to maintenance. The child she bears belong to their father's family. This transfer of the woman's

person and productive power, is best manifested by the fact that in case of separation, any children born even if not sired by the husband are regarded as his children.

Gunter (1939) notes that clan and family overlap. Therefore, the Abaluyia derive their significant togetherness from the functions of the clan rather than from those of the individual family. He asserts that,

That is why if a widow remarries within the deceased husband's clan, no further bride wealth transaction takes place. Whereas if she remarries into another clan, her father must return the marriage cattle originally given for her to the husband's heirs and her new husband must pay afresh.⁹

Matrimony cuts across clan divisions. This establishes a bond between clans. Matrimonial relationship itself is shaped by the affiliation of each marriage partner to his respective clan group and a woman enjoys in the marriage. Marriage as already stated, in African concepts establishes a relationship between a man's family and wife's family. This relationship is permanent and continues after the death of the husband. Alyward Shorter (1976) in his book, Church and Marriage in Eastern Africa, points out that,

After marriage a woman belonged to and was dependent on her husband and his kinsgroup. When her husband died, she remained the property of her husband's lineage or family and formed part of the inheritance¹⁰.

A widow is not considered free to remarry anyone else after the death of her husband. The practice of widow inheritance or levirate marriage differs in many societies. This study pointed out how levirate marriage was practised among the Abanyala and its significance.

Shorter (1975) gives the purpose of widow inheritance in most African societies. In his words,

a widow is inherited because widow inheritance confirms a widow in this status so that she does not feel out of place and go away. The relationship is also intended to keep in touch the two families, (the family of the woman and her husbands). Leviratic union is also intended to support the widow and her children's need for food, clothing and education¹¹.

The man who inherits the widow does all these things on behalf of the clan.

Widow guardianship is largely practised among the Abanyala. It is practised among the educated, uneducated and non-christians. Shorter observes that some christians practice levirate union secretly because they still believe in their traditional values¹². This study found out the true side of this assumption. That, though some Abanyala christians tend to refuse the practice, when a situation arises like at the death of a husband, they inherit or are inherited secretly. Given that the practice is still on, would the

Church be willing to accept widow guardianship if it is alarted that the practice is still on?.

Shorter stresses that the christian Church did not, and indeed could not recognize or tolerate widow guardianship because, this would encourage the widow and the heir to indulge in illicit sexual relationships under circumstances repugnant to the principles of christian marriage and living. The Church strongly insists that at the death of a husband, a woman has a right to either remarry or live alone without a marriage partner. The Church uses denial of the eucharist to the widow as a weapon of discipline to eliminate leviratic union.

Okulu in his book, Church and Marriage in East Africa, emphasizes that, missionaries stuck to the belief that the heathen Luo needed Christ. Therefore, set out to destroy the Luo culture and religion ignoring to fulfil the Catholic Church resolution of Vatican II on adoption which states that;

All cultures have the right to be an independent existence with christianity and that the introduction of the christian teaching in a new culture must involve an adoption that preserves the essential integrity of culture, its values, institutions and customs¹³.

From this point of view, has the Roman Catholic Church formed a pastoral policy accepted by all Abanyala christians in solving the conflicting views on how to care for the widows between the Church and the Abanyala in general? This study addressed itself to this question.

Okulu further stresses that, Churches are determined to eliminate African marriage practices. This has created conflict between christianity and the African marriage system. The Church has failed to develop a uniform policy in dealing with African marriage problems especially levirate marriage¹⁴.

Nevertheless, Okulu suggests that if a christian husband enters a second marriage alliance before the first marriage is solemnized in Church, officiated by a minister, in such a case, one can be confirmed to receive the holy communion. However, those who became polygamists when they are christians can be barred from receiving eucharist until they decide to reconcile with God . Okulu adds that if a wife is barren, the husband can be allowed to take a second wife for, childlessness is not accepted in African society.

Kisembo Writing on African Christian Marriage, notes that, persons involved in the polygamous marriages and leviratic unions can be admitted to baptism and other sacraments. The parties involved can remain in this unions freely in their own accord. He observes that, "those christians that have lapsed into polygamy or who may have entered into leviratic union under social or economic pressure or the burden of childlessness should be given communion if the plural unions cannot be dissolved. However, Kisembo does not point out to what extent christianity has influenced the practice of polygamy and levirate marriage. This study has analyzed the impact of the Catholic Church on the Abanyala leviratic union.

Jassy (1900) an anthropologists in his book, Basic Community in African Churches, notes that though missionaries have tried to christianize African marriage and funeral ceremonies, there has not been much tangible change due to the institutions importance in social life¹⁶. Other anthropologists agree with Jassy on the importance of African levirate marriage. They say, the union cannot be considered to be a marriage, rather, it serves to protect the widow and her children.

These anthropologists include, Westermarck 1891¹⁷, Phillips¹⁸, Hillman (1968)¹⁹, and Hastings²⁰. They argue that levirate union is a form of a substitute for the deceased. It is a way of caring for the unsupported woman and ensuring the continuation of the deceased family. Therefore the Church should accept the practice without much difficulties.

In summary, a number of authors contributed much on the African traditional marriage. However, their views are limited by the nature of the material on which the subject of discussion is based. Their contribution consisted mainly of reports on marriage from a variety of African societies. Little was done on Levirate marriage and its significance among the Abanyala people. This is the gap that this study intends to fill.

From the literature covered, we could not reliably deduce how useful information on the subject of levirate marriage among the Abanyala can be drawn from the available material. All in all, despite the contributions made by different authors, they did not highlight how far christianity has altered African traditional marriage. The above mentioned authors also gave a general view on the significance of levirate marriage to those people who practice it. This study therefore aspires to give the

meaning and practice of levirate marriage and the purposes it served, among the Abanyala.

1.6 THEORETICAL FRAMEWORK

The researcher worked under the assumption that before the coming of the missionaries, leviratic union was seen to be a convenient arrangement to protect and give support to widows and their children among the Abanyala. Levirate marriage was additionally practised for the continuity and stability of the deceased's lineage, as his children and the wife belonged to the clan.

Among Abanyala, the widow's relationship with the family did not end with the death of her husband. She continued in the lineage as a functioning wife in a levirate union. Levirate arrangement was exercised as one form of stabilizing the family unit.

The advent of missionaries brought social change which tended to affect all aspects of life in the Abanyala society. With the coming of

missionaries, a new faith was introduced in the Abanyala's life. People were urged to change their indigenous religion and adopt christianity. The abanyala were introduced to new values in marriage especially on the care of widows among others.

Some Abanyala started adopting the missionary culture at the expense of their own indigenous cultural systems. The collective significant aspect of levirate marriage was to give way to Christian way on the care of widows. The union was considered immoral and incomformity with christian ethics. A widow who lived in a levirate relationship was excluded from being a full member of the Church by being refused to partake in the Holy Communion and other Church sacraments.

With the coming of the missionaries, there was likewise the introduction of urbanization. This led to rural-urban migration. Urbanization similarly brought serious effects on the Abanyala social life. For instance, Abanyala's who stayed in towns were less controlled by their traditional beliefs and practices. Some were left with two cultures, to choose one or both. From this perspective, some Abanyala decided to defend their cultural values by supporting levirate marriage. Others dropped their cultural values

i.e. levirate union to adopt christian way of caring for widows. While others were left in between the two cultures, that is, accepting the two conflicting cultures. For instance, there are some Abanyalas who prefer to be christians, but when a chance of inheriting a widow of a deceased brother or being inherited arises, they end up cohabiting secretly. However, they continue to receive the holy sacrament.

Culture does not exist in a vacuum. It continues to be within a particular society. Each culture has it's pattern of values, structures and practices, for example, levirate marriage among the Abanyala which forms part of the supportive framework for life.

Looking at the significance of the care of widows between the Abanyala and the Roman Catholic Church, the focus was primarily on the theological importance on the care of widows. The Abanyala practise levirate marriage for the significant aspect found in it. The Catholic Church prohibits the practice for being incompatible with the christian teachings on moral marital affair.

However the Roman Catholic Church official teaching on the adaptation, is that all cultures have the right to an independent existence within christianity, and that the introduction of christian teachings in a new culture must involve an "adaptation" that preserves the essential integrity of the culture, it's values, institutions, and customs. Adaptation therefore, is the process of the interaction between christianity and cultures which takes into consideration the total collective religious, social and moral life as it has gradually taken concrete form in each culture²¹.

The teaching systematically presents the concern on the need to inculcate the gospel message in accordance with people's aspirations, needs, thought forms and mentality taking into account the "great socio-cultural regions", and avoiding syncretism and false exclusiveness or particularism²².

The idea of inculturation, gives us insight that inculturation should be an obligation to guard any kind of culture from syncretism and false particularism.

African Terrarum is a further additional document relevant to our inculturation. This was systematically presented by Pope Paul VI to the

sacred hierarchy and all the people of Africa given in October 1957. In this document, the Pope urges us to accommodate traditional African values with the Christian Gospel and not see them as merely animistic religions²³.

Hickey (1982) says,

Thus the more recent ethnic history of the peoples of Africa, though lacking in written documents, is seen to be very complex, yet rich in individuality and spiritual and social experiences, to which specialists are fruitfully directing their analysis and further research.

*Many customs and rites, once considered to be strange, are seen today, in their ethnological science, as integral parts of various social systems, worthy of study and commanding respect.*²⁴

The above then gives more support and guidance in creating and cherishing African traditional values and customs in inculturation. With the above awareness, it is necessary to inculcate the Abanyala beliefs and practice of leviratic marriage.

In summary, this study has primarily an anthropological and theological framework in approach as it involves the interaction of two different cultures, that is traditional Abanyala levirate marriage and Christian way on care of widows and their significance. The study devotes itself on cultural differences in diverse social units. An attempt was made to analyse

the conflicting views between the Abanyala cultural values and Christian values in relation to levirate marriage.

1.7 HYPOTHESES

This study tests the following hypothesis,

- (i) In Abanyala traditional family, marriages are arranged by the extended family members.
- (ii) The position of a wife in a home, and the payment of the bridewealth determines the pattern of widow inheritance.
- (iii) Levirate marriage was practised among the Abanyala for the stability of the deceased's family.
- (iv) Christianity has not changed the Abanyala practice of levirate union, because the practice is still on despite the Catholic Church's prohibitions.

1.8 RESEARCH METHODOLOGY

(i) Duration and Sample Selection:

This was basically a field and library research conducted over a period of three months, from October to December 1992.

Material was selected from a wide variety of sources. This included primary and secondary sources. Primary data was derived from first hand information through personal interviews. The use of questionnaires for primary and secondary data included relevant written material on the study topic.

As already stated, the research was carried out in specific areas, due to limitations and complexities of accessibility. These areas included, Rwambwa, Mudembi and Budalangi sub-locations. However, other sub-locations were randomly visited.

(ii) Data Sources and Methods of Collection:

The methods used in carrying out the research included the existing literature on the subject of study, oral interviews which also

comprised of specific case studies, the use of questionnaire and personal or participant observations.

The present research started with library work to obtain available written information. The review of related literature was based upon past knowledge on the study topic. This enabled the researcher to establish a link between the present study and previous investigations. Library research further helped the researcher to obtain what had not been documented on the topic of study and what had been included. The existing literature included, recognised texts, published and unpublished sources, such as Church documents and bulletin reports. Documents found on anthropological work were similarly scrutinized.

Oral interviews through discussions were deployed. By using a systematic sampling, christians as well as non-christians were interviewed. Some of the christians included Church leaders. These comprised of priests, catechists and Church leaders from the parishes of Sirimba, Port-Victoria, Rwambwa and Magombe. During the process, tape recording was done, and later the information was translated from Lunyala language into English for final transcript.

Case studies were taken from specific people. Ten persons were selected at random from each sub-location. This was done after considering the number of Christians in that particular sub-location, and in which denomination they belong to.

The following categories of people who were studied could be grouped in:

- (a) Those who support levirate marriage, and how many have been affected by the christian prohibition of levirate marriage.
- (b) Those who do not support levirate union

From the selected number of people, interviewed, three categories of persons were grouped for analytical purposes. The first group were non-Abanyala Christians who claimed to support the Abanyala levirate marriage. The second category was for the Abanyala Christians. This group included christians who attend

Church service once or twice in a month and the devoted group who attend Church mass every Sunday. This category formed the largest group of those people who were interviewed. The last group comprised of Church leaders. This was the smallest category of people interviewed.

For easy work, I made use of three research assistants, mostly undergraduates. The assistants were given guidelines on how to approach informants and how to ask questions. The material collected was at the end of everything compared to avoid any misunderstanding.

Oral interviews provided an opportunity for cross checking to avoid possible misinterpretation and to ensure understanding of the collected material. This method involved people with special capacity experience to develop informal conversation. Informal conversation was then extended into formal interviews. In the end, formal interviews were taped. While carrying out the research. Informants were interviewed either individually or in groups of two, three or four.

Questionnaires were given out to a selected sample of fifteen to twenty members from the four parishes. Two congregations were selected from each parish. Therefore, five members from each congregation in a parish were given questionnaires. Other questionnaires were given to particular people, as already stated, The questionnaire served as a guideline for discussions that stimulated informants by probing questions related to the topic of study. The questionnaire also gave more comprehensive information than any other method. They helped in examining carefully whether any information had been left out by the other methods, that is oral interviews and library research. The questionnaires were printed in English.

Participant observation was further used to collect data. This included acquainting myself with the local people for familiarity. Much was learnt by observing levirate ceremonies. The purpose of using participant observation technique was to provide a detailed and comprehensive description in comparing attitudes towards levirate marriage. This involved uninterrupted observation sessions on the ceremonies performed. Photographs were not taken in these

occasions for fear of humiliating the selected families. However, the people involved were ready to account for what was being observed without fear.

(iii) **Data Analysis:**

The findings on the Abanyala levirate practice were analysed. The analysis consisted of:

- (a) The social cultural system influence on the Abanyala levirate marriage.
- (b) Analysis on the aptitudes of the categorized groups on the Christian prohibition of levirate marriage.
- (c) Data on how Christianity has affected aspects of the Abanyala traditional way on the care of widows.
- (d) Conclusions were drawn in support of levirate marriage, by comparing the 'pros' and 'cons' between the inherited and the uninherited widows.

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CHAPTER TWO

BACKGROUND OF THE STUDY AREA (BUNYALA)

2.1 GEOGRAPHICAL SETTING

The Abanyala are Bantu-speaking people in Busia District, Western Province of Kenya. Their homeland is in Busia South also known as Bunyala. They occupy the locations of Bunyala East, Bunyala South and Bunyala West altogether made up of nine sub-locations¹.

Bunyala falls within the Lake Victoria basin. The altitude ranges from about 1128m above sea level to 1,463m. The area receives between 1,024mm and 1270mm of rainfall annually. The strip of land fringing the shores of lake victoria receives between 760mm and 1,015mm. The annual mean temperature ranges between 26⁰C and 30⁰c, while the mean minimum, temperature ranges between 14⁰C and 22⁰C².

Part of Bunyala south is drained by four major rivers, namely, Nzoia, Ndekwe, Namukhongo and Obaro. These rivers flow directly into

Lake Victoria. They occupy a greater part of the location. Rivers Nzoia and Yala formed swamps which are extensively irrigated agricultural areas with rice as the most ideal cash crop. Other important physical features are hills, valleys and plains. The most significant hills are Nanjuku, Nzalagobe hill, Wanga, Munjogo and Naminya hill³.

The vegetation is tropical savanna type with acacia trees, thorny bushes and thickets. On the higher grounds is found the highland savanna type of vegetation. The study area is generally hot and dry along the lakeshore but warm on the mainland and, at times, fairly cool with high humidity. It has a constant heavy rainfall during the months of between April and July, and short rains during the months of August to November.

As already stated, numerous rivers and the undulating topography support agriculture. The area under cotton is relatively small, and production has been falling recently due to a host of problems, namely inadequate rainfall, lack of market, transport and cotton beehive disease. However, cotton remains the common cash crop in the area. The main food crops grown include, millet which traditionally was the staple crop before the introduction of maize, beans, cassava, yams and sweet potatoes.

Fishing is the second most important activity in the area after cotton growing. Lake Victoria (Sango) and the above named rivers, have provided an opportunity for fishing. This makes fish a common dish in most Bunyala homes especially in the Southern division. Livestock production activities have not fared on well owing to problems, ranging from poor husbandry practices to an ineffective tick control programme.

By the year 1993, the Abanyala population was estimated to be 56,474³. Bunyala South location is much more populated as compared to others i.e West and East.

Bunyala has a total of 35 schools, five secondary and thirty primary. Most schools are within walking distance from home⁴.

The neighboring locations are Samia to the north, Usonga to the East and Yimbo to the South. The Western part is Lake Victoria³ which forms the common Kenya-Uganda border. (Refer to the maps).

The Abanyala are Bantu-speaking people of northern Bantu group/cluster. The term Luhya has been claimed to mean 'fellow clansman'⁵. Osogo (1966:7) explains that the word *Luhya* is derived from the verb *oluyia* (to burn). He further asserts that the Abaluhya used to hold campfires to establish their presence in a particular area. Whenever a stranger came through their camp, he would be asked to which *oluhya* he belonged, and in that way they would identify fellow tribesmen from strangers. Thus the word *Abaluyia* literally means "those of the (same) fires"-a specific place in a field where clan members would gather to deal with official matters.

Osogo further gives 1940 as the date when the word *Abaluyia* was formulated. He says, although the Abaluyia had a common language and a common culture to an extent they did not have a name embracing the whole tribe. So, in 1940, the Abaluyia Welfare Association was formed. The name *Abaluyia* quickly gained popularity, which was strengthened when Luhya language committee was established and formulated an orthography.

The Abaluyia clans (tribes) have it in their traditions that they came from Egypt (Misri). A few state that they came from Western Africa⁶. The Abaluyia occupy the districts of Busia, Kakamega, Vihiga and Bungoma. They constitute a major ethnic group after the Agikuyu and the Luo.

The name Abanyala is applied to three sub-tribes of the Luhya. These are the *Abanyala ba Mayero* (kakalewa), *Abanyala Abakabalas* and *Abanyala be buongo*. The first two groups are in Kakamega district, while the *Abanyala be buongo* live in Busia district. The *Abanyala Abaongo* are the main subject of our study.

The name Abanyala did not originate from the name of a person as in the case of most other sub-tribes in Buluyia. The word, originates from the term *Okhunyal* which means to manage. The Abanyala are those who managed. In this case, they managed *Abakhone* a very powerful clan in Bunyala which used to terrorize other clans. The *Abakhone* had a common name, *Abarambo*. After the *Abaongo* had defeated the *Abakhone* during the *Abakhone* war of 1800, they adopted the name Abanyala. Those who had been driven out of their land by the *Abakhone* later on came back to stay in Bunyala as Abanyala⁷.

In Bunyala, there were two main settlements in what is now Busia South. There were Burambo and Buongo. Both Bunambo and Buongo lay

between rivers Nzoia and Yala. In Bunambo lived the big and fierce clans of the *Abakhone* and in Buongo were a number of clans namely the *Abamatseke*, *Abangoma*, *Ababoro* and *Abamakhya*⁸. The four clans arrived from Kadenge in Luoland and merely inherited the trouble between the Abaongo and the *Abarambo*(*Abakhone*). Were observes that, the few clans are believed to have originated from Maasailand between A.D. 1650 and 1700. This group then settled in Sangalo, later they sojourned in Western Uganda before settling permanently in Bunyala¹⁰.

After the arrival of the *Abaongo and Abakhone*, other clans arrived. These were the *Abamaba* and the *Abanyekera*. The *Abasinyama* and *Abamulembo* later arrived between 1650-1700. The *Abamulembo*, are the largest clan in Bunyala. Their (progenitor) was called *Mulembwa*. He came from Tiriki¹¹. The *Abasinyama* came from Budura. They broke away from *Abamuroni* clan. The founder of this clan was called Sirima¹². The *Abanyekera* came originally from Bumogera in Buganda. They descended from a person called Ramogi whose grandson Murwa, had four sons¹³.

The *Abakhone* always terrorised the other clans. For their survival these clans became allies against their common enemy, and called themselves collectively as *Abaongo*¹⁴. Some clans were invited by the Abaongo from Kadenge and Igoye to strengthen their population so as to be

able to fight the *Abakhone*. These included *Abanyineki*, *Ababuri*, *Abanyifwa*, *Abamalunga* and *Abapunyi*. These clans were mainly of Luhya origin which had settled together with the Luo's in Kadenge and Igoye. Other clans included the *Abanyekera*, *Abalwani*, *Abakholo*, *Abamuli* and *Abasakami*.

The aggressive *Abakhore* were finally defeated by the allied *Abaongo* clans. Having managed their enemies, the victors started calling themselves *Abanyala Abaongo* meaning the *Abaongo* who managed the *Abakhone*. The *Abakhone* were later on expelled from Western Bunyala. Some were called back to Bunyala between 1840-1850.

During the warring period between the *Abakhone* and the allied clans, some of the clans could not withstand war and were forced to cross Sio river into what is now eastern province of Uganda. Other clans who moved out of port-Victoria area are the *Abadecho*, *Abadebani*, *Abalanda*, and the *Abauma*. These clans are today among the largest one's in Bunyala of Kakamega district. They are referred to as *Abanyala ba Mayero* or *Abanyala ba Ndombi*¹⁵.

Some clans settled in the present Samia-Bugue area of eastern Uganda. The area where they settled was called Burebe¹⁶. They appear to have extended their settlements to the present Tororo area of Uganda.

The *Abamarere* who appear to be the smallest in number, are believed to have settled in Bunyala after the *Abakhone* wars. They originated from Marachi where the majority of the clan are believed to be at present.

Looking through the origin of many clans found in Bunyala, the crucial point we are trying to put across is their relationship as far as marriage is concerned. We have seen that Bunyala consists of many clans but of different origins. Now the question is, whom do they marry and whom don't they marry and why?

Among the Abanyala, there is inter-clan marriages, that is marriage between clans within the Abanyala community. There is also tribal marriages thus marriage with the neighboring tribes or sub-tribes. The implication here is that, the Abanyala can intermarry within their own clans, so long as the partners do not descend from the same clan. More so, within these clans, each has a totem, therefore some clans share the same totem. In such a case, people from different clans and who share the same totem cannot marry. The rule of exogamy, among the Abanyala and in most African cultures, extends also to the mother's clan. For example, a boy may not look for a marriage partner in his mother's clan. A girl may not as well accept marriage proposal from any young man who belongs to the clan of her mother.

Coming to inter-tribal marriages, as we have observed, there are some clans who migrated from a particular place leaving behind some of its members but in a different community altogether. Therefore people sharing the same clan and same totem but from different communities, cannot at any cost marry. A Munyala girl/boy can marry anybody from any tribe so long as there is no blood relationship as far as clan and totem aspects are concerned.

2.3 SOCIAL ORGANISATION AND TRADITIONAL EDUCATION

As already mentioned above, the Abanyala organized themselves into clans (*tsinono*). These clans were made up of lineages, each claiming descent from a common ancestor. Each clan had a leader who was vested with the responsibility of determining clan affairs.

Within the clan, were families with extended relationships either due to marriage alliances or through migrations. Each family lived in one homestead surrounded with a euphobia hedge. A homestead was the basic unit of a lineage. In some homesteads, there were more than one household each comprising of the husband, wives and children.

The father commanded all the respect in the family. He presided over family functions. He made decisions for the well-being of the family.

Women had little say in decision making. They did most of the cultivation and all the domestic work such as fetching firewood, water and basket weaving. Young girls had the same responsibilities just like their mothers in preparation for marriage. Men helped with the clearing of the bush. Boys assisted in the herding of the cattle. The old were an asset to the society because they possessed a wealth of experience, and consequently acted as a fountain of advice.

The Abanyala did not have a standing army. In case of any invasion from outside, every able-bodied man became a warrior in defence of his clan. Running, wrestling and fishing were part and parcel of life. They were viewed as forms of entertainment. They also contributed to muscle development and control. Fishing and boat racing was also seen as a form of entertainment.

Education was referred to as the process of transforming a new-born baby into a mature, responsible member of the community¹⁶. Through education, a Munyala child gradually acquired habits, attitudes, beliefs, skills and motives that would enable him to perform his/her duties as a growing member of the community. There were no formal schools in the traditional set-up. The family village played the role of a school. Oral instructions were given with the development of language.

The basic cultural traits were learned. Through traditional education, language, religious beliefs and technical skills were taught. These were passed on from one generation to the other. Education made an individual to learn and to accept the framework of social institution. It was meant to correspond to the needs of life. This was for integration to emphasize the right relations with the other people. Thus education was meant to promote social integration within the society.

Personal responsibility and individual creativity were stressed. Children were assigned responsibilities according to their sexes. Boys learned from their fathers. They were taught how to fish, clear bushes, cultivate and hunt. They also learned how to look after livestock. Girls learned from their mothers, how to prepare food, to baby-sit their younger brothers and sisters and to keep the homestead clean. All these rules were taught to prepare the youths for good parenthood in future.

Sexual roles were related to the whole life of an individual. This was reinforced by means of taboos. The grandparents had a role of telling instructive tales which vividly depicted the consequences of violating some taboos. Religious education was also given to a child through observation of religious rites and through tales to get explanations before participating. Oral

literature played an essential part in traditional education. Story forms were proverbs, riddles, songs, myths and folk tales¹⁷

Stories served both to entertain and to instruct, to teach good behaviour, and disasters which followed bad behaviour. Children were taught educative songs, sung for praise, blame, encouragement during initiation ceremonies. Proverbs, riddles, songs, myths were taught for modifying behaviour in a given situation.

Blessings and curses were used as a way of reward and punishment. Departed members of the family could bless or curse the living. Sacrificial rituals, libations and prayers were emphasized.

Communal effort was encouraged. This included house building. The activities were accompanied by traditional dancing called *tsingoma*. Through communal activities, members within the kinship group lived harmoniously with others and maintained peace. Human virtues such as courage, diligence, upright behaviour, justice, hospitality, humility, and impartiality were encouraged.

As already stated, social values were passed on through stories, riddles, folktales, legends, myths and story telling. These values were passed on from generation to generation within kinship groups. Through rituals and practices of rites of passage, special lessons were

youth on marriage, thus preparing them for marriage. Marriage as one form of rites of passage was a concern of the whole society and more especially clan members, as through marriage and procreation, an individual became a full member of the society. Marriage had to be approved by parents, grandparents and sometimes community elders. Such responsibilities were given to these people since they were seen to have good experience and therefore adequate knowledge on what marriage entails. Thus social education was given to the youths to enhance stability and progress in the community.

2.4 LOCAL ECONOMIES AND MARRIAGE.

The Abanyala were basically pastoralists and agriculturalists. Agriculture is on a subsistence basis. Food is grown for consumption. The main food-crops cultivated are millet, sorghum, maize, beans, sweet potatoes and pumpkins. These food-crops are cultivated on a limited basis. The cash crops grown are cotton and sugar-cane, planted on small farms. The Abanyala also practise shifting and mixed farming. With the introduction of iron implements, it became necessary that people acquire more land. Men usually did the clearing of bushes while women did most of the digging, weeding and harvesting.

Looking at the economics of marriage, livestock keeping was viewed as a major source of wealth. This included the raising of cattle, goats and sheep. Livestock keeping was magnified as it contributed to the payment of bridewealth. Therefore one who owned large heads of cattle stood a chance of marrying many wives. By marrying many wives, a Munyala could increase not only the labour power of his homestead and surplus food, but also his influence in the society through marriage alliances.

Among the Abanyala, many parents, hoped for their daughters to marry from rich families, in this case a family with many heads of cattle. Without livestock, a young man risked being unable to pay the required bridewealth. This often led to forced and elopement kind of marriages. Such marriages happened because the family of the man could not be in a position to pay bridewealth, but because the two partners are in love, they used to end up marrying through elopement.

Cattle was the most vital aspect of the Abanyala economy. From cattle, they obtained meat, milk and blood for food, while skins were used for clothing and beddings. Livestock was used in performing rituals and sacrifices to the ancestral spirits. Animal sacrifice played a major role in widow cleansing ceremony as we will explain later.

From the historical traditions collected, it is evident that there was wide spread trading connections in Bunyala. On the whole, there was local trade between neighbouring villages, who lived under different ecological conditions, and specialised in certain forms of production, including agricultural and pastoral. Barter trade was used to exchange goods. This system was both external as well as internal, thus within the clan members and other clans. Later, the products formed part of the interregional trade between the Luo and other neighbouring Luhuyias. The exchange between the Luo and the abanyala was mainly confined to foodstuffs.

The Luo bought canoes from Abanyala and iron ware from the Samia¹⁸. The Abanyala on the other hand, depended on their Luo neighbours for cattle salt, hides, ghee, milk, fish, drums, baskets and poison. Through barter trade inter-tribal marriages were encouraged between the Abanyala and their neighbours, to forestall economic linkages. Thus trade brought tribal cohesion with marriage as a cornerstone.

There was, however, some development in economic specialization. Elaborate basketry, leather work, fibre were executed by specialists. Pottery was another specialization, practised by certain clans. These industries flourished and their products were exchanged at the village level and local markets. With specialization in industrial products, certain clans wished their

children to get married to specific clans who were specialised in this field. This would enable them to get the required products more easily.

Fishing was also practised to subsidise the economy. Fish was sold to Marachi, Bukhayo, Teso and to as far as Kakamega and Bungoma districts.

The introduction of rice as a cash crop began in the mid 1960's. The practice began with the government pressure on each homestead, in the southern location of Bunyala, to plant rice on a quarter acre of their land. Waters from rivers, Nzoia and Ndekwe provided adequate water supply which was used for irrigation. Due to adequate water supply from the two rivers rice has become a thriving cash-crop, hence the existence of Bunyala-Magombe irrigation rice scheme.

2.5 POLITICAL ORGANIZATION.

Early Kenyan societies were organized into communities of small clans or lineages of more or less equal status¹⁹. The Abanyala, like any Kenyan society organized itself into families, lineages and clans.

The main starting point was the extended family. This was a more or less closely-knit group of relatives comprising several parts of grand-parents or possibly great-grand parents, with all their living descendants. At the head of each family was the father. The father was assisted by a council of

close male relatives. Many families made up a clan, a group of people who descended from the same ancestor or share the same totem.

A step further from clan leadership was a hereditary ruler *omwami*, who exercised control over all the *Abanyala* clans. *Omwami* was believed to have been chosen by the gods and spirits to rule people. He therefore became an unquestioned leader. The *omwami* had the power to order people when to begin planting and when to harvest. Sometimes, natural calamities would befall the community such as droughts and famine. When this happened, he organized and sent out caravans to friendly neighbours to get food. To strengthen good neighbouriness, marriage was encouraged between the *Abanyala* and other tribes, for political cohesion.

Omwami settled cases with the help of a council of elders. With their assistance, the leader was able to maintain law and order and settle disputes among his subjects. The power of *Omwami* depended considerably upon his own ability to settle disputes, and to lead or direct his people in war. His advice was backed by the magical powers which his own lineage could provide if a dispute was not resolved peacefully.

The ruler was normally paid for rendering certain services to his subjects. In settling disputes, he acknowledged fines paid by criminals. These were normally in the form of beer, meat, cows, sheep, goats and

hens. Rulers received part of the harvest every year from every subject as a gesture of appreciation, whenever the ruler had played a role in manipulating rain.

Under *Omwami* were the homestead heads who owed allegiance to him. The powers of the homestead head over his wives, children, and relatives were great within the homestead, whereby his commands were law. His authority was reinforced by traditional religious prescriptions which made it a taboo for family members to disobey, because the heads had the powers to curse. The authority of the homestead head was not however limitless. He was accountable in his turn to his ancestral spirits, and to his immediate lineage relatives, for his conduct and action within the homestead.

Before death, *Omwami* chose his successor from among his sons. The successor was then installed by the elders. If *Omwami* had no son, his brother could succeed him. When a ruler died before choosing a successor, the elders chose one from among the candidates to succeed him. This could be one of his sons or brothers. They looked for qualities such as bravery, kindness, respectability and lastly, one who was not prone to seducing other people's wives.

Although the *Omwami* did not go to war, he helped with the planning of raids. He allowed the war leaders to go out on an errand and gave them his blessings. He also ordered people to build forts for defence against attacks from enemies²⁰. These defence forts of attacks are known as *Olukoba*.

With the political hierarchy stands, any marriage decision, or problems like marriage arrangement or widow inheritance case was dealt with beginning with the lowest hierarchy. If it could not be settled at the family level, then the clan or lineage elders were contacted and if they failed the chief and his council of elders made the final decision.

2.6 RELIGION

African religion displays, or has been intended to display the meaning of life. Religion incorporates social, economic and political aspects of life and therefore providing an individual with his form of existence in a society. It furnishes him with evidence of his own identity, and generally equips him with beliefs appropriate to the acceptance of his social condition and survival within an environment²¹.

Religion is an important element in studying the Abanyala way of life. They believed in a supernatural power whom they referred to as

Nasaye. The worship of God was mixed up with ancestor veneration. This is commonly referred to as African religion. One who strictly observe this practice is taken to be a traditionalist. In the coming chapters, we shall see how the Abanyala traditional beliefs and practices have influenced their way of marriage and life in general.

Weaver (1945)²² points out that every man that participates in a culture has three levels of conscious reflection about things. First, he has specific ideas about things which are employed actively in daily living. These ideas direct his disposition to immediate matters which constitute his worldliness. Secondly, his general belief or convictions, which is heritage acquired in reflection, also direct his life. Finally, his metaphysical dream of the world which constitutes his intuitive feeling about the immanent nature of reality which makes him live harmoniously with himself and with the environment over extent of time. It is the commitment to his religion that makes him live harmoniously. Similarly the commitment of the Abanyala to their religion made them live in harmony with their environment.

As already stated, Abanyala combined the worship of *Nasaye* with ancestral veneration. Ancestral veneration was associated with spirit worship *emisambwa*. The *emisambwa* were believed to reside in the home of the dead- *magombe*. The *emisambwa* could be spiteful if they had a grudge

against a living person or a family. These spirits were referred to as *evihiero*, and were very much dreaded. This means that, dead members of a family continued to influence the activities of those living. Good spirits were offered sacrifices by family heads as a sign of gratitude for their protection. Evil spirits were also appeased with sacrifices. Ills and misfortunes were taken as the work of the evil forces²³.

Ancestral spirits acted as intermediaries between the living and the supreme creator, *Were Nasaye*, who exercised absolute power over all the people. G. Were writing on the religious beliefs of the western Bantu people's, summarises the relationship between ancestral spirits and the creator as follows:-

It would, however, appear regarded as influential and authoritative agents or media... ..For throughout the whole religion, there was a vague belief in the power or the omnipotent creator who was in complete control of all life and the elements²⁴.

Similarly, the Abanyala spirits accumulated their powers from the omnipotent creator. Religious specialists too got powers from the omnipotent God. These included rainmakers, medicinemen, soothsayers, diviners and surgeons who were vital to the social structure and charged fees for their services.

All purification rites were performed by sacrificial priests. This was done either to cleanse curses, during funeral rites which included widow inheritance, and during communal celebrations. Goats, cattle, and chicken served as sacrificial animals. Normally, a black or white goat or hen was selected for this purpose. The importance of the above sacrificial animals will be noted in the forthcoming chapters.

Clearly defined customs in relation to birth, initiation, marriage, death and worship were strictly observed. These ceremonial rituals were performed to mark an important stage in one's life. This stage had to be accepted by the community as a whole as it transformed an individual from one stage to the other.

The first half of the twentieth century witnessed the unprecedented impact of christianity on the African way of life. Alien religious teachings rapidly replaced indigenous ones. The Abanyala in the eyes of christians were ripe for religious conversion. It was in this context that christianity was introduced to the Abanyala.

Among the christian missions introduced were the Catholic and the Protestant in late 1930's. However, other religions were introduced in Bunyala, among them being Islam. Thus the above religious transformation, meant people had to transform their traditional religious faith. Some joined

Christianity, others embraced Islam, while others still retained their traditional religious values which were incorporated with the new religions.

To conclude this chapter, it is important to acknowledge a birds-eye view of the Abanyala from the very earliest times to the present day. The significance of studying the background of the study area, is to help in understanding the Abanyala better before relating them to the subject of study. The Abanyala social, political, economic and religious structure give them cultural unity and social cohesion and therefore a common world view. Social cohesion is a significant phenomenon in maintaining unity as Reinhold (1957)²⁵ supports this view, when he asserts that, a sense of common ethnic kinship, geographical unity and contiguity, a common historical experience and frame of political thought, are a common area of economic mutuality and sometimes the fear of a common foe. As will be seen below, all the above combined factors, contributed to stability and progress in marriage among the Abanyala.

FOOTNOTES

1. See Map I and II. Pp. xviii - xix
2. Ministry of Planning and, District Development Plan,
National Development. Busia District 1989-1993, p.1.
3. See Map II.
4. Ministry of Planning (Op. cit) 1989-1993, p.15.
and National Development.
5. Ibid. Op.cit p.15
6. John Osogo, A History of the Baluvia. Nairobi,
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7. Ibid. p.47
8. Ibid. p.111
10. Ibid. p.112
11. W.R. Ochieng, A History of Kenya. Nairobi,
MacMillan Ltd, 1985, p.24.
12. John Osogo, The Prelude Incidence and Aftermath
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17. J. Mugambi & N. Kirima, The African Religious Heritage,
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18. Ibid, p.34.
19. W.R. Ochieng, Op. cit, p.39.
20. Gideon Were,
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23. Oral Interview, Obondo Lingo (66yrs), Rwambwa
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24. Gideon Were, Essays on African Religion, in
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CHAPTER THREE

CHARACTERISTICS OF THE TRADITIONAL ABANYALA MARRIAGE ARRANGEMENT

In traditional Abanyala society, marriage occupied an important place because of the privileges and obligations attached to it. It is the most significant feature within the Abanyala socio-economic and religious set up. The ideals of traditional Abanyala life, rest on marriage. Marriage as an institution, forms the focal point, where the departed, the present and coming members of the community meet. It provides legal and ritual sanction for the founding of a family, a unit of religious, social and economic significance. Through marriage, an individual acquires social status in the community.

However, marriage is not fully recognised until the wife has given birth. Childbearing was therefore the final seal of marriage, the sign of complete integration of the woman into her husband's family and kinship circle.

Among the Abanyala, marriage was not a one day process. It entailed diverse rituals and other corresponding ceremonies. For one to be considered ready for marriage, he must have undergone all necessary rituals between birth and

marriage. These rituals are known as the rites of passage. They involve transition and incorporation. The rites are birth, socialization during puberty (initiation), marriage and death.

Mbiti (1969)¹, observes that, rites of passage are performed to make a child a corporate and social being. Initiation rites make him a mature, responsible and active member of society. Marriage makes him a creative and reproductive being, linking him with both the departed, the living and the generations to come. Finally comes death, that inevitable and most disrupting phenomenon of all.

The process of becoming an adult had its commencement at birth. During birth of a child, rites and observances are performed for their meaning and significance. It starts with the naming ritual in which a child was given a name. This ritual is often marked by ceremonies. Child-naming individualizes and incorporates the child into society. Naming also gives a child dignity, respect and social recognition in the community.

Among the Abanyala², names were given to correspond with the occasion of the child's birth. Some names were given after the ancestors, others described the personality of the individual while others were given depending on the time the child was born.

After naming it was the responsibility of the community to bring the child up and in many ways and to incorporate it into the wider community. Kinship was

fully recognised during childhood as it made the child a part of the community, and not a child of an individual. In summary, both birth and childhood involved a sequence of rites of separation, transition and incorporation into the community.

Initiation as a rite of passage signified further incorporation into the society. It is a rite which enabled an individual to pass from one defined position to another equally well-defined one. It was a process which was primarily considered a separation rite where an individual was given sex education. This rite, as explained, signified gradual incorporation into the community of adults. As such, it was a vital preparation for marriage.

Initiation as a process involves rites, ceremonies, ordeals and instructions. Through it, an individual was introduced into full adult community life and was transformed from childhood into adulthood.

Vann Gennep observed that:

*Initiation modified the personality of the initiate visible to all, and it enables the initiate to become removed from the commonness of humanity*³.

Initiation introduced an individual into another humanity, that is from humanity of childhood to humanity of adulthood. Kenyatta (1938)⁴, observed that, initiation was most important custom where society was focussed on an individual's life. While Mbiti (1969)⁵ asserts that, the initiation of the young is one of the key

moments in the rhythm of the individual's life which is also the rhythm of the corporate group of which the individual is apart.

Among the Abanyala, initiation involved a greater change in social status of an individual in the community. During this process, young men and women, identified themselves with the moral and normative issues of their society. This pattern was both formal and informal. Through education given, children were prepared for marriage.

✓ Marriage was viewed as an important stage in one's life. It transformed an individual from one stage in life to another. Through marriage and procreation, parenthood was a necessary step in the process of acquiring social status.

During initiation process, youths acquired both formal and informal education. This included teachings on blessings and curses for the improvement of the society. Sex education was given in preparation for marriage. Duties, roles and responsibilities were well defined. The education given included how to be responsible fathers and mothers in the community. Young women acquired skills in cookery, childcare and hospitality, while young men got skills in building, hunting and fishing. Chastity was to be observed before marriage for a marriage stability⁶.

The initiates were similarly given religious instructions. This linked them to their ancestors and hence after initiation, an individual could fully participate in religious ceremonies, one could offer sacrifices to the ancestors, lead in community

prayer and participate in the community decision making. The initiates were made aware of taboos, curses and blessings as a way of reinforcing law and order in the society.

The Abanyala initiation system was the same for both girls and boys. The initiates were extracted six lower teeth. This was accompanied with tattooing of the body in different shapes and styles. Tattooing, modified the personality of an individual in a manner visible to all. During this process, blood shedding signified solemnity with the ancestors. It also signified a new stage in life, thus one had been initiated into adulthood and made ready for marriage. This was done between ages fourteen and sixteen of both sexes.

As already stated, initiation was a transition period from childhood to adulthood. Young men and women identified the moral and normative issues of their society. Among the Abanyala, a group of young people who were initiated in the same year were called Oluse⁷. People of the same Oluse were usually born in the same year. They grew up together, generally doing the same type of things. For example fetching water, looking for firewood, for the girls, whereas boys hunted together. It was from doing things in fellowship that they looked for marriage partners who may be of the same Oluse or from different age-groups.

After discussing the aspect of childhood and children rituals, initiation as a way of preparing the youth for marriage, it is vital to examine the ritual significance of marriage as a rite of passage.

3.1 CHOICE OF A MARRIAGE PARTNER

Following a series of incorporation rites i.e , birth, childhood and initiation, a young person was viewed as an adult member of the community. One was seen to be ready for sex, marriage and family life. Marriage as a rite passage, made an individual a full adult member of the community. This was sealed through procreation of children⁸ .

After initiation and when young person was of marriageable age, courtship was started. This was done in three ways:-

First, a youngman was advised to look for a marriage partner. After making his own choice, he later on informed the parents about it. Young men were taught by their parents, grandparents, aunts, uncles and sometimes relatives not to choose a wife for her looks but to court a girl who is industrious, physically strong and modest. When the parents approved the girl, betrothal and marriage negotiations began.

Secondly, the choice was made by the parents. The father of the boy, arranged with the father of the girl, with or without the consent of either the boy or the girl. The marriage negotiations are set in process.

Thirdly, a girl was spotted from a particular clan, after which, the young man solicits advice from his relatives or a community elder. A friend was then chosen as a go-between (*Wangira*). The go-between may take a number of days talking to the prospective candidate. During this period, private enquiries were made about the girl's personal qualities, character and working abilities. The girl too, made inquiries about boy's character and family.

After the young man has ascertained the girl's willingness to marry him, and after his father has promised to pay the bridewealth and all the parties are satisfied, male relatives of the boy visited the girl's parents to discuss the dowry. At this stage, the girl was made to declare openly before the parents and kinsmen whether she was ready to marry the proposed man.

Shortly before engagement (*Khupatana*) was done, certain prohibitions had to be observed before a real marriage process was initiated. The Abanyala are exogamous therefore, one was not allowed to marry from the clan that he belong to. A marriage where the four of the grandparent from both sides belong to the same clan or are related was prohibited.

Therefore, elders had to agree that there is no blood relationship between the youngman and the girl. This would mean that the two had descended from a common ancestor therefore, were considered related. Children born out of such marriages were not always normal.

After all the necessary inquiries are made, agreement was reached, that the two should marry, a date was set for engagement. This was done at the girl's place. The amount of bridewealth to be paid was agreed upon. The girl's party was represented by her father who normally was accompanied by a few kinsmen, while the man was represented by his parents and a few relatives.

3.2 THE IMPORTANCE OF BRIDEWEALTH (AMAKHWE)

Bridewealth has an important social, economic and religious significance. Through bridewealth, a new relationship is formed between the families of the spouses. The union between the two families remained effective beyond the lifetime of the original individual spouses. The wider the family extends, the stronger the bonds of kinsmanship and the chances of social disintegration are lessened.

Shorter observes that:

Bridewealth was a real symbolic gift of exchange legalizing a marriage, legitimizing the children of the union, indemnifying the bride's family, stabilizing the

*marriage to a limited extent and propitiating the lineage spirit*⁹.

Obudho (1985)¹⁰ asserts that, bridewealth was the basis of a whole network of interpersonal relations and an expression of gratitude from the husband to the family members of his wife. Mbiti (1969)¹¹ holds the same view. He notes that, bridewealth is a token of gratitude on the part of the bridegroom's people to those of the bride, for their care over her and for allowing her to become his wife.

The above scholars makes it clear that the payment of bridewealth by the youngman's family, is an essential element in the establishment of legality of the marriage institution, therefore stabilizing marriage. Through bridewealth, family alliances and contracts are made between the families of the bride and the groom.

Bridewealth, helped to strengthen the relationship between the two families. It was a form of gratitude from one kinship group to the other. That is why, in the leviratic union where a widow is supposed to cohabit with her deceased husband's brother, the question of whether the bridewealth was paid or not is put into consideration. When bridewealth had been paid, it shows that the widow belongs to her deceased husband's family, and therefore, should remain in that family by being inherited.

Girls were seen as a form of wealth, for when they were married off, their parents and brothers received bridewealth. The paid bridewealth was a guarantee to show that she was worth it.

The relationship which was formed through marriage endured beyond the life time of the individual spouses. All children born of a marriage of this kind, belonged to the kinship group of the husband. That is why when bridewealth has not been paid, in a case of separation and divorce, a woman had no right to take the children with her¹². The wife also belonged to the clan. That is why when a husband died, the widow was inherited by the deceased's brother or a close relative.

Among the Abanyala, bridewealth is usually paid in the form of livestock. This is given in instalments. The objects given included cows, goats and sometimes sheep. Normally, two cows, one goat and two sheep are given. The equivalent of a cow are four goats.

The Abanyala believed that a marriage without payment of bridewealth was like cohabiting with a woman as a concubine. That is why a man had no claim over a woman unless he had paid bridewealth.

After looking at the importance of bridewealth, we intend to analyse its determination in widow inheritance among the Abanyala in the next chapter.

3.4 TYPES OF MARRIAGE

There are two main types of marriage among the Abanyala. These are monogamy, a marriage with one spouse at a time. Another type of marriage is polygamy, a marriage with more than one wife at a time. Polygamy has been an integral part of the Abanyala cultural heritage. However, the Abanyala appreciated their daughters to marry as first wives in polygamous homes that are economically stable.

Getting married as a first wife in such a home had its significance. The position of a widow in polygamous homes determine the pattern of being inherited. The sequence of inheritance sets off with the first wife. Her house is the centre of all activities in the home. She is consulted on all matters affecting the home. She similarly has the responsibility to guide and counsel other wives. This is as far as social, economic and religious matters are concerned. Burial and widow inheritance ceremonies and rituals starts with her followed by the rest of the wives.

Polygamy as one type of marriage, was believed to be the most convenient way to enable all girls to get married. Through it, the society was able to marry off virtually all women who had reached a marrying age, hence it helped to curb prostitution.

On a further economic point of view, polygamy helped in raising the income of a family. Many wives mean cheap labour, therefore through polygamy, there was enough labour meaning enough production from the farm. This earned a man prestige and popularity in the community.

3.5 MARRIAGE ARRANGEMENTS

After looking at the main types of marriage among the Abanyala, we find different forms of marriage arrangements incorporated in them. All forms of marriage arrangements lie in the two forms of marriages¹³.

(a) **The first form of marriage arrangement is khusevula.**

This occurs after courtship. A go-between is sent from the boy's home to the girl's home to inquire if there was consanguinity between the two partners. On an agreement that there is no blood relationship, a group of men from the boys home go to request the girl's father a hand to marry their son. On acceptance, the payment of bridewealth/dowry is discussed. This is in the form of cows, goats, sheep, money and gifts, as stated before. The dowry paid is

shared between the girl's parents, uncles, aunties and sometimes grandparents.

When parents and relatives of the girl are satisfied with the dowry paid, arrangements for the wedding are made. However, it should be noted that the payment of bridewealth does not completely qualify a marriage to take place. A very crucial stage before the wedding is looked into. This period is known as the betrothal period. The interval between betrothal and marriage, never seems to have lasted for more than a month. When nothing happens, during this stage, preparations, for the wedding are set in process. This is marked by a series of festive ritual occasions which culminated in marriage.

On the wedding day, the boy's kinsmen sends a delegation (*Abakhtwe*) to the bride's place to request her father to release her. The girl is escorted by a group of bridesmaids (*Abeya*) to her new home (the boy's place).

On that very night, the girl's virginity is tested. Once a girl has been found to be a virgin, the following day, a message is sent back to her people, who receive it with joy and pride. The marriage is then consummated. The bridesmaids who have given the bride

company then go back home leaving behind the bride and a small girl to keep watch on the bride's activities in her new home. The performance of the above ritual ceremonies incorporates the girl into that particular home as a wife not only to her husband, but to the husband's lineage as well.

(b) Marriage by elopement (*Khubaira*):

In many occasions, a girl may go to visit her boyfriend and decide to stay with him in the hope of getting married. A girl may also visit a relative and decide to choose a man to live with as a husband. A girl and her lover, may equally elope and run to a distant place. This process is done without the consent of parents from both sides. Eloping takes place when parents of either side do not approve a girl or a boy to marry somebody of his/her choice. This also happens when the suitor and his kinsmen are unable to assemble the full bridewealth that the girl's father would have demanded. It also happens when somebody has a particular person in mind as a future partner but is being forced to marry somebody else.

After eloping, the partners may enter into marital relations with one another and leave it to the girl's father to take the next step.

However, the father of the girl may later acknowledge the marriage without holding any grudge against his son-in-law's kinsmen. Bridewealth is then paid, but no wedding feast is celebrated in such a case. Though, the marriage may be consummated ceremonially with the dowry paid.

(c) **Marriage of a girl with an illegitimate child:**

This takes place when a girl with a pre-marital child (*Mwana-we-isimba*)¹⁴ is married to an elderly man with a wife or wives. Traditionally, during courtship, a young girl may get pregnant, but the lover may decide to disown her because of many circumstances such as fear of being punished or consanguinity. Such a girl will be forced to end up in a polygamous union, since she had to marry an older man as a second or third wife. Previously, the girl remained in her father's homestead until the child has been born, then the old man pays dowry for her, and takes her as his wife. Nowadays, the girl may be absorbed into the lineage of another man before the pregnancy is discovered. Later on, the child born is fully absorbed into the lineage of the husband.

(d) **Sovorate Marriage (*Khwenda esiveyo*)**

This is performed in three ways. First, a man could request his wife to get a girl, a sister or a close agnatic relative from her home. Dowry is paid for such a girl before she becomes a full wife. Traditionally, a wife would bring her niece (brother's daughter) so long as she has reached menopause. This meant that she does not engage herself in sexual activities with her husband. Failure to adhere to this rule may cause misfortunes on her family members. Before such a marriage is consummated, the man had to build the girl a house of her own. He had also to build himself a hut (*Isimba*) in the middle of the homestead. This was done so that incase the man is to sleep with any of his wives, he has to spend three days in his hut before sleeping with any of them. This cleansing ritual was done to avoid misfortunes (*Ihira*) befalling any of the wives¹⁵.

Secondly, when a wife dies and her family wishes to replace her, she is replaced by her sister. The younger sister of the deceased may be requested to take care of her deceased sister's children. In this process, she may get married to the man. The children of both sisters belong either to the living or to the deceased sister or both.

Thirdly, a barren woman (*Mukumba*) could get a girl from her village, so that through the girl, her husband could raise children from her. Such a girl is brought when the woman has reached menopause. This means, she has passed the stage of cohabiting with her husband. The man can only cohabit with the girl *sibeyo*. The children born out of the *sibeyo* are either divided between the two sisters, or they are transferred to the barren woman or they are jointly owned by the two sisters. Bridewealth was paid for such a girl. The rightful elder wife had a right to command the *sibeyo* on the number of children she should have.

(e) **The marriage of a divorced wife (*khuchia eriria*):**

This happens when a woman decides to desert her husband for another man, or when a woman has been chased away by her husband then she decides to get married to another man. Such a woman is called *Nasikoko*¹⁶. When this happens, the father must return the bridewealth to pave way for the second man to pay the second brideweth. The bridewealth for *nasikoko* is not as high as for a normal union unless she was childless and the original bridewealth had not been fully paid. *Nasikoko* is free to go with her first

husband's children, so long as the bridewealth has been returned. When the bridewealth was not returned to her first husband, at her death, the new man has no right to bury her, she had to be buried at her first husband's homestead. If *nasikoko* did not bear children with the new man but left her children with the first husband, she must be buried at her first husband's place. This would make it easier for her sons to inherit their father's property.

(f) **Another form of marriage arrangement is child marriage:**

This is when a marriage is arranged by the parents of both the bride and the groom while they are still very young. This kind of marriage is meant to seal a friendship between the two families. There were some homes that had people reputed for bravery, honesty, hardwork and influential in decision making. People often wished to marry from such homes and if there was a young girl growing up, a man would give some cows to the father of the girl anticipating that when the girl grew to an adult, the cattle which had been given to the girl's father would be surrendered to him for his own¹⁷. In case of death before such a marriage has been consummated, a relative must take place of the dead person's place

to fulfil the agreement. However, as the bride and the groom grow into adults, they were still given the freedom of either accepting or refusing the marriage. But this was not common as the party too realised the importance of such an alliance between the two families.

(g) **Levirate marriage (*khukerama*):**

This is when a brother inherits the wife of his deceased brother, and cohabits with her. This type of marriage is found in two ways. First, where a married man with more than one wife inherits a deceased brother's widow. Second, where unmarried man inherits a widow of a deceased real brother or classificatory brother. In this case, a widow is not considered to be a full wife of *Musumba*. However, the *Musumba* has to marry his own rightful wife in future, that is why levirate marriage is not considered a new marriage, as through it, no old relationships are severed and no new ones are established.

At this point, it is certainly important to discuss why widow inheritance is important, among many African communities. Death can be viewed as a rite of separation, however funeral rites incorporate the deceased into the world of the dead. The mourning

of the widow is a transitional period for she has to go through rites of separation. As a rite of passage, death involves many ceremonies such as burial, and after burial rites, inheritance and so on. Death is believed to cause ritual impurity, but this is not permanent since it is cleansed and normal life is afterwards resumed. Death is conceived of as a departure and not a complete annihilation of a person. The dead person is suddenly cut off from the human society and yet the co-operate group clings to him¹⁸.

Thus, because death as a rite of passage does not take the deceased away from his people, the deceased's daily activities have to continue through someone else, but of the same kinship. That is why if the deceased was married, his family had to be maintained through inheritance of the widow. This is shown through the elaborate funeral rites, as well as other methods of keeping in contact with the departed.

Levirate marriage is therefore a convenient arrangement to protect and give support to the widows and their children in the past. The wife belonged to the individual and to the kinship group and when the husband died, she remained in the kinship group in the husband's lineage. The duties of the deceased husband were taken

over by his brother. In our next chapter we shall discuss widow inheritance and its significance among the Abanyala.

In conclusion, different forms of marriage arrangement influenced the position of a widow in the family. They also influenced widow inheritance as we shall discuss in the coming chapter. Respect and responsibilities were accorded to one depending on what kind of marriage arrangement a wife went through.

All forms of marriage arrangements, involved ritual festivities and ceremonies. Whether one underwent a typical form of marriage arrangement or through elopement. The rituals performed, made a wife to believe that she is the wife of the lineage. That is why at the death of a husband, widows preferred to be inherited by their deceased husband's brother or a cousin simply because they don't enjoy undergoing the same rituals twice in life as they involve both the two families i.e., the wife's family as well as the husband's family. It is a contract which should stay and not be destroyed through death. That is why widows enter levirate union after the death of their husbands.

FOOTNOTES

1. John S. Mbiti, African Religions and Philosophy, Ibadan, Heinemann, 1968, p.149.
2. Marita Dienya, Age 63. Oral interview at Namalo Village of Rwambwa Sub-location on 25th, December 1992.
3. Arnold V. Gennep, The Rites of Passage, London Routledge & Kegan Paul Ltd, 1960, p.65.
4. J. Kenyatta, Facing Mount Kenya, The Life of the Agikuyu, London, Seeken and Warburg, 1939, p.115.
5. J.S. Mbiti, Op. cit., p.121.
6. Wilfrida Musungu, Oral interview at Nayera Village of (Widow) Age 68 yrs. Rwambwa sub-location on 25th October 1992.
7. Ibid
8. Ibid
9. A. Shorter, African Culture and the Christian Churches, London, Geoffrey Chapman, 1973, p.170-171.

10. L. Obudho, "The Impact of Christianity on the Luo Marriage System", Nairobi, M.A. unpublished Thesis U.O.N., 1985, p.75.
11. J.S. Mbiti, Op.cit. p.140
12. Wilfrida Musungu, Op. cit. Oral interview.
13. A cross-section of interview, October-December 1992, Mudembi and oral Rwambwa sub-locations.
14. Isimba, Is a hut used by unmarried young men. In this case it serves the purpose of cleansing for man with *esibeyo*.
15. Ibid.
16. Paul Nganyi, (Widow guardian) age 42 yrs. Oral interview at Namalo village, Rwambwa sub-location, on 23rd October 1992.
17. Janefesa Omala (Widow), age 50 yrs. Oral interview at Nayera Village, Rwambwa ssub-location, on 20th Nov. 1992.
18. Ibid.

CHAPTER FOUR

THE ABANYALA TRADITIONAL PRACTICE OF LEVIRATE MARRIAGE AND THE CATHOLIC CHURCH'S VIEW

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Levirate union has become a pastoral issue especially to those Africans who practice it. The practice is viewed as contradictory to the teachings of the Roman Catholic Church and many other christian Churches. The Catholic Church outrightly rejects this practice as being incompatible with the christian way of life. The Church strongly insists that the union is against the Christian teachings on marital and moral behaviour, hence, it is unchristian, and "un-catholic".

The Church has therefore placed sanctions on its members not to get involved in leviratic marriage, that any Church member found in such a state, he/she is prohibited from receiving the holy sacraments and denied full participation in church activities as a member of the christian community. More so, such a member is considered immoral.

The Church prohibit levirate union among the Abanyala by emphasizing that upon the death of a husband, a widow should either remarry or live singly without a marital partner. Consequent to prohibition of the Abanyala levirate union, the

Church seems to have established another way of caring for the widows. However, the most critical question to pose is whether the Church has brought any advantages or disadvantages on social structure and values of both Abanyala christians and non-christians, on leviratic marriage.

Indeed, has the Church applied a reasonable pastoral adaptation process that leads to the prohibition of the leviratic institution? The answer to this question is no, because from the field evidence collected from Church leaders, there is no reasonable application of the principle of adaptation.

Missionaries condemned levirate marriage on the basis of some obscure analogy to be unlawful sexual union, cohabitation, which was considered immoral and unchristian. This study therefore, does not need to call for a new and radical theology of christian marriage for the African Church, it rather calls for the Catholic Church to be consistent in the application of its own principle of pastoral adaptation in christian marriage.

Before the formulation of pastoral policies the significance of levirate custom among the Abanyala should be evaluated. This chapter presents an evaluation of the Abanyala leviratic union, its meaning and inherent values.

The chapter first analyses what a widow should do after the death of her husband. There are three options to her in consideration to the choice of being inherited, as we shall explain later. Second, the ceremonial conduct of a widow

before and after inheritance. This will be followed by other rituals concerning widow inheritance. Lastly, the chapter presents the christian prohibition of Abanyala leviratic union in relation to the Catholic theological writings on leviratic custom. It also discusses Abanyala reaction to the Church's prohibition of this custom as well as the response of the Catholic Church leaders.

4:1 THE ABANYALA TRADITIONAL CUSTOM ON WIDOW INHERITANCE

The Abanyala are patrilineal in nature. Therefore, at the death of a husband, the widow has two options. First, she may continue living in her deceased husband's homestead in a leviratic union. In this case, a widow may cohabit with one of the deceased's brother's or a classificatory relative who may act on behalf of the deceased. However, the widow's choice should be approved by the family and clan elders of her deceased husband. If such a union is disapproved, a widow may be accused of committing adultery. Children of a leviratic union belong to the family of the deceased. However the deceased is traditionally regarded as the father of the children of an inherited widow¹ .

Secondly, a widow may choose to sever her relations with her deceased family's and return to her patrilineal home. This is treated as divorce and *Makhwe* bridewealth is given back to her deceased husband's lineage. However, before this is done , the widow must first cohabit with any of her brothers-in-law for a brief period to avoid misfortunes befalling her children.

In some instance, widows decide to stay in their deceased husband's homestead but refuse to enter into leviratic union, because of sound christian background, good education and social mobility. Such widows may disregard the practice because they are self dependent. However, they are believed to have misfortunes, unless, they accept to cohabit with one of the deceased's brothers or agnatic relatives. .

Reasons why Abanyala widows are inherited

The following reasons affirm why widows are inherited². Firstly, it is believed leviratic union started with forefathers for they recognised and practised it. It is therefore cultural and is preserved from one generation to the other.

Secondly, a widow is considered married even though her husband has died. She belongs to the husband's lineage. A woman after marriage belongs to and is dependent on her husband and her husband's kinship group, and when her husband dies, she remains the "property" of her husband's lineage or family and forms part of inheritance. It was therefore the duty of the widow to continue living with her deceased husband's family for the continuation of the deceased's lineage as a unit of a clan.

Thirdly, paid bridewealth determines the continuation of marriage bond since the widow is considered part of her husband's wealth in the family. If a widow had any children with the deceased, they are also considered a source of wealth because the girls would get married and bridewealth paid. Bridewealth as a source of income, enables children stay in their deceased father's home. To reinforce this, the mother was maintained through inheritance.

Fourthly, a widow is inherited to guarantee care, protection of her children and her deceased husband's property. Widows need both emotional and psychological support. To stop a widow from remarrying, a brother-in-law cohabits with her in a levirate union substituting the dead husband. Through this leviratic union, the heir maintains sexual, domestic and reproductive control over the widow. Leviratic relationship therefore stabilises the deceased's family.

4.2 THE CEREMONIAL CONDUCT OF A WIDOW BEFORE AND AFTER INHERITANCE

(a) Funeral Rites

Immediately a husband is pronounced dead, the widow starts mourning to alert relatives and neighbours. Next, she sets off to her parental place to inform them about the death of her husband depending on the distance. On return, it is her duty to keep watch over the corpse until burial. At this stage, the widow wears the deceased's clothes while singing dirges as she performs a special

dance, holding his spear (*rifumo*), *ingabo* (Shield) and a walking stick (*ilauhi*). This affirms she was faithful to the deceased³.

Where the deceased was polygamous, an old widowed woman whose former husband belonged to the clan of the deceased enters the hut to hand over to the eldest widow (*Muhulundu*) the dead man's goatskin (*erisero*). She also hands over a spear to the second wife, shield to the third and a beer-pipe (*lukada*) to the fourth until all the items of the deceased have been evenly distributed among the widows. The sequence followed, signifies who among the widows got married to the deceased first. Led by the first widow and accompanied by the old widow, they all start running across the homestead wailing and singing dirges in praise of their deceased husband.

They are joined by the sisters of the deceased (*Abakoko*) who then assemble to sing and dance in the yard of the homestead. A kinsman or a neighbour who fails to come and look at the deceased body may be suspected of having guilty conscience. Likewise, a widow who has been unfaithful to her husband, must avoid coming

near the corpse, as this would cause her disaster. She may either die or cause misfortunes on her children.

The traditional Abanyala way of disposing of the dead is by burial in fairly deep graves ranging from three and a half to four feet. Traditionally, a man is buried after three days, in the afternoon. The digging of a grave is preceded by active performance of beer-drink by the mourners. This signifies the communal participation of the dead and the living and to ask the dead receive the departed soul happily. On the burial day, the widow is the first to drop a handful of soil upon the corpse inside the grave, followed by her children then the deceased's kinsmen and finally the rest of the mourners.

This is a culture which has been on practice, and it is still continuing in the modern world. Traditionally the deceased is not buried with anything. It is believed, he has to be buried sole just the way he was born alone. There are no rituals performed at the grave side after burial.

After the deceased has been buried, all widows sit under the eaves (*chindekeyi*) of the hut of the deceased, on the right side of the entrance, as they wait for the first meal after their husband's burial. The food is prepared by the same old widow who distributed the

deceased's items. The cooked food should not be eaten by their children since it's believed to be unclean. Before the widows begin to eat, they take one bite which they spit towards one side of the hut's entrance and then a second bite which they spit towards the otherside. The third bite may be chewed and swallowed. This spitting of food implies the communal togetherness between the dead and the living.

In the second day after burial, widows and other persons who used to sleep in the same hut with the deceased, may not move about freely. Up to this moment, widows still put on their deceased husband's garments while carrying his other personal effects in their hands, still singing dirges. Before hair-shaving, widows set off to the river to bathe led by the old widow. This is a cleansing ritual. It also serves to cleanse anything connected with the deceased.

A day before hair-shaving ceremony takes place, each widow removes a pole (*omusiro*)³ from her house, starting with the first widow. On that night accompanied by the old widow, all widows run to a path near the homestead. They all sleep on the path each holding her pole across the path. This signifies the absence of their husband during the night. The following day these poles are hidden

somewhere near the path. The widows then run back to the homestead while other mourners wait outside the yard (*mulwanyi*)⁴ for their arrival starting with the first widow, second, in that order.

On the third day, hair-shaving ceremony is conducted, as a ritual of purification. The aspect of ritual cleansing implies the starting of new form of life. It is believed that the disease from which the deceased suffered and which emanated from his body sticks to the hair of those persons who had been in close contact with him may spread the disease further⁵. Furthermore, the hair-shaving ceremony offers a welcome opportunity to close relatives and friends of the deceased to discuss the probable cause of his death and to level against definite persons more or less direct suspicions or even accusations of an act of sorcery or witchcraft committed against the deceased⁶.

The hair-shaving day is known as *inyanga yo khweya amasika - Okhubekana*⁷ meaning the final day of funeral rites. Widows are shaved by other old widows, starting with the first, second respectively. If the widow has to be shaved by the man intending to inherit her, this had to be done together with the widow's children and the man's children. The ritual purification (*Khukwera abana*)

means to cleanse the two families. They are then given a goat's blood to unite the two families. Failure to perform this ritual, may lead to misfortunes on the two families⁸ The misfortune may either be death on any of the members or leading a bad life in future.

As a rule, at the hair-shaving ceremony, widow inheritance is discussed. As already stated, it is a custom for the widow to cohabit with a brother or a classificatory brother of the deceased's husband. The widow is also at liberty to marry anybody from a different clan as long as her father returns the bridewealth paid by the deceased. It is during hair-shaving ceremony, that a widow is given a chance to state her choice.

On the night of hair-shaving, all the widows sleep in the house of the first wife to acknowledge her position as the beginner of the home together with the deceased. The following day, the widows can now cook and sleep in their houses. It is on this day that they take gourds (*amabuka*) or a kettle (*ibinika*) in which they put some traditional medicine (*amanyasi*). Starting with the first wife, they set off to go into people's homes together with their sons, sprinkling the medicine in each home especially those homes that the widows may

choose to go before they are inherited. This medicine is called *amanyasi*. It is meant to purify the homes from deceased's spirits.

(b) **Ritual Prohibitions of a widow**

Before a widow/s is inherited, she is considered impure. No ritual purification performed during funeral rites makes her pure. Widowhood impurity remains for as long as she is un-inherited. Therefore a widow must observe some rules of avoidance, so that other members of the family are not impurified by her ritual impurity.

Some of the outstanding rules of avoidance are, sexual continence. This must go on for two to three months until she is inherited. The widow is also prohibited from going into people's homes, lest they become infested with her taboos (*Misiro*) ritual impurities⁹. The community is also warned to avoid stepping on the widow's shadow (*Sinini*). The widow must also eat her food alone, using special utensils. The unclean widow bathes separately at special place assigned to her. Failure to adhere to these rules of avoidance, may lead to misfortunes on her family members.

Until she is inherited, a widow is expected to lead a quiet and retiring life. She should also continue wailing and singing dirges to give vent to her grief over her husband's death.

(c) **Rituals leading to widow inheritance**

The state of ritual impurity makes a widow stay in her house most of the time. It is during the hair-shaving ceremony that elderly kinsmen of the deceased call for a meeting to discuss who should inherit a widow/widows. After three to four months, a feast is organized to terminate the widow's state of ritual impurity. This feast is called *Khumala amakhola*¹⁰. During this occasion large quantity of beer is brewed.

The criteria used to choose the potential inheritor is that, one should be a close brother or a classificatory cousin of the deceased. If no one can be found, anyone from the deceased's kinsmen, belonging to the same clan can inherit his widow: Sometimes in a polygamous home, where there are more than two or three widows, the eldest son of the deceased can inherit one of his younger mother's, but not his real mother.

On the day of inheritance, a man chosen to inherit a widow buys her a new dress. In case of many widows, for example four, four men chosen have to buy each widow a dress. A case whereby one man has to inherit all widows, it is the same man to buy all widows new garments. The widows are then helped by the old widow to remove their husband's clothes and put on the new one's starting with the first. In some cases, it is the man who inherits a widow that helps her put on her new dress. It is necessary to note that all widows are inherited on the same day regardless of their number. This is because of the common loss of their husband.

During the night of inheritance, the man must have sexual intercourse with the widow. Where one man has been chosen to inherit all the widows, he starts by entering the first widows house, then the second, in that order. This has to be done on that very night. Where each widow is to be inherited by different men, the chosen men, go straight to the widows houses, starting with the first widow , second and so on.

The following day, the widows are re-shaven by the men who have inherited them. The re-shaving and the putting on of new garments (dresses) symbolises the beginning of a new life after the

death of a husband. Where all widows have been inherited by one man, he has to shave all of them starting with the first widow. The same man has to buy food for the widows. In case of different men, each has to buy his widow food.

Then on the same day, a man who inherited a widow gives her a goat to drive to her parents place. The widow pulls the goat behind her, while the old widow drives it from behind. In case of many widows inherited by one man, he has to give each widow a goat. Then the widows leave for their parental homes starting with the first. Where different men have inherited different widows, each is given a goat, then starting with the first, they set off for their homes¹¹.

The following day at the widows parents home, the goat is slaughtered, and a limb is cooked and eaten by the widow and the old widow. On the same day, the widow is also given a goat to take back with her together with millet flour mixed with water.

The next day, the goat is slaughtered and eaten by the deceased's kinsmen. The widow's children are not allowed to eat that goat's meat. This is because the ritual performed does involve only two parties, that is the family of the widow and that of the

inheritor. Therefore, the presence of the children is ignored because the union is between two parties who are cohabiting sexually. Then the widow and the man she has cohabited with, spend four nights together after which the man goes back to this home (if married). Where a man is not married, he stays with the widows forever, but the widow can not be recognised as his legal wife.

Back at his home, the guardian buys food or slaughter's a goat, to be cooked by his wife. Traditional medicine is then put in the cooked food. The widow together with her children join the family of the man. The cooked food is then eaten by both families; the deceased and that of the man who inherits the widow. This is done to cleanse the two families so that they are not befallen by any misfortunes. After family cleansing, the man stays for four nights and days with his wife before joining the widow. On the first day he must also have sexual intercourse with the widow. He then stays for four more nights with the widow, then life takes on as usual.

The man who inherited a widow builds her a new house - (*Khukalula inyumba nende siaki*). This is to fully welcome her in his family. From here onwards, a widow is considered pure and can go visit other people's homes¹¹.

4:3 OTHER WIDOW INHERITANCE RITUAL

(a) Old widows

Just like any other widow, an old widow must cleanse herself from ritual impurity. Before she is cleansed, she can not baby sit her grandchildren. Therefore, a widow of age must be cleansed through inheritance. However, if she has reached menopause and of age, for example over sixty years, instead of following all the ceremonial rituals of cleansing, she is locked in her house, then one of her grandsons, passes tobacco (*Indaba*) through a window. She is then considered clean and can move freely to wherever she wishes to¹².

(b) When a man who inherited a widow dies

When a man who inherits a widow dies, the widow is not subjected to inheritance again, because he is not her legal husband. No ceremonial rituals are performed on the widow. However, in case a widow had children with the man, she must perform some cleansing rituals. She may wear garments of the deceased but all

major rituals should be performed by the rightful wife of the deceased. In case the man who inherited the widow was not married (*Musumba*) then the widow has no major ritual to perform. She can only put on the deceased clothes to show that she is bereaved.

(c) **A widow with Twins**

According to Abanyala traditional customs, a widow with twins should not perform widow inheritance rituals. Once a brother-in-law has been chosen to inherit her, he should take the responsibility without necessarily following rituals performed during widow inheritance. This is so because, at the birth of her twins, she performed cleansing ritual called *Misiro kia amakhwana* - cleansing ritual for twins. Therefore, one is not expected to perform any other ritual after performing twins ritual.

Such a widow can not be inherited by a man who has twins. In case one of her twins is a son, he should not perform widow inheritance in future. The same applies to her daughter. Failure to abide by this rule may lead to death or misfortunes, on her family members.

(d) **When a widow dies before being inherited**

A widow who dies before she is inherited, can not be buried until she is ritually cleansed. This gives reasons as to why at the death of a husband, his kinsmen inherit her. In this case, it does not matter whether the man is a brother of the deceased or not. Sometimes, kinsmen of the deceased have to spend a lot of money to lure either a man of unsound mind or a drunkard into inheriting the dead widow.

When a man to inherit such a widow has been identified, he is made to spend the night with the widow until morning. This must involve a sexual act. The following day, on her burial day, a goat is slaughtered and eaten by the deceased's kinsmen. The widow is cleansed and ready for burial.

(e) **Inheritance of widows in a Polygamous home**

In a polygamous home, it is the first wife who starts ritual performance at the death of a husband. In case the first wife refuses to be inherited, the second and the rest if any, have a right to be inherited. The fact that the first wife refused to be inherited means that all her son's widows will not be inherited. However, her

daughters can still be inherited because they have their own homes, and should follow the tradition of their mother-in-laws.

Since the second widow accepted to be inherited, on one hand, all her son's widows must be inherited. On the other hand, her daughters may refuse to be inherited if they so wish.

Having given an account of what it was in the traditional Abanyala society as far as levirate union is concerned, our concern is to find out whether the Roman Catholic Church is ready to accept these rituals and try to fit them in christian teaching as being compatible to christian moral and marital behaviour.

4.4 CHRISTIAN PROHIBITION OF ABANYALA TRADITIONAL LEVIRATIC UNION.

(a) Christian requirements for marriage (chiefly Catholic)

Catholic Church marriage is either forbidden³ or discouraged between persons who have blood relationship in the direct line ascending and descending, and in the collateral line but only up to the third degree¹³. The Church forbids marriage between father-in-law and daughter-in-law, mother-in-law and son-in-law, because

between them exists an affinal relationship. Affinity in the direct line without a dispensation makes marriage in any degree invalid.

Christianity Catholicism does not permit remarriage unless one's partner is dead or the marriage has been declared by the Church officials as invalid. If one remarried while a valid marriage was still existing, one would be practising bigamy. However, Catholicism may allow the husband to separate from his wife under certain conditions, but he can not remarry because his marriage with his wife still exists.

The Church would permit in some circumstances a non-christian husband to remarry if he wished to become a christian, though his former wife was still alive. If a non-christian husband wished to become a christian, he may give up all his former wives, but one. The church may even permit the husband, according to "Pauline Privilege"¹⁴, to expel all his former wives and marry another woman who is ready to become a christian as well.

The Church insists that marriage is possible only between one single man and one single woman. Monogamy, according to christianity, is the acceptance and exclusive form of marriage. It is the pattern and proto-type of human marriage, on the other hand, it

is universal, sexual union, production and care of children, and the co-operation which marriage implies, requires, in the christian view, essentially only two people. For christianity, monogamy is, has been and will remain the only true type of marriage¹⁵.

The Catholic Church demands that each partner has been leading a good christian life. Today, the Church has included "love" as one of the important requirements and objectives of marriage. The second Vatican Council declares about the nature of marriage.

The intimate partnership of married life and love has been established by the creator and qualified by his laws. It is rooted in the conjugal covenant of irrevocable personal consent. Hence, by that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes of society, too is a lasting one, - authentic married love is caught up into divine love and is governed and enriched by christ's redeeming power and the saving activity of the Church. For this reason, christian spouses have a special sacrament by which they are fortified and receive a kind of consecration in the duties and dignity of their state¹⁶.

The Catholic preparatory marriage rites consist of calling of the banns, carrying out inquiries about the bride and the bridegroom. Then the Church Minister investigates whether there are any impediments between them, and that both partners are baptized and their intention to marry comes out of free will, and that they have never been married before¹⁷. The Minister then explains to the

couple the importance of matrimony. He also informs them of their responsibilities as a married couple.

A Catholic marriage becomes effective when the bride and bridegroom give their consent freely to marriage before a Church Minister and in the presence of at least two witnesses¹⁸. Catholicism insists that the marriage bond is not a mere contract, but also a sacrament which confers grace to the recipients, and may not be dissolved until death. The Church teaches that, at the death of a spouse, one is free to remarry somewhere else given the nature of the situation. This is contrary to the Abanyala, who insist that a widow must enter leviratic union, with a brother-in-law.

(b) Catholic views on the levirate custom

The Abanyala practice levirate marriage because of its meaning, role, function and implications for the care and treatment of widows and their children. Among the Abanyala, marriage is a group oriented relationship involving not only the bride and the groom but also their lineages. The bride is seen as both the wife of her husband, and the wife of the lineage. Therefore, the bridewealth paid to her father's lineage comes from joint efforts of her husband's

lineage. At the death of her husband, a widow continues to be regarded both as his legal wife and the wife of the lineage. That is why a widow has to be inherited by the deceased's brother or cousin. A widow does not become a legal wife or the guardian of a legal husband, he only substitutes for the deceased husband.

Catholic Church prohibits this practice as immoral and against Church's teaching on marital affairs. This custom has been seen as radically incompatible with christian moral behaviour. One wonders if there was any in-depth theological investigation preceding the pastoral prohibition of this custom. Furthermore, was there a possibility of understanding and appreciating the custom in its own context and its own terms? Was this prohibition of the African leviratic union an example of skilful and honest efforts at adaption?

As we proceed with replies to these questions, Catholic theological literature dealing with leviratic marriage will be sufficiently looked at. This may give insights on its incompatibility with christianity. However, there is no enough adequate literature found in the Catholic Church that deals with the incompatibility of levirate union within the Church. Nevertheless, scattered literature is found on the Catholic acknowledgement of the existence of this

custom, in the context of its nature and function within African society.

Consequently, the prohibition of this custom does not rise out of theological reflection and discussion about this type of marital union. However, quite a number of theologians, anthropologists and sociologists have given their views on the nature of levirate union.

(i) **Catholic Theologians/writers**

The Catholic Church considers levirate union a polygamous marriage. Hastings calls the taking of a widowed sister-in-law, the taking of a second wife, while Shorter calls the practice a form of polygamy¹⁹. Bishop De-Reepers says, the impediment will not be valid if they are against the natural law for example the Church prohibition of widow inheritance²⁰. It is therefore possible for the Church to bless a leviratic marriage because as De-Reeper says,

In the case of converts who were validly married by baptism, the solemn blessing in or outside mass may be given, but without renewal of consent²¹.

This is because, even in traditional marriages, in levirate union, the consent is not necessary, because it had been given. In

other words, De-Reepers is of the idea that levirate marriage can as well be blessed in the Church.

If scripture is to be used simply in a rather formalistic and legalistic way, concentrating upon the explicit meaning of individual texts, then it is indeed difficult to find any ground at all for the Church's persistent rejection of levirate union. In deuteronomy, 25:5-10²², a widow was not allowed to marry someone outside the family. It was the duty of the dead man's brother to marry her for security and protection.

Reverend Kalanda affirms that the christian Church does not and indeed could not recognize or tolerate widow inheritance because, this is to encourage the widow and the heir to indulge in illicit sexual relationships under circumstances repugnant to the principles of christian marriage, the contract is absolutely and completely dissolved by the death of one of the partners. Allowing or tolerating widow inheritance would imply a denial of that christian belief since in the societies where widow inheritance is practised, the contract continues even after the death of the husband²³.

Kalanda further affirms that, though the Church has prohibited levirate marriage, the union is not evil in itself. It has some very good and positive values and a function in the society which has it and where it can not easily be replaced or substituted. The only thing that is dramatically opposed to christian morality is the right to sexual access acquired by the one who inherits the widow. That is what the christian believers have to be shown as being opposed to their new faith in christ ²⁴.

From the above assumption, though the Church has prohibited levirate union as a form of cohabitation or rather a polygamous union, some Church leaders do support the union with an exception of sexual union. Kalanda on one hand, supports the union as the only care and protection of the widow and her children. On the other hand, he sites that the union is unaccepted in the Catholic Church because of its sexual union. This analysis gives us hope that the Church at one stage will re-address itself to this problem, to help the African Christians who practice levirate marriage.

Out of a few literature collected, we found out that, there is no basic Catholic literature which treats levirate custom in terms of

its uniqueness, or, that raises the question whether this custom deserves special theological investigation. There are only scattered references to this custom, both acknowledging its existence and describing in an unscientific way, its nature and function within African society.

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(c) **Anthropological/Sociological authors views on Levirate union.**

Most anthropologists agree that the relationship between a widow and the guardian is such that, the inheritor does not become a legal husband. The guardian is described as a substitute for the dead man. This is to avoid the view that the relationship between a widow and guardian is only a legal representative of the deceased husband. Therefore a widow in a leviratic relationship has no right to make a new marital commitment to her guardian because her marriage to her deceased husband is seen as continuing, and therefore leviratic custom is a way of continuing her original marriage²⁵.

Phillips (1953) states that, leviratic customs is based on the idea that the death of the husband does not put an end to the marital relationship. Whereas Radcliffe - Brown writes that leviratic union is

seen to be the continuation or renewal of the existing structures of social relations²⁶.

Kirwen (1974)²⁷ describes leviratic union as a marital adjustment in a continuing marriage in which a brother-in-law substitutes temporarily for a deceased legal husband. Kirwen equally holds the same views with the mentioned anthropologists.

Pritchard (1951)²⁸ affirms that leviratic union is where a widow becomes a legal wife of the guardian and the relationship becomes one of a complex legal marriage. This is contrary to Abanyala understanding of levirate custom. They acknowledge that, there is no possibility of a marriage between the widow and her inheritor. Therefore, the union cannot be seen as a legal marriage.

Westermarck (1891)²⁹ holds the same view. He says, in levirate marriage, the widow guardian is merely a substitute husband, and any children born of the union are considered the children of the deceased husband who continues to be the legal father.

Whisson (1964) states that, the widow protects her position within the kingroup of her husband, ensures her and her children a certain amount of support and enables her original marriage to

continue or to function. Furthermore, the traumatic experience of being integrated into the activities of a husband's lineage is such that few women would look forward to such an event more than once in their lives, the levirate ensures widows a permanent residence in their husband's homestead³⁰.

The Catholic Church considers levirate union a polygamous marriage. Hillman (1968) writes that, polygamy is required by customary law as a form of social security for widows, whereas Luzbetak, calls it the function of the polygamy is to provide social security for widows³¹.

If levirate marriage is seen as a form of polygamy, then the Church has no ground to consider it as a form of sin. The Old Testament presents us with a number of examples of polygamous marriages, notably the cases of Jacob, David, and Solomon. Israelite society of the time undoubtedly accepted polygamy and there is no condemnation of the practice as such anywhere in the Old Testament. The New Testament has no certain explicit word upon the subject, either in recognizing the existence of polygamy or in condemning it³². However, Paul in his teaching to the Corinthians; Say's;

Now, to the unmarried and to the Widows, I say that it would be better for you to continue to live alone as I do". (1 Cor.7:8) "But if you cannot restore your desires, go ahead and marry- it is better to marry than burn with passion". (1 Cor 7:9") He further says, that: "A married woman is not free as long as her husband lives, but if her husband dies , then she is free to be married to any man she wishes but only if he is a christain.(1 Cor.7:39)³³.

Thus from the scriptures, there is no basic argument on widows being taken care of by a brother -in -law, nor has it been outrightly forbidden.

Lucy Mair describes the levirate as a domestic relationship indistinguishable from marriage³⁴. The union cannot be identified as a form of marriage.

Consequent to the Church's prohibition of levirate union, other anthropologist are of the idea that the Church re-considers the real implication of the custom to the people who practise it. Phillips (1955)³⁵ observes that the Leviratic custom should be understood with the greatest sympathy, and it should not be impossible to receive the widow and her married inheritor back to the Church in a double union.

While Haring (1967) maintains that Levirate union is aimed at procreation and not sexual indiscipline. He says:

Must the missionary obey the moralist and deny the sacraments to a christian married man who with considerable sacrifice fulfills his levirate duty towards the widow who adheres to this order demanded by tribal custom in order that she may not be robbed of her children and loose her place in the tribe ? He will do this even when conjugal intercourse is reduced to a radical minimum. Once, more the primary question of those who contest this morality, is - have you moralists thought as earnestly about this question as about the imposition of the smallest mibric instruction?³⁶

Indeed, the missionaries could have considered the significance of the levirate union before imposing sanctions on a christian who is willing to protect and care for a widow and children of his deceased brother.

Hillman (1972)³⁷ calls the levirate a form of social security for a widow and her children required by the customary law. Shorter (1975) calls the custom a way of the catering to unsupported women and for ensuring the continuation of the line.

On a more theoretical level, social anthropologists argue that, among patrilineal people where marriage secures children to perpetuate the father's group, marriage involves lineage groups rather than individuals. Hence leviratic union is seen as part of the network preserving the perpetuity of the lineage groups and the security of each individual in them³⁸. Therefore, in the foregoing

argument, the mentioned anthropologists acknowledge the idea that levirate union is not a marriage in the real sense, but a way of caring and giving support to the widow's both emotionally as well as psychologically.

(d) **Personal views/Analysis**

On a personal perspective, levirate union is a legal way of continuing a marriage of the deceased, where a brother-in-law acts as a substitute. The union can not be taken to be legal marriage, where a widow becomes a legal wife of the guardian and the guardian becomes the legal husband of the widow. Therefore the union is a legal way of caring and protecting a widow and her children. It cannot be under any circumstances considered as a legal marriage.

The Catholic Church views levirate marriage as polygamy. Nevertheless, the data collected indicates that unmarried men can inherit a widow. This clearly shows that if the inheritors were to be unmarried when the widows become their legal wives, then these are legal monogamous marriages but not polygamous. This clarifies that, both single and married can inherit a widow as earlier stated.

The Church therefore, by looking at the leviratic union as a form of polygamous marriage, failed to address what the union involves. Hence, moral theologians have been unsuccessful to comprehend the meaning and the nature of the custom. That is why, when social anthropologists refer to levirate union as a way of caring for the widows, whether the man is single or married, the relationship is seen to be polygamous union and thus not in conformity with the Catholic teachings. Furthermore, they do not consider the situation where a single man can substitute as a husband for his deceased brother.

From analysis of available from the Catholic theological writings, the Church fails to show any convincing investigation of leviratic custom and how it fits to be a polygamous union. Hence, these writings cannot be reasonably used as a guide to understanding the moral reason for the custom's prohibition. The Church has shown no awareness of massive prohibition, to inhibition of the custom by the African people both lay and clerical.

In conclusion, prohibition of Abanyala leviratic union as incompatible with the Catholic Church marital teachings, cannot be justified based on arguments presented in the Catholic moral

theological literature. There is no possibility of marriage between the widow and her inheritor. So the reason why missionaries and Church leaders forbade levirate union is that it fits neither their way of christian marriage nor their way of christian sexual behaviour. Thus the whole issue of theological implication of such a marriage being polygamous is irrelevant and outdated.

It would therefore be realistic to say that, the missionaries were not eager about changing African into a European based christian Community. Had they that intention, they would have taken the pain to learn the Custom and appreciate the beauty of African life the way Africans live. They would have found out that these people are, in their deepest beings, a devoutly religious persons, and that their religiosity was not separated from their life endeavours . It is their religious beliefs that give meaning and direction to their existence.

Therefore, all their traditional practises³ and beliefs are geared towards religion which makes life worth living.

(e) **Reason for Catholic prohibition of levirate union**

The missionaries considered themselves and their understanding of how to live the christian life superior to that of the other people. The way they saw African life convinced them that there was nothing in the African philosophy of life, religious ideas, social customs and life in general. They dismissed it as barbaric and unworthy. Therefore, the missionaries refused to practice tolerance, patience, understanding and christian charity towards fellow human beings.

In such cases, missionaries felt that levirate union was immoral and so contrary to christian way of life. It was therefore more realistic to prohibit Church members from practising it. The missionaries did not investigate nor understand the African forms of marital relationships. Adrian Hastings affirms that:-

The nineteenth century missionaries ... had very little theology of marriage ... and also little historical sense of the relativity of social patterns. Christian marriage was as they had known it at home, as they endeavoured to practice it in their own little compounds, and the conflict between this and the confusing reality they witnessed in the word is and was extreme indeed³⁹.

The missionaries did not see any reason to adapt the African way of marital affairs. It is no wonder that they had to change the

African way of life, so that it concurs with the western life without regard to consequences. The Western culture was the only one seen to be compatible with christianity. Therefore, African practices such as polygamy, levirate and many others were ruled out from christian marital behaviour.

Levirate union was categorized as concubinage and not a christian marriage, for partners only cohabit as a man and wife on a habitual basis yet they did not marry one another. In such cases, the partners are seen to be immoral and cannot receive the sacraments of the Church. More so, if the man is married, he is considered a sinner because he is acting against the sacrament of matrimony. In other words, levirate union is like polygamy where a man has more than one wife. This is contrary to the christian teaching on marital union. Therefore the union is seen as institutionalized form of unlawful cohabitation.

4.5 SOME RESEARCH FINDINGS

(i) **The Abanyala Response to Church's prohibition of the Leviratic union.**

In-depth interviews with both non-christians (traditionalists), christians who attend Church services once or twice in the month, and devoted christians provided varied responses.

When the Abanyala were asked whether they approved of the Church's prohibition of levirate custom, 76% said they disapproved whereas 24% said they approved . The 76% who dishonoured the rejection were non- christians and the christians who attend Church services for at least once or twice in a month. Those who honoured were members of the Church and more especially leaders in the Church.

TABLE 1: *Attitudes regarding christian prohibition of Leviratic Union*

Attitudes	Religious Affiliations			
	Christians	Non Christians	Total	Percentage
Approved	17	6	23	24%
Disapproved	10	61	71	76%
Total number	27	67	94	100%

They principally gave religious reasons. That, the custom is against the Church's teaching on marriage, therefore unchristian. Others gave reason that, in a christian marriage, the contract is absolutely and completely dissolved by the death of one of the partners. Allowing or tolerating widow inheritance would imply a denial of that christian belief.

The reasons given by those who disfavoured the Church's refusal of the union is that, for the christians, there is no verse or chapter in the Bible on the prohibition of the levirate union. Therefore, God did not forbid the custom. Others gave reason that the culture was started by the forefathers and should not be

prohibited but be carried on from one generation to the other. They also argued that the bridewealth had been paid the widow by the deceased. Therefore his widow should be given both physical and emotional support since she belongs to her deceased husband's lineage. They argued that a marriage could not be solemnised unless bridewealth had been paid, whether all of it or half. Hence, a woman cannot be paid for dowry twice unless she marries in a different homestead/clan.

When asked whether the Church is right in declaring levirate marriage improper, 71 out of 94 interviewed said the Church is not right, because levirate union is not formal marriage but the inheritor only acts as a substitute of the deceased husband. It can not therefore be declared a marriage yet bridewealth was not paid. 23 declared it as not proper marriage, because no Church ceremonial wedding was done. The relationship is considered a sin since the partners are only cohabiting.

On request, on what their views was on the christian prohibition on the levirate marriage out of 94 interviewed 71 said, the Church should stop interfering with their customs. They insisted that the Church should try to evaluate and understand the meaning

behind the practice, and accept it as a peoples culture. While 23 insisted the custom contravenes christian rules and customs. It also involves embarrassing rituals and should therefore be prohibited.

When asked whether christianity has helped in decreasing levirate unions, 80% insisted the custom is still on despite the christian prohibition. This is because, there are some widows who refuse to be inherited because of their christian faith. Nevertheless, because they are part of the community they are inherited secretly though they still pretend to be strong christians and therefore against the custom. Moreso, the Church has not helped in reducing levirate union for even those who have been inherited or have inherited still receive the Holy Communion secretly.

TABLE II: Attitudes regarding the decreasing of levirate union.

Attitudes	People interviewed	Total %
Decreasing	18	19.1
Increasing	76	80.9
Total number	94	100

As the table indicates 20% said the Church has helped in reducing the custom because those widows who have been inherited, go back to Church to ask for forgiveness. Such members of the Church including men who have inherited are cleansed and consequently accepted back to Church, so long as they part with their levirate partners. Presently, many christians are not for levirate union, instead they resort to staying alone without necessary cohabiting with brother-in-law.

On inquiring whether widows want to marry, 76% insisted that widows do not want remarriage because they feel they belong to the lineage of the deceased husband and therefore should continue his family through the leviratic union with a brother-in-law or classificatory brother of the deceased. 19% insisted, widows want to remarry especially the young ones for protection and for emotional and psychological satisfaction. While 6% said they do not know. The table below explains it all.

TABLE III: *Whether widows want to remarry but not to be inherited*

Attitudes	People interviewed	Total %
Do not want	71	76
Want to	18	19
Do not know	5	6
Total	94	100

On requiring whether the Church is justified in refusing a widow win leviratic union to partake in the holy eucharist, the Church attendant said, such a widow is considered a sinner and therefore cannot partake in the holy unless she repents.

In conclusion from the interviews conducted, it is clear that most of the Abanyala are still for the custom despite the Church's prohibition. It is therefore the Church to take the task of evaluating and understanding the meaning of the levirate union for easy adaptation of both a Munyala christian and non christian. It is a high time the Church accepts to incorporate African values into its teachings and practice.

(ii) **Response of Catholic Church leaders**

In connection to response of the Catholic leaders on the leviratic union and the Catholic Church's teachings, three priests, two catechists and ten Church leaders were interviewed.

When the Church leaders were asked the possibility of widows remarrying, five comprising two priests, one catechist and five Church leaders said, widows can only remarry through Church wedding. One priest, one catechist and five Church leaders said, widows should not be remarried under all circumstances except for the young widows. They are opposed to it because widows can be taken care of by their brother-in-laws or the family of the deceased. And that those who remarry are like concubines. Though some Church leaders affirmed that widows should not be remarried, they are contrary to the teaching of the Catholic Church. For the Church teaches that death terminated a marriage and someone is free to remarry if he/she wishes to.

On request, why the Church forbade levirate union, the Church leaders said, the practice is immoral, unchristian and

against Church's teaching on marital union. The exercise is like polygamy where a man marries more than one wife.

Inquiring whether the Church accepts to baptize a man who has cohabited with a brother's wife and then allow them to receive the holy communion and finally participate as full members of the Church, the Church leaders stated that both the man and the widow cannot receive sacraments because the two are living in a state of sin. By allowing them to partake sacraments, it would give an impression that the Church is for the custom and therefore it may cause indifference in the Church. However, some Church leaders were in favour of widows in levirate union receiving the sacraments, as long as the partner is a christian.

When asked whether it is wise for the Church to recognise the Abanyala levirate union, three priests said the Church can not at any cost recognise levirate union, since it is against the Church's teachings and therefore unchristian. The Church is only ready to accept those who are ready to withdraw from the union back to Church after repentance. However, other Church leaders including catechist and Church officials insisted on the Church's

recognition of levirate union. Finally, Church leaders accepted that the Church is winning the long term struggle to encourage the Abanyala to abstain from levirate union. They insisted that those widows who had been inherited, and men who had inherited are going back to Church for repentance. In fact, most of them are now living alone without cohabiting. But others insisted that the Church is losing, because even those widows who refuse to be inherited due to their faith, end up cohabiting with a brother-in-law secretly and continue to receive holy communion.

On whether leviratic union is seen as a way of caring for the widow or as a real marriage, catechists and Church officials responded that it is a way of caring for the widows and their children but not a marriage, since it was not consummated in the Church. But the priest said it is a form of marriage since children are procured through it. The practice is a form of polygamous union, because the widow is taken as a "second wife". Those who said that it is not a kind of marriage, gave the reason that bridewealth was not paid before the practice, more so, dowry can not be paid twice in this case. Therefore such a union can not be

considered to be a marriage and that the widow is still called the wife of the deceased husband.

The final question was on what changes Church leaders wish to see as regards the current pastoral policies on marriage. Most church leaders gave an answer in support of levirate union as a way of caring and protecting the widow and her children.

In the final analysis, there is no consensus between Christians and Church leaders in relation to levirate union. Both the indigenous Christians and some Church leaders are against the Catholic Church's prohibition of levirate custom. Hence Abanyala Christians are torn between traditional values and Christian values. They view levirate custom as both morally and religiously compatible with the demands of Christianity. Some Church leaders argue that leviratic union is not a marital arrangement, therefore, the Church should be ready to accept it as a way of caring for the widows and their children both physically and emotionally. The practice should not be taken as a form of marriage. Levirate union is a way of continuing the family of the deceased by sustaining reproductive, domestic and sexual control over his widow.

It is important therefore that, the Catholic Church in Kenya, re-think, re-evaluate its theology on marriage, taking into consideration the African realities! This will help the Church in understanding the meaning and significance of levirate union on the Kenyan societies who practice it. Through this, the Church will be able to introduce a theory of adaptation.

4.6 SOME CASE STUDIES

Case I

Okumu ko Onyango (not his real name), unmarried but inherited a cousin's widow, says:- he is only acting as a substitute for his deceased cousin. The union can not in any case be taken to be a legal marriage. By acting as a substitute, the family of the deceased can sustain its identity and continue to grow and develop emotionally as well as physically. He has taken full responsibility on the widow and her children. However, when he gets somebody to marry, he feels free to do it. The woman he will marry will be his rightful wife through the payment of bridewealth. Nevertheless, he will continue supporting the widow and her children.

Though Okumu does not go to Church, he strongly opposes the Catholic Church prohibition of levirate union. He says the Church should let the custom continue.

Case II

A Church leader at Sirimba Mission Says: - The Church is changing its moral standards towards the levirate union . There is a possibility of the Church's acceptance of the union in the future. This is because the inherited widow may involve herself in illicit sexual affairs whereas her inherited counterpart is excluded as she has someone who has legally been accepted by the community.

Case III

A teacher by profession and a christian, insisted that all widows should be inherited to remove evil spirits from their family members, then they can repent later on. She says: "Our traditions should be respected through practice. A widow can temporarily cohabit with a brother -in - law for some time, then she can go back to Church for repentance".

Case IV

In Nayera village, a widow born in 1933 and a christian says that she is encouraging all widows to be inherited. When one is

inherited, it does not mean that she becomes a legal wife of the inheritor. The man is only acting as a substitute for the deceased. Furthermore, women need men for emotional, psychological and physical maintenance. Therefore staying alone without being inherited may tempt a widow to engage in unlawful sexual behaviour, so levirate union should be encouraged. Elders should therefore talk to the Church to accept the practice as compatible with christian teaching on sexuality.

Case V

A man aged 41, a headmaster says that, levirate marriage is a convenient way to care for and protect the widow and her children. The Church should be able to understand its meaning and importance to the people who practice it, so as to incorporate it into Church practices. Levirate union discourages prostitution of the young widows who may use dubious ways to achieve their desires sexually. The practice is also good as it protects the interest of our forefathers. Its purpose is to continue the marriage of the widow and the deceased husband to full fruition.

4.7 CONCLUSION OF THE ANALYSIS OF SELECTED RESPONSES

The purpose of Abanyala levirate marriage is to perpetuate the marriage of a widow and bring her family to full satisfaction in the name of her deceased husband. The physical death of a husband does not dissolve a marriage. That is why a temporary adjustment is made in the family relationships, in the name of the dead person for the identification and development of the deceased's family. In this adaptation, the deceased's brother takes full responsibility for the widow and her children. Furthermore, he substitutes for the deceased in all the activities of his bereaved family.

Through levirate union, a widow is given social position in society for the continuation, security and stability of her marriage. It is symbolic union with the physically dead groom in his name, with his implied permission and for his interests. The union is lawful sexual union in the context of the widow's original marriage. Thus the widow is made to feel the presence of her deceased husband through a substitute through levirate union.

Indeed on the widows's realization that she is not being cared for adequately, she is free to break the relationship and look for another levirate partner (i.e within the traditional Abanyala customs). This

clearly illustrates how the union is not permanent. It can not be seen as, a legal marriage, but legal a care of the widow and her children. So in the levirate, the widow is not a wife to the brother-in-law with whom she cohabits. He is merely continuing to fulfil the sexual needs of the woman as well as procreative and economic needs on behalf of a deceased brother.

The Catholic Church law saw the levirate marriage as adulterous and sinful, equivalent to polygamy and therefore condemned it. The Church is of the idea that, on the death of a husband, his widow should either remarry or stay in the husband's homestead depending on her age. The Church also argues that a widow can stay in the Church compound as she is maintained economically. From this perspective, the Church seems to forget other desires that a widow may need in life. Desires such sexual satisfaction have driven such widows into sexual promiscuity in the mission compound. Therefore, this gives a widow who is inherited a better social position because she is lawfully cohabiting with a chosen man than the uninherited widow who is cohabiting with an unknown persons.

Hence, levirate marriage is meant to stabilise the family of the deceased. A widow remains the wife of her husband's

lineage despite her husband's death . She can not ever sever her marital relations with the family of the deceased. The union is part of the network of preserving the immortality of the deceased husband, the lineage group, giving security and protection to the widow and her children. This protection lies in the hands of the communal solidarity of collective responsibility.

Since bridewealth was paid by the family of the deceased, his widow remains the wife of the deceased family and should be inherited by a brother-in-law. However, the payment of bridewealth does not qualify anybody to own a widow as his legal wife. Even if one has to pay second dowry, which is practically impossible.

It is surprising to note that if a widow lives in a leviratic marriage, the Church denies her a right to partake in the holy eucharist. The man who inherited her is also prohibited from receiving the holy communion. In this context, the Church believes that the two are living in a state of sin, therefore, they are sinners. The Church fails to understand that the two are not sinners since they are only cohabiting lawfully, therefore the relationship is valid.

The Abanyala leviratic custom has not been prohibited in terms of its own social structures. The practice is still on increase despite the

Catholic Church's prohibition. 76% of the sampled population oppose the present policy of the Catholic Church in the matter of the leviratic custom. Moreover, other Church leaders see the levirate as compatible with the demands of christian morality. The conclusion is that most of the people would welcome the acceptance of the leviratic custom with undisguised relief. Leviratic union is compatible with christian doctrine on marriage no matter where or how frequent it occurs, it promotes christian marital values and is an acceptable relationship within and by members of christian communities.

In conclusion, the analysis validates that the Catholic Church prohibition of levirate marriage among the Abanyala is radically opposed. Though the prohibition in one way has changed the beliefs and practices of some Abanyala christians, on the other hand, christianity has not changed much the attitude of the Abanyala towards levirate union. The practice is still in observance however much the Church tries to discourage people from exercising it. It still remains significant to the Abanyala.

4.8 TOWARD A THEOLOGY OF CATHOLIC CHURCH AND ADAPTATION OF LEVIRATE UNION.

The Catholic Church's official teaching on adaptation is that all cultures have the right to an independent existence within christianity and that the introduction of christian teachings in a new culture must involve an 'adaptation' that preserves the essential integrity of the culture, its values, institutions, and customs. Adaptation therefore, is the process of the interaction between christianity and cultures which take into consideration the total collective religious, social, and moral life as it has gradually taken concrete form in each culture⁴⁰.

However, is the Church ready to adapt this value into its teachings?. The Church argues that this will scandalize faithful christians especially those who have resisted with great fortitude, intense social pressure, to follow certain prescribed customs⁴¹. They argue that levirate is truly inconsistent with christian doctrine on marriage. The custom is also bound up with superstition and is itself incompatible with christianity. The Church also argues that it can not make a solution of a small localized problem a part of the pastoral policy of a whole national Church⁴².

The Church seems to underrate the positive values found in the African "leviratic cultures". Nevertheless, the second Vatican Council openly proclaimed that non Western cultures have a right to an independent existence within the Church. Therefore, the Catholic Church should accept the consequence of its theological position on non Western cultures and marriage systems and allow the leviratic custom. It is necessary that the Catholic Church adopt levirate marriage as in conformity with its teaching.

Avery Dullies says that, the heart of the Church's position is that the reality of the Church be incarnated in each people to whom the gospel is preached so that the Church becomes an indigenous reality⁴³. While Schlette says, always conceptualized in terms of the actual self-understanding of the Church within a particular culture. Thus all theology which is actually thought out and immediately responsible to the faith is necessarily a theology of adaptation⁴⁴.

From this perspective to adapt christianity, to the leviratic custom would save the Church from contradiction with its own theological position on the need and necessity of adaptation, and the right of each people to maintain its own cultural traditions intact when converting to christianity.

Levirate marriage is a respectable social institution for the care of widows, and is not considered to be a sexually immoral union, nor should it be seen to be either adultery, fornication, or cohabitation. The union does not come out of lust or desire for sexual release, a condition to be classified as adultery or fornication. It does not arise from a desire to possess another wife. There are no marriage vows, to make the union a valid marriage. The union is meant to continue the family of the groom at his death. The union therefore is a lawful relationship which is meant to continue the deceased's family hence care for the widow and her children. Therefore levirate union is compatible with christian doctrines on marriage, and should be adapted into christian moral and marital behaviour, since it does not promote sexual promiscuity.

FOOTNOTES

1 A cross-section of Oral Interview, November-December, 1992, Namalo
Village Rwambwa sub-location.

2 Oral Interview, Wilfrida Musungu, Widow 68.

3 Ibid.

4 Ibid.

5 Wagner, Gunter, 1908-52 The Bantu of Western Kenya with
special reference to the Vugusu and
Logoli. London.
O.U.P., 1970), p.485.

6 Ibid p.486

7 Oral Interview, Marita Dienya, Age 63, Namalo Village, Rwambwa
sub-location, 25th Dec. 1992.

8 Ibid

9 Oral Interview, Jenifesa Abiero, Age 35, Munani Village, Rwambwa
sub-location, 30th Oct. 1992.

10 Ibid

11 Ibid

- 12 A cross-section of Oral Interview, (OP.Cit)
- 13 And Waywood, Commentary on the Code of Canon
Law, p.160-166.
- 14 Concerning the Pauline Privilege in Christianity (particularly catholicism),
see in particular St. Paul's letter to the 1st Corinthians 7: 12-16 and
Waywood, Canon Law, No 1153-1161.
- 15 Mac Hugh and Callan, Moral Theology. volume 2, p.751.
16 Gaudium et Spes, Art, 48,in DV, p.250-251.
- 17 On enquiries about the bride and bridegroom regarding impediments to
Marriage, Baptism and free will, Canon Law, No.995.
- 18 See Woywod, OP.Cit, Canon Law, No.1079.
- 19 Adrian Hastings, Report on Marriage. New Blackfriars,
1973, p.255, Shorter (1975) p.13
- 20 MGR. John De Reeper, The Sacraments on The Missions. A
pastoral Theology supplement for the
Missionary, Dublin, Browne and
Nolan, 1957, p.217.
- 21 Ibid,
- 22 See Revised Standard Version Deuteronomy 25:5-10

- 23 *See* Rev. Kalanda, Church and Marriage in Eastern Africa. Eldoret, Amecea Research Department, Kenya, 1975, p.133.
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CONCLUSION AND RECOMMENDATION

The principal aim of this study was to assess whether christianity has influenced the Abanyala practices and attitudes regarding levirate marriage.

Additionally, the study was an attempt to examine the Abanyala marriage arrangements. We have seen that among the Abanyala, marriages are alliances between both the individual partners and their families. Marriage was processual and was not an individual's matter. It involved the whole family of the groom and of the bride, the community as well as close relatives. Marriage became a communal affair as it ultimately rewarded the whole community. Therefore the marital partners do not create an independent family unit apart or separate from the man's lineage, the lineages of both partners are intimately involved in the sustainance of marriage.

The paying of bridewealth legalised marriage. A marriage without payment of bridewealth was seen to be unstable and did not last long. Bridewealth was seen as an important phenomenon in stabilizing marriage as it could not allow marriage to break easily. That is why at the death of a husband, his widow/s had to be

inherited by the deceased's clansman or a brother because the widow was a wife of the lineage since both her husband and his kinsmen worked communally to pay her bridewealth.

This study has further identified types of marriages among the Abanyala. These are polygamy and monogamy. In these types of marriages, are incorporated different forms of marriage arrangements that is marriage by elopement, sororate marriage, marriage of a divorced wife, child marriage and levirate marriage. From these marriage arrangements, we have seen the importance of bridewealth in them and how they determine the position of a widow in a home. The position of a widow in the home also determines the pattern of inheritance.

The Abanyala as a patrilineal descent, practise levirate marriage as a way of preserving marriages of deceased husbands. The practice can be seen, therefore, as a type of institution supporting rather than destroying legitimate unions. The custom arises out of a social system which ensures that each and every marriage maintains its union as a personal morality.

At the initial period of marriage arrangement and paying of bridewealth, the kinship group of the deceased was involved in the marriage process, therefore the widow cannot remarry but cohabit with any one of her brother-in-laws. The widow belongs to the individual and kinship group and when the husband dies, she remains in the kinship group in the husband's lineage, and the duties of the deceased

husband are taken over by his brother. The brother-in-law has a special societal obligation to perpetuate the duties and roles of the deceased brother including procreation, emotional and psychological needs of his family. He simply serves as a care-taker of his deceased brother's family members.

The union is a recognised social unit for the care and protection of widows and their children. It is not considered to be a sexually immoral relationship. Consequently, children born out of such a union, belong to the lineage group of the deceased husband.

According to the Abanyala, even when a widow is old, she has to be inherited to fulfil one of the death rites so that her own children are able to fulfil and benefit from these rituals. If she refuses to be inherited, at her death, someone has to be chosen to perform sexual symbolic ritual with her before she is buried. During the process, a man of unsound mind is chosen to spend the night with the dead widow. By so doing the dead widow is considered ritually purified before interment. Therefore, to avoid such embarrassment, a widow must be inherited after the death of her husband.

The Abanyala therefore, practise levirate marriage for support, care and protection of the widows and their children, and for continuation of the deceased's family through a brother who takes all the social responsibilities on behalf of his deceased brother.

Contrary to this, the Catholic Church has outlawed the marital relationship inherent in the leviratic union. The Church has refused to be patient hence in trying to learn and understand why levirate marriage is practised among the Abanyala. The Church has deliberately set itself to eliminate the practice by using sacraments such as baptism, the holy eucharist and confirmation to bar people involved from being full members of the Church.

Instead, the church encourages remarriage for the widows without necessarily understanding that a widow cannot contract a new marital relationship because the death of the husband does not end her marriage to the lineage of the deceased. The widow cannot sever her marital relations with the family of her deceased husband. The widow continues in the lineage as a functioning wife in a leviratic union.

The explanations given by the Catholic Church for its promotion of remarriage of widows, therefore prohibition of levirate marriage, are based on lack of comprehension of marriage among people who follow a patrilineal descent pattern, and the application of sexual morality found therein. The Church has outlawed the custom in its own social unit as far as christian teaching on marital affairs is concerned.

The forbiddance does not qualify the Church's own pastoral approach to non-western marriage traditions and institutions. The prohibition indicates the

Church's insensitivity to the hardship it has caused in the lives of many people, especially those Christians, the indigenous clericals and non-Christians who are for the levirate practice, as stated from the research findings.

The Church's prohibitions portrays the view that it has no solid theology or pattern of marriage for a marriage system that involves both individuals and their lineages.¹ It furthermore explains that there is no Catholic pastoral theology dealing with problems like care of widows, sexuality, marital and sexual fidelity as found in the African traditional marriage systems.

At the moment, no Catholic theology systematically reflects or explains the intention of marriage in larger kinship units for example those found among African peoples. Any adequate theological assessment of the levirate union, must put into consideration the relationship in terms of its institutional function within particular African societies and not in terms of personal moral conduct.

The Church has ignored the communal aspects found in the Abanyala levirate system, by encouraging widows to remarry. Indeed, this is in one way or another, promoting dissolubility of marriage for remarriage, an act ²contrary to its own moral teaching on marital union. Though, the Church argues that a marriage is pronounced dissolved at the death of a partner, it is however necessary to think of the children in that marriage. By remarrying, the widow will be divorcing herself from her children.

The Church fails to understand that a widow can continue her marriage with her deceased husband through support of the corporate kinship group. The practice of levirate union is to distinguish the fact that a marriage cannot be dissolved or rather terminated by the physical death of a husband. The union qualifies the initiate marriage to extend to function reproductively, economically and socially.

Marriage among the Abanyala is seen by the widows as indissoluble, lifetime commitment which continues to function corporately, through the assistance of the lineage, until everyone is dead. Naturally, this relationship gives a widow some sense of corporate identity in the community.

As already stated, since bridewealth was paid for the widow, she is the wife of the lineage group of the husband, and the marriage continues even after the death of a husband. A widow has no power to dissolve this marriage, unless, the bridewealth paid to her father is brought back. This sets a widow free to remarry somewhere else. Therefore, in order for a widow to remarry somewhere else, she must first and foremost divorce from her dead husband and his lineage group. Nevertheless, because a widow fears to lose her reputation and respect in the community, she prefers to be inherited by a brother-in-law or a classificatory cousin of the deceased. However, from the research findings, we acknowledge the fact that the theory of repaying the bridewealth before re-marriage does not occur. It is a

theory which is meant to scare widows from remarrying but otherwise to cohabit with a brother -in-law.

Contrary to this logic, the Church prefers to promote remarriage which is more or less the same as divorce. The Church is also of the idea that, a widow who is not able to support herself economically, can stay at the parish compound (though nowadays this has stopped) or stay at her husbands homestead without necessarily cohabiting with a brother-in-law. However, it came to reality that such widows engage themselves in sexual promiscuity with not only one man but different/several men. Others end up getting pregnant from unidentified person.

Therefore, it would be more realistic for the Church to tolerate and accept levirate union. By encouraging remarriage, the Church is contradicting itself on the indissoluble nature of christian marriage. By preferring marriage, the widow is alienated from her children, for children are left to stay with the deceased family, hence causing instability on the family of the deceased. Through levirate relationship, the children are not separated from their mother and the lineage of their deceased father. The widows together with their children, are insured social security identity and protection within the larger kinship grouping of the deceased.

The Catholic Church therefore does not recognise the completeness, unity and social values found in leviratic marriage those among Africans who practise it.

This is because it is contrary to the models and forms of christian behaviour and moral conduct.

In contradicting its principle on divorce and separation, the Church encourages indissolubility, leading to the breaking of family units and disinheritance and care of children from their father's lineage group. The Church is as well contradicting itself to it's teachings on the permanence and indissolubility of christian marital affairs, while ignoring the communal dimensions of the African marriage institutions as well as the communal identity of the people and the social structures and values inherent in the practice.

CONCLUDING REMARKS

From the above summary, this study has attempted to bring to the mind the overall impact of christianity on the Abanyala levirate marriage. The analysis validates that, the Catholic Church teachings on the care of widows are radically opposed to those of the Abanyala. Despite the church's prohibition, the Abanyala still recognise the significance of levirate marriage. The research findings prove beyond any doubt that the practice is still on the increase which means that the Abanyala have not changed their attitudes towards levirate union. All in all, the Church is playing a major role in changing the Abanyala attitudes towards the practice. Only a few Abanyala have yielded to the Church's demands. Otherwise,

the practice is still evident among christians, non christians, educated and non educated, within the Abanyala society.

However, the study has shown that the Abanyala still practice levirate union despite the Church's prohibition. But, is the Church a hundred percent wrong in prohibiting the exercise?

Indeed, we cannot underrate the Church's stand on levirate union. The Church must have seen the wrongs in levirate union.

Firstly, the old testament teaches that a marriage should not be dissolved till death¹. Which means that, a christian is free to remarry after the death of a husband, since a marriage between christians which has been validly contracted, and consummated, can be dissolved only by death. Therefore, the Church is not wrong in prohibiting levirate marriage since it advocates for marriage among it's members, but not to cohabit with anyone regardless of culture or tradition.

Secondly, the Church teaches that, one should only cohabit with his or her marriage partner. A man who cohabits with a sister-in-law will only be committing adultery, whereas he will be violating his own marriage. The unity of marriage should only be for the two but not more than that. Therefore, a widow who allows herself to be inherited is considered as a concubine, because she will be violating the Church's teaching on marital union.

The foregoing chapters have indicated what makes a marriage valid among the traditional Abanyala way and the christian way. We have seen that, the two involve consent, binding pledges, the transfer of the bride to the home of the bridegroom and permanence which is indissoluble.

The difference is that, among the Abanyala, love grows in marriage while christianity emphasizes on love before marriage which is an important aspect of marriage. Love should continue throughout a married life. The Abanyala insist upon the continuation of marriage even after the death of a marriage partner (in this case a husband), while Catholicism advocates for the termination of a marriage contract at the death of a husband. This sets a widow free to remarry given a chance.

The controversy between the Abanyala and the Church, arises at the death of a husband. The Abanyala view the cohabitation of a widow with a brother-in-law as the surest way of perpetuating the marriage of the deceased. While the Church insists that, a marriage dissolves at the death of a husband and his widow is free to remarry. Therefore, the Church has prohibited the Abanyala practice of levirate marriage.

Nevertheless, is the Church a hundred percent right in prohibiting this practice?

Let us look at:

- (a) Reasons why the traditional Abanyala's have for/against levirate union.

(i) For:

1. The widow is the wife of her husband's lineage. She is already married, cannot be married twice, because she is someone's wife.
2. Bridewealth paid cannot be paid twice.
3. She can be "taken care" of by a brother-in-law in levirate union.

(ii) Against:

The traditional Abanyala's do not have any reasons against the practice.

(b) Reasons given by the Abanyala Christians for/against levirate marriage.

(i) For:

1. God did not forbid this custom.
2. The widow would not want to leave her children for remarriage.
3. Since she is the wife of her husband's family, she can be taken care of by a brother-in-law.
4. The church would have us throw away the bridewealth.

(ii) Against:

1. It involves illicit sexual ritual purification.
2. The widow loved the husband not a brother-in-law.

(c) Reasons given by church leaders against/for of levirate union.

(i). For:

None, because its against christian teachings on marriage.

(ii) Against:

1. It is unchristian.
2. It's immoral or committing adultery.
3. There is no love between a sister-in-law and a brother-in-law involved.

In the light of the foregoing findings we see that the traditional Abanyala completely support levirate union, for the given reasons. They are not in one way or another against the practice. The Abanyala christians on one hand favour the practice, but on the other hand, are against the union for the given reasons. This means that, if the practice can exclude some purification rites and the two people fall in love, then the Abanyala christians have no reason to reject the practice but to accept it fully.

The Church insists that, levirate union is unchristian, immoral, thus the widow is seen as a concubine. The Church also argues that, there is no love between the people involved. It insists that the widow should either remarry or stay in her husband's home, without necessarily cohabiting with a brother-in-law (depending on her age).⁵ However, some indigenous priests and catechists on a private basis are for the practice, though on an official basis they profess the Church's teachings on the subject.

Nevertheless, due to the Church's stand let us consider the 'pros' and 'cons' found between a widow who has been inherited and uninherited widow, in this case between ages 20-50 years.

Table IV: *The 'pros' and 'cons' of an inherited widow and the uninherited widow*

INHERITED WIDOW	UNIHERITED WIDOW
1. Taken care of by the deceased family through leviratic union.	1. Advised by the church not to enter into leviratic relationship though sometimes supported by the church economically.
2. The union is sexually responsible, caring, legal, public and lasting.	2. The widow is not responsible to a specific person sexually.
3. The widow and her children are bound together by the inheritor.	3. If she remarries, she is separated from her children.
4. She is denied the holy communion (in this case a christian).	4. Receives the Holy Communion.
5. Traditionally, she has set herself free by being inherited.	5. She is not free because she has to be inherited at her death (unknowingly).

The foregoing comparison leads us to the conclusion that, though the Church favours the idea that widows should not enter levirate union with a brother-in-law, the inherited widow has some social status advantages than the uninherited widow. The Church should therefore look at good aspects found in a widow who is inherited that is the union between a widow and her inheritor is a legal, public and recognised relationship. Such a widow only cohabits with a chosen legal partner than the uninherited widow who may cohabit with unrecognised persons. Levirate relationships therefore reduce sexual immorality among widows.

More so, the inherited widow is bound to stay with her children as she is still united to them through inheritance. The uninherited widow (if she remarries) is separated from her children, physically, psychologically and emotionally. This is an important aspect which the Church should put into consideration.

The only advantage that the uninherited widow may have over the inherited widow is that, she (uninherited) has access to sacraments, while the inherited is denied the holy communion. However, to refuse baptism and holy communion to a widow who is being taken care of by the brother-in-law is causing problems in the Church. Such a widow believes in christ and wishes to do all that is right, to set conformity to the Church's law of marriage. It seems better that in such cases, the Church should accept the situation, and try to christianize levirate marriage from within. Although levirate union as a system does clash with the full ideal of christian

marriage, in an ordinary life it is the best way to care and protect a widow and her children. By so doing the practice may as well cause stability than instability to the deceased's family.

Therefore, it is a moment that the Church clarifies for herself how christianity and traditional religion and custom can fruitfully live alongside each other, whether in friendship or in hostility or in a syncretistic relationship². The need for this, should draw the attention of the Church in developing theological inculturation.

5.1 CHANGE AND CONTINUITY.

From the findings of this study, the point we need to underscore is that, the Abanyala belief and practice of levirate marriage, has continued basically unchanged despite the Catholic Church's prohibition. Even to this day, this continuity is still relevant and acknowledged by many Abanyalas. The older folk and later some of the younger generation, have found no reason, or otherwise to discard their traditional practice of levirate union. They have continued to observe it, for the significance it carries in the society. In this sense, we note, they provide an important challenge to christianity in Africa today.

The Abanyala strongly oppose the Church's prohibition of levirate relationship. This is because the missionaries condemned their cherished customs, rites and beliefs and were teaching them to despise their traditional beliefs and practices. These were their customs which virtually affect their whole way of life religiously.

However, christianity before independence found it's way through, because, those Abanyala's who got converted, tried to discard some of their traditional beliefs and practices for fear of being excommunicated from the Church. The urge of being baptised together with their children, made them live in a christian way of life. Nevertheless, when a situation arose on who should inherit or who should be inherited, they still unquestioningly consented the practice. However, even today, the practice is continuing in a new and strange setting, in that most of the leviratic ceremonies and observances are not performed fully, as it used to be.

After independence, the Abanyala felt they had been liberated from colonial rule which was accompanied by western culture and religion. Most of them who had completely discarded their traditional values and beliefs are going back to them. More so, the introduction of African traditional religion in our higher institutions of learning for example is universities and colleges, enlightens the present generation on the importance of their African

traditional values (A.T.V.) This is making the present generation to reconsider their practices and values.

Furthermore, before independence, African music was not allowed in church. Today, some African practices have been introduced in most churches for example is clapping while singing and the use of drums. The catechists involved could have introduced the mentioned African practices in church either knowingly or unknowingly, that the practices are African in nature. The foregoing practices have therefore provoked, motivated and guided African christians in reassessing the social advantages found in African values and practices.

The above laid aspects are making christians who hated and therefore discarded their practices such as levirate marriage to go back to them. That is why, among the Abanyala, a christian can still inherit a widow contrary to the Catholic Church's teachings.

However, one important point to note about traditional Abanyala levirate continuity, is that, though due to education, religion and socio-economic changes, a widow may just accept to be inherited on the basis of being free from ritual impurity. Once she has been cleansed through cohabitation with a brother-in-law, she can as well break the union. This point illustrates clearly, how leviratic union, in itself, is not a permanent

union. The permanent relationship is between the widow and her deceased husband. This explains the inseparable alliance between the Abanyala and their traditional beliefs and practices.

The Abanyala belief in levirate relation has continued within the period of missionaries and to this day. However, the outbreak of AIDS has in one way or another helped to curb the practice. Naturally, quite a number of people have been reported to have died of AIDS. For example, from the research findings, certain widows have not been inherited because their husbands died of AIDS. When asked why they refused to be inherited, most of them based their refusal on their Christian faith. This reason was certainly refused by those people who literally knew the cause of their husband's deaths. This has brought fear to men who may wish to inherit such widows.

Therefore, the epidemic outbreak, has similarly helped the Church in discouraging people to practice levirate union. To an extent, AIDS scourge has brought fear to many families, in that, a widow who is caught in such a state of affair, is only taken care of by her deceased husband's lineage, but not necessarily cohabiting with a brother-in-law in levirate union.

In concluding this chapter, our study leads to the fact that, besides the Catholic Church's prohibition of levirate marriage, as we have noted, the

Abanyala still recognise and respect the practice for its significant aspect it plays in stabilizing the family of the deceased. But, changes such as socio-economic and AIDS black death, have contributed in discouraging the Abanyala from practising the union.

The fact that christianity has not been in a position to completely sweep away levirate marriage from the Abanyala minds, calls for the Church to comprehend and interpret the significant meaning found in the practice. Such an understanding, will help the Church to re-assess and re-address itself to this problem, to reach an agreement with most African patrilineal societies who practice levirate union, than leaving its converts in a limbo, a chance that may prompt them look for a better church that can fully accept and adopt the practice into its teachings and practice as far as marital affairs are concerned.

What the Church should do is to try and assimilate levirate practice into christian customs as the Second Vatican Council recommends, without the fear of syncretism. When questioning the procedure of adaptation of christian practices to traditional African customs, it does not mean a return to the old African customs and the rejection of everything new. The fact remains that christianity has had a great influence on African traditional cultures. Therefore Africans can not keep their cultures unaltered.

Though Africans must accept change of their cultures and have to assimilate new customs into their own customs, they still regard christianity as foreign. Christianity has been connected with European culture because it in-corporates several elements and theories and names derived from European culture, and the missionaries who introduced christianity in Africa were mainly European³.

To abolish the strangeness of christianity in Africa, adaptation must be encouraged. To refer again to the words of the Second Vatican Council, adaptation will help the Africans understand christianity even better. The frequent objections that "adaptation" will encourage syncretism and deform christianity, are merely prejudicial⁴.

Pope Paul VI, in his letter "Africae Terrarum," supports and encourages adaptation of christianity to African social organization. The Pope says:

The church views with great respect the moral and religious values of the African tradition, not only because of their meaning, but also because she sees them as providential, as the basis for spreading the gospel message and the beginning of establishment of the new society in Christ. This we ourselves pointed out at the canonization of the martyrs of Uganda, who were the first flowering of christian holiness in the new Africa, sprung from the most vigorous stock of ancient tradition⁵.

The Pope sees the importance of "Adaptation" in Africa. He further acknowledges the providential values with the capacity to enrich and enhance the gospel message and christian communities. Hence, he affirms that the African traditional moral and religious values deserve ecclesiastical respect and understanding⁶.

The Pope Paul VI during his Kampala Address, reiterated the call for inculturation. He indicated to the bishops in particular and all in general the vital task of adapting the christian message to Africa with two prerequisites, namely, making the church truly christian and genuinely African. The above is a further support and guidance in creating inculturation.

During his address to the bishops of Zaire in 1980, he further stressed and reaffirmed that in theologizing:

It is important to carry out a thorough investigation of the cultural traditions of the various populations, and of the philosophical ideals that underlie them, in order to detect elements that are not in contradiction with the christian religion and the contributions that can enrich theological reflection⁸.

In the light of the above documents there is a call for the inculturation of christian teachings, and consequent Africanisation of the Church.

5.2 FURTHER RECOMMENDATION FOR THE ROMAN CATHOLIC CHURCH.

Explicitly, when cultures encounter each other, there is bound to be impact of one upon another. The present study has extended this argument as far as the care of widows is concerned among the Abanyala and according to the Catholic Church. Therefore, it would certainly be helpful to make African Christians who practice levirate marriage understand the Church's teaching and making the gospel message significant to them.

Indeed there is much discussion about making the gospel message relevant to the African today⁹. The foregoing debate can successfully be reached through inculturation for evangelization and Africanisation.

The following are some suggestions for the Catholic Church dealing with the problem of levirate marriage among patrilineal African Christians who practice it.

1. The Church should adopt an alternative adequate approach, which can produce a favourable effect in their encounter with the indigenous people concerning levirate union to avoid conflict. In its effort of evangelism, the Church should become aware not only in addressing the gospel message to individuals, and to show how it's

teachings are contrary to the indigenous practice but also try to understand the significant aspects found in the practice. This will help the Church to comprehend the importance of levirate marriage.

2. The Church should re-examine some of the cultural practices and identify the good morals found in them, so as to employ them for an effective catechizes. Shorter contended that;

... to discover those African values which can form a basis and framework for developing an African Christianity , a Christianity relevant to Africans.¹⁰

The above will create awareness in the Church as the valuable African values will be incorporated in the Church's teachings to make the gospel meaningful to Africans .To implement this, the Church should set up a team of theologians, existing African traditionalists and African christians, in order to discuss and select valuable cultural elements that could be incorporated into the life of African christians. This will help churches in Africa to find their identity and to be authentic in dealing with African traditions and values which are contrary to the Church's teachings.

3. The Church should form marriage counselling groups to give pastoral guidance to the people involved. Through this kind of guidance, individuals will comprehend why the Church is negative

towards levirate marriage. The guidance given will help individuals to analyze the socio-cultural values of the christian church as well as his own traditional ones. This will enable him or her discern where he has become a prisoner of the system. In such a perspective, the Church will help an African christian to change his attitude towards levirate union.

4. In helping African Christians change their opinion towards levirate relationship, it is not the role of the Church therefore to use denial of sacraments such as baptism and holy communion to humiliate Christians concerned. But, rather, the Church should help men understand the reasons why they are being refused from partaking the mentioned sacraments. By so doing, African Christians will appreciate why the Church is against the practice.
5. To crown it all, there is need to create forms of confession, to encourage those who had fallen victims of levirate marriage to acknowledge the power of God to forgive. Through guidance from a priest, men will recollect themselves and appreciate the Church's teachings by confessing and therefore ask for forgiveness. This approach will help in discouraging the people involved to continue with the union.

It is therefore, our hope that, the above recommendations will be helpful to the Catholic Church in solving the problem of levirate union among African Christians.

5.3 CHALLENGES THAT AFRICAN CHRISTIANS WILL FACE IN FUTURE.

Though the Catholic Church does not vindicate levirate union, the tradition will not die immediately since from the field findings the practice is still on the increase, though dying with the socio-economic changes. For example the out-break of AIDS and inflation which is making the practice expensive and therefore unaffordable. However, with time, levirate marriage will erode, slowly until it will be swept out completely out of those Africans who still cherish it.

5.4 SUGGESTIONS FOR FURTHER RESEARCH.

To make the gospel message meaningful to African christians, there is need for further research on how to inculturate christian teachings and practices within reach and valuable African traditional values and practices. This will help in transforming African christian life to fit into christian church.

FOOTNOTES

- 1 See Genesis 2:24
- 2 John S. Pobee, Toward an African Theology, U.S.A, Parthenon 1979, p.121.
- 3 Francis-Xavier Kyewalyanga, Traditional Religion Custom and Christianity in East Africa, West Germany, offsetdruckere, Johannes Krause, 1976, Pp. 294-95.
- 4 Ibid. p. 295
- 5 Pope Paul VI, African Terrarum in AFER (1968) p.75.
- 6 R. Hickey, Modern Missionary Documents and Africa, Dublin, Dominican Pub, 1982, Pp 179-82.
- 7 P.N. Wachege, Jesus Christ Our Muthamaki (Ideal Elder), Nairobi, Phoenix Publishers Ltd, 1992, p.155.
- 8 Hickey, 1982 Op cit p.258
- 9 Kenneth Y. Best, African Challenge, Nairobi, Trans-Africa pubs. 1975, Chapters One and Two.
- 10 A. Shorter, African Culture and the Christian Church, London, Geoffrey Chapman, 1973, p.2.

GLOSSARY OF SOME NYALA WORDS USED IN THE TEXT

<i>Abakhwe</i>	In-laws from bride-groom's place.
<i>Abeya</i>	The term is used to refer to the bridesmaids.
<i>Amakhwe</i>	Bridewealth/dowry paid by the bridegrooms kinsmen to the bride's family.
<i>Amabuka</i>	Gourds
<i>Amanyasi</i>	Traditional medicine used for cleansing ritual impurities.
<i>Avakoko</i>	The term is used to refer to the sisters or women cousins of a man. These women should be married.
<i>Chindekeyi</i>	This is the eave of a traditional hut/house.
<i>Emisambwa</i>	They are ancestral (departed) spirits.
<i>Ebihieno</i>	Evil spirits that are feared by the living members of the society.
<i>Ihira</i>	The term is used to refer to a misfortune which falls someone if she/he does not purify herself ritually.
<i>Emisiro</i>	Rituals
<i>Emisiro Kiamakhwana</i>	Rituals performed for twins, to welcome them in the society.

<i>Esibeyo</i>	The term is used to refer to a girl married through several marriage arrangements.
<i>Isimba</i>	The term is used to refer to a traditional hut where unmarried young men sleep.
<i>Indaba</i>	Tobacco
<i>Ibinika</i> ?	A kettle
<i>Inyangayo khweya amasika</i>	This is the final day of funeral rites, where all the relatives of the deceased assemble for hair-shaving ceremony.
<i>Ilauhi</i>	A walking stick
<i>Ingabo</i>	A shield
<i>Okhumala amakhola</i>	Widow cleansing
<i>Okhukalula</i>	This is when a man who has inherited a widow builds her a new hut and a granary.
<i>Inyumba nende siaki</i>	
<i>Omusumba</i>	A man who has reached marriageable age and he is not married
<i>Omwami</i>	The term is used to refer to a traditional Abanyala ruler.
<i>Olukoba</i>	The term is used to refer to traditional defence walls.
<i>Okhunyalala</i>	To manage

<i>Oluse</i>	A group of people with a contemporary age
<i>Omusiro</i>	A central house pole that held the traditional hut firm.
<i>Okhubekana</i>	This is the hair-shaving ceremony that is observed after burial.
<i>Okhukwera Abana</i>	This term is used to refer to the ritual.
<i>Olukada</i>	It is a drinking pipe, traditionally, all married men had to have it each. It is a pipe which is used to take traditional beer.
<i>Omuhulundu</i>	The term has been used in this text to refer to a first wife in a polygamous home.
<i>Omwea</i>	This term is used to refer to a bride.
<i>Okhubaira</i>	To elope
<i>Okhwenda esibeyo</i>	This is where a woman brings a girl from her place in marriage with her husband in several union.
<i>Omukumba</i>	The term is used to refer to a barren woman.
<i>Okhuchia riria</i>	This is when a woman deserts her husband for a lover or when a woman is left by her husband, then she remarries somewhere else.
<i>Okhukerama</i>	This is when a widow cohabits with a brother-in-law in leviratic union.

<i>Magombe</i>	The term is used to refer to a place where the dead stay.
<i>Mulwanyi</i>	The term is used to refer to the outside open air place right in front of a traditional hut.
<i>Mwana we isimba</i>	This term is used to refer to an illegitimate child.
<i>Okhupatana</i>	The term is used to refer to engagement.
<i>Nasikoko</i>	The term is used to refer to a woman who has remarried once or more times after her first marriage.
<i>Risero</i>	This is an animal's hide/skin traditionally used as a dress/garment.
<i>Sinini</i>	A shadow
<i>Nasaye</i>	God Almighty the beseeched one.
<i>Tsingoma</i>	Traditionally drums
<i>Wangira</i>	The term is used to refer to a go-between, i.e the prospect bride and bridegroom

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APPENDICES

APPENDIX I

LIST OF INFORMANTS

LIST OF INFORMANTS

	NAME	AGE	SEX	MARITAL STATUS	OCCUPATION
1	Ajiambo Lucia	61	F	widow	housewife
2	Agutu Joseph	58	F	widow	housewife
3	Anyango Mary	56	F	widow	housewife
4	Achoka Andrea	51	M	married	Catechist
5	Akumu Phelomen	58	F	widow	housewife
6	Abungu Andrea	65	M	married	Retired Policeman
7	Awino Maria	44	F	married	housewife
8	Atieno Josephine	36	F	married	secretary
9	Ajiambo Teresa	50	F	widow	businesswoman
10	Awori Clementina	45	F	widow	housewife
11	Akumu Wilmina	60	F	widow	housewife
12	Akumu Rosemary	35	F	widow	Teacher
13	Araka Oido	58	M	married	Farmer
14	Agutu Cecilia	41	F	widow	housewife
15	Aleke Orido	70	M	married	farmer
16	Arianda Agnes	32	F	widow	housewife
17	Aura Vuyore	71	F	widow	housewife
18	Arianda Elizabeth	61	F	widow	housewife
19	Achieno Faith	55	F	widow	housewife
20	Abiero Jerifesa	30	F	married	housewife
21	Ajiambo Anastacia	55	F	single	housewife
22	Barasa John	70	M	married	businessman
23	Wanyesi M. Kanoti	63	F	widow	housewife
24	Bubolu Lukaka	60	F	widow	housewife
25	Denis White (Fr.)	46	M	single	Priest
26	Cumo P. Magero	71	M	married	farmer
27	Gumo D. Martha	63	F	married	housewife
28	Gumo T. Martina	68	F	married	housewife
29	Mabwere Felema	36	F	widow	housewife
30	Kanoti Amos	49	M	married	Farmer
31	Karani Christine	59	F	Widow	Housewife

<i>SUB- LOCATION</i>	<i>VILLAGE</i>	<i>DATE OF INTERVIEW</i>
Mudembi	Sirimba	27th Oct-92
Rwambwa	Munani	12th Nov-92
Budalangi	Budalangi	27th Oct-92
Mudembi	Sirimba	27th Oct-92
Mudembi	Sirimba	27th Oct-92
Rwambwa	Nayera	27th Oct-92
Mudembi	Sirimba	28th Aug-92
Budalangi	Budev	10th Dec-92
Rwambwa	Munani	24th Dec-92
Rwambwa	Munani	24th Dec-92
Rwambwa	Bukhoba	25th Nov-92
Rwambwa	Namalo	06th Nov-92
Rwambwa	Bukhoba	05th Nov-92
Rwambwa	Munani	28th Nov-92
Rwambwa	Munani	14th Dec-92
Rwambwa	Namalo	26th Oct-92
Rwambwa	Namalo	26th Nov-92
Rwambwa	Namalo	26th Oct-92
Mudembi	Mudembi	02nd Nov-92
Rwambwa	Munani	29th Nov-92
Rwambwa	Namalo	06th Dec-92
Mudembi	Sirimba	28th Oct-92
Rwambwa	Munani	24th Nov-92
Rwambwa	Munani	24th Nov-92
Mudembi	Sirimba	28th Oct-92
Rwambwa	Namalo	25th Dec-92
Rwambwa	Namalo	25th Dec-92
Rwambwa	Namalo	25th Dec-92
Mudembi	Sirimba	11th Dec-92
Mudembi	Sirimba	01st Nov-92

LIST OF INFORMANTS

	NAME	AGE	SEX	MARITAL STATUS	OCCUPATION
34	Madebe Clementina	70	F	Widow	Housewife
35	Mukudi Vincent	60	M	Married	Farmer
36	Majimbo Alfred	31	M	Married	Mechanic
37	Mukoyi Margaret	50	F	Widow	Housewife
38	Mtiti Teresa	54	F	Widow	Housewife
39	Mirongo Nickola	61	M	Married	Farmer
40	Munyira Cecilia	61	F	Widow	Housewife
41	Mola Ng'odori	54	M	Married	Carpenter
42	Magero Sophia	62	F	widow	Housewife
43	Musuja Felivesta	72	M	Married	Farmer
44	Magero Maloba	78	M	Married	Farmer
45	Mukudi Helena	49	F	Widow	Housewife
46	Mukudi Agatu	69	F	Widow	Housewife
47	Mnogo Mikola	61	M	Married	Farmer
48	Musungu Wilma	68	F	Widow	Housewife
49	Mukoya John	54	M	Married	Farmer
50	Namwima Flora	70	F	Widow	Housewife
51	Nganyi C. Paul	42	M	Married	Teacher
52	Ndagwa Thomas	70	M	Married	Farmer
53	Nafula Nyaoro	57	F	Widow	Housewife
54	Namisi Kasmili	60	M	Married	Chief
55	Nekhwana John	51	M	Married	Farmer
56	Nararona Ruth	41	F	Widow	Housewife
57	Namisi M. Cornel	55	M	Married	Catechist
58	Nakoli David	63	M	Married	Catechist
59	Namakangala Kuvoya	70	F	Widow	Housewife
60	Nabwire Marita	78	F	Widow	Housewife
61	Omalia Jenefesa	50	F	Widow	Housewife
62	Ogeya Nanjala	61	F	Widow	Housewife
63	Okumu Ko. Opiyo	46	M	Married	Businessman
64	Oduol N. Josephine	53	F	Married	Housewife

*SUB-
LOCATION**VILLAGE**DATE OF
INTERVIEW*

Rwambwa	Nayera	25th Nov-92
Rwambwa	Nayera	17th Dec-92
Rwambwa	Munani	24th Dec-92
Rwambwa	Munani	19th Nov-92
Rwambwa	Bukhoba	20th Nov-92
Rwambwa	Namalo	25th Oct-92
Rwambwa	Bukhoba	07th Dec-92
Rwambwa	Bukhoba	07th Dec-92
Rwambwa	Munani	16th Nov-92
Rwambwa	Nayera	22nd Nov-92
Rwambwa	Munani	17th Nov-92
Rwambwa	Namalo	25th Oct-92
Rwambwa	Namalo	25th Oct-92
Rwambwa	Namalo	03rd Dec-92
Rwambwa	Nayera	25th Nov-92
Rwambwa	Munani	30th Nov-92
Rwambwa	Namalo	28th Nov-92
Rwambwa	Namalo	23rd Oct-92
Rwambwa	Munani	19th Nov-92
Rwambwa	Namalo	25th Oct-92
Rwambwa	Namalo	24th Oct-92
Rwambwa	Namalo	24th Oct-92
Rwambwa	Namalo	24th Oct-92
Rwambwa	Namalo	24th Oct-92
Rwambwa	Bukhoba	07th Dec-92
Rwambwa	Munani	05th Dec-92
Rwambwa	Bukhoba	07th Dec-92
Rwambwa	Nayera	20th Nov-92
Rwambwa	Munani	23rd Nov-92
Rwambwa	Nayera	25th Oct-92

LIST OF INFORMANTS

NAME	AGE	SEX	MARITAL STATUS	OCCUPATION	SUB-LOCATION	VILLAGE	DATE OF INTERVIEW
67 Odundo Lingo	66	M	Married	Farmer	Rwambwa	Bukhoba	02nd Dec-92
68 Odiang'a Maria	73	F	Widow	Housewife	Rwambwa	Bukhoba	01st Dec-92
69 Ouma Marita	59	F	Widow	Housewife	Rwambwa	Bukhoba	28th Nov-92
70 Osogo Rosyline	78	F	Widow	Housewife	Rwambwa	Namalo	25th Oct-92
71 Osodo Paul	63	M	Married	Church Leader	Budalangi	Budevu	02nd Nov-92
72 Oriani Anyango	60	F	Widow	Housewife	Budalangi	Budevu	02nd Nov-92
73 Okello George	66	M	Married	Church Leader	Rwambwa	Bukhoba	07th Dec-92
74 Ouma Peter	35	M	Married	Church Leader	Mudembi	Sirimba	11th Dec-92
75 Ofeyo Christopher	29	M	Married	Clerk	Mudembi	Sirimba	12th Dec-92
76 Onyango Maloba	68	M	Married	Farmer	Mudembi	Sirimba	12th Dec-92
77 Onyango Ruoma	70	M	Married	Farmer	Rwambwa	Bukhoba	02nd Dec-92
78 Ochiengi Gologole	51	M	Married	Farmer	Mudembi	Sirimba	12th Dec-92
79 Okumu Nerima	41	F	Widow	Housewife	Rwambwa	Nayera	25th Nov-92
80 Okello Peter	70	M	Widower	Church Leader	Rwambwa	Nayera	25th Oct-92
81 Fr. Joseph Makokha	33	M	Single	Priest	Mudembi	Sirimba	13th Dec-92
82 Ochiyu Joseph	38	M	Single	Church leader	Buofi	Port Victoria	13th Dec-92
83 Lwete A. Dorothy	59	F	Widow	Housewife	Rwambwa	Munani	14th Dec-92
84 Omulo Paul	53	M	Married	Manager	Rwambwa	Munani	14th Dec-92
85 Odonyo' John	61	M	Married	Farmer	Rwambwa	Munani	24th Dec-92
86 Onyango Nyangori	57	M	Married	Farmer	Rwambwa	Bukhoba	02nd Dec-92
87 Ogomo Rosalia	56	F	Widow	Church Leader	Mudembi	Sirimba	12th Dec-92
88 Odundo Christopher	60	M	Married	Church Leader	Mudembi	Sirimba	12th Dec-92
89 Barasa Maria	60	F	Married	Church Leader	Mudembi	Sirimba	12th Dec-92
90 Situma Hendrika	82	F	Widow	Housewife	Rwambwa	Munani	28th Nov-92
91 Tengi Anyango	46	F	Widow	Housewife	Rwambwa	Munani	28th Nov-92
92 Wandera Elizabeth	60	F	Widow	Church Leader	Rwambwa	Sirimba	13th Dec-92
93 Wanyama Gerald	62	M	Married	Church Leader	Rwambwa	Munani	30th Nov-92
94 Wangira Lucas	58	M	Married	Church Leader	Mudembi	Sirimba	11th Dec-92

APPENDIX II

THE QUESTIONNAIRE

THE IMPACT OF CHRISTIANITY ON THE ABANYALA

LEVIRATE MARRIAGE.

A PERSONAL INFORMATION -THE LAITY

- i) **NAME:**
- ii) **AGE:**
- iii) **SEX:**
- iv) **MARITAL STATUS:**
- v) **EDUCATIONAL QUALIFICATION:**
- vi) **OCCUPATION/S:**
- vii) **DENOMINATION/BRANCH:** **PARISH:**
CONGREGATION:
- viii) **NUMBER OF WIVES:** **NUMBER OF CHILDREN:**
BOYS: **GIRLS:**
- ix) **DIVISION:** ?
- x) **DISTRICT:**
- xi) **LOCATION:**
- xii) **SUB LOCATION:**
- xiii) **VILLAGE:**

SECTION A.

D) CHARACTERISTICS OF THE CUSTOMARILY MARRIAGE CHOICE OF A PARTNER.

1). How were the Abanyala youths prepared for marriage? _____

2). Who prepared them for marriage?

b). Why is it that they were the ones in charge of such responsibility? _____

3). Were people allowed to marry from the same clan?

Yes, No. _____

b). Give Reasons _____

4). What was the basic ideal form of marriage among the Abanyala?

5). What contributed to family stability in the past? _____

6). What contributes to stability or instability in the family today? _____

7). Do you think that the present Abanyala families are more stable today than in the past?

Yes, No. _____

If Yes, Give reasons.

If No, give Reasons _____

8). Are Christian families more stable than non-Christian (traditional) families?.

If Yes, give reasons. _____

If No, give reasons _____

9). What were the roles and responsibilities of a wife in,

a) In the family depending on the position held, _____

b) How was respect accorded to every woman in a polygamous
family _____

II AT THE DEATH OF A HUSBAND

10). What happens at the death of a man,

a) in a polygamous family? _____

b) in a monogamous? _____

11). Are there any rituals performed after the death of a husband, before burial and after burial?

a) if Yes explain _____

b) if No give reasons _____

12). Describe the burial ceremonies associated with the death of a husband?

III ON INHERITANCE OF WIDOWS:

A NON CHRISTIANS FOR LEVIRATE UNION

14. a) how many wives do you have?

b) as a monogamist, do you hope to marry another wife? Yes, No

Give reasons _____

c) as a polygamist, why do you marry many wives?

what are roles and responsibilities of each wife?

d) what do you think will happen to your wives after your death?

e) if they have to be inherited, give reasons why they should.

f) whom do you think will inherit them? _____

15. Is a widow allowed to marry somewhere else?

Yes, No. _____

Give reasons. _____

16. Is a widow entitled to have children with the inherited husband?

Yes, No. _____

Give reasons _____

17. What happens to a widow when the man she cohabits with dies?

Is she entitled to inheritance again? _____

18. Are old widows entitled to inheritance?

Yes, No _____

Give reasons. _____

19. Does a man who cohabits with a widow care for her as his own wife? Yes, No.

If Yes give reasons. _____

If No give reasons. _____

20. Should the church forbid the Abanyala levitatic custom?

Yes, No. _____

Give reasons. _____

21. What is your view on Christian prohibition of levirate marriage?

22. Has Christianity helped in increasing or decreasing levirate marriage among the Abanyala?

Yes, No. _____

Give reasons _____

23. Is the Abanyala leviratic custom increasing or decreasing with the coming of the missionaries?

Yes, No. _____

Give reasons _____

24. If the custom is increasing or decreasing how has Christianity been responsible?

;

25. Do you think that the present Abanyala families are more stable than in the past?

Yes, No. _____

Give reasons. _____

26. What changes are positive or negative on the Abanyala levirate marriage?

B) THE ABANYALA CHRISTIANS, AGAINST LEVIRATE MARRIAGE

27. How many wives have you? _____

28. What should happen to widow after the death of her husband?

29. Do you approve levirate marriage?

Yes, No. _____

Give reasons _____

30. If a young widow cannot be inherited, who can best take care of her?

Give reasons. _____

31. Should the Church forbid the Abanyala levirate marriage ?

Yes, No. _____

Give reasons. _____

32. Is the Church right in declaring levirate marriage as not proper marriage? Yes,

No. _____

Give Reasons. _____

33. Do you think the Church is justified in refusing a widow in a leviratic union to partake in the holy eucharist?

Yes, No. _____

Give reasons _____

34. In your own views how should widows be taken care of? _____

35. Do you think widows want to remarry? Yes, No. _____
Give reasons. _____

36. Can widows be remarried?
Yes, No. _____

C MEN WHO HAVE INHERITED A WIDOW

37. How many widows have you cohabited with? _____

38. Did you pay for their bridewealth?
Yes, No. _____
Give reasons. _____

39. Why did you have to cohabit with the widow? _____

40. How many widows have you cohabited with in the past, and no longer live
with you? _____
b) why did they leave you? _____

41. What is the position of a widow in the family? Are widows who cohabited with you always taken care of just like your wife/wives? Yes, No. _____

Give reasons. _____

D WIDOWS WHO HAVE NOT BEEN INHERITED

42. Do you think widow inheritance is good or bad?

Give reasons. _____

43. Why didn't you cohabit with one of your brothers-in-law?

Give reasons. _____

44. Do you hope to remarry again?

Yes, No. _____

Give reasons. _____

45. Who are you cohabiting with now?

No one.

Brother-in-law.

Friend.

Son .

46. How many men have you cohabited with since the death of your husband?

47. Do you think Christianity is right in prohibiting widow inheritance? Yes, No.

Give reasons. _____

48. From your own point of view, what advice would you give to fellow widows before they engage themselves into levirate union?

E WIDOWS WHO HAVE BEEN INHERITED

49. Why were you inherited at the death of your husband? _____

50. Whom did you cohabit with? _____

Give reasons. _____

b) do you think Christianity is right in prohibiting widow inheritance? Yes, No.

Give reasons. _____

51. How old were you at the death of your husband? _____

52. What is your view on widows who have refused to be inherited?

53. Do you have children with the man who inherited you? _____

b) how is the relationship between the deceased husband and the children of your inheritor? _____

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B PERSONAL INFORMATION -THE CLERGY

- i) NAME:
- ii) PARISH:
- iii) CONGREGATION:

SECTION B

THE CHURCH

1. Can widows be remarried?

Yes, No. _____

Give reasons.

2. Why did the Church forbid the practice of inheriting a widow?

Does the Church accept baptising a man who has cohabited with the brother's wife, and then allow them to receive the holy communion, and finally participate as full members of the church?

Yes, No. _____ Give

Reasons _____

4. As a Church leader, can you remember men who contracted Christian monogamous marriages but finally cohabited with their brother's wives?

Yes, No. _____

If Yes why did they cohabit with the widows?

5. What is the Church's reaction to the levirate marriage?

6. Do you feel that levirate marriage union is impossible for Christians.

Yes, No. _____

Give reasons. _____

7. Do you see any possibility that the Church will change its stand on revirate union? _____

8. Do you feel that the Church is winning or losing the long term struggle to encourage the Abanyala to abstain from levirate marriage?

9. Do you think it wise if the Church recognized the abanyala practice of levirate marriage?

Reasons. _____

10. Do you allow widows who have cohabited with brother-in-laws access to sacraments?

Yes, No. _____

Give reasons.

11. What is the best way to care for the widows? _____

12. Is the widow inheritance really a marriage in full sense or is it a way of caring for a widow?

13. What changes do you wish to see as regards the current pastoral practices as regards marriage? _____

14. What advice do you have for those Christians who have violated the laws of the church regarding marriage and are now in an insupportable position as regards their marital status?

CONCLUSION

15. Explain in detail the impact of Christianity on the Abanyala practice of levirate marriage.

16. What is the future of leviratic union among the Abanyala?

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