THE TRADITIONAL LEVIRATE CUSTOM
As practiced by Luo of Kenya

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Abstract

The aim of this thesis was to investigate views on the traditional Levirate custom in modern society specifically regarding repercussions on the freedom of widows in the traditional Luo community. Qualitative research has been used this thesis, using both primary and secondary sources. Phenomenology as a principle of science has been adopted. Though much research has been done on this subject matter, this study hopes to provide a new approach by addressing the issues mentioned above. The findings of this study have shown that the Levirate custom seems to infringe on the freedom of the widows in the traditional Luo community. Evidence of male dominance due to values attached to the traditional Levirate custom has been observed.

Keywords; Levirate-custom, widow, Luo, Kenya, Dominance.
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1 INTRODUCTION

The Levirate custom means that a widow cohabits with his brother in-law upon the death of her husband in the traditional Luo custom. The traditional Luo community in Kenya initiated the Levirate custom with an honorable duty to taking care of the widows and their children.

The traditional Levirate custom not only prevails in Kenya, but is practised in other African countries such as Southern Sudan, South west of Uganda Mbiti (1989, p.145). The Luo community widely practices the traditional custom. However, other communities such as the Luhya, Teso, and Nandi also practice this traditional custom.

This thesis focuses on the crucial aspects of the traditional Levirate custom namely, the relevance of this traditional custom in the modern Luo society and the implications it has on the widow’s freedom.

1.1 Concept of the traditional levirate custom

The levirate custom (also known as Ter) is ‘taking over’ of a woman by the brother- in-law upon the death of her husband. This ‘brother’ takes up the role of the deceased brother by taking care of the widow, her children and the home. The brother is not necessarily the son of the same mother, but can be a paternal cousin through the same lineage.

A sexual ritual performed by the levir that is either symbolic or actual. This ritual is as considered a way to cleanse the widow and break the bond from the cause of her husband’s death and to keep the evil spirits at bay. The widow is thus expected to undergo this ritual cleansing to lead an ordinary life.

Mbiti (2002) explains the following:
Can cause the death of others. (p.203). According to the Luo traditional way of thinking, death caused ritual impurity. Thus, a widow was regarded as being ritually unclean because of her husband’s death. But this is not a permanent condition since once she is cleansed, the normal life resumed after that. These rituals are often conducted with an actual (the Levir has to penetrate the widow as in a normal coitus) or symbolic sexual intercourse (the Levir spends a night with the widow but there is no sexual intercourse due to the widow’s prevailing condition, such as old age or sickness).

A widow that does not undergo these rituals is considered an outcast and is therefore socially restricted and abhorred until she is cleansed. It is believed that she can cause a bad omen that (p.204).

However, Ngore (2012) asserts that actual sexual intercourse is the most common among the Luo of Kenya.

1.2 The levirate custom and the widow’s rights

According to Ngore (2012), the widow in the traditional Luo society has no freedom to defy the Levirate custom. The widow is not expected to remain single or to remarry whomever she wishes to. These widows are therefore duty bound to contract in the Levirate practice.

According to this traditional custom, widows must be taken over by the deceased husband’s brother. The traditional Levirate practice is not only mandatory but, rather urgent. The widows find themselves too weak to fight this custom but rather go to the cultural practice. Therefore, it is not debatable whether or not to go in the Levirate practice.
1.3 The traditional functions of the Levirate custom

Allen, (1989) rightly contends,” custom carries its justification in itself because it would not exist at all unless some deep-seated need of the people or some local native quality gave rise to it””Values attached to the Levirate custom are critical elements of the traditional Luo custom. As Ngore (2012) notes the custom in its original form had its advantages and significance and served an honorable purpose in Luo tradition as follows.

The Guardianship Functions
According to the traditional Luo custom, the husband has the responsibility of taking care, controlling the family in as far as the socio-economic and economical aspect. Therefore, upon the demise of a man, the Levir provides basic services offered in a homestead and protect the widow and her children (Wanjiku, 1997. p.107). The Levirate custom provides security and smooth continuity to the widow after her husband’s death (Ngore, 2012).

The Moral Functions
The Levirate custom helps to maintain moral integrity by minimizing sexual immorality in the traditional Luo culture (Ngore, 2012). Sexually active widows are expected to have a socially accepted sexual partner to meet her essential needs. The widow is thus to engage in Levirate custom with her in-laws, so as to bar her from indulging in indiscriminate sex with other men. The custom put the widow in checks and stopped her in engaging in promiscuity with strangers.

The social functions
The Luo traditional community provides social cohesion fostered through the Levirate tradition.

Ademola and Odetola (1987) reiterate that

*The Levirate culture enhances and reinforces the traditional way of life of the African (Luo) people. People share sense of togetherness with strong emotional ties. There is a common feeling of solidarity, reciprocity and a*
maximum of the people. Because there is a cultural identity among them, culture, therefore, provides a set of patterns for groups within a society for a proper behavior and punishment for those that violate the norms of the society (p.42).

Arguably, culture seems to evidently helping the widows to socialize into the Luo society and reaffirm a place in the deceased husband’s lineage.

Ngore (2012) states that the Levirate custom ensures guidance for the children through, the process of norm implanting. While Mbiti (2002) views the existence of the individuals the existence of corporate; where individual may physically die and does not relinquish his socio-legal life since the “we” continue to exist for the”I”.

### 1.4 Levirate custom and significance to social work

Throughout history, women have been subjected to injustice in the name of social norms based on traditional customs or laws including the traditional Levirate custom, female genital mutilation, forced marriages and domestic violence. However, these traditional customs and laws may not be quickly changed overnight.

Social workers can, therefore, help by promoting gender equality and empowering these widows under the levirate custom to fight for their rights. However, they should reject facets of the traditional practices that stray too far from respect for human dignity and do harm. Therefore, social workers should aim to promote human rights and gender equality.

Such sentiments echoed by the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), which encourages advocacy of culture that assumes a defensive posture by not tolerating the oppression of women in one’s society. Furthermore, it is paramount for social workers to create awareness about this cultural custom while advocating for the rights of widows in the traditional Luo society. Involving women in decision -making at the grass root level to national and
international standards will ensure active participation in policy making, particularly about issues that oppress women such as the traditional Levirate practice.

To ensure that all members of the society are equal in dignity, and worth irrespective of their gender or cultural, and religious difference, advocacy and lobbying with an aim to create awareness can bring significant changes in the traditional Luo society. In the same note, exposing negative facets in the Levirate custom incapacitates the individual growth of widows.

Social workers can deal directly and indirectly with the dynamics of the Levirate custom that is shaped by values of domination and exploitation. Helping these survivors establish income-generating projects such as poultry keeping, small-scale farming and tailoring can encourage their independence.

1.5 Statement of the problem

The traditional Levirate custom was initiated with the good intentions of taking care of the widows and their children upon the death of their husbands/fathers, during their immigration from Sudan, when most men died in tribal wars, diseases and other calamities. The traditional Luo community deemed it fit to provide the widow with a helper and protector, to ensure emotional safety for the widow.

The significance this psychological stability was to create a non-threatening and supportive environment. It is worth applauding the ethical values of the traditional Levirate custom and the traditional Luo community as a whole for providing such support to the bereaved family.

Nevertheless, this once honorable tradition has turned its back on those values under which it was initiated and become a controversial issue in modern Kenya. Arguably, today the Levirate custom is irrelevant in light of women’s rights and empowerment.
1.6 **Objective of this study**

This thesis wants to find out how individuals living in the Luo society reflect on the significance and the underpinning factors of the traditional Levirate custom.

1.7 **Research questions**

How do the interviewees describe and reflect on:
- The role of education *education* in traditional Levirate custom in the Luo society?
- The role of *poverty* in traditional Levirate custom in the Luo society?
- The role of *culture* in perpetuating the Levirate custom in the Luo society?

1.8 **Importance and justification of this study**

This thesis highlights the plight of the widows in the traditional Luo society and establishes the significance of the Levirate custom in modern Luo society. Thereby, this text can help the activists and social workers in the campaign for gender equality in traditional societies with such customs.

The study does not intend to denigrate the traditional Levirate custom but will rather that the positive aspects of the traditional Levirate custom be separated from the undesirable ones. Arguably, this can be achieved by modifying outmoded facets of the levirate customs and bring those resourceful ones in line with modern-times. This study tends to highlight gender inequality in the traditional Luo society.

Hopefully, also policy makers could benefit from the findings of this thesis. It is worth examining the background of the Luo so as to help unveil the origin of this custom.
1.9 Background of the Luo people

Kenya, which is home, to the Luo community, straddles the equator in the eastern part of Africa with an Indian Ocean coastline. The country has a population of approximately 45 million comprising more than 48 ethnic groups or tribes. The Luo (also known as the Southern Luo) is one of the largest ethnic groups after the Kikuyu and Luhya respectively.

The Luo people belong to Nilotic group that is a classification based on language type and origin. Their language Dholuo is a tonal language, meaning one word can have more than one meaning Ayodo (1998, p.11).

According to Ogot (1967), the Luo people migrated from Sudan around 1400B. C and settled in their present location in Nyanza province (around the shores of Lake Victoria) by the fifteenth century. Luo people were hunters, farmers, and fishermen and during the migration many men died due to tribal wars and natural calamities. The traditional Luo community, therefore, decided to find a way to help the women who lost their husbands in such an insecure environment.

Today, the Luo people continue to live in Nyanza province although many of them have relocated to other parts of the country for various reasons.

Despite the self-sufficiency of the Luo people, the arrival of the British in 1895 introduced money/wages upon employment stripped them of their independence. Moreso, the traditional rulers were replaced by chiefs, who were selected by the British government. Notably, the British colonised most countries in Africa including Kenya.

1.10 Explanation and definition of concepts
1. Levirate custom refers to whereby the widow is taken over by a brother of the deceased husband, according to an ancient Hebrew law still practiced by the Luo of Kenya (Ngore, 2012).
2. *Kwero*-refers to something forbade among the Luo (Ngarwath, 2012)

## 2 PREVIOUS RESEARCH AND LITERATURE REVIEW

This section reviews some existing literature relevant to the significance of this study.

Neufeld (1944 as cited by Ngore 2012, p.24) confirms the existence of the Levirate custom in a biblical study of *The Book of Deuteronomy*. While the practice was widely restricted to the Jews, he confirms that the traditional Levirate custom is practiced by other communities too and sheds light on those aspects similar to those practiced by the Luo.

Ngore (2012) writes about the traditional Levirate custom among the Luo of Kenya, and outlines the impact on the personal growth of the widow. Moreover, questions the relevance of this traditional custom in great depths. Ngore subjects this traditional custom to much critical analysis, especially on the widow’s rights to choice. He also gives a critical appraisal of this cultural practice and outlines those areas of the custom that suppress the widows. He further describes in details those aspects of this custom that suppress the freedom of the widow and applauds those remarkable aspects of the Levirate custom. His study is relevant to this thesis as it holds that a single case study cannot be used to generalize the basis of such decisions. His study just like mine has utilized a holistic approach, which further boosts results of this study.

A joint publication by the Government of Kenya (GOK) and UNICEF (1992) reiterates that the Levirate custom is mandatory, and a widow must be taken over by the
brother-in-law upon the death of her husband. However, the report does not go beyond this observation.

According to Kayongo-Male and Philistas Onyango (1991), “wife inheritance” was not unique to Africa or the Luo. The authors observe that one of the brothers of the deceased was nominated to “look after the home”. They contend that this brought about the concept of Levirate custom in Africa. They add that the widow is compelled to stay in the clan and that the Levirate is a means of ensuring that the children are born, and the family line continues within this traditional practice. It is partly intended to protect the widow and her children.

Male and Onyango make a significant contribution to the results of this study by unveiling the practical values of the Levirate practice. However, this study avoids the words “wife inheritance” for Levirate custom, as it is what the traditional Luo community practice.

Evans Pritchards (1950) gives a description of the Levirate custom among the Luo. The author observes that the widow was normally taken by one of the dead husband’s brother. He further notes that, in case the widow preferred a more distant Kinsman, her choice was respected. Evans continues to reveal the occasionally a widow would be taken by one of the husband’s sons from a different wife. Although forbidden, this is not encouraged because it was thought the union will not be fruitful. Evan’s work of literature is a contribution to this study as it points out that the widow is “taken”, which indicates lack of freedom of personal choice on the part of the widow. It is evidently clear that the freedom of the widow is said to have “settle on a more distant kinsman.” (Pritchards, 1950. P. 141), is a pseudo freedom since in praxis, the entire process is very much controlled by the Luo society according to the laid down norms. Moreover, even if there is some little element of freedom on the widow’s part, it is not if or not to enter into the Levirate union, but merely and loosely on whom to settle down with, otherwise the levirate custom is mandatory to all widows in traditional Luo society.
Ruth Nduati and Wambui (1996) as mentioned by Ngore (2013), further affirms that the violation of the widow’s existential freedom in the Luo practice of the Levirate custom. They observe that when a woman is widow in the Luo society, the family elders select a relative of the dead husband to inherit the widow. This, according to these authors, such gender injustice needs to be addressed. Nduati and Wambui’s work falls within the scope of this study as it mentions the injustice arguably observed by widows in traditional Luo society.

According to earlier research on the Levirate custom by a scholar Nyarwath (2012) of the University of Nairobi, the custom infringes on the freedom of the widow as explained below.

2.1 Levirate custom and the widow’s rights

In his study Nyarwath (2012) claims that;

The Levirate custom compromises the widow’s rights of choice as the traditional Luo marriage does not just dissolved through death. Therefore, the widow is without the freedom to marry whomever she chooses. As a patrilineal society, divorce does not exist. Consequently, even if her husband dies the widow is still considered chi liel (wife of the grave), the functioning wife of her late husband and the lineage (p.92).

Kirwen (1998) states ‘in the Luo universe; there is no widow in the ordinary English sense of the term. A woman is either married or unmarried, any other status in this respect is illegitimate.’

Keesing (1998) writes about the traditional Levirate custom among the Luo and asserts that upon the death of a husband, the rights over the sexuality of the wife remain with
the lineage. His research shows how powerlessness and feeble the widows are in the face of this traditional custom.

Works of the literature of both Kirwen (1998) and Nyarwath (2012) seem to agree with this thesis regarding the traditional Levirate custom on the rights of the widows.

2.2 Factors facilitating the levirate custom among the Luo

The traditional Levirate custom was initiated to take care of the widow and her children. Kirwen (1979) states that, under the traditional Levirate custom, the widow has not lost her status or identity.

He spells out functions of this tradition as follows;

*The purpose of the Levirate custom is to continue the marriage of the widow and bring the name of her deceased husband to life. The custom ensures that every marriage maintains its identity and achieves its goal even in the face of physical death. It is a temporary adjustment made in the family relationship in the name of the dead person so that family to the deceased can maintain its identity and continue to grow and develop* (Kirwen, 1979).

However, the widow is not given the freedom to choose and faces consequences for non-compliance of this custom to the extent of being cast out of the community.

Mboya (1938) states that widows are subjected to many rituals upon the death of their husbands. The traditional Luo custom stipulates that failure by the widows to carry out these rituals would mean that an evil omen would befall them and their children, fear over bad omen forces these widows to abide by this cultural practice.
Nyarwath (2012) explains that those who fail to follow the custom will have to do so in death. Adding that if this happens, then the body of the widow is not be buried until a non-Luo is brought in to perform a ritual that is often sexually oriented.

Such a practice is demeaning to the children of the deceased widow and indicated a lack of respect for the corpse. Based on these circumstances, most Luo widows choose to follow the custom.

3 THEORETICAL FRAMEWORK

In this chapter, I will explain the theories used in the analysis of the obtained results in this study.

3.1 Feminist theory

The feminist approach is the critical method used in this thesis because it understands gender inequalities in the society. According to Bryson (2003), power-order according to Feminist theory is always present in our society; it shapes, structures and sets current power relations.

I have specifically applied the Radical feminist theory that I believe is the most appropriate approach for studying societies where patriarchy is strongly omnipresent.

3.1.2 Radical feminist theory

Arguably, an imbalance in gender roles is evident in society as seen in the traditional Levirate custom.

The Radical feminist theory has served well as a model for this thesis since it pays more attention to women’s oppression as women in the social order dominated by men (Beasley, 1999, p.54).

The Radical feminist theory views forms of power, for example, unequal power relations within the society, are often derived from patriarchy (social systems of male domination, the rule of men). This approach explains that women are suppressed in the Levirate custom because of their sex.

Radical feminists describe sexual oppression (patriarchy) as the oldest and a fundamental form of oppression and significant suppression of women. Men as a group are viewed to be the beneficiaries of this systematic and standardized form of power (Beasley, 1999, p.55).

Given that the Radical feminist considers sexual subjugation to be profoundly entrenched, frequently depicting it as the original form or coercive power with traditional societies with oppressive customs. They advocate for changes to overthrow the system of male domination, thereby laying the groundwork for a shift in gender roles within the traditional Luo society.

3.1.3 Functionalist theory

The functionalist theory attempts to explain how various aspects or functions of a society work together to maintain stability. Functionalist theory is concerned with ways in which values, norms, institutions contribute to the overall good of the community (Roger, 2013, p.112).
Therefore, functionalist theory is relevant to this study as it acknowledges functional values attached to the traditional Levirate custom, and it advocates those valuable functions of this traditional custom.

According to Durkheim, society must be considered as a functioning whole. He further explains that functionalism is the analytical tendency within anthropology that exhibits a particular interest in the function of a cultural phenomenon (Eliade 1987, p.448). Function, in this case, can be said to refer to the practical values affiliated to traditional Levirate custom. For example, pure function (minimizing sexual immorality amongst widows) social support (encouraging cohesion in traditional Luo community) and guardianship, to the widows and their children (Ngore, 2012).

4 METHODOLOGY

As mentioned earlier, this thesis aims to find out the impact the traditional Levirate custom has on the widow’s freedom and the significance of this traditional culture in modern Luo society.

Phenomenology as a method has been used to help describe the subjective experiences of the respondents (Patton, 2002).

4.1 Phenomenological Method

According to Patton (1990, p. 104) phenomenology, aims to gain a deeper understanding of the nature or meaning of our experiences.

According to (Ngore 2012, p.21), in the phenomenological method, the researcher observes the phenomenon under study from a distance as compared to those bound by
the collective attitude. During data collection, I put aside any repertoires of any beliefs or even knowledge to accurately describe the respondent’s experiences.

This method is crucial to ensure this study remains objective, and fair, to enable the researcher to go beyond those opinions that have been taken for granted by those in the community under research. Instead, this study will examine the underlying issues of the traditional Levirate custom.

According to Edmund Husserl (1966) ‘phenomenology is an art of detachment or standing back from the realm of experienced existence to understand it (p.451). Which implies that the researcher should refrain from any personal prejudice he/she has regarding the traditional levirate custom and instead focus in the objectivity of this study. Thereby, providing rich data from experiences of respondents and deep understanding of the phenomena under study.

4.2 Research design

The researcher has employed semi-structured interviews, carried out with the help of the interview guide. The semi-structured interview proved helpful as it helped the researcher explore deeply and understand the answers given fully.

Interviews accounts were, transcribed and analysed using the phenomenological beliefs that resulted in the formulation of outcomes.

4.3 Selection of respondents

The six respondents were chosen according to various criterias such as widows, elders and some members of Non-Governmental Organization (NGO) and the Elite. I interviewed six respondents from the above mentioned criterias such as the widows, chief, village elders from personal acquaintance I had with them and the elite were from a
local university from the same province as the researcher, while the social workers and NGO staff member work in local organizations in the area where the research was conducted. Their ability to be candid about the subject under study was also a reason to select them in this study.

### 4.4 Sampling

The widows and village elders interviewed were well acquainted to the researcher as they are from same village the researcher is well familiar with. This made it easy to find them, while the members of the NGO are from local organizations that work in the same municipality the researcher hails from.

The elite interviewed reside in Nairobi but come from the region the research was conducted (Nyanza). Thus, they are well conversant with the topic under study. I introduced myself to the respondents via telephone calls and emails, prior the interviews informing them of the significance of their participation in this study.

The respondents were further told of consent for participating in the study and advised they could withdraw from the study if they so wished. Additionally, they were also assured that any personal information provided would remain confidential.

The interviews took place and were tape-recorded in the homes and offices of the respondents. Each interview lasted between 45-70 minutes. An interview guide was written to help the author focus on the aim and research question (see Appendix 1).

Open-ended questions were employed to help the interviewees talk freely and to permit the researcher to understand the universe as seen by the respondent through the response given (Patton, 2000.p.20). The interviews were conducted in Dholuo, Swahili and English.
4.5 The interviews

Interviews were conducted using the semi-structured interviews whereby respondents gave information on their life story or events in a temporal sequence that could be seen through their eyes (Kvale and Brinkmann 2013, p.180).

The open-ended questions used in the interviews enabled the respondents to reflect more on the questions asked and to express their views on the topic in question in their way. When necessary I used probes to stimulate the interviews.

The researcher also interviewed the elite, which as described by Kvale and Brinkmann (2013) are leaders or experts in a community, usually in dominant positions. Their views are significant in this study as they are familiar with the social situation and biographies of the phenomenon under study, as such it was important to include them in the interviews.

4.6 Review of secondary data

The secondary source of data obtained from previous research and government-documents helped to gain rich data of the traditional Levirate custom.

The literature on the traditional Levirate customs was obtained from the Nordic African Institute library and the Kenya National Library.

4.7 Data analysis

Based on the previous literature on the same field of study, the researcher has used concept and data-driven system as methods of coding. This helps to ensure consistency when dividing the results into sub-themes employed in the results, which are in line with the chosen theories (functionalism, and radical feminism).
The respondents’ answers were grouped and coded according to similarities in word repetition and unique words used by the respondents.

4.8 Reliability

Reliability relates to the trustworthiness and consistency of research outcomes. According to Kvale and Brinkman (2002, p.245), to find out if this thesis is reliable and producible at other times by other scientists, the consistency has to be examined throughout all stages of the study.

I checked coherence and stability of the respondent’s answers by repeating the same questions in a different way with each participant. This is to make sure that the questions achieved the consistent response. Nevertheless, the reliability of this thesis would have been enhanced if an additional person alongside the researcher analyzed and transcribe the information to help fortify the consistency.

4.9 Validity

Validity pertains to a built into the entire research process with frequent checks on the plausibility of the findings (Kvale and Brinkmann, 2009).

The research questions steered the results and analysis, discussions, and the utilized theories (Radical feminist and Functionalist), with an aim to yield a well-rounded, stable, reliable study. Moreover, the statements and answers the respondents gave during the interviews were repeated to them afterward. To make sure that I understood well what the respondents meant.

According to Patton (2002), letting the respondents speak as freely as possible enhances high validity, something that I observed during interview sessions with respondents.
4.10 Generalization

According to Patton (2002), high variation and purposive sampling enable some accurate generalization. As the Luo society is a very specific community, analytical generalization could be applied to this community as a whole, from the categories of cases that I worked with.

4.11 Ethical aspects

I made sure that I had informed consent from the participants in the study and that they had full knowledge of the risks and benefits involved in this research.

Respect and the rights to confidentiality, and privacy of respondents were observed during the entire research process.

I made sure that the participants were not put into any potential hazard or harm. My role as the researcher is to adhere to the sound quality of the knowledge published and to make sure that the findings of my research accurately represents the field of inquiry.

4.12 Limitation and scope of the study

This thesis focuses on how the interviewees reflect on the effect of the traditional Levirate custom in relation to the freedom of the widow and on the significance of the custom in modern Luo society. This is particularly significant with the ongoing campaigns for gender equality, human rights, and changes in contemporary society globally. Some of these campaigns are fighting for gender equality by offering education to both boys and girls, scrapping off cultural oppressing customs such as the levirate custom.
This study has limitations given that the Luo have many rituals and traditions surrounding the traditional Levirate custom, it is not possible to cover all of them in this study.

5 RESULTS AND ANALYSIS

The responses from the participants of the semi-structured interviews were categorized using a simplified classification scheme.

The results of the earlier research were also included for comparison purpose with an aim to achieve accuracy. Results from this study have been divided into themes such as education, poverty, culture and lack of resources as factors that perpetuate the levirate custom while promoting its relevance in modern Luo society.

5.1 Education

Education can be a process of not just acquiring knowledge but on how a person can constitute positive changes in themselves and their surroundings after the process of obtaining it.

“What connection is there between education and this traditional custom?” I asked.

“You know, education has and always is power. It not only helps someone to be aware of their rights especially in the case of these widows, but it also helps people to make rational decisions to protect themselves against abuse and oppression. Most of these women have very low levels of education that make them vulnerable to such cultural practices. It is time to voice concern over these deep-rooted cultural norms that prefer the boys to get an education and deny girls access to education”. Replied the Social worker.
“Professor, what would be the most important factor that influence these widows to partake in the Levirate custom?” I asked.

*Education is the only tool capable of breaking the cycle of oppression, especially to those oppressed by cultural norms such as the traditional levirate custom. Because an educated woman knows her rights, a greater Participation, of educated women can help change society*. Replied a professor of sociology at Maseno University.

“What does being in Ter mean to you? I asked

“Nothing, where can I go with no education? Young widow asked me back.

“What do you mean with no education?” I questioned.

‘I wish I had an education like other women; yes, yes, they are economically independent. They do not need to be in such a relationship. I mean Ter.’ Laments the young widow.

Education can be a tool aimed at improving lives of individuals, by ensuring social benefits that include better ways of taking care of themselves. Consequently creating a better society, not only for themselves but those around them.

Lack of education can result in little exposure on how to protect themselves against such unhappy relationships. Women with an education are more likely to understand the consequences of a relation like Ter and avoid it. From the citation from the younger respondent, lack of education affects one’s abilities to make informed decisions on important matters affecting their lives.
Conversely, limited literacy levels are significant to vulnerability to abuse, as observed from some respondent’s citations. An illiterate widow has few choices because she does not have skills. Therefore, the Levirate custom seems to be the best option for her. Such kind of dependency on men puts these widows in a very vulnerable position, in a patriarchal society.

Smyke (1991) indicates that women and girls in Kenya are denied the opportunity to attend school because of the traditional patriarchal attitudes that place more emphasis on boy’s education. While the girl child/women are given low priority and viewed as dispensable. Such educational inequality affects the ability of women to make well and informed decisions.

It is evident that low levels of education as mentioned by the social worker and professor relates to massive levels of gender imbalance in traditional Luo society due to oppression. Mostly knitted through a culture that supports patriarchy (Greene, 2013).

The above citation from the widow confirms that women with low self-esteem are more easily swayed to engage in customs like Levirate custom. Often such women feel disempowered due to the subordinate positions they hold in the society.

Waithera (2011) writes that in the Luo society girls grow up to be women who are ignorant, disempowered and dependent on men. Indeed, acquiring an education is viewed as an important determinant of a person’s social-economic status, which has a full significance in their lives.

According to United Nations Statistics Division (UNSD) findings show that prevalence levels of violence and women oppression are higher among women with lower literacy levels, which confirms above citations.

The radical feminist theory holds true the citation of both the professor and social worker that education is significant in building women’s self-esteem and personal growth (Beasley, 1999).
Lack of education as portrayed from the young widow’s citation causes an individual to be unable to make a living because of inadequate skills required to earn income. Which may lead to the dependency of others as a means of survival, as in the case of the young respondent above. Indeed. Widows who have no education are more likely to submit to such cultural demands due to the fact that they have no economic power.

The lack of education is consistent with oppression and vulnerability while acquiring an education signifies a way to self-dependency as observed in the citations above.

5.2 Poverty

“You have a lot of poverty eradication projects in this area, is that in connection to this traditional custom?” I asked.

“When women are disempowered, they more quickly become prey to victims of poverty than men do. Which makes them sexually vulnerable especially to such out-dated customs like Ter you see! It is, therefore, important to give these widows resources to fight poverty and enable them to access these resources easily at all levels of the society.” Explained a member of an NGO.

As noted earlier in this study, the Luo community is a patriarchal society and men evidently hold a higher position as compared to their women counterparts. The extreme dependency of women on men creates a powerless situation in which women are ultimately vulnerable to poverty. They are economically feeble (Waithera, 2011).

A publication by the Government of Kenya states that women are disempowered from a young age, such that they are socialized to be silent, and they learn not to question men. The publication further explains that the silence of women in Kenya means that they cannot discuss or make any decisions about sex (GOK, 1997).
Shepherd (2006) defines empowerment as accretion of power that involves the authority to exercise choices as to how one should direct one’s life. Conversely, the more fragile the women’s economic situation is, the less likely women can walk out of oppressive cultures like Ter.

Lack of economic power (insufficient income) to provide some basic needs can be a factor that perpetuates the Levirate custom.

How would your life have been if you had not been in Ter?” I asked the older widow.

“How can we survive if we are as poor as we are? It is better to be in Ter. It is poverty, lack of food, clothing and income that make Us give in to Ter. We think not only of ourselves but our children” asserts the older widow.

Absolute poverty is characterized by deprivation of basic human needs, including food, shelter, clothing and education (UN1995: 57).

The exclamation from the old widow confirms absolute poverty as a reason for partaking in the traditional custom. Poverty especially in patriarchal societies as the widow asserts puts the widows in vulnerable positions that pose danger, as they lack no control over their lives.

Institute of Economic Affairs (2001) supports the above citation that poverty among women in Kenya is because women have little resources that do not allow them live independent of men.

The citation of the older widow further suggests that widows in the traditional Luo society tend to have little power to fight poverty within patriarchal societies, and left with few alternatives available to them. The patriarchal structures keep women beneath men.
The older respondents' citation suggests that widows are vulnerable due to lack of equal opportunities and education exacerbated by traditional practices that prevent women disempowered and dependent on men.

According to Abbot and Wallance (1993), that the power of men limits freedom of action, this is because men possess more economic, cultural and social resources than women (p.10).

5.3 Culture

Macionis (2006) defines culture to values, beliefs, and behaviors that together form a people’s way of life.

“How important is the traditional Levirate custom to you?” I asked the middle-aged widow.

“We have to follow our tradition otherwise evil spirits and ancestors will be angry at us. I do not want misfortune to befall my children.” replied the middle-aged widow.

The compliance to conform to levirate custom ensured through well-calculated taboo that extends to the widow’s children. Fear is instilled in these widows that they seem to have no way out of this intolerable situation but to stay, for their sake and that of their children.

Ogundipe-Leslie (1994) further concurs with the above citation that restrictions affecting these widows, extends to their children in cultural thinking that prolong the attitude of negative discrimination against women.

The doctrine that men are naturally superior to women, in essence, and all areas is so high within the Levirate practice such that it affects societal structures as women’s voices are submerged.
“How significant is the traditional Luo custom today?” I asked.

“If we do not follow our customs, we are lost; it is important to follow our customs as give us an identity. A widow that does not follow this cultural tradition, for example, cannot visit her parents, carry small children or even work on the farm. She can only lead an ordinary life only when the ritual of Ter is performed, this is crucial”. Answered the village elder.

The vulnerability of widows in the traditional Luo society seems hidden in a culture that supports patriarchy, as observed in the respondent’s citation. Obstacles placed on the widow’s way are aimed to get them comply can be viewed as demeaning, touching on very critical aspects of their lives. These cultural demands leave the widows with no choice, but to follow the traditional custom.

Socialization within the traditional Luo culture conditions the widows to behave in a certain way as dictated by cultural norms. The Radical feminist theory suggests that the only way to fight patriarchy in traditional Luo society is to expose what is considered private and make it public (Waithera, 2011). It is evident from the village elder’s citation that cultural disparities due to patriarchy within the Luo society compose these widows to stay in Levirate relationships.

Gupta (1995) states that given that, socialization as a behavior is regularly repeated, it ingrains in them. These widows adhere to this traditional practice that it becomes difficult to uproot it from the widow’s minds. As a result, fear and silent is instilled them such that they often terminate their autonomy and ability to question the traditional Levirate custom.

“How significant is Levirate practice in modern Luo society today?” I asked the local chief.

“Not only; is levirate custom our culture, but it is our identity that gives us a sense of belonging and we must, therefore, follow it. This custom helps these women rather than letting them going out to sleep around with other men. Besides they are still our wives and have the right to take care of them, we paid the dowry”, explains the local chief.
Angela (2014) explains that dowry is appreciated in Luo culture as a means of registering one’s approval for marriage, usually paid in the form of livestock and monetary.

Angela further states that “the payment of dowry is the root of patriarchy in traditional Luo society. Since men pay the bride-price, there is a notion that the women have been bought. Which gives the women an inferior position; they are not equal with the buyer”.

Cultural constraints and disparities created by patriarchal societies such as the payment of dowry can place these widows in a vulnerable situation. Given that, they have the least of control over their lives. Patriarchy inhibits women from acquiring total independence over their lives, which further enhance their vulnerability.

Through the payment of dowry, widows are thus treated as properties of the society, which is viewed as means by which these widows are tamed to comply with customs defined by patriarchal societies. The Radical feminist theory identifies the payment of dowry as oppression on widows imposed by the patriarchy society (Greene, 2013).

The functionalists view culture imperative as in the traditional Luo society because it provides smooth transition after the death of the husbands. While ensuring that the grief-stricken widows are not left uncared for but are assured of protection and identity (Ngore, 2012).

“What role does the Levirate custom have in contemporary Luo society?” I asked a local politician.

“This custom has been passed by time or outdated; it is better to Abandon it, instead of glorifying it out of context.” Answered the local politician.

Whereas the custom in question serves a significant purpose in the traditional Luo society, there is need of this cultural practice to conform to the current changes such as
education and religion. Whereas the mentioned changes in modern Luo society take place, irrelevance in the traditional Levirate that seems to have resisted change becomes more evident.

Consequently, the traditional custom appears to have drifted away from its key goals and as such the respondent finds no place for the custom in contemporary Luo society.

5.4 Holistic analysis

The results of this thesis identified factors such as education, poverty and culture as some of the pros and cons mentioned that the interviewees meant perpetuate Levirate custom and its relevance in contemporary Luo society.

These results indicate that culture has been used to oppress and dominate women in a patriarchal society while the lack of education and poverty are reasons for partaking in the traditional practice.

According to the answers of the interviewees culture is evidently a factor that supports the traditional culture. Functionalists argue that society is relatively stable and well integrated and that every element of the society helps it to operate as a system (Glasser, 1990, p.19).

However, (Greene, 2013) points out that the women’s personal problems are grounded in the sexist imbalances. Moreover, the subordination of women in the society is viewed as oppression by the patriarchal society that gives men more power.

Lack of resources and poverty are other factors why the Levirate tradition has persisted in traditional Luo society. The radical feminists indicate that women have little or no access to resources that can allow them to live independent of men. Radical feminists further affirm that patriarchy limits rights of women to freedom (Waithera, 2011).
According to Ngore (2012), social arrangements and cultural norms obtained in society have functional significance to needs of the individuals, which Functionalist’s concur that the cultural values attached to the Levirate custom such as guardianship and moral support are significant in modern Luo society.

From a functionalist’s point of view, cultural values attached to that Levirate custom in the Luo society such as guardianship has significance in contemporary society. Contrary to functionalist theory, the radical feminists argue that societies are constructed giving men more power than women. The radical feminists call for revolutionary changes to free women from the male domination (Greene, 2013, p. 355).

The radical feminist decries that the Levirate custom is outdated and irrelevant in society today because it undermines the rights of the widow.

I hope that analysis of both functionalist and radical feminist theories in this thesis can give insight into the impact of the Levirate practice. Particularly on how it affects the rights of the Luo widows and the significance this traditional custom has in contemporary Luo society.

6 DISCUSSION

This thesis aims to find out the significance of and the underpinning factors of the traditional Levirate custom in contemporary Luo society. This chapter, therefore, briefly gives a review and suggestions for further research.

6.1 Connection to aim and research questions

Is the traditional Levirate custom demeaning or enhancing the widow’s freedom? Well, beliefs in traditional or cultural determinism have taken charge, and widow’s freedom of choice and the role to determine their destiny has been compromised.
Arguably, this has resulted in a servile submission to cultural and traditional requirements. As such, the custom does not only represses the widow’s freedom but also undermines their ability to articulate their vision towards their development and personal growth.

Furthermore, it can be said that the traditional Levirate custom undermines the struggle for women’s liberation, gender equality campaigns and poverty eradication in Luo society.

It is important for the widows to challenge the negative facets of the traditional Levirate custom that compromise their freedom, sexuality and their ability to personal growth. As Ngore (2012) suggests, widows must challenge and ignore those aspects of the Levirate custom that make them oblivious of their freedom.

6.2 Relevance of levirate custom in contemporary Luo society

My study does not advocate for the abolishment of the traditional Levirate custom. However, I hope that those practical values still relevant in the modern Luo community, such as the protection and provision of the widows are kept.

This study further suggests;

-That the Levirate custom should be free from abuses and oppression, and it should be modified to ensure compatibility with modern society.

-The Levirate tradition should retain the original and good values of the custom such as taking care of the widows.

As Abuya (2002) explains,"it has been corrupted by men who take advantage of the widows and squander their wealth, there is no proper guardianship"(p.97).

The once noble custom of taking care of the widows and orphans has turned its back on the very ideals for which it was created.
Debatably, this custom infringe on the rights of the widows by acting in authority to determine the destiny of the widows and subjecting them to male subordination. There is an urgent need to end features of the traditional practice that do not coincide with increasing existing norms in today's society, such as gender equality, human rights just to mention a few.

6.3 According to earlier research

The earlier research used in this study viewed the Levirate custom as oppressive to freedom of the widow is supported in this study. My study utilized the term levirate custom instead of “wife inheritance” as was used in some existing research because this is what is practiced by the Luo. I believe that a widow in traditional Luo society is not a property nor heirloom to be inherited. The traditional Luo context was to care for widows and children. Thus, the traditional Levirate custom is not the same as wife inheritance.

6.4 According to methodology

Most of the research done on the Levirate custom has used qualitative methods. Respondents were unaware of the theories and perspectives the researcher used during this study. That proved fruitful as it helped to capture respondent’s responses and contributed to obtaining richer data.

7 SUGGESTIONS FOR FURTHER RESEARCH

This study suggests that the impact of the traditional Levirate custom be conducted across Kenyan society primarily in the prevalence of the HIV/AIDS pandemic. Arguably, the sexual gratification involved in the custom can be discarded as they may spur the spread of HIV/AIDS, thus a reason for further research. The author hopes that
the findings from this study will contribute to the empowerment, freedom of widows and encourage respect for all human lives.

7.1 Recommendations

The study recommends that social workers and other non-governmental organizations intensify campaigns against the oppressive aspects of the Levirate custom. Additionally, social workers and NGOs could create awareness about the impact the Levirate custom has on widows at different levels of the society while empowering them through groups that will promote and protect their interests.

In the same vein those widows could be helped to start up income-generating projects that would give them economic empowerment, independence, and freedom.

8 LIST OF ABBREVIATIONS

AIDS- Acquired Immuno Deficiency Syndrome
HIV- Human Immuno Virus
NGO- Non-Governmental Organization
UNICEF-United Nations Children`s Emergency Fund
UNSD-United Nations Statistic Division
CEDAW-Convention on Elimination of All Forms of Discrimination Against Women
GOK- Government of Kenya
8.1 Appendix 1

Interview Guide

Respondent’s profile:

Name-

Literacy Level

Town, village

Age

Social status

8.2 Interview Protocol

I introduced myself to the respondents and told them from them which institution I was from.

I explained the reason for the interview to the interviewees and why they have been chosen, and the expected duration of the interview.

I had to seek the respondents consent(oral or written)

I repeated to interviewees the reason for the interview and why they have been selected and how this information will be kept confidential.

I asked the respondents if they were comfortable if I recorded the interview using tape-
I began the interviews as soon as I got their consent to start the meeting.

I thanked my respondents at the end of the meeting.

I also used probes during the interviews to stimulate the interview and get more information from the respondents, as shown below?

- What do you understand by.

- Would you give me an example.

- How can you describe it?

- Can you elaborate on that idea?

- Would you explain that further?

- I am not sure I understand what you are saying.

Is there anything else?

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8.3 Appendix 2

8.4 Interview Questions
To the widows

What is your understanding of Ter?

When did you get into this traditional custom?

What is your level of education?, did you finish primary or secondary education?

How can you describe your life now and before being in this traditional custom?

Where do you see yourself or rather your life in the next five years?

To the social worker

What role does the social work have in this traditional custom?

How do you talk about Ter to widows in this village?

Where do you talk to these widows about this custom?

What are some of your goals if you have any about talking about Ter? Please explain.

To the village elder

What is the importance of this cultural practice?

To the local chief

What chance does this traditional custom have in today’s society?

If so can you explain?
To the University professor

Is there a connection between education and the spur of the Levirate practices?

To the of Member of the NGO

What role does your organization have or play in this society about the Levirate custom?
REFERENCES


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