

# The Socio-Cultural Changes in the Kenyan Luo Society Since the British Invasion and the Effects on the Levirate Custom: A Critical Survey

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## Abstract

“Wife Inheritance” is a custom that was evident in many Traditional African Communities. However, the custom, which entails a widow being taken over by one of her husband’s brothers or kinsmen upon his death, is today more widespread among the Luo of Kenya. The custom had many important functions and has been sustained mainly by the values attached to it by the Luo people. However, with the changed context, coupled with the wake of democratic values, the upsurge of HIV/AIDS and other existential challenges, the custom has become a controversial issue today. Arguably, it undermines the widows’ freedom and consequently downplays the campaigns for women’s liberation and gender equity. It is also said to spur the spread of HIV/AIDS scourge, and hence its relevance today is questionable. The aim of this paper is to present an historical account of how the levirate custom has undergone many changes since the advent of the colonial period in Kenya. The study was a qualitative type of research and was both library and field based. It employed the Critical-Analytical, Phenomenological and the Speculative Philosophical methods, thus the Holistic approach. It also used the Socratic and Historical method to trace the historical development of the custom. Questionnaires and tape-recording were some of the tools used in data collection. Tables, graphs and charts were used in data analysis and presentation. A lot of research has been done on the Luo custom; however, the study provides a new approach in addressing the problems posed by the practice. The study takes a moderate stand and advocates for both continuity and discontinuity in the custom. While the oppressive and repugnant elements should be discarded, its values should be preserved and perpetuated. The findings provide insight into how the custom can be made responsive to the changing circumstances of life and the existential needs of the widow.

**Keywords:** Socio-Cultural Changes, Kenyan Luo Society, British Invasion, Effects, Levirate Custom

## 1. Introduction

The Luo have various traditional practices that are fulfilled in married life only by the husband and wife and such are indispensable. In the event of death of a spouse, for example, there are customary requirements that must be adhered to, to enable one lead a normal life. For women, the levirate is not only mandatory but also urgent. Thus in traditional Luo society, widows were “taken over” in the levirate by an agnate of the husband (Potash, 1986, p. 53; Ocholla, 1976, p. 106).

The levirate is a custom where the widow is taken over by a “brother” of the deceased husband. This “brother” was traditionally meant to continue the demanding duties of the husband in the traditional Luo home. This custom was founded on the fact that in Luo tradition, marriage involves both individuals and their lineage, that is, marriage involves both a personal and social alliance, so when a bride gets married in the traditional way, she is regarded as both “wife” of her husband and “wife” of his lineage. In addition, a Luo woman got married only once in her life time; there was no dissolution of her marriage due to the death of her husband; she continued to be regarded as his functioning wife. Another man could not validly remarry her.

Levirate custom was not a practice that prevailed in traditional Luo community alone. It is a phenomenon which was fairly common in Africa (Mbiti, 2002, p. 144). It was, however, not unique to Africa, since it was practised by the Jews as described in the Bible in Deuteronomy (Kayongo-Male, 1991, p. 7). It was perceived as morally and socially important in the traditional setting of many African communities; for instance, it was practised by the Sebei, the Bakiga in South West Uganda and by some tribes in Southern Nigeria and Zambia, among many others (Nduati & Kiai, 1996, p. 55; Turyahikayo, 1983, p. 100; Goldschmidt, 1976, p. 240). In these communities, it was believed that the best that could be given to a woman who had lost her husband through death is either a replacement or a helper (Maillu, 1988, p. 12; Mbiti, 2002, p. 144). In Kenya, beside the Luo, the custom was practised by the Nandi, the Kisii, Luhya, Akamba and the Giriama, among other communities. Among these groups, the Luhya and the Kisii have continued the usage of the custom, but it is most widespread among the Luo (Abuya, 2002, p. 94).

The exercise of levirate union among the Luo was marked by performing associated rituals of widow cleansing known as *Chodo kode* (Owino, 2000, p. 18; Ogutu, 1995, p. 12). This was performed either through actual sexual intercourse with the widow by a *levir*, or through symbolic sex. The dual ways give rise to two

main types of the custom namely: the normal/sexual levirate, involving actual sex and special/symbolic or asexual levirate, entailing symbolic sex.

### **1.1 Widow Cleansing**

The concept of ritual cleansing is rooted in almost every traditional society. Rituals were performed to cleanse or purify the affected persons. These cleansing rituals were normally done in secret (Mae, 1999, p. 44).

The Luo custom demands that every widow must be taken over by her dead husband's brother. It was also believed that whoever had the first sexual contact with the widow would break the bond that had caused the death of the husband and thereby ward off the agent of death from the widow and the clan. Thus, a mentally deranged man (*janeko*) was called to cleanse the widow first before an in-law could take her over. To avoid bringing disaster on her dead husband's clan, the widow was obliged to have sexual intercourse with the *janeko* (lunatic). If such a person could not be found nearby, they looked for someone outside the community (*Jamwa*). These were paid for their services, of allegedly removing the death causing demons (Cohen & Odhiambo, 1992, p. 266). Essentially, the cleansing ritual that the Luo adopted stemmed from fear of evil spirits that were regarded as the agents of death, it was believed that these were already in the mad man and so there was no loss caused.

The Luo treated a widow like an outcast who must be cleansed first before she could lead a normal life in the community. Mbiti (2002) explains that:

According to the traditional way of thinking, death causes ritual impurity. Thus a widow was regarded as being ritually unclean because of her husband's death. But this was not a permanent condition since it would be cleansed and normal life resumed thereafter. The rituals were often conducted with actual or symbolic sexual intercourse (p. 203).

The critical questions here are: how does a woman become unclean just because her husband has died? And if it did at all, how could mad men, who in most cases are physically filthy, cleanse somebody? Furthermore, one wonders how sex can cleanse a woman. It actually defeats reason to use a physical act of sex to fight a spiritual force, the agent of death.

A widow who had not undergone the cleansing ritual was a tabooed person and was socially restricted. Interactions with other members of society were abhorred until she was cleansed. It was believed that she could transmit the bad omen, the agent of death to others. Disregarding the cleansing ritual was a deadly taboo (*dhoch*), and the offenders would die of *Chira* (Mae, 1999, p. 44; Ogutu, 1995, p. 14).

The practise was such that the cleansing ceremony preceded the actual levirate union. It was only after being cleansed by a *jamwa* (outsider/stranger) or *janeko* (lunatic) that a widow could be taken by an in-law. Usually the one who does the cleansing does not stay for long; he soon gives way for an "insider" to 'be' with the widow. This may have far-reaching implications for the prevention, control and management of HIV/AIDS today. In some occasions, the in-laws force the mad man on the widow. At times, they bring him and lock them in the room and stand outside by the door to make sure the mission is accomplished. And more often, owing to his masculinity and the physical superiority that the man has, he overwhelms the widow. This is tantamount to rape and sexual assault. Furthermore, it is a violation of the widow's human right and freedom.

Finally, it is vital to underscore the fact that, in the traditional Luo society, the cleansing varied according to the age and condition of the widow. Widows who were of child bearing age and sound health were cleansed through actual sexual intercourse, whereas *Pim* (Old widows), *joneko* (lunatic) and *jombiko* (lepers) were symbolically cleansed. However, it was mandatory that all Luo widows be cleansed, and should one die in this state she could not be buried until she underwent the *Chodo kode* ritual (Ocholla, 1976, p. 105). These were carried out with due respect. However, as Ogutu (1995, p. 12) rightly observes, today widow cleansing has turned out to be the most abused and scoffed at ritual and yet it was the most elaborate and solemn ritual among the Luo

### **1.2 The Levirate Custom**

As already mentioned, the levirate is the practice whereby a kin takes over the widow of his deceased brother so as to provide continuity, security and protection among other needs of the widow and her children (Kayongo-Male, 1991, p. 7). In the Luo society, most widows are taken over in the levirate by an agnate of the husband. Nevertheless, as Potash (1986) observes, "Some of these may be nominal and purely ceremonial rather than real relationships" (p. 53). When a Luo man died, custom demanded that one of his brothers cohabits with his widow. Such a man was called *Jater*. This was however not regarded as a new marriage, as noted earlier. Instead, it was looked upon as a way of perpetuating homeostasis in the home of the deceased man. It was not strictly a marriage in the true sense of the word. The widow remained the wife of her deceased or "graved" husband and hence a "wife of the grave." Levirate relationships were often characterized by separate residence and widows typically continued living in their deceased husband's home (Mae, 1999, p. 86; Potash, 1986, p. 44).

When the mourning period came to an end, widows made a local brew known as *Kong tero* (levirate

brew) and invited the elders of Jokakwaro (common paternal grandfather) together with the would-be levirs. All assembled over the pot of the brew at the home of the deceased (Masolo & Ong'ong'a, 1987, p. 155). The leading elder rose to the occasion and announced to the gathering that the widows had grieved for long enough and it was time their tears were wiped away. In the same fashion as the Luo of Uganda, the widows were called upon,

...to name their brothers-in-law: the one whom they considered to be most capable of looking after them and their children. One by one they named the men of their choice. It was a great honour for the man to be named by the widow (Odoki, 1992, p. 135).

Reiterating this, Mboya (1983, p. 123) contends that "*Ekong'o motimno, dhako ka dhako huloe dichwo modwaro owuon* (it was over the brew that each widow made known her *levir*). He continues to say that a man could not be imposed on a widow, save for the one of her own choice. This apparent freedom of the widow in the choice of a *levir* is, however, demeaned by the condition that the widow's choice was subject to the approval and consent of the elders, who always ensured that the cultural practise of the levirate took place within acceptable laid down mechanisms (Owino, 2000, p. 18). There were many restrictions within the practice, for instance, a widow was effectively restricted to choosing a man from her husband's lineage, not an outsider (Potash, 1986, p. 50).

A widow was theoretically free to choose any man from within the lineage; however, our findings reveal that the choice was not random. The clan elders ensured that men of bad reputation or whose lineages had a stigma and men of questionable characters and strangers were not chosen as *levirs*. According to Wanjiku (1997, p. 25), "...the clan was cautious not to let the widow introduce strange genes into it."

There were also incidents when the choice of the *levir* was done not by the widow, but by the husband before his death. As Gordon (1968) notes, "...the widow was taken over by the person either named by her husband in his death bed or chosen by herself" (p. 130). Okumba (1997) reiterates that "... a man on his death bed may summon a brother ... and tell him ... to take care of his wife and children" (p. 108). It is worth noting that even when the choice of the *levir* was her prerogative, the Luo widow had no freedom to disregard the custom, which was mandatory for all. It was a taboo to ignore it.

The chosen men were free to accept or decline. The latter option was however very rare since by then the widow must have approached the man of her choice. Secondly, Luo men took it as an obligation towards the deceased. And thirdly, usually such a man was the best friend of the deceased and close to the widow even before the demise of the husband. This was in harmony with the Luo saying that *Dhako onego ong'e yuore kapod chuore ngima* (a woman ought to be familiar with her in-law while her husband is still alive) (Odaga, 1995, p. 58). During village parties, she would sit next to this in-law and share his calabash or pipe (*Oseke*) of beer without her husband raising his eyebrows. This was already a remote preparation for the reality of death and widowhood. The wife of the chosen *levir* too was supposed to understand and sympathize with the situation. She was culturally obliged to accept to share her husband with another woman (widow). She had also been culturally moulded into the awareness that tomorrow it may be her turn. Whatever service or allowance she extends to the widow therefore is eventually a contribution to her own security.

The levirate union was supposed to be consummated by sexual intercourse on the first night. If the widow invited the elders for a drink, the day after the night of *ter*, it was a sign that the night had been successful. During the drinking session, there was the enthronement ceremony of the new head of the home onto the stool of the deceased (*kom wuon dala*). With the enthronement, it was as if the dead man was alive again. Life resumed in the home and the *Osuri* which had been brought down was made again. But what is the rationale of the enthronement on the stool? The Luo traditional stool was round at the top symbolizing the "round" universe. It also reflects the traditional Luo home and hut which were both round. The stool was a miniature universe on which the husband reigns. Its legs were in fact symbols of male virility. In any Luo home, it is only the father who was qualified to sit on it, for he was the owner of all the women with whom he brought forth life. By enthroning the new man, the Luo were saying symbolically that death had been conquered and life had been restored.

The final step in levirate union was the ritual of purification of both the widow and her *levir*. Later, at the *levir's* residence a herbalist sprinkled him and his levirate wife with *manyasi* (traditional herbal medicine) and gave them some to drink. This was probably to cleanse them of any impurities or *chira* causing forces. It was followed by a conciliatory meal known as *migago mar riwo lwed*, and was meant to unite the two women and dispel any would be bad blood between them.

The widow, thereafter, was free to choose whether to stay in her husband's compound or join the new family depending on the prevailing circumstances, for instance, the age of the children. Usually, the widows preferred to remain near their husbands' grave. After all, they remained *mond liel* (wives of the grave). If they chose to settle with their *levirs'* families, this was only short lived. In their old age, the widows ended up in the care of their eldest sons; hence, the Luo saying, "*Dhako monyuolo wuoyi, onyuolo chuore* (a woman who has a son, has begotten her husband)" (Kirwen, 1993, p. 64). As mentioned earlier, the levirate custom could either be

practically or symbolically performed. However, whichever way, the custom was mandatory to all Luo widows.

### **1.3 Statement of the Problem**

The Luo levirate custom was initiated with good intentions and had many functional values. The custom once held an honourable promise as it protected and catered for the welfare of the widowed and orphaned members of the Luo community. As Owino (2000, p. 18) contends, it was "...very imperative in the context of perpetuating the duties and responsibilities of the dead husband." This continuity was of great psychological value, it gave a deep sense of security in an otherwise insecure world in which the Luo woman lived. The custom had many values that were quite beneficial to the individual bereaved families and the Luo community at large.

However, since the British invasion, a lot of changes have taken place. These have not only affected the community's social and cultural lifestyle, but their levirate custom as well. Consequently, in recent days, the custom has evoked a lot of heated debate in Kenya and has elicited varied reactions from different quarters depending on one's cultural and philosophical orientation. Nevertheless, no consensus has yet been reached on its definite value and relevance today. Instead, many of the existing literature on 'wife inheritance' carry grossly distorted views that hardly clarify anything, but complicate the debate on this Luo age old custom even further. This study attempts to clarify these issues.

The custom, as it is today, seems antiquated, irrelevant and to have been seriously abused. The practice, it seems, "...has been corrupted to the extent that men take advantage of widows and squander and plunder their wealth ...and there is no proper guardianship..." (Abuya, 2002, p. 97). The levirate in its current practise seems to work against the very ideals that it was meant to serve. Over the times, it seems to have ignored the dynamic nature of culture and the widow's existential situation. The belief in cultural determinism has taken command and the widow's freedom and role in determining her destiny have been undermined. Dull and total conformity is what is demanded today. This has resulted into slavish submission to the cultural demand.

With the existential challenges of the contemporary society, the increased enlightenment on human rights and concerns for women's liberation, gender equality and the upsurge of the HIV/AIDS pandemic, there was need to subject the custom to critical evaluation and challenge the outmoded facets and modify the useful ones to make the custom more responsive to the changing circumstances and relevant to the existential needs of the contemporary widow and Kenyan society.

It is in this context that the study set out to attempt a critical appraisal of the levirate custom among the Kenyan Luo in the context of socio-cultural changes that have occurred over time.

## **2. Research Methodology**

The study was essentially considered in the light of philosophy as an academic discipline. It employed a number of methods which included; The Historical Method, Critical-Analytical Method, Phenomenological Method, and the Speculative and Rational Methods. The data generated in the study were synthesized. The findings were compiled to form the logical body of facts that we have in the form of this paper.

## **3. Results and Discussion**

### **3.1 Changes in the Kenyan Society since the British Invasion**

The invasion and partitioning of Africa, which occurred at the Berlin Conference of 1885, jumpstarted an era of societal transformations in the continent (Kapiyo, 2004, p. 34). As a result of the subsequent developments such as urbanization, migrations, western education and influence of Christianity, many aspects of the lifestyles and cultures of the African people have changed a great deal. Mbiti (2002, p. 217) concedes that "...the physical expansion of Europe into Africa, exposed African peoples to change taking place everywhere." Slowly but steadily, these transformation have taken effect.

Like all other tribes in Kenya, the Luo have been exposed to new ideas and have changed in many aspects. The new change manifests outwardly in many ways, like education, clothing and moral behaviour; traditional education, for instance, has given way to the formal one. The kind of elaborate education system which inculcated very clear conscious within the youths concerning their sexuality and moral behaviour, so that they become responsible adults in future, is no more (Owino, 2000, p. 16). The money economy, traditionally unknown, has come in making life almost impossible without it. Individualism and materialism have replaced egalitarianism or collective social living, a one-time treasure of the Luo people. Traditional religious beliefs and practices are no longer strictly followed in all instances of life and cannot accommodate themselves in the new situation. However, certain customs, like the levirate, have persisted despite interferences of the western culture and lifestyle.

The cotemporary Luo is bombarded with so much information and sudden changes, plunging some individuals into utter confusion and total darkness. At times, it is difficult to get a sense of direction in crucial matters of life such as birth, marriage, death and widowhood. In fact, Luos are today living in two half-cultures; the traditional culture, which is not fully observed, and the modern way of life, which is steadily being aped

(Owino, 2000, p. 26). The meeting of the Western and the Luo cultures has generated a shallow form of culture. Luos are forced to live in two half-cultures which do not unite to form a single one. The conflict has led to paradoxical living among the people. They want to remain true Luos, and yet, to meet the expectations of modern life. Today, the Luo individual is in a crisis; the crisis of identity, purpose, trust, direction and survival. The challenge is to take a retrospective look at the roots in order to propel the community into the future, an inevitable cultural renaissance.

Marriage and the family, as institutions, have been adversely affected by the modern changes in the society. Their instability has increased considerably under modern strains, giving rise to a higher rate of divorce and separation than in the traditional life (Mbiti, 2002, p. 226). This is probably because Luo women are today exposed to new ideas and views of life, of which they were previously innocent. For instance, they no longer take it for granted that a Luo man is polygamous by nature. With the increased awareness of democratic values and the subsequent widened democratic space of the female folk, decision-making is no longer a preserve for the Luo man (husband). He is no longer free to make decisions affecting his family single-handedly, devoid of consultations with his wife. Furthermore, it is no longer men alone who head or run families. A good percentage of households in Luo land today are headed and run by women. This is mainly due to widowhood, marital strains, separation and single motherhood (Mae, 1999, p. 66).

Western education has equipped Luo women with critical minds. They no longer slavishly yield to the demands of culture. But many do openly question the validity and rationality of the numerous taboos mainly affecting women. Viciously attacked are those affecting Luo widows and their children. Christianity has also provided a certain degree of freedom and courage for women, which was rare in the traditional life. Today, Luo widows are demanding for freedom either to remain single or to remarry men of their choice after losing their husbands to death. They want the old age traditions and customs governing widows to be reviewed and brought into tune with modern times (Cohen & Odhiambo, 1992, p. 35; Mae, 1999, p. 125). However, despite their longing for more freedom, Luo women still find the levirate law difficult to ignore. Many cannot avoid succumbing to the custom, even the elite often fall back to it. Abuya (2002, p. 98) explains that, "As a result of pressure and cultural expectations from the community, widows are compelled into the practice against their informed free choices". Nevertheless, many women today have well paying jobs and so have no need of a *levir* for support as the custom outlines.

As Kalanda (1975) contends "...the influence of the extended family and loyalty to the lineage has less and less grip on its members today". This, coupled with the wake of democratic values and concerns for women's liberation, has opened the way for the Luo to rethink their position with regards to the levirate law. It has also opened way for the Luo widow to liberate herself.

### 3.2 Changes in the Levirate Custom

The levirate customs, together with other Luo funeral rites and practices, have undergone many changes with time. The concept and context of these practices have since changed and are used to mean different things by different people today. Furthermore, the findings also reveal that Luo attitudes are first changing with regards to the levirate custom and many other cultural phenomena.

It has been noted that Luo levirate process starts at death with a widow breaking the death news. The Luo recall that at the beginning of the 20<sup>th</sup> century, a woman would, upon the death of her husband, ceremoniously discard her outer skirt (*chieno*), the one she had been given at her marriage and was expected to wear at all times in the presence of her husband. During the funeral, she would replace the *chieno* with a new skirt made of banana fibre (*okola*). The new skirt defined her as a woman in mourning and she would replace it with a new *chieno* on entering a levirate union. By the late 1920s, this pattern of mourning dress had been modified. With the introduction of clothing, it became traditional that upon a man's death, the widows would wear his clothes till the moments of entering the levirate union. By the 1960s, the practise of widows wearing their late husbands' clothing was spoken of as, and felt to be repugnant, especially among Christians and younger educated widows. In the late 1960s, widows, such as Pamela Mboya and Joanna Argwing's Kodhek, were to be seen wearing black dresses at their husbands' funerals, while rural Christian converts would wear white dresses and scarves, at least on the day of burial. Following the funeral, the widows would ease back rather imperceptibly into their everyday clothing (Cohen & Odhiambo, 1992, p. 70).

The shaving ceremony has also greatly changed. Today, only a little bit of hair may be cut around the head. Change has also occurred in the mourning period. In the past, it went on for a year or two. Today, widows are known to enter into levirate union as early as two or three months after the husband's burial, some begin relationships with their would be *levir* even long before the demise of the husband. Arguably, the pressures of modern life cannot allow for long period of mourning. Life has to go on. Women who work must resume duty as soon as possible. It is clear that elaborate rituals have no place in today's society and have consequently either been dropped or simplified.

Luo elders no longer sit down to vet the *levirs*. Those who take over Luo widows are no longer Luos

alone. They include non-Luos, some of very low social status. By allowing non-Luos to take their widows, Luos have clearly allowed the once revered custom to be adulterated and abused. The non-Luo *levirs* are not only ignorant but don't care about the values that the Community attached to the custom. Consequently, they have failed to uphold its dignity and morals. In the past, only a respectable Luo of upright moral standing could take a widow in order to support her, this is largely ignored today. At the moment, the noble concept of widow guardianship is totally changed and abused since the practice has now become free for all, without serious rules and restrictions. Professional inheritors, who mostly are non-Luos and know not the Luo ideals in the levirate custom, have taken over the practice. As it stands today, the custom is of very little, if any, benefit to the widow and her children. There has been increased changing of sexual partners in the custom. Even the cases which used to be observed only symbolically are today often practically performed. This has further complicated the custom, especially in the context of HIV/AIDS pandemic in which it has become akin to suicide.

Another new trend which is quite embarrassing and repugnant is that children have the gut to force their mothers to observe the levirate law. Amollo (1999) explains:

Some children would force their mothers to be "inherited" after their father's death. This is usually due to pressure from their peers and others... they are threatened that they will be abnormal or they will die if their mothers refuse to fulfil the traditional rite.... Some go as far as looking for *levirs* to take over their mothers (p. 26).

This is a departure from the Luo traditional custom. In fact, it was a taboo for a child to discuss parents' sexuality with them. It was *anathema* for a grown-up Luo to hear parents making love, leave alone tell them to have intercourse. Luo elders made sure that children were completely left out of the levirate matters. This new turn of events, the degeneration of the custom, could partly be attributed to the abolition of Luo traditional education, through which these important values were imparted on Luo children. Formal education and modernism are other reasons for the change.

The findings of this study further indicate that there is a change of attitude in the custom among the Luo. This change could be attributed to a variety of factors, namely the widened democratic space; increased enlightenment and awareness of human rights due to formal education; economic pressure on in-laws; campaigns by anti *ter* agents; gender sensitization, and the general conduct, especially unfaithfulness, of some widows. Nonetheless, there are still many people advocating and even fostering widows. The custom still retains its traditional form among some Luos. Some even depart from the traditional way, and make it bind even the sick; those infected with HIV and quite aged widows. Interestingly, some think AIDS is *Chira*, so they still take up the widows.

The findings from the field, as presented in table 1 confirm that Luo attitudes are changing with regards to the levirate custom, but not without reasons.

Table 1: Are Luo Attitudes towards the Levirate custom changing?

Response	Frequency	Percentage (%)
Yes	55	45.8
May Be	04	3.3
Some How	35	29.2
No	20	16.7
I Don't Know	06	5.0
<b>TOTAL</b>	<b>120</b>	<b>100</b>

**From the results in Table 1, 45.8% and 29.2% of the respondents said 'Yes' or they 'somehow' noticed a change in the attitude of the Luo towards the custom. This gives a total of 75% of the people accepting the fact of change in the custom. The reasons for this change are as provided in Table 2. The change is however not sudden but gradual.**

Table 2: Reasons for the Attitude Change

	Yes	May be	Somehow	no	I don't know
EXPLANATION	<ul style="list-style-type: none"> <li>• Fear of STD and HIV/AIDS</li> <li>• Western education</li> <li>• Economy</li> <li>• Christianity</li> <li>• Campaigns by NGOs</li> <li>• Campaigns by Health and Government Agents</li> <li>• TAPWAK Efforts</li> <li>• Behaviour of Widows today</li> <li>• Gender Sensitisation</li> <li>• New Concept of Marriage</li> <li>• Efforts of KLS</li> <li>• St. Monica's Group activities.</li> </ul>	<ul style="list-style-type: none"> <li>• It is hard to know what people do in private.</li> <li>• There is need to find out.</li> <li>• Pastors and other groups are still preaching against it.</li> <li>• Some widows may be doing it in bars &amp; towns so there is a new form of keeping the law.</li> </ul>	<ul style="list-style-type: none"> <li>• There are widows, especially the working lot, who reject the custom and nobody seems to follow them so much.</li> <li>• Some Christians reject the custom and their churches help them.</li> <li>• Some men are approached by widows and they refuse to foster them</li> <li>• Some children do not want their mothers to keep the law.</li> </ul>	<ul style="list-style-type: none"> <li>• There are many people still fostering widows</li> <li>• The custom still binds even sick and old widows</li> <li>• Some think HIV/Aids is <i>chira</i> so they still take up widows</li> </ul>	<ul style="list-style-type: none"> <li>• No research has been carried out to show there is change.</li> <li>• I have never bothered to find out if this is so.</li> </ul>

#### 4. Conclusion and Recommendations

The levirate custom is an old age custom of the Luo people of Kenya. The findings reveal that the inception of the custom was occasioned by the circumstances and needs of the traditional Luo society. It was also based on the patriarchal mentality and the collective mindset of the people. The custom served many imperative functions in the traditional Luo society and was good and justified by all the standards of the traditional society. The study findings also indicated that the levirate custom has continued to persist among the Luo mainly because of the values attached to it by the people. However, there are changing attitudes to the practice.

Moreover, the study also reveals that the custom has with time drifted from its original goals and what is being seen today is but a distortion and corruption of a once honourable custom which was beneficial to the individual Luo widow and the entire Luo society. The inadequacies of the traditional cultures notwithstanding, the conception and practise of *ter* has totally changed and the custom has been seriously abused and corrupted to the extent that men take advantage of widows and squander and plunder their wealth without any proper guardianship or care these days. The custom is today responsible for many ills in the Luo society.

The research findings further reveal that the custom has ignored, to a great extent, the dynamicity of culture and the changing needs of man in the changing society. Belief in cultural determinism has taken charge and the widow's freedom and role in determining her destiny has been seriously compromised. Dull and total conformity is what is demanded. This has resulted in slavish submission to the cultural demands. The custom, therefore, not only represses the widow's existential freedom, but also undermines her personal growth and development. By extension, it undermines Kenya's struggle for women's liberation and poverty eradication. The study asserts that the Luo widow has the freedom to choose how she's going to live her life after the demise of her husband. She has many alternatives and options to choose from.

The study thus recommends that the rules governing the levirate custom should be relaxed to accommodate widows' freedom of choice. The custom should be optional, not mandatory. It should not be imposed on the widow. However, what is good for both the widow and the community should be reached through mutual deliberations.

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