

Wife inheritance and ethics among the Abagusii of southern western region in Kenya

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Abstract

It was ethical for a young wife to be inherited when the husband was death. There were factors which compelled such circumstances, including young or tender age and had no children, one or two children who were young too. The young brother of the husband was entitled inherit and if was married and willing to inherit the wife and bring the family up his deceased brother. This brought social order in the family because people knew it and it was ethical. Circumstances where the young brother declined to inherit the wife, then the cousin age mate of late husband was entitled ethically. Inheritance refers to having possession of or receives the right or divine power to own something. In this sense therefore, wife inheritance was a cultural practice among the Abagusii to ensure that the family of deceased person continued the race through the kinship blood. The problem nowadays, there is no social order in wife inheritance and ethical values are disregarded leading to conflicts among brothers and people from outside the family who could have interest. The objective of the study is to investigate the best method or strategy to be used in wife inheritance without creating conflicts in the family and leading to social disorganization in the family of the deceased. The research is survey- analytical method comparing the ancient social order and modern disorder of wife inheritance among the abagusii. The findings are important to embrace ethical values and social order which are eroded through modernization, in the contemporary African families in Africa. It is concluded that because people do not use social order and ethics in wife inheritance, they have inherited diseases like HIV/AIDS and have transmitted to their wives and as a consequence both of them die and leave their children orphans and suffering at young age. It is recommended that people should investigate the cause of the death of the husband of a wife before they rush and compete to inherit the wife! In the ancient or “analogy period” wife inheritance was done publicly by elders, but in modern or “digital period”, because of westernization and globalization, it is done confidentially by interested person and wife leading to devastating effects later.

Key words: Inheritance; Ethical; Globalization; Modernization; Social order; Westernization.

Geographical Location of Abagusii peoples of Western Kenya

Abagusii peoples of western Kenya, occupy an area round Lake Victoria region, formerly Nyanza province, which is characterized by a high degree of physical diversity (Ominde, 1963), Gusiiland, the currently covers two counties which comprise of Nyamira and Kisii. The area extends over approximately 800 square miles with a mean altitude of 1,950m feet above sea level. Gusiiland, according to Ominde (1963) is the most fertile and agriculturally productive region in the whole of Nyanza province. Gusiiland is well served by several permanent rivers and streams which adequately drain the waters into the area into Lake Victoria, which include Gucha, Sondo and Mogonga. Structurally Gusiiland is hilly with several ridges especially in the East. The plateau bounded on south west by vinyo escarpment, a great cliff which rises to 300 m feet above plains of Kamagambo and its foot, and breached by the gorge of the Guja. To the north-west, the plateau is bounded by Manga escarpment. From here the Gusiiland falls down in a succession of terraces to Kendu Bay, on the southern shores of Nyanza Gulf, a distance of some twenty three kilometers (Ominde, 1963).The ridges are separated by deep flat bottomed valleys occasionally choked by swamps, streams and rivers, fed by more than 800mm of rainfall annually. Gusiiland has a cool highland equatorial climate. All months have more than 100mm of rainfall which is concentrated in two seasons, marking March to June consisting the long rainy season and long short rains come in October to December. Mostly in Gusiiland, the soils are quite fertile and a large part of the region is covered with dark red friable clay over the Bukoban rocks. These soils are deep and are rich in organic matter. These organic and black cotton soils abound in alluvial plains. Because of the fertile soils, food and cash crops can be grown in all parts of Gusiiland. The geographical character of Gusiiland was a feature according (Ochieng, 1974), which conditioned the pattern of Abagusii settlement, their economy and to some extent, there political and social organizations, songs and dances inclusive.

It was ethical for a young wife to be inherited when the husband was death. There were factors which compelled such circumstances, including young or tender age and had no children, one or two children who were young too. The young brother of the husband was entitled inherit and if was married and willing to inherit the wife and bring the family up his deceased brother. This brought social order in the family because people knew it and it was ethical. Circumstances

where the young brother declined to inherit the wife, then the cousin age mate of late husband was entitled ethically. Inheritance refers to having possession of or receives the right or divine power to own something. In this sense therefore, wife inheritance was a cultural practice among the Abagusii to ensure that the family of deceased person continued the race through the kinship blood. According to Mbiti (1992), the custom of inheriting the wife of a deceased brother is fairly common. By brother it should be understood to mean not only the son of one's mother but any other close relative. Among the Abagusii, there was a provision that, if a son dies before he has been married, in circumstances of accident when pursuing studies, and had reached the age of marriage to bear children, the parents arrange for him to get married 'absentia', so that the dead man is not cut off from the chain of life.

The wife inheritance among the Abagusii was a clear and indirect way of permitting polygamy. In this sense therefore, Mbiti (1992) argues, technically the term 'polygamy' should mean what its Greek components imply, and that is, marrying 'many' (wives, husbands or times), but in popular usage it is applied to mean the state of marriage in which there is one husband and two or more wives. This should be referred to as 'polygamy'; and where one wife has two or more husbands this is 'polyandry'.

Among the Abagusii, *sorte* marriage was allowed which refers to when a wife dies; the husband marries one of her sisters. Mbiti (1992) connotes that the 'sister' in this case must be understood in wider usage of the term, within the kinship system. If the wife does not bear children, it is occasionally arranged that the husband takes her sister to be his wife whether or not the first is dead. Wife inheritance is also known as *levirate*. The institutions of *sorter* and *levirate* marriages are rooted on philosophical framework of awareness of the individual that 'I am because we are; and since we are, therefore I am'. This means the existence of the individual is existence of the corporate; and where the individual may physically die, this does not relinquish his social, legal existence since 'we' continues to exist for the 'I'. Mbiti (1992) emphasizes that 'this continuity is of great psychological value: it gives deep sense of security in an otherwise insecure world in which African peoples live. Viewed in the African contextual framework, elaborate kinship system among the Abagusii acted like an insurance policy covering both the physical and metaphysical dimensions of human life and continuity of the African race in general.

The significance of the study

The purpose of the study is to provide a system point of reference in the anthropological background of the Abagusii. The traditionally African family has a wider membership of extended family which permitted wife inheritance in contrast with modern family whose membership consist of husband, wife and children and does not permit wife inheritance but it is done silently and privately. According Sharkey and Welch (1987), family relationships are strong in African traditional society, bringing obligations and rights which extended even to the 'living dead' (the dead members of the family who are still remembered by the living). In the 'extended family' characteristic traditional society has advantages in promoting security through everyone belonging to the group of substantial size, solidarity and harmony, and in having more people to help when there is trouble. Marriage among the Abagusii was viewed as the meeting point of the past, present and future in that it looks back to the ancestors and forward to the expected new generation. Thus, it was a must for a grown up person among the Abagusii to marry. Anybody who reached of marriage and failed to marry was to be roughed at and a lesson of the talk in the village. If he or she became over aged, was to be questioned by the elders 'why'. In any case unfortunately died, he/she was thrown away (*Akorutwa omwaroo*) and was not to be recognized in the family and the community, that means was not to be named after births in the family. The purpose of inheritance in order of importance was, are (i) birth of children for the deceased, (ii) the recarnation and remembrance of the dead, (iii) the linking of the families and extending of the bonds of kinships, (iv) acquiring of the status and recognition of the deceased wife in the society and (v) fulfillment of personality.

The statement of the problem

The problem nowadays, there is no social order in wife inheritance and ethical values are disregarded leading to conflicts among brothers and people from outside the family who could have interest.

The objectives

The objective of the study is to investigate the best method or strategy to be used in wife inheritance without creating conflicts in the family and leading to social disorganization in the family of the deceased.

Methodology

The research applied analytical method comparing the ancient social order and modern disorder of wife inheritance among the Abagusii.

The Key findings

The findings are important to embrace ethical values and social order which are eroded through modernization, in the contemporary African families in Africa. The Abagusii had a system of inheriting the wife depending on two distinct influencing factors on wife (inherited) and husband to be (inheritor). On the inherited (wife) was to be young when the husband passed away. Secondly, it was a must to be inherited so as to stop the flow of the inheritors (neighbors), who could have interests and compete, and leading fights and conflicts and cause social disorder or disorganization in the family setup. Thirdly, when the wife of the deceased was young and the father-in-laws decided not to stay and return to the home of origin to go and get remarried to another family of procreation.

On the other hand, the inheritor [Husband to be] had to be a young brother and married and having children. A situation or circumstances where the inheritor was not married, was not allowed to inherit because it was risk and dangerous for such person to move out of his brother's wife once he has tasted the 'honey' and decide to marry his own wife. This also created jealousy and envy on the inherited wife towards the young wife married by the inheritor. It was also risk, because the blessings for his family as 'father' would be transferred to the inherited wife and children. It has been evidenced that, those who inherited when unmarried and got married later, his children sometimes become less intelligent in comparison with the ones born with the inherited wife. People have questioned why, but the old men knew that the blessings for his family were already transferred to the family of inherited. That is why it was ethical among the Abagusii person to inherit a wife when married and having children. This circumstance and situation paved way for another alternative, a cousin to the deceased who was the age mate of the deceased. It was also a must to be married and having children to curb the consequences already explained. The Abagusii were very keen not to bring a 'different' kinship blood in the extended family. That is why the elders insisted a person from the immediate family members. Nowadays women inherit people through their own consent and bear children from different men who

could not unite and agree on one thing and as a consequence leads to conflicts and social disorder

The other consideration was from the wife of the inheritor. It was must that the wife of the inheritor to accept her husband to inherit. In the African traditional societies, elders had little consultation on women. But a consent from was clearly known and the next step was make the process of inheritance officially. There was a ceremony to be done, for the family, seven days after the burial of the deceased.

The brother or relative who inherited the wife of the deceased brother, there was a traditional ceremony known as *Amasangi* (sharing), where he was allowed officially to inherit the wife of the deceased brother and performs all the duties of a husband and father. The children born after this inheritance generally belong to the deceased brother, that is why the elders insisted that the inheritor to be married and having children. Otherwise unmarried brother [inheritor] would be swallowed by the sweetness of the inherited wife and forget to get married and bring up a family from his lineage.

Discussion and conclusion

It is concluded there was ethical procedure in wife inheritance in traditional family among the Abagusii. In the modern society there is wife inheritance which is confidential and anybody can qualify to inherit, so long as the wife to inherit agrees. In this research a comparative study is made between the traditional and modern mode of wife inheritance among the Abagusii and analysis of the effects are given.

The traditional wife inheritance among the Abagusii

Emerging issues on the inherited wife was a MUST and therefore the inheritor was chosen by the elders and she had no choice apart from accepting the offer. Also on the side of the inheritor's wife, was also MUST to allow the husband to inherit the brother's wife, because a custom traditionally practiced in all regions in Gusiiland. However, there were circumstances or cases where the wife of the inheritor was *Nyagetiara* (fierce or cruel) in the village and if the husband's personality was soft, then an alternative was to sought.

After the discussion and consultations by the elders among on who and decision is made, a ceremony was done. The ceremony is to unite the two wives, the wife of deceased and children and the wife of the inheritor and children. The ceremony was known as *Amasangi* (sharing). This meant sharing of everything by the two families. It was done to eradicate mysterious deaths if wife inheritance was done secretly between the two, inherited wife and husband, without the wife of the inheritor and children. The members of the two families were given *Rirong'o* (a mixture of herbs) or concoction prepared traditionally and was drunk by using *Egesanda* (the calabash). *Amanyansi* (a fluid prepared using herb and the wastes of animals from small intestine after slaughter) was sprayed or sprinkled by use of a whisky made from *omobeno* (indigenous tree) to every member of the two families by the initiator or special people (prophets, medicine men) before administering *rirong'o*. In this sense, according Dan and Diepen (1986), medicine man is an honorable and vital member of the community, whose duty is to interpret the daily needs to the community. All the children of deceased brother and the children of the inheritor were given *rirong'o* and the husband and two wives. This was to protect and secure mysterious deaths to occur, in abrupt meetings during sickness. When one member of the family was sick and had not taken *Rirong'o*, then was not supposed to see him/her during any kind of sickness, in any case it happened, there was mysterious death to occur. Among the Abagusii *Amanyinga* (blood) was playing a significant role in sexual matters. That is why *rirong'o* was administered to the family members to unite them into contact blood. During the blood contact of those family members, it was risk to cross over on the ill person, because it would lead to mysterious death. All the family members knew it and even the villagers.

For the inheritor who was careful to bless his family was to do two important things in the process of keeping the two families. One was to visit the inherited wife when sun set, at the time when the animals have milked and resting in the manger. Two, likewise during the sun rise was to wake up early in the morning probably at five in the morning before the animals are milked and taken to grazing or removed from the manger. An indication of blessings to his children and symbolized wealth to his house first.

Modern wife inheritance among the Abagusii

In the modern family things have changed, and the control of the family over its members has decreased because of Christianity and westernization. The young generation does not like any

interference by their elders, they can inherit a wife and a wife can be inherited even when the body has not been buried. There is lack of unity among family members and faith is longer exercised in the inheritance process. Different people can inherit a wife of the deceased and bear children differently. Because of technological advancement, pre-marital and extra marital have increased, leading to occurrence and transmissions of venereal diseases. The modern family has shrunk both structurally and functionally and gradually it has lost its primary character in wife inheritance.

In the Abagusii view of sex, the following are regarded as important principles and a prerequisites of wife inheritance.(i) in traditional family, sex was the power to transmit life and was considered sacred, but in the modern society is considered not sacred, and a source of comfort ability and a source of earning livelihood from the inheritor. Whoever not financially stable can be dropped and another person is picked as next inheritor so long as he is financially stable and can support the family economically. In the cause of exchanging inheritors, may contract HIV/AIDS which in turn transmits to others and as a chain those inheritors transmit to their wives which results into deaths and as a consequence leaving their children suffering! (ii) In the traditional family offenders who misused sexes were punished and there were checks and controls to detect traditionally. In the modern family, there is permissive society under the influence of westernization or western culture, therefore, sex offenders are not punished and not easy to detect them, because there is easy communication through the introduction of sophisticated mobile phones and advanced transportation modes, which all quick movements. (iii) In traditional family, there was no snooping on partner. In the modern family there is a tendency of wives snooping into their partners, because they are not sure whether the husband has inherited a wife elsewhere, because inheritance nowadays is private and because people as labeled Christian in the modern family. Snooping refers to the habit of secretly of wives going through their partner's personal items in hope of uncovering anything hidden from them. For instance, going through a partner's personal belongings in his/her absence; scrolling through his/her phone text messages; reading his personal letters and emails; riffle through his/her pockets; eavesdrops on his/her conversation over the phone or with friends; checking how much money he/she has in his wallet or hand bag or its contents while he/she is in bathroom; calling certain numbers from the his/her phonebook to confirm the identity of the other person and get to know their relationship; cross-checking his or her social whereabouts and asking people to

monitor his/her movements. (iv) According to Mugambi (1989), the rapid and phenomenal expansion of Christianity in Africa is that this deep religiousness in the African heritage has facilitated rather hindered the acceptance of Christian by the peoples of Africa south of the Sahara. Also Danielou (1968) wrote that ‘Christianity is necessary for the revelation to be fulfilled, but the actual quality of this fulfillment depends upon the quality of the religious man transformed by revelation. Consequently, Christianity needs a natural religion, just as it needs all human realities since its sole mission is to redeem what has first been created.

It is concluded that because people do not use social order and ethics in wife inheritance, they have inherited diseases like HIV/AIDS and have transmitted to their wives and as a consequence both of them die and leave their children orphans and suffering at young age.

Recommendations

It is recommended that people should investigate the cause of the death of the husband of a wife before they rush and compete to inherit the wife! In the ancient or “analogy period” wife inheritance was done publicly by elders, but in modern or “digital period”, because of westernization and globalization, it is done confidentially by interested person and wife leading to devastating effects later.

In the Christian point of view, wife inheritance is not recommended. This would be termed as unfaithful husband, when he keeps a ‘mistress’, the wife cannot tolerate the situation for the sake of the children.

It is recommended that an inheritor, who needs to inherit the wife in the modern society, should take her and him for HIV/AIDS testing before inheriting her.

In burial ceremonies let people be honest in telling people the cause of deaths which occur because of HIV/AIDS, so that those who aspire to inherit at their own risk.

References

- Dain,R. and Diepen J.V.(1986).Luke's Gospel for Africa Today, oxford university press, Nairobi.
- Danielou, J. (1968). "Christianity and Non-Christian Religions", Collin, London.
- Mbiti J.S. (1992). African religions and philosophy, East African educational publishers, Nairobi.
- Mugambi, J.N.K.(1989).African Heritage and contemporary Christianity, Longman Kenya, Nairobi.
- Ochieng, W.R. (1974).A pre-Colonial History of the Gusii of Western Kenya from C.AD 1500-1914, Nairobi.p.176.
- Ogot,B.A.(1992). "New trends in cultural History 'The silence in old narratives'" in G.S.Were (Ed.).Journal of East Africa Research and Development. vol.12. 1992. pp.38-39.
- Ojany, F.F & Ogendo, R.B. (1988). Kenya: A study in physical and Human Geography, Longman Kenya Ltd., Nairobi, Kenya.
- Okebiro,G.N.(2014). Traditional posho mill among the Abagusii as indigenous innovations in entrepreneurship Chuka univ.1st Chuka international Research conference Proceedings 29th-31st October, 2014
- Ominde,S.H.(1963). "Land and population in Western Districts of Nyanza province"-APh.D thesis.University of London.p.18.
- Sharkey B. and Welch F.G.[1979].Modern Christian living, Oxford university press, Nairobi.