Isukha Traditional Marriage Processes and Rituals in Pre-Colonial Kenya

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Abstract

The purpose of this article is to explain, describe and illustrate the processes and rituals of the Isukha traditional marriage. The research dealt with the question of marriage among the Isukha during the pre-colonial period in Kenya. An attempt is made to trace the various lineages that constitute the peopling of Isukha, their social and individual responsibilities are also discussed. The study further, discusses the Isukha concept of marriage, the main steps that were involved in marriage, the main marriage activities and their significance. Secondly, the study explains the length of preparation for marriage ceremonies, items used during marriage and their significance and meaning. Methodology for this study involved data collection from secondary and primary data derived from archival and field research. The conclusion drawn from the study is that the practice of marriage among the Isukha in the pre-colonial period was a collective social process that affirmed their communal approach to life with the family unit perceived as the fundamental foundation of solidarity and the social binding seed of the communal life of the Isukha.

Key Words: Bride, Bridewealth, Groom Isukha, Marriage, Kenya

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1.0 Introduction

1.1 Background history: Marriage provides a significant form of social support that enable people to take part in wider patterns of social life. What has been said about African traditional culture can be said about concepts and customs of marriage in Africa. This is because marriage provided the foundation for African society. On a more basic level, only marriage gave men and women the chances to achieve any status in society, even simply to be considered an adult (Shadler 2006, p7). Marriage manifested the unity of African culture in its various occasions for celebration, congratulations and festivity. The link of marriage and the extended family, or the community at large was evidently shown in the way marriage was celebrated and prepared. The extended family was ever concerned about the marriage of their sons and daughters because it was from such marriages that children to continue family and community life were born (Phiri 2011, p 24). African traditional practices were however, challenged by colonial social and economic policies and practices transforming pre-capitalist systems. These policies also created a migrant labour force by involving men through taxation, labour conscription and forced cultivation.

There is abundant evidence to support the fact that colonialism brought new conditions to which the African traditional marriage and family had to adjust itself. In the wake of this transformation, social relations of all kinds that had their roots in the process of production were profoundly disturbed. In the same literature there is the recognition that the spread of Christianity was an integral part of the extension of European influence in Africa, although missionaries were often at odds with colonial government over the treatment of the "natives". In going about their activities, the missionaries introduced Christian marriage practices, impacting on the whole system of traditional marriage systems (Okuro 2002, p. 97). As a result, Christianity was bound to conflict with and undermine norms, beliefs, practices, taboos and values associated with African marriage and kinship traditions. It did not honour the participation of parents or relatives in the process of marriage in the co-operative payment of bride wealth This is because Christianity was introduced with individualistic tendencies of the western culture and did not strive to advocate for Christian marriage within the African traditional framework. As such, Christianity throughout its history in Isukha acted as an agent of change to the core beliefs, values and marriage practices. It succeeded in changing some aspects of the Isukha marriage beliefs and practices. However, there is evidence to show that certain elements have resisted change. It is within this context that this study set out to examine Isukha traditional marriage as a unique cultural institution.

1.2 Statement of the Problem

Colonial and Post-colonial policies have acted as agent of change to the core beliefs, values and marriage practices of the Isukha community of Kenya. In relation to their continuous interaction with nature Isukha traditional marriage practices reveals abundantly the pride and integrity of the Isukha. The functional importance of Isukha traditional marriage practices

need to be discussed to develop our knowledge on one hand and preserving the treasures of heritage and pride on the other hand.
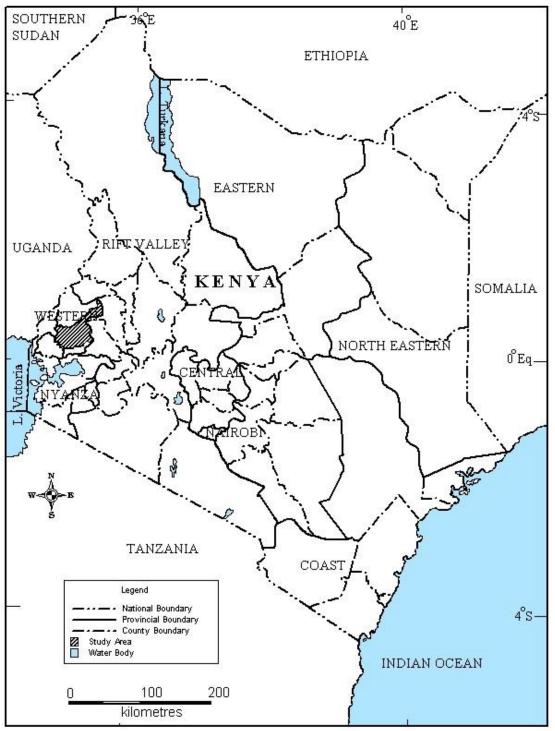
1.3 Objective of the Study
The specific objective of the paper was to evaluate the nature and significance of marriage in Isukha society during the pre-colonial period.

1.4 Study Area
The Isukha people are part of the patrilineal Luyia community who live within Kakamega County in Kenya (See Map 1). Administratively, Isukha is located in Shinyalu Sub-county that has six wards namely; Isukha North, Isukha South, Isukha East, Isukha West, Isukha Central and Murhanda (Republic of Kenya, *Kakamega East District Development Plan 2008-2012,* 2009, p.9). Isukha are famous in western Kenya for their *isukuti* dance and *bullfighting*. This is exhibited especially during initiation, funerals, weddings and ceremonies. Other tourism activities in the area include cock fighting, the dog market and the crying stone, which is a special stone among the Isukha, which they believe helps them fight wars and protect them from their enemies and against evil.

Map 1: A Map of Kenya showing the location of Shinyalu Sub- County as the Study area
Source; GIS Geography Department Moi University

1.5 Significance of the Study

The study contributes to knowledge in explaining the resilience of traditional marital structures among the Isukha in the contemporary internet age, validate the study. The study

awaken people understand the disjuncture between African traditional marriage to their continuing transition which is encoded in the emergence of alternative social arrangements and family formation. It therefore locates the structure of the African marriage away from the traditional patterns to new ones generated by the expansion of colonialism, Christianity, education, migration, capitalism, political factors especially laws passed by both colonial and post-colonial state on marriage, social and economic position of women, and globalization within the historical process in Africa. The African moral and value system has thus been challenged. These challenges, if addressed, will help African societies develop home-based approaches in tackling the myriad of challenges confronting Africa. Studies of this nature are very vital because they broaden our understanding to comprehend a community's traditional way of life. One can then be in a position to identify the various aspects in a community's culture that have been borrowed from different communities.

1.6 Methodology

This was a historical study, based on both primary and secondary sources. Primary sources included archival information, anthropological data and oral interview. Field research was conducted at the Kenya National Archives in Nairobi from October- November 2017 and May-June 2018. Information for the study was also derived from oral interviews that were conducted among the Isukha in December 2017- January 2018 within the six administrative wards where the Isukha people reside. A total of 60 participants among the Isukha were interviewed. The participants were identified through purposive sampling and snowballing sampling procedures. Focus Group Discussion was also employed to gather information. Participants comprising married, single, divorced, widower and widow's single parents female/male individuals falling within the ages of 35 years and above were purposively selected with the help of the contact person and field assistant and were interviewed. Data collection was done through primary and secondary sources by use of vast archival materials and the oral interviews that revealed the state of Isukha traditional marriage.

2.0 Analysis and Discussion
2.1 A Brief overview of Isukha history and settlement in their Present Homeland

Evidence from historical records and oral traditions recognize the fact that Isukha have no common ancestor, they emerged in the same framework of interactions and assimilations that took place in Luyia. Each Isukha clan moved and settled independently in their present habitat. As various clans moved, their migrations were rational processes which reflected their perception of what, in the long run would be in their best interest. Since most of these clans practiced subsistence agriculture, there was a link between rainfall, soil and migrational patterns and appear to have settled in favourable habitats by 1850. This study noted that Isukha are composed of 30 clans (Oral Interview Thomas Shikundi, 03/01/2018).The clans that were mapped during oral interview were:

Abasakala	Abamahalia	Abatuura
Abakhaywa	Abalira	Abakukhumi
Abarimbuli	Abashitaho	Abasilitsa
Abachina	Abakhoombwa	Abamakhaya
Abamilonje	Abayokha	Abasuulwa
Abatsunga	Abasuulwa	Abashimutu
Abitsende	Abashirukha	Abakhwanga
Abakhulunywa	Abateheli	Abasheleli

Abakuusi	Abasaalwa	Abashimbembe
Abashimuli	Abamusali	Abakisila

Source: Adopted from the oral interviews that were carried out in December 2017 and January 2018

The clan (*litala*) is patrilineal and exogamous without totems and it is localized within a defined territory. Clans and lineages in Isukha used to be the core of the social system in the pre-colonial era. Looking through the origin of many clans found in Isukha, the crucial point was trying to put across their relationship as far as marriage was concerned. It has been noted that Isukha consisted of many clans but of different origins. The Isukha thus were forbidden from marrying into or from the same clan or clans with pacts, which prohibited members from marrying one another. A good example of clans with such a pact was the Abasheleli clan and the Abatsunga and Abashikali and Abitsende clan. To this date, members of these clans do not inter-marry. Taboos existed to reinforce marriage prohibitions. It was, for example, believed that children born in a relationship involving relatives would "ripen" like bananas and die. Such marriages would be doomed. Marriage among the Isukha thus, brought together people from two different clans. The rule of exogamy, among Isukha and in most cases in African cultures, extended also to the mother's clan. For example, a boy could not look for a marriage partner in his mother's clan. A girl could not accept marriage proposal from any young man who belonged to the clan of her mother. An Isukha could marry anybody from any clan so long as there was no blood relationship as far as clan and totem aspect was concerned.

2.2 The Marriage Process among the Isukha in the Pre-colonial Period
There were two main types of marriage among the Isukha these were monogamy, a marriage with one spouse at a time. Another type of marriage was polygyny, a marriage with more than one wife at a time. Polygyny was an integral part of the Isukha cultural heritage. However, the Isukha appreciated their daughters to marry as first wives in polygynous homes that were economically stable. Getting married as a first wife in such a home had significance. Her house was the centre of all activities in the home. She was consulted on all matters affecting the home. She similarly had the responsibility to guide and counsel other wives. This was as far as social, economic and religious matters were concerned. On a further economic point of view, polygyny helped in raising the income of a family. Many wives meant cheap labour, therefore through polygyny, there was enough labour, meaning enough production from the farm. This earned a man prestige and popularity in Isukha.

The Isukha concept of marriage differed from that of the Western World. K*huhila* is the term used by the Isukha people to mean "to marry." This was a social institution which united a man to one or more women and further united the families and clans of the married couple. Thus as suggested by Evans-Pritchard: "Marriage is the creation of a series of new social relationships which once formed are not easily or lightly severed, especially when the union is completed by the birth of child" (Pritchard 1951, p. 84). The relationship was a communal affair in which all members participated. Therefore, it was highly valued in the Isukha social structure. Marriage was a central institution upon which all other institutions were dependent for life revolved around it. Mbiti's work sums up the importance of marriage. In his view:

> For Africans, marriage is the focus of existence. All community members meet: the departed, the living and those yet to be born. Every community member has to participate in it. So marriage is a duty, a requirement from the corporate society and a rhythm of life in which everyone must participate. One who fails to take part is a curse to the community, a rebel a law breaker, abnormal and "under-human". One will have rejected the society and it will reject him in return. Marriage ensures procreation (Mbiti 1968, p.133).

Marriage was generally viewed as a union between a virtually mature man and woman or women in order to have children for the continuation of family (Oral Interview Joseph Shikundi Mbalilwa, 30/12/2017). Marriage among the Isukha, as in most African communities, also conveyed status. Strauss speaks of the true feeling of repulsion, which most societies have towards 'bachelorhood' (Strauss 1963, p.46). This fact was also true of the Isukha. Bachelorhood was unknown among the Isukha. A bachelor was seen as an incompetent man. A similar thought, although milder, was directed towards childless couples. Spinsterhood on the other hand was unthinkable. It was almost an abomination for a woman not to get married. An unmarried woman, who remained in her village of birth, was a target of hostility even from her own brothers. Such a woman was an eyesore to her family. She had no role or status in the society and was denied access to certain occasions.

A married person was thus, socially respected. For instance, in an elders' meeting, a married person could be given a chance to air his views regarding the issue being discussed. Such a person thus participated in all matters affecting the running of the community's affair. Illegitimate births were untidy, random events which threatened the proper order of things. It was only through marriage that the couple could express their intimate love and conjugal feelings which was done in recognition of sexual differences. Marriage and birth of children were occasions for celebration, congratulations and festivity. Through marriage an individual acquired social status in the Isukha community (Oral Interview Elizabeth Achiesa Mukabwa, 12/01/2018). Childbearing was therefore the final seal of marriage, the sign of complete integration of the woman into her husband's family and kinship circle. A groom or a new father had in a sense "arrived" among the Isukha (Oral Interview Andrew Shirandula, 31/12/2017).

Among the Isukha, marriage was not a one day process. It entailed diverse rituals and other corresponding ceremonies. For one to be considered ready for marriage, an individual had to undergo all necessary rituals between birth and marriage. These rituals were known as rites of passage. The process of becoming an adult commenced at birth. After the birth of a child, several rites and observances were performed for their meaning and significance. It started with the naming in which a child was given a name. This ritual was often marked by ceremonies. Child-naming individualizes and incorporates the child into the society. Naming also gave a child dignity, respect and social recognition in the community. Among the Isukha, names were given after the ancestors describing the personality of the individual. (Oral Interview Joseph Shikundi Mbalilwa 30/12/2017). After naming, it was the responsibility of the community to bring up the child and in many ways to incorporate him or her into the wider community. Kinship was fully recognized during childhood as it made the child a part of the community, and not a child of an individual (Oral Interview Peter Lubelela, 02/01/2018). In summary, both birth and childhood involved a sequence of rites of separation, transition and incorporation into community.

Initiation as a rite of passage signified further incorporation into the society. It was a rite which enabled an individual to pass from one defined position to another equally well defined one. This rite signified gradual incorporation into the community of adults. As such it was a vital preparation for marriage (Gumo 1993, p.64-75). Initiation as a process involved rites, ceremonies, ordeals and instructions. Through it an individual was introduced into full adult community life and was transformed from childhood into adulthood (Ibid., 64). During this process, young men and women identified themselves with the moral and normative issues of their society. This pattern was both formal and informal. It was through education that children were prepared for marriage. Through marriage and procreation, parenthood was a necessary step in the process of acquiring social status (Oral Interview Nathan Timoni, 25/12/2017). During initiation process, the initiates acquired both formal and informal education. This included teachings on blessings and curses for the improvement of the society. Sex education was given in preparation for marriage. Duties, roles and responsibilities were well defined. The education was aimed at producing responsible fathers and mothers in the community. Young women acquired skills in cookery, childcare and hospitality, while young men got skills in building, hunting and fishing. The initiates were made aware of taboos, curses and blessings as a way of reinforcing law and order in the society. The Isukha initiation system was for both girls and boys. The initiates were tattooed on their body in different shapes and styles.

Tattooing, modified the personality of an individual in a manner visible to all. During this process, blood shedding signified solemnity with the ancestors. It also signified a new stage in life since the individual had been initiated into adulthood and made ready for marriage. This was done between ages fourteen and sixteen of both sexes (Oral Interview 25/12/2017 and 02/01/2018). As already stated, initiation was a transition period from childhood to adulthood. Young men and women identified the moral and normative issues of their society. People of the same age-group (*Likhula*) were usually born in the same year. They grew together, generally doing the same things. For example girls fetching water, looking for firewood whereas boys hunted together. It was from doing things in fellowship that they looked for marriage patterns who were of the same age-group or from different age-groups.

Before any arrangements for the actual marriage were made, it had to be determined whether the mate had the capacity to contract a marriage. Determining the capacity to marry was a long process with key moments marked by rituals. A suitor had to be fully prepared by the community for marriage. One could thus not marry without following the community's laid down procedures. Philip is one of the scholars who have written on the preparations for marriage (Arthur 1953). According to Arthur: "Initiation is a dispensable preliminary to marriage and involve instructions on sexual matters and marital and other duties" (Ibid., 49). Among the Isukha it was the boy who under-went circumcision in preparation for marriage, which was a prerequisite for marriage. Uncircumcised man was considered not yet grown-up and was, therefore not allowed to marry. Such men were despised by women and no woman accepted to be married to them. One of the participant noted that in cases where men got married without being circumcised, though rare, during circumcision his wife (*mkoko*) touched the husband stomach as he was being circumcised (Oral Interview 25/12/2017). Writing about the Isukha Malusu observed that: "an adult male who died just before circumcision was circumcised before his burial" (Malusi 1978, p.6). Circumcision thus, changed one from boyhood to manhood. Many of the participants could not remember the exact age at which boys were initiated, because they did not keep records. It was however

agreed that the boys were to be mature enough to withstand the pains. This could mean the boys were slightly above 18-20 years old. But being circumcised was not a guarantee that the initiate was fit for marriage. Participant A pointed out that:

> Apart from being circumcised, a boy was required to uproot enough grass with bare hands; enough grass that could be used to thatch a very big house. He had to uproot and carry the grass to where the house was. The size of grass carried also determined whether he was mature to be given a wife in marriage or not. Carrying very little grass implied that the boy was still a child hence unsuitable for marriage (Oral Interview 06/01/2018).

After circumcision boys were given lessons on manhood, society expectations and responsibilities, on the institution of marriage (Oral Interview 27/12/2017). On the other hand, the girls were expected to have a complete mastery of the household chores and also had to be ready to conceive. The partners were to be slightly of the same age. But in most case, boys were slightly older than girls, for the later were compelled to marry earlier to enable their parents to receive bride wealth. In many cases men married about 30 years and above while women had to be slightly younger than men of about 25-30 years (Oral Interview, 04/12/2018). The poor parents in Isukha community preferred their daughters to marry earlier than boys. As one of the participant narrated: "daughters were cows and wealth: generally girls could elevate one's economic status from poverty to richness so a daughter brought cows while boys used them" (Oral Interview Jedida Ahebiriwa Musava 12/01/2018). When there was a proof that the partners had the capacity to marry, the next step, was nothing but to determine whether there was consent. The communal participation in the whole affair meant that the young were prepared for marriage and family life by the entire corporate body.

2.3 Marriage Arrangements among the Isukha in the Pre-colonial Period
Following a series of incorporation rites; birth, childhood and initiation, a young person was viewed as an adult member of the community. There were three forms of marriage arrangements among the Isukha whether monogamous or polygynous marriage. The first form of marriage arrangement was where the husband had to pay bride wealth as was required by the father of the girl also referred to as *khusevula*. This was the most honourable form of marriage. It took place after the whole question of bride wealth and all other matters relating to it had been settled. The bride's father would finally give her permission to go to the home of the husband (Oral Interview Rebecca Mtumbuza, 07/01/2018). Marriage negotiations could not commence unless consent had first been sought from the concerned parties. Any socially approved marriage was expected to get consent of the parents of both parties to be married. Although other people's consent was sought, it was the parents' consent which was paramount. A go-between usually an old man was sent from the boy's home to the girl's home to inquire if there was consanguinity between the two partners. On an agreement that there was no blood relationship, a group of men from the boys' home went to request the girl's father a hand to marry their son. On acceptance, the payment of bridewealth was discussed.

The second category of marriage arrangement was by elopement (*khubaira*). Marriage by elopement was the quickest and the easiest form of marriage. A man who did

not have enough property to pay as bride wealth decided to elope with his lover. In many instances, a girl went to visit the groom and decided to stay with him in the hope of getting married. A girl could also visit a relative and decide to choose a man to live with as a husband. A girl and her lover equally eloped and ran to a distant place. This process was done without the consent of parents from both sides. Eloping took place when parents of either side did not approve a girl or a boy to marry somebody of his/her choice. This also happened when the suitor and the kinsmen were unable to assemble the full bride wealth that the girl's father would have demanded. It also happened when somebody had a particular person in mind as a future partner but was being forced to marry somebody else. After eloping, the partners entered into marital relations with one another and left it to the girl's father to take the next step. However, the father of the girl later acknowledged the marriage without holding any grudge against his son-in-law's kinsmen.

A father could raise objection to such a marriage only if he knew for certain and could prove to the elders that the suitor or his father practiced witchcraft (*omuloji)* or if there were some clan relationship (*obwikho)* between the two. It was against Isukha laws for a man to elope with somebody else's daughter when he knew that he had practically nothing to offer as bridewealth to the parent's of the girl. If a man eloped with another person's daughter and was not prepared to pay some bride wealth when he was requested to do so, he committed an offense against customary law. A man who committed such an offense was reported to the elder (*liguru).* When the elder and his kinsmen found that he was guilty they ordered the girl to be taken away from him.

The third type of marriage did not require any previous arrangements. This was marriage by abduction or capture (*khukwesa).* Such a marriage mostly took place when the girl was unwilling to get married to a particular man. It was a serious offence against Isukha customary law for a man to seize another person's daughter by force without her consent or the consent of her parents. If a man took somebody else's daughter by force and tried to make her a wife, the case was so serious that it often caused skirmish between the clan of the man and the clan of the girl. The warriors of the girls' clan had to fight members of the man's clan taking their cattle (Political records for North Kavirondo, KNA DC/NN/3/2/21). In many cases the man was never liked by women in the village. Due to the anxiety to have a wife, the boy could not wait until food for the wedding was available. He could use his sisters, brothers or other age-mates who could abduct the girl as she went to fetch water, wood or to the market place (*matisza).* She was forcefully carried to the groom's home. Once her virginity was broken by the husband to be, it was a taboo for her to go back to her father's home. This marriage was mainly caused by fear of expenses incurred in formal marriages. Most girls who were victims of such marriages were non-Isukha. This form of marriage arrangements became necessary when a man had reached the age of marriage but had not done so. His age-mates could thus use all means at their disposal to make sure the man got a wife at all expenses (Oral Interview Joseph Mahero, 27/12/2017).

A man could also abduct a girl whose parents had prevailed upon her not to go to her new home after the wedding; demanding for full bride wealth to be paid first. In such instances, if a man happened to come across the girl he could drag her to his home thus evading the other remaining rituals. The remaining bride wealth could be cleared while the man was already putting up with his new wife. When the girl whose parents had prevailed upon her not to return to her new home became very inaccessible, the man devised other means of getting her. Accompanied by his friends, they could pretend to visit the girl at her grandmother's house at night. They could "politely" seek for "her audience". When she came

out to have a chat with them, they grabbed her and carried her shoulder high to the man's home. This could, mark the end of any other remaining ceremonies. Only bride wealth could be requested for the marriage to be socially recognized (Oral Interview Kenneth Shisimba, 04/01/2018).

Sometimes the girl's parents secretly gave the man the consent to abduct their daughter. If they knew that the girl would not accept the man of their choice, they could allow him to abduct her. He was only required to pay the bride wealth after or before the abduction depending on the agreement between the two. Abduction could also result if the boy's suggestions to win the girl were futile. In case the boy kept persuading the girl to marry him but the latter turned down the offer, the boy could become impatient and abduct the girl. The man could organize a group of young men who would waylay the girl and carry her home (Oral Interview Peter Lubelela, 02/01/2018). Although this form of marriage was not encouraged, they did occur and were sanctioned by the community. Whether one underwent a typical form of marriage arrangement or through elopement, the ritual performed made the wife believe that she was the wife of the lineage.

2.4 The Qualities sought in Identifying a Marriage Partner

Before a partner was identified for marriage, he or she was expected to have admirable qualities. All the study participants unanimously agreed that there were certain qualities which were sought in a mate. Writing on this topic, Goode had observed that: "In mate selection, each individual seeks within his/her fields of eligible for that person who gives the greatest promise of providing him/her with maximum need gratification" (William 1964 ,p.38.). Goode's argument illustrates that although one had a variety of eligible individuals from which one could choose a mate; one had to choose an individual perceived to possess certain admirable qualities. The issue of mate selection was carefully handled by the Isukha people to ensure that the right mate was selected. The choice of a mate was a contract between families or other groups. Selection of a mate was therefore made on one who had most admirable qualities when compared to others. The qualities sought when selecting a wife included among others: modesty, industriousness, physical strength, good character and behavior like obeying the seniors and being generous or welcoming, chastity, and experience in household chores like cooking and fetching water. The attainment of the right age for marriage was mandatory for both boys and girls because of what their roles entailed. According to participants, the correct marriage age for both boys and girls was "between 25-30 years of age during which period the boys and girls were energetic and mature enough to carry out manual work." A man had to pass the following tests before he got married:

a) To mow a thick bushy garden.
b) To cut enough grass for thatching.
c) To make enough mud for a house.
d) Above all, the boy's manners were to be exemplary.
e) The boy had to be habitual hard-workers and industrious.

Source: Oral Interviews

This means that a man had to pass the society's marriage tests before he got married. Interestingly, the participants mentioned that a man was criticized if he failed to comply with his roles, yet it was due to his fulfillment of Isukha's expectation of his roles that he was wedding. This was usually a foreshadowing of his family life that would make him run into

debts and probably depend on his future in-laws. Participants went on to explain that a girl too had to pass the following tests:

a) Hardworking in doing manual work with special reference to digging since Isukha was an agriculturalist society.
b) Grind grain on a grinding stone into fine flour, enough for the family's meal.
c) Fetch water from the river using a reasonably big pot.
d) Hardworking and prove mature before their parents allowed them to be married so that their parents could know that they were able to look after their family members adequately.
e) Quick and active
f) Obedient and had a good character
g) Parents were well known and were well-off and generous.
Source: Oral Interview

In Photo 1 a woman demonstrate how digging was done by women with special reference to a hoe tool (*mkumbeti*). This was a crucial evidence of a woman as a hard worker in the field and its connection with Isukha being an agricultural society which brought wealth to a man.

Photo 1, Example of a hoe- tool that women used for farming (mkumbeti)

This test gives a summary of the roles of both the man and the woman in marriage in the society.

A part from these qualities, one's background was probed. A boy or a girl from a "bad" family like that practiced witchcraft, suffering from contagious or other hereditary diseases like leprosy, and /or sorcery was not accepted as a suitable mate. Different people including even the parents themselves did the spying on one's family background. Spying was carried out with utmost secrecy to ensure that the individual being observed was not aware of the ongoing observation (Oral Interview Philip Shiholo Nabwangu 02/01/2018 and

Peter Lubelela 02/01/2018). One of the participants stated that: "Isukha wanted a girl who could bear children and till the land irrespective of her physical appearances" (Oral Interview Peris Kavukha, 06/01/2018). The groom-to-be was as well given opportunity to go and talk to the girl and make his own observations. In case the man wanted to secretly make his observations on the girl, he could go and hide in tree near the girl's home to see for himself how his potential wife worked, moved, or responded when called. To know how fast a girl could till the land one participant said:

> Communal gardens were best places where they observed the girl's speed in cultivating. One could intentionally pass at such places to see for himself how the girl was working. If the girl spent most of the time standing *akimbo*, she was said to be lazy (*mukara)* and so unqualified for marriage (Oral Interview Elizabeth Ngaira, 07/01/2018).

Furthermore, to establish if the girl was welcoming, a very old man could pass by her home during a sunny day and time when nobody was around pretending to be so tired and hungry and looking for someone. The elderly man could say, "My granddaughter helps me with water." A humble and welcoming girl was expected to give him a seat under a tree or in a shade and bring him some water plus any food available in the house like milk or beer (*amalwa amasiile*) (Oral Interview Lena Khakhuya, 25/12/2017). The intention of the elderly man was to test the girl's character and to get details about the family. The elderly man would then report to the groom's family his observations. If the report was positive, two men from the groom's side would be chosen to go to the bride's father and make marriage propose.

Although beauty and love were not prerequisite for an Isukha marriage, some participants admitted that the former was not absolutely ignored. In the Isukha context a beautiful girl was to be fat, with big breast and buttocks, and without cicatrices. Big eyes and lips rendered a girl ugly. Nevertheless, beauty could not prevent a girl from getting married. It was only considered in cases where two or more girls were being assessed to get a suitable one. If such girls possessed almost equal qualities, then the beautiful one was given priority. When both parties were satisfied with their findings, the girl's parents gave the father of the prospective bridegroom an appropriate day when they would go to the bride's home for formal negotiations on the bridewealth. The bride's family then prepared for the delivery of the bridewealth.

2.5 Bride wealth in the Isukha Marriage Ceremony

The Isukha concept of bridewealth differed from that of the Western world in that the latter has an element of purchase. Bridewealth among the Isukha like in many African communities was motivated by noble and genuine necessity, rather than by reason of malicious profiteering. Bride wealth did not mean selling of the bride in the Isukha culture. The element of purchase has been introduced as a result of the socio-economic changes taking place in all the communities. The term *bukhw*i is used by the Isukha community to mean bride wealth. It should also be distinguished from presents or gifts made by either spouse or his/her family to the other spouse, which were not returnable on dissolution. No matter how poor an individual was, he was required to pay the whole bride wealth.

Bridewealth had an important social, economic and religious significance. Through bridewealth, a new relationship was formed between the families of the spouses. All children

born of a marriage of this kind, belonged to the kinship group of the husband. That is why among the Isukha when bride wealth had been paid, in case of separation and divorce, a woman had no right to take the children with her (Oral Interview Joseph Mahero, 27/12/2017). The wife also belonged to the clan. Consequently, when a husband died, the widow was inherited by the deceased's brother or close relative. The Isukha also believed that a marriage without payment of bride wealth was like cohabiting with a woman as a concubine. That is why a man had no claim over a woman unless he had paid bride wealth. Among the Isukha bridewealth was usually paid in the form of livestock (Oral Interview Mary Meja, 07/01/2018). The average full bride wealth for the Isukha marriage was 3-6 heads of cattle, three goats and 12 hoes (*imboko*) (Andere, The Abaluyia Customary law relating to marriage and inheritance, KNA: PC/NZA/3/3/2.). Only cattle were counted as bridewealth. The other things such as beer, hoe (*imboko*) and goats were not counted as part of bride wealth, but as gifts. Goats were never used in payment of bride wealth, according to one of Isukha saying which states: "*livusi liekhuba muvukhwe*" meaning, the goat had just joined the bride wealth's bandwagon. The Isukha culture portrays the goats as very mischievous and so they could run and join the cattle which were being taken away, as bride wealth. When this occurred, the goats were left to accompany the cattle, not as part of the bridewealth but as gifts.

Bride wealth was thus the cornerstone of the Isukha marriage hence the rule "no bride wealth, no marriage". The Isukha culture required that the bride wealth be paid before the wedding day. However, basing on the understanding between the contracting parties, part of the wealth could be paid and the remaining amount completed in bits while the couple were cohabiting.

2.6 The Traditional Isukha Marriage Wedding Ceremony

The marriage wedding was the most important ceremony in the Isukha marriage system. The Isukha referred to it as *shiselelo,* a word which simply means "the wedding". *Shiselelo* too required the participation of all community members. It was yet another social responsibility where the living and the dead joined together in its celebration. The Isukha marriage ceremony comprised two phases; the pre-wedding feast held at the bride's home and the actual wedding ceremony in the bridegroom's home. The preparations and celebrations took place concurrently at both homes. Arbitrators were used to communicate messages between the two groups when need arose. The wedding intervals marked the climax of the entire procedure. There were lots of feastings and its duration depended on the families' economic status. A well to do family could hold celebration for a whole month. To ensure all members' participation, the Isukha, like any other Luyia community arranged weddings at the time of little activity. In most cases it was after harvesting season and when there were no rains. These considerations ensured that lavish ceremonies were offered for more food was available and no rain could interfere with the proceedings. The feasting and merry-making were usually conducted in open arena, which were the only available places that could accommodate all the participants and give room for dancing.

After one week at her stay to her new home the bride made her first visit to her parents' home taking with her all her gifts in the form of payments. If there was any witchcraft in the bride's home that she was to inherit, that was the time the bride's parents gave it to her together with foodstuff. If the bride wealth had not been paid in full it had to be completed at such times lest the bride's parents withheld her from returning to her new home. The Isukha referred to this action as *khwikhasia.* In case the bride's parents prevailed upon

her not to return to her new home, the bride could not risk walking outside the home lest she was waylaid by the bride-groom's party and carried forcefully to his home.

The bride's visit to her home marked the end of her play-acting and the beginning of her full participation in the family affair of her marital home. When all matters had been settled, the bride could start the preparation for her second journey to her new home. When returning to her marital home, she was given a lot of foodstuff to take to the bridegroom's parents. This shows that gift exchanges among the Isukha people was a lifelong process. The bride was accompanied on this journey again by some girls and one of the bride's brother for security purpose. There was little feasting when the bride and her party arrived at the bride-groom's home. Those who had accompanied the bride went back to their home the following day leaving behind the bride and a young girl to give the former some company as she was yet to get acquainted to her new environment (Oral Interview Angelina Muhenja, 16/01/2018).

2.7 Widow Inheritance

According to Isukha customary law, a man was allowed to inherit his brother's wife, his cousin's wife (*mukhwasi*), a widow from his clan and a young wife of his father (step-mother) if his father's brothers or anyone in the same clan who is a "brother" to the deceased had been consulted to inherit the widow without success. (Andere, The Abaluyia Customary law relating to marriage and inheritance, KNA: PC/NZA/3/3/2, p.31). This type of marriage was Levirate marriage (*khukerama*). This was when a brother inherited the wife of a deceased brother, and cohabited with her. This type of marriage was of two types. The first was where a married man with more than one wife inherited a deceased brother's widow. The second was where unmarried man inherited a widow of a deceased real brother or classificatory brother. In this case, a widow was not considered to be a full wife of *musumba*. However, the *musumba* had to marry his rightful wife in future. After a man had inherited a widow he could not sleep with her before slaughtering of a goat (*okhutisa*) (Ibid, 31). If the man disobeyed and went out of his house before providing a goat, he was obliged to pay a goat if he happened to enter another person's house.

Widow inheritance was important among the Isukha. Death was viewed as a rite of separation. However funeral rites incorporated the deceased into the world of the dead. The mourning of the widow was a transitional period for she had to go through rites of separation. As a rite of passage, death involved many ceremonies such as burial and after burial rites, inheritance and so on. Death was believed to cause ritual impurity. But this was not permanent since it was cleansed and normal life was afterwards resumed. Death was conceived of as a departure and not a complete annihilation of a person. The dead person was suddenly cut off from the human society and yet the corporate group clung to him (Gumo 1993, p.81).

Since death was a rite of passage and did not take the deceased away from his people, the deceased's daily activities had to continue through someone else, but of the same kinship. It was for this reason that if the deceased was married, his family had to be maintained through inheritance of the widow. This was shown through the elaborate funeral rites, as well as other mechanisms of keeping in contact with the departed. Levirate marriage was therefore a convenient arrangement to protect and give support to the widows and their children in the traditional Isukha society. The wife belonged to the individual and to the kinship group and when the husband died, she remained in the kinship group in the husband's lineage. The duties of the deceased husband were taken over by his brother.

2.8 Divorce and Separation in Pre-colonial Isukha Community

In Isukha community lineage elders helped to settle divorced cases which could not be settled by family members. The attention of the clan head *and* his group of advisors (council of elders) were drawn to discuss cases and make a decision. They could decide to authorize divorce and separate the couple, or prevent its occurrence. There were, however, few instances in which divorce was sanctioned. The Isukha feared witchcraft sorcery or "wizard" *(omuloji)* (Andere, The Abaluyia Customary law relating to marriage and inheritance, KNA: PC/NZA/3/3/2, p.32).

When one party accused the other of witchcraft the parents or elders always cautioned the party concerned to keep the matter secret while further investigations were being carried out to establish the truth before anything could be done to effect divorce or separation (Oral Interview Nathan Timona, 25/12/2018). When the elders had established truth of the matter they assembled to discuss the matter. Elders from both the bridegroom's and the bride's place were to be present. They discussed the matter exhaustively with the aim of helping the situation if possible, and only granted divorce when an agreement completely failed to be reached. They often tried as much as possible to save the situation because granting a divorce involved especially the bride's parents into very embarrassing economic situation. This was because with such justified divorces the bride wealth had to be returned except that portion which was regarded to have cancelled out or rather have paid for the amount of expenses that the bride's parents incurred for entertaining their guests (the groom's people) during the process of paying the bride wealth (Oral Interview Joseph Mahero, 27/12/2017).

A man's impotence could also lead to divorce or separation in the traditional Isukha community. However, this was not so serious a case as that of sorcery because the Isukha believed that when the woman had proved herself worthy of being a wife in the home based on the acceptable qualities she could not be allowed to divorce simply because of sexual impotence. On the contrary the woman was granted complete freedom of having sexual intercourse with some of the husband's brothers or cousins. The children born of such unions were however wholly regarded as the husband's children. But if the impotent man was quarrelsome or a drunkard then this was sufficient cause for the woman to seek complete divorce or separation (Andere, The Abaluyia Customary law relating to marriage and inheritance, KNA: PC/NZA/3/3/2, p.32).

The other important factors which normally led to divorce was when the woman was barren. In such a case the husband and his parents got worried least he died without their heir. In this case divorce was only taken as a last resort, for at first, the man would desire to marry a second wife. When he expressed this wish to the wife and she offered strong opposition to the suggestion, then the man, with the support of his parents, decided to marry despite the first wife's jealousy. These could therefore create trouble in the marriage. Under such conditions then the elders would assemble to effect divorce or separation. It should be understood that the initial cause of divorce in this case was the woman's sterility though the immediate cause was definitely her obstinate behavior after her husband's second or subsequent marriages.

The couple would also decide to divorce when one party had done a dishonorable act like murder, an act of homosexuality, theft or most seriously the commission of adultery. The latter factor gave rise to an apparently queer aspect of family relations. (Political Record Books of North Kavirondo, KNA: DC/NN/3/2/21). In all cases of divorce or separation the children of the marriage belonged to the divorced or separated father, who in most cases had fully paid the bride wealth (Oral Interview Joseph Mahero, 27/12/2017). This clearly

demonstrates the fact that a child in the context of the traditional Isukha customs belonged to biological father. The divorced man also got his bride wealth back depending on the number of children he got with the wife. Divorce took effect after the case had been heard by the clan head and his elders in the presence of the relatives of the wife including parents from both sides (Andere, The Abaluyia Customary law relating to marriage and inheritance, KNA: PC/NZA/3/3/2, p.33).

2.9 Burial of Unmarried Man and Woman

Marriage among the Isukha community was very important. It was an abomination for an Isukha man or woman to die before marrying or being married and if this happened, the man or woman was buried without respect. Writing about death among the Isukha people, Malusi asserted that: "strictly, there were no bachelors among the Bisukha." Every grown up man (in Isukha this required circumcision first) was expected to marry (Malusi 1978, p.5). To fulfill this, an impotent man would marry and have children through his brother. If the man refused to marry or was incapable of doing so, he became an outcast. If the man refused to marry it meant that the man died without ever having got a girl pregnant, he was regarded as being of no importance. In such a case a long thorn was pushed into his anus on his burial and passed through a virgin wall that some strong warriors had broken through. He was viewed to have run off before completing his duty as a man and had forced his way to the grave (Oral Interview Andrew Mulima 31/12/2017). Such a man was regarded as an outcast, as a person who took his own life by hanging, or someone who was struck down by the "red cock" lightning.

The men who buried the outcasts went through some rituals to protect them from the spirits of the dead. Among the Isukha such people were buried in river-beds (*mushinoko)* and forgotten (Oral Interview Shikundi Mbalilwa 30/12/2017 and Paul Mulima 31/12/2017).

The same case also applied to women. A married woman was buried with respect unlike an unmarried woman who died after attaining an advanced age. Malusi pointed out: "a woman who had children with her husband was buried on the husband's land" (Malusi 1978, p. 6). In this case, the woman's children were her roots, her foundation, her seal or marriage in that land. The children were the certificate that incorporated a woman into the new community. On the other hand, a barren woman was returned to her clan for burial, as a newly married girl with no children. Such women had no roots in the husband's clan to claim burial rights. However, such women were buried in their husband's land if payment of bridewealth (*bukhwi*) had been completed (Oral Interview Jacon Luseno, 31/12/2017).

On the other hand, women who had attained the age of marriage and refused to be married and died without ever having a child, such an individual was thought to be an outcast. In such a case, a long thorn was put on her grave and buried next to a fence in her father's land while in some cases she was buried at her father's home where bananas (*maremwa)* were grown (Oral Interview Pricilla Indimo 16/01/2018). The reason why such women were buried next to the fence was because they were regarded as not being part of the family and so were strangers. No child in the family was named after the deceased since she was believed to be a bad omen, hence no member wanted to be associated with her for the fact that she was in the community (Oral Interview Christine Muhatia 18/01/2018). Although it was condemned, the same treatment was never linked to a woman who was not married but had given birth. Table 2.1 clearly demonstrates the marriage taboos that governed the way of life of the Isukha people.

Table 2.1: Some Taboos Related to Marriage among the Isukha

To Marry from the clan of mother or grandparents
Marital rape
To stay unmarried
To marry from any family your ancestors had rejected
To committee adultery
To be barreness or impotence
To abort
For a married man to enter his mother's house
For a husband to be rude to an expectant wife
To have sex during pregnancy-might cause premature birth
For a bridegroom to sleep in the house of mother in law and vise versa
No marriage should take place when people were mourning
To have sex with breastfeeding wife
To have sex with a woman who has just delivered or is about to deliver
For a girl to be married in her father's age group
To have sexual intercourse with uncircumcised boy/man

Source: Participants

2.10 Distribution of Property and Wealth after a Man's Death

Three or four days after a man had died and buried, a meeting (*inyanga yo okweya amasika*) of clan elders, his sons and daughters took place. At the meeting all the property of the deceased including his debts were declared. The number of children especially the married and unmarried sons was declared. Anything that the deceased might have said before he passed on was mentioned. The elders also considered what items were to be used as expenses for the funeral (*amarika*). By customary law a bull was slaughtered for the clan elders who came for the meeting. In addition, a goat for the sons and brother-in-laws (*abakhwe*) was slaughtered. After all the properties of the deceased had been assessed and expenses known, one of the brothers of the deceased was appointed as the custodian of the deceased property until after one month when an official day was scheduled by the brothers for the distribution of property to the rightful heirs. On this day a meeting of clan elders presided by the eldest brother of the deceased took place (Andere, The Abaluyia Customary law relating to marriage and inheritance, KNA: PC/NZA/3/3/2, p.40). The clan head was normally present when this was done.

When properties were divided, the unmarried sons were the first to be given cattle and goats to enable them pay bride wealth for wives. Those sons who were still young were considered and their share of property was given to their father's brother or to their eldest brother and mother as custodians until they were grown up and were ready to get marry. Daughters were never given any share of their father's property.

Widows were also considered when distributing properties of the deceased. For instance, she was given one cow for milk. All the food stuffs, chicken and baskets were given to her. She was also given a share of the house furniture. The widow automatically obtained a life interest in the piece of land she had been cultivating provided that she continued to live on the land of her husband. On her death the land reverted to her sons. If the widow was inherited or remarried to another man and then moved to his village, then she left all the property she had inherited from her late husband. The property was then divided to her sons

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or the brothers of the deceased or any close relatives of the late husband (Political Record Books of North Kavirondo, KNA: DC/NN/3/2/21). If a man died without any male child his property was divided either among his full brothers or if he had no full brothers then his half-brothers or if no half-brothers then his nephews. Maternal cousins and deceased friends had no right of claiming a share of the man's property and ignore the claims of his relatives.

3.0 Conclusion

This study has discussed the significance of marriage, gender relations, rite of passage, bride wealth exchange and taboos related to Isukha traditional marriage in the pre-colonial period in Kenya It has been observed that marriage institution was important in the social setting. Marriage was an exchange between two previously unrelated clans. The bride-groom's received the girl while the bride's group obtained a token in return for the woman who was handed over. Since its main function was procreation no marriage was said to have taken place until at least a child had been born out of it. A childless marriage among the Isukha people was very painful and embarrassing situation in life as stated above. Marriage thus binds contracting parties and individuals within them together.

It was here that everybody had a role to play depending on gender, age and the activity to be performed. There was interdependence hence nobody was subordinated in the family. The family head and the kinship members had considerable influence on matters pertaining to bride wealth exchange forcing them to exert pressure on aspects of women's sexuality, especially virginity. This they did to acquire enough bride wealth exchange for their sons to marry. Divorce was rare although there were provisions for it.

References

Arthur, P. (1953). *Survey of African Marriage and Family Life*. London: University Press.

Gumo, S. (1993). *The Impact of Christianity on the Abanyala Levirate marriage.* M.A Thesis, University of Nairobi..

*Kakamega East District Development Plan, 2008-2012.*Nairobi: Government Printer, 2009.

KNA: DC/NN/3/2 21; Political record Book for North Kavirondo.

KNA: PC/NZA/3/3/2, 10; The Abaluyia Customary law relating to marriage and Inheritance.

Malusi, J. (1978). *The Luyia way of death based on Isukha people of Kakamega district.* Nairobi: London, New York, Oxford University Press.

Mbiti J.S. (1968). *African Religions and Philosophy*. Ibadan: Heineman. (1969). *African Religions and Philosophy*. Nairobi, Kampala Dares Salaam, Kigali: East African Educational Publisher.

Okuro, S.O. (2002). *The impact of colonial socio-economic policies and practices of female-headed households in Kenya: The case of Kombewa Division, Kisumu District 1894-1963.*M.A Thesis, Kenyatta University.

Phiris, K.A. (2011). *African Traditional Marriage: A Christian Theological Appraisal.* Nairobi: Paulines Publications Africa.

Pritchard, E. (1951). *Kinship and Marriage among the Nuer*. Oxford: Clarendon Press

Shadle, L.B. (2006). *Girl Cases Marriage and Colonialism in Gusiiland, Kenya 1890-1970*. Heinemann: Portsmouth.

Strauss, L. C. (1963). *Structural Anthropology*. New York: Basic Books, Inc.

Wagner, G. (1949), *The Bantu of North Kavirondo, Vol.1*. London: Oxford University Press.

William, Goode. (1964). *The Family*. New Jersey: Prentice Hall Inc.