Widow Inheritance: Throwing out the Baby With the Bath Water

By Adipo Sidang

The cremation of the remains of Kibra MP Hon. Ken Odhiambo Okoth contrary to the Luo culture elicited public debate reminiscent of the S.M Otieno case in the late 80s, where the widow, Wambui Otieno battled in court with Umira Kager clan over where to bury the body of the then renowned lawyer. Wambui had wanted to bury her husband at their Upper Matasia home while the lawyer’s clan insisted he had to be buried in his ancestral home in accordance with Luo culture. The wishes of the clan carried the day.

Whereas the cremation of the Hon. Okoth’s remains was contested, it is the pronouncement by a splinter group of the Luo Council of Elders led by Nyandigo Ongadi that drew public opprobrium and approbation almost in equal measure. These elders demanded the inheritance of Okoth’s widow, Monica Okoth, by one of the late legislator’s brothers in line with Luo culture. Social media went ablaze with mixed reactions; those that opposed it caricatured wife inheritance as primitive, immoral and irreligious while those who supported the call felt the practice is an important component of Luo culture to be preserved. Mainstream media joined the bandwagon with sensationalized reporting of the matter that bordered on a mischaracterization of the practice of wife inheritance.

For starters, wife inheritance – also known as levirate marriage, is a customary practice that entails that upon the death of a husband, his brother or a male relative equivalent to a paternal cousin
assumes the role of the deceased man by stepping in as the new head of the deceased’s home. The term “levirate” comes from Latin word “levir” which means a husband’s brother. The brother or the paternal cousin of the deceased thus becomes a wife inheritor; the two cohabit and culturally validate the arrangement through consummation which usually happens in the widow’s house. In some situations, the widow has the liberty to identify the man to inherit her from within the clan, while in other cases the widow has little or no power to decide who inherits her thus must remain acquiescent to the voice of the wise elders who make the decision. It is assumed the directive is in the interest of the common good and therefore has a utilitarian function of preserving the name of the deceased, especially if he died without having children. This explains why the Luo elders demanded ex cathedra that Hon. Okoth’s widow must be inherited. Whether this demand was justifiable in the prevailing context is a totally different matter.

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The social media reactions relayed the disturbing misrepresentation that has for long perpetuated the narrative that African cultures were or are in some way defective and backward and many Africans have obsequiously submitted to a superior foreign culture. Australian social critic A.A. Philips coined a term for it – cultural cringe, the collective inferiority complex that makes the natives of a country dismiss their culture as inferior to other cultures. The West has largely become the source of our cultural validation. Cultural cringe impairs our ability to question, without feeling inferior, some of our practices, including wife inheritance, from a lived experience that is only unique to ourselves.

It is this inferiority that somehow makes a society peddle falsehoods, fallacies and exaggerations about aspects of its own culture. Therefore, when the debate on wife inheritance heightened on social media, it wasn’t surprising that some views were outrageous and bordered on bastardization of the cultural practice in question. These views are representational of the effects of the cultural servitude we were conscripted to by the West.

**Wife Inheritance in the Bible**

Wife inheritance, like any other “controversial” aspects of African cultures, is characterised as non-religious and satanic. However, wife inheritance is not exclusive to African traditional or non-religious for that matter. It escapes the critics that the practice is recorded in the Christian bible existing among Hebrews and Jews. Religion was and still is a function of the culture that creates it.

Deuteronomy 25:5-10, for instance, commands a brother to marry the widow of his childless brother to perpetuate the name of the deceased brother. Some of the examples from the Bible are the marriage of Boaz to the Moabite widow Ruth (Ruth 4:9) and the marriage of Onan to Tamar, Er’s widow (Genesis 38:6-10).

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Wife inheritance was for centuries practiced among the Nilotic Luo peoples of Western Kenya,
Northern Uganda and the Mara region of Tanzania as part of the metaphysics of their cultures. Like other practices, it echoed the unwritten laws of the ancestors who acted as the interceders to the gods. The Luo of Kenya for a long time termed the practice “tero” or “lako” to mean the rite of inheriting a widow. Wife inheritance also obtains among other Nilotic groups such as the Dinka, Nuer, Atuot and Anywaak of South Sudan and Ethiopia.

The practice was also common among Bantu tribes of East Africa such as the Abaluhya (Maragoli, Bukusu and Samia) and Abagusii of Kenya and the Bagwere people of Uganda. It was strongly present among Southern Bantus of Zimbabwe and Mozambique and South Eastern Bantus of Malawi. All these tribes in their separate ways regarded wife inheritance as an institution of widow care chiefly established to protect the widow and children of the deceased.

In Malawi, for instance, the Sena people practise *kulowa kufa* in which a widow is married to another man or brother of the deceased husband to protect the name of the deceased and care for the widow and children.

In West Africa, wife inheritance was practised by the Igbo, Yoruba and Hausa-Fulani of Nigeria and the practice is still common in rural areas. Customary laws of the three tribes require that upon the death of her husband, a widow must be inherited by a male relative of the late husband. In Yoruba culture, if a polygamous man died, his youngest wife would be inherited by the eldest son of the deceased man. This arrangement was also common among the Luhya of Kenya even though the practice has principally been abandoned, unlike among Yoruba people where it is supposedly still in force. To a non-Yoruba, this would look like institutionalized incest, a practice that was fairly common among European royal blood lines only that in the latter, marriages happened between first cousins.

An article appearing in National Geographic magazine in 2010 titled “The Risks and Rewards of Royal Incest” delved into the reality of inbreeding among royals like the Bourbons of France, Hawaiian royals, Hohenzollerns of Prussia and the British royal family. In the British royal family, Princess Victoria Melita of Saxe-Coburg and Gotha married her maternal first cousin Duke Kirill Vladimirovich of Russia then later married her paternal first cousin Duke of Hesse, in line with the wishes of her grandmother Queen Victoria who happens to be a great-great grandmother to Queen Elizabeth II. Incestuous marriages led to the end of the Spanish Hapsburg royal family with the death of King Charles II in 1700. King Charles II, popularly known as El Hechizado or the Hexed (Bewitched), was practically a sickly king with serious mental and physical health disabilities as a result of centuries of inbreeding.

Ironically, while the colonialists were quick to label African practices and tribes as retrogressive, inbreeding among European royals was labeled more as a health risk than as a retrogressive practice.

**Communalism or Patriarchy**

It is pure ignorance to claim that wife inheritance as culturally practised by various African and even Asian tribes, like Hunnish tribes of Central Asia and Pashtuns of Afghanistan, was retrogression. Just as inbreeding sought to keep the royalty within families, wife inheritance sought continuity of one’s bloodline. The caring for widows and continuation of the bloodline of a deceased man is guided by an underlying philosophy and is part of a governance structure of a society.

In the Luo community, two things stand out which are common in most communities that practised wife inheritance and African communities in general; the first is patriarchy. The directive by the Luo Council of Elders to Hon. Okoth’s family demonstrated the extent to which elders created social and
political order and defined the economic structures including control of property. Among the Luo community, elders were revered as the decision makers on most cultural affairs; they monopolized wisdom and guided their people and protected the interests of their people first. Whereas the community was patriarchal, widows (and married women) inherit land rights by virtue of marriage and farm land nearly in the same manner as matriarchal African societies like the Owambo people of Namibia or the Serer people of Senegal.

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With the corruption of the institution of wife inheritance, there has been increased hostility towards widows. In the 90s, wife inheritors among the Luo of Kenya became popularly known as “terrorists” – a pun curved out of the word “tero” (the practise of wife inheritance), and which symbolized a casual bravado by male relations who had abused and corrupted the hitherto cultural institution of caring for the widow’s welfare and the family of the deceased.

As a result of this, wife inheritance has been treated as one of the legacies of patriarchal dictatorship among the Luo community and feminist scholars have launched their campaigns against the practice from that viewpoint.

Secondly, the Luo community – like most African communities, had very strong clan structures that influenced how communalism was interpreted. For Luos, communalism inspired a unique social welfare system that transcended the living world to the ancestral. Communalism not only guided kinship and relations but also how the living viewed and related to the “living dead” and the ancestors. Life was a shared experience driven by cultural truths that inspired collective consciousness for the other. It is this cultural organization that partly inspired the institution of widow care among Luos. When you married a woman, she became a daughter of the community in the same way her husband was a son of the community.

Racism the Root of Cultural Colonialism

While advancing their Western patriarchal values, the West significantly disrupted African communal systems. This agenda was driven by the patronizing colonial view of Africa, as a cultural space inferior to Western culture. Western scholars went to the great extent of intellectualizing this racist ideology. German scholar GWF Hegel (1770-1831) without ever traveling to Africa, fascinatingly described that Africa (South of Sahara) was “Africa proper”, “a land of childhood...enveloped in the dark mantle of night”, and without any relevance to world history because Sub-Saharan Africa was characterized as having neither a history nor civilization. According to Hegel, Africa had no history because to have history is to have reason – a capacity deficient among Africans. These radical views influenced the growth of the racial ideology that bedeviled Africa and Africans across continents and devalued the significance of our cultures in the eyes of the world.

Through deliberate restructuring of African cultures to adhere to the modern (read European/American) dictates of civilization, some African cultural practices like wife inheritance were declared immoral, and as a result have been targeted on the grounds that they are immoral and backward. Thanks to neo-liberalism – the “new world order”, the rise of secular democracy has significantly re-organized the socio-political and economic structures of African societies as it
tramples upon any cultural considerations. Religion and colonialism enhanced the slavery narrative that Africans were inferior. Religion, particularly the Judeo-Christian religion, established an anti-culture evangelization project to overthrow cultural practices conveniently labeled Satanic. More specifically the Christian ethics of Protestant tradition is partly responsible for the capitalist economic (dis)order due to its emphasis on individual achievement and the religious adulation of the same; Max Weber extensively speaks about this in his book The Protestant Ethic and the Spirit of Capitalism.

Colonialism, on the other hand, reinvented African societies by dismantling and destroying the existing socio-cultural structures then supplanted them with a new set of cultural ideologies. The result was a disintegration of communal structures which has contributed to abandonment of our communal values. The individualistic-cum-capitalist Western culture invaded our communalist culture and consequently post-independent African societies have since been atomized as people seek individual survival and happiness over communal welfare and social values. This atomization was enhanced in the 1960s and 1970s with the abandonment of the idea of common land ownership, among other things, and later in the 1980s and 1990s people began to migrate, like everywhere else, from rural to urban centres away from their communities.

**Cultural Gigolos and HIV Prevalence**

Social critics have portrayed wife inheritance as a form of subjugation of women but this must be viewed within the context of wife inheritance as practised today which continues to defy the relevant cultural expectations of the community. In fact, it is contested that what is practised today cannot pass for wife inheritance as it is contrary to the very idea of widow care. This is because the corrupted version has become synonymous with plundering of the wealth and property of the widows.

Under this corrupt regime of wife inheritance, in place of responsible brothers-in-law are “professional” wife inheritors who gallivant from one funeral to the next in search of bereaved and vulnerable widows. This crop of men mostly are opportunistic individuals not only without the means to take care of themselves let alone the widows they intend to inherit but also devoid of a reasonable sense of direction that adulthood affords normal human beings. They abandon their marriages – if they have any, to become “cultural gigolos”. In the process, they infect or re-infected the widows with HIV, or get infected or re-infected, before they move on to their next victim.

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This cultural sleaze can be attributed to weak communal structures, coupled with poverty and ignorance, which have enabled people to exploit cultural loopholes to their own immoral benefit. A clan like Uyoma along the shores of Lake Victoria, Siaya County, has witnessed all sorts of “terrorists”; most if not all cases do not meet the widow care threshold. Men come from across the lake as far as Uganda in search of greener pasture only to retire as serial wife inheritors in this or that village.

Studies show that societies where wife inheritance is practised have recorded high HIV prevalence, whether or not practices align with cultural requirements. A 2018 Government of Kenya HIV/AIDS prevalence report showed that counties in Nyanza region of Kenya where wife inheritance (safe to say the corrupted version since the institution of widow care has since died) is still rife recorded a
prevalence rate ranging from 7.7% to 21.7% which was way above the national prevalence rate of 4.9%. In 2004, a UNDP report dubbed “Human Development Report for Nigeria. HIV and AIDS: A Challenge to Sustainable Human Development” found that the practice of wife inheritance was one of the leading causes of HIV in Nigeria. In 2006, Women UN Report Network observed there was high HIV rates in Mzimba District, Malawi North due to chokolo (wife inheritance). HIV/AIDS prevalence rates are high in other cultures where this practice is still rife including the Congo, Zimbabwe, Ghana, Nigeria, Cameroon, Uganda and Tanzania.

The only thing that these studies don’t tell us is that the institution of widow inheritance has since been overthrown and what reigns is the corrupted version of wife inheritance. Whereas some stakeholders have registered reservations about the veracity of statistics, it is vital that we assess from a cultural point of the utilitarian value of widow care from a health risk perspective now that what is left of it is an imitation of the institution.

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In my view, the health risk arising from the corruption of the practice would be the only sound argument against the traditional institution of widow care; and we lose nothing really because the institution has largely been abandoned and, in its place, an unfortunate debauched practice installed. I would, and actually have advocated the end to wife inheritance on grounds that as it is practised today, it has increased HIV prevalence; but I wouldn’t push for its ban on the flimsy premise that it is antithetical to Western cultures and the Judeo-Christian omni-God, or because it doesn’t fit within the philosophy of radical feminists.

On utilitarian grounds therefore, the Luo community and other communities that practised wife inheritance, should assess the challenges the institution has gone through in light of the needs, safety and security of widows at a time where HIV prevalence is growing. It is my proposition that our communities can replace widow care with widow empowerment initiated by a communal support system that involves the support of government under a National Safety Net Program which I believe would go a long way in enabling young widows with little or no income to become independent. Both county and national governments can work with clan elders to build priorities around supporting poor and uneducated widows as a strategy of combating HIV prevalence. Widows should then be free to choose to whom they get remarried to without being victimized or discriminated by the late husband’s relatives or even by fellow women. It must not be lost on us that a majority of widows in our communities are semi-literate and struggle to eke out a living increasing their sense of vulnerability and unlike Monica Okoth, their individual plight may never generate social media debate in their defense and or in defense of culture.

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