

Changing perceptions on wife inheritance in the Bukusu community of Bungoma District, western Kenya.

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Abstract

This study describes the prevalence and changing attitudes towards wife inheritance among Babukusu of Bungoma District, Western Kenya. Like other patriarchal societies, men here are the main decision makers and property owners. The study found that the practice of wife inheritance is generally on the decline. The HIV/AIDS epidemic and a combination of other socio-economic reasons were found to be responsible for this decline. Educational level had an influence on the perception of wife inheritance whereby a majority of those in support of the practice were the illiterate and semi-illiterate as opposed to the highly educated informants who opposed the practice. Gender was also related to the respondents' opinion on wife inheritance; more men than women were in support of it. The authors conclude that community-based interventions involving different groups such as the church, the provincial administration and women groups are needed to accelerate the decline of this practice or, at least, to make it possible for women who opt out to do so. Such interventions should be geared towards providing more information to women, increasing educational opportunities especially for girl children and empowering women economically.

Keywords: Wife inheritance; Babukusu; Widow; Socio-demographic characteristics

Introduction

Wife inheritance is a widely practised custom around the world whereby a man takes as his wife the widow left behind by his close deceased kinsman. The children begotten from this union belong to the inheritor. This practice contrasts the levirate whereby a man cohabits with his deceased brother's widow to raise children for the deceased brother. The true levirate as exemplified by the Hebrew custom was meant to preserve the dead man's lineage and name, in case he had died without having children. In the book of Genesis 38: 6-11, for instance, Judah's sons were ordered by their father to cohabit with their late brother's widow so that they could raise children for their brother and perpetuate his lineage (see also Deuteronomy 25:5-6; Matthew. 22:24; Ruth 3:12-13; Genesis 19:31-38). Levirate marriages are also recorded in many African societies, for instance, among the Tswana (Schapera, 1950), the Zulu of South Africa, the Nuer of Sudan

(Evans-Pritchard, 1950) and the Luo of Kenya (Kombo, 1999; Nyambetha, Wandibba, Aagaard-Hansen, 2003), where the widow cohabits with a close kinsman of her late husband in order to bear children for the dead man. Although levirate marriages are at times practised among Babukusu, wife inheritance is the more recognized in this community.

Customs of wife inheritance and levirate marriages seem to be common in many African societies due to their patrilineal nature and the culture of paying bridewealth. According to Seymour-Smith, for instance, levirate marriage is an expression of patrilineality since it is predicated upon the notion that the woman once married becomes irreversibly attached to her husband's kin especially if bridewealth was paid to the woman's kin (Seymour-Smith, 1986, p. 166). Paying bridewealth guarantees the man and his relatives a right of ownership for the woman that extends even after her husband's death. This means that if a woman refuses to be inherited after her husband's death, bridewealth would have to be refunded to the late husband's family, depending on the

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number of children she has given birth to at the time of her husband's death. Among the Swazi of southern Africa, for instance, the late husband's family would be refunded some of the bride wealth if the widow re-marries a non-relative upon her husband's death. This is because the husband is deemed to own his wife after paying for her bridewealth, a concept that is described as *umnikati*, meaning "owner of his wife" (Kuper, 1950, p. 88). It is against this backdrop that the tradition of wife inheritance gains legality among Babukusu and other African communities.

Both levirate and widow inheritance involve sexual intercourse and are, therefore, risky practices in the face of HIV/AIDS infection. Consequently, various lobby groups have, in recent times, been opposing this practice through various anti-HIV/AIDS campaigns. This paper describes the incidence of wife inheritance among a rural community of western Kenya. The aim is to document the prevalence of this practice, evaluate the community's attitude towards it and predict its future trends.

The social setting: The study took place among Babukusu in western Kenya. The Bukusu society is composed of minimal patrilineages, which are descent groups, related to each other in a system of clans called *chikholo* (Nangendo, 1994). A Bukusu clan is a patrilineal, exogamous, territorial unit, which comprises persons that trace their descent in a paternal line to a common ancestor. Members of the same clan refrain from intermarrying and usually inhabit a common stretch of land (Wagner, 1949).

Traditionally among Babukusu, the widow has the option of being inherited by one of her deceased husband's brothers (real or classificatory) or of marrying anyone she likes. In the latter case the marriage-cattle or some of them must be returned to her husband's heirs (Wagner, 1949: 46). The wife inheritance practice seems to be on the decline among Babukusu and the other societies in Africa perhaps as a response to HIV/AIDS and a combination of other socio-economic factors.

Methodology

Study area, population, HIV/AIDS status and gender relations: This study was conducted between November and December 2001 in South Bukusu Location, Bumula Division of Bungoma District, Western Kenya. According to the 1999 housing and population census, Bungoma District had 876,491 people, out of whom 425,957 were males while 450,534 were females (Rep. of Kenya, 2001). The Bukusu sub-ethnic group mainly inhabits the district. Bungoma is one of the most densely populated at 400 persons per square kilometer. This is because of the favourable climatic conditions and fertile soils, which have made the district one of the most arable in the country (Rep. of Kenya, 2002). Crops grown are coffee, tea, maize, millet, a variety of fruits and vegetables, sugarcane, sunflower, pyrethrum and potatoes.

The HIV/AIDS prevalence rate in Bungoma district is between 20 and 30% while bed occupancy in the hospital wards due to AIDS-related conditions is 50% (Rep. of Kenya, 2002). Most infections (80%- 90%) are among people aged 15 years to 49 years. Some of the perpetuating factors are socio-cultural, which range from circumcision to widow inheritance. The trans-Africa Highway, which traverses the country from Mombasa to Cairo, passes through the district and brings long distance truck drivers who are promiscuous, leading to further spread of the HIV/AIDS pandemic in the district. Poverty has also attracted migrants to seek employment opportunities at the industrial centres of the district such as PanAfrican Paper Mills, Nzoia Sugar Company and the BAT Leaf Centre at Malakisi. Most of these people have no sexual partners and their loose sexual behaviour further increases HIV/AIDS cases (Rep. of Kenya, 2002). At the household, village and community levels, the AIDS pandemic has strained the social fabric, overwhelmed the traditional support and care systems and traumatized families.

The Bukusu people have cultures that have largely suppressed women. Women have less decision making power and lack access to information. Despite the fact that women

perform most domestic chores and other productive work, access and control of the family resources is greatly biased in favour of men. Women have limited control over family resources although they can access them and education opportunities are also biased against the girl-child (Rep. of Kenya, 2002).

Design and data collection methods: The study population consisted of various categories of adults (18 years and over) within the study area who were familiar with the concept of wife inheritance. Wife inheritance, according to the local perception is the act of *khukhwilakho*, literally meaning "taking over" to the widow left behind by one's kin. The ethnic homogeneity of respondents ensured that the custom of wife inheritance was consistently perceived. Informed consent to participate in this study was verbally given. The unit of analysis for the study was the elderly individuals within the homesteads. Since the study was only concerned with knowledgeable respondents, purposive sampling was used to select 100 respondents, who were more or less evenly distributed across the study area.

The study was cross-sectional in nature and was mainly geared towards collecting both quantitative and qualitative data. The survey was concerned with various matters that relate to wife inheritance such as the respondents' opinions on the issue and whether the practice should be encouraged or discouraged.

The main instrument for the study was a semi-structured questionnaire, which yielded both quantitative and qualitative data. We conducted the interviews mainly in Lubukusu, the local language. This was suitable because both authors are native speakers of the local language. This method was advantageous because of its high response rate. There was also greater control of the interview situation. The disadvantage with the method was that it required more time, as the researchers individually filled in all the questionnaires.

Simple observation was also employed alongside the questionnaire method. The number of houses in a homestead, for instance, provided clues on marriage types, which became useful in counterchecking for the same.

Qualitative data was thematically coded and has been presented using direct field quotations. Analysis for quantitative data was done using the SPSS.

Results

Socio-demographic characteristics: In total, the study interviewed 48 women and 52 men. Men are the household heads and in cases where both the man and his wife were present, women usually declined to participate, making the number of male informants slightly higher than that of the females. The informants' ages varied from 18 to 65 years, with most respondents being those between 26 and 35 years (Table 1). Education was found to be fairly low in the study area, with about half (51%) of the informants having either completed primary school or having dropped out while still in primary school (Table 2). In addition, 15% informants were illiterate, while only 27% had been to secondary school. Those with post-secondary school training (all having been to primary teachers colleges) were negligible at 5%. The study also found that educational attainment was seriously biased against women as only 11 (22.9%) of the female respondents had either been to secondary school or had gone to college.

Table 1: Respondents' ages and their views on wife inheritance

Age (yrs)	Support (%)	Oppose (%)	None/depends (%)
18-20	0	2	0
21-25	4 (4 M, 0 F)	7 (3 M, 4 F)	0
26-30	5 (4 M, 1 F)	16 (9 M, 7 F)	0
31-35	4 (3 M, 1 F)	12 (7 M, 5 F)	0
36-40	2 (1 M, 1 F)	12 (6 M, 6 F)	0
41-45	4 (2 M, 2 F)	4 (2 M, 2 F)	0
46-50	1 (0 M, 1 F)	4 (0 M, 4 F)	0
51-55	0	7 (3 M, 4 F)	1 (0 M, 1 F)
56-60	2 (1 M, 1 F)	4 (0 M, 4 F)	2 (1 M, 1 F)
> 61	3 (1 M, 2 F)	3 (2 M, 1 F)	1 (1 M, 0 F)
Total	25 (16 M, 9 F)	71 (34 M, 37 F)	4 (2 M, 1 F)

Note: M = Male, F = Female

The results also suggest that Babukusu place a high value on the institution of marriage and the family. This is evident from the fact that over three-quarters (87%) of the informants said they were married. These were followed

Table 2: Respondents' educational level by gender

Highest level of education	Males	Females	Total
Illiterate	6	9	15 (15%)
Some primary (class 1-7)	7	15	22 (22%)
Completed primary school	18	13	31 (31%)
Some secondary (Form 1-3)	9	5	14 (14%)
Completed high school	9	4	13 (13%)
Post-secondary training	3	2	5 (5%)
Total	52	48	100

by 9% of the respondents who had been widowed. Three respondents were single while only one said she had temporarily been separated from her husband. There was no divorce case, reinforcing the notion that divorce was rare in traditional African societies. Divorce among Babukusu is nowadays, as it was in the past, frowned upon. Consequently, it did occur only in extreme and rare cases. According to Nangendo (1994), a Bukusu man could only divorce his wife if she was adulterous, a liar, a thief, a leper, a vagabond, negligent of conjugal rights or if she had an impenetrable hymen. A man could also divorce his wife if she was barren, but he could still retain her and marry another wife if she was industrious. On the other hand, a woman could divorce the husband if he was cruel, negligent of conjugal rights, was lazy, refused to build a house for her, was a wizard or if he was impotent (Nangendo, 1994). Once bridewealth is paid, the woman becomes part of the husband's family in the Bukusu tradition and can only leave her matrimonial house in extreme circumstances in which case, some bridewealth would be refunded to the husband's family.

Attitudes towards wife inheritance: The respondents' opinions on the issue of wife inheritance were varied but most (71%) were of the opinion that wife inheritance is either bad or very bad. Only 18% thought that wife inheritance was good, while 7% added that it

was, in fact, a very good idea. Four others stated that it depended on the age of the widow and her financial status.

Most (62.9%) of those opposed to wife inheritance cited HIV/AIDS as their deterring factor. Out of these, 48.6% specifically mentioned the AIDS pandemic. The others tacitly referred to it in various ways such as things being "bad out there" or simply that "there are many infectious diseases". Other reasons given for opposing wife inheritance were that inheritors usually come with the intention of inheriting the dead man's property, not the woman (N=8), that the present economy cannot allow one to run two families (N=5), that most widows are in their state because they have killed their husbands and it is dangerous to inherit them (N=4), that it is just bad (N=4), that the inheritor will molest the widow as he cannot treat her the way the original husband treated her (N=3) and, finally, that husbands will forget their families and concentrate on those they have inherited (N=2).

The respondents who expressed the feeling that widows are dangerous people seem to have drawn from a common African belief that widows are ritually unclean and have to be cleansed before being inherited. Among Babukusu, widows are deemed to be in a state of ritual impurity and various rituals have to be performed before they can eat and freely mix with the rest of society members (Nangendo, 1996). The widow must, for instance, first go to a distant place and try to induce a stranger to have sexual intercourse with her before it becomes safe for the new husband to commence sexual activity (Wagner, 1949: 192).

About two-thirds (64%) of the 25 respondents who supported wife inheritance were men while only 36% were women. They gave various reasons for supporting wife inheritance, with the highest number (40%, comprising 2 women and 8 men) citing the need to have a man who could take care of the children left behind by the deceased. These were followed by 28% (2 women, 5 men) who supported wife inheritance on the basis that young women whose "blood is still running"

(sexually active) had to be inherited as they could not be expected to operate without a man. Some other 16% (2 women, 2 men) suggested that the practice was good because it provides companionship to the widow and clearly defines the father of the children born to her after her husband's death. The remaining 16% (1 woman, 3 men) argued that men had the obligation to perpetuate the lineage and clan and that there was need for someone to build structures such as granaries and toilets that a woman is culturally prohibited from constructing.

It is worthy noting that in the Bukusu community, if a widow is remarried, not to her deceased husband's brother (or close relative) but to a person of another clan, she would not only forfeit the field apportioned to her for cultivation, but her family would also be required to refund part of the bridewealth if she was still young (Wagner, 1949). This in most cases seems to prompt widows into generally accepting to be inherited, as this would ensure that they would continue to stay in their homes with their children. The study's findings suggest that the elderly female respondents (above age 46) were the main supporters of wife inheritance while those below age 45 were generally against this practice (Table 1). For the male respondents, age was not significant as more than a half of those supporting the practice were 39 years old or below.

In order to crosscheck the individual gender feelings on wife inheritance, male respondents were asked whether they would allow their wives to be inherited if they happened to pass away, while females were asked if they would accept to be inherited by their husbands' kin in case their spouses passed away. Overall, about a third (32.7%) of the 52 male respondents consented to the suggestion that their wives could be inherited if they themselves were to cease living, while slightly more than another third (34.6%) opposed the issue. The remaining 32.7% said that it depends on their spouses because once they cease to live, they cannot be expected to come back and control their wives or influence them in any way. Most (64.7%) of the 17 who approved of their wives being

inherited claimed that somebody had to take care of their children once they had departed. The other 35.3% thought their wives were still young and it would be unfair to refuse them to be inherited in case they passed away. A third (33.3%) of the 18 respondents against the idea of allowing their wives to be inherited after their death, cited the AIDS scourge, which they said would kill the spouses and leave nobody to care for their children. Another third (33.3%) asserted that the inheritors would just spoil the property that they would have left for their children, which would be injurious to both the widow and the children. The remaining third cited their wives' advanced ages, jealousy and the fear of their homes being deserted (many inheritors build new homes for widows) as the reasons for opposing the inheritance of their wives.

For the female respondents, only 6 (12.5%) said that they would accept to be inherited if their husbands passed away, while 41 (85.4%) said they would not let anybody inherit them. One female respondent said that she would only consent if she considered the inheritor to be a good person. The highest number, 16 (33.3%) of the female respondents who opposed wife inheritance cited age as a prohibiting factor and argued that it would be embarrassing for their children to see them re-marry at such an advanced age (the majority in this category were aged 45 and above).

Among the Bukusu community, a wife's social position improves as she grows old and becomes the mother of adult sons and daughters (Wagner, 1949). Thus, elderly women are not usually under pressure to be inherited, as their refusal to do so will not lead to a refund of bridewealth. Besides, in most cases, it is the young and beautiful women that are the much sought after by the majority of the wife inheritors. Ten other informants (20.8%) said they opposed inheritance because they feared AIDS, followed by 9 (18.8%) who said that they would not allow another person to bring to their homes new rules and instructions after the death of their current husbands. The remaining 13 cited two reasons for opposing the custom: that new spouses may disrupt the

unity in their family (N=7), and that most inheritors only come with the intention of grabbing property left by the deceased husband because they are greedy (N=6).

Two reasons were given by the 12.5% of the female respondents who were willing to be inherited once their husbands were dead. One was that they were still young and still needed a man and another was that they would need somebody to take care of the children in the event of their husbands' death. Generally speaking, inheritance in the Bukusu community is usually associated with taking care of the children, especially if they are still young. This is probably due to the fact that among Babukusu, the wife has no rights over her children in her capacity as a mother. "If the marriage is dissolved, even if entirely owing to the husband's fault, the wife can under no circumstances claim any of her children, in the sense that she would have a right to take them with her to her father's house or to her new husband and there bring them up" (Wagner, 1949: 46). Since the community is patriarchal, substituting somebody else in the late father's role of "looking after the children" is deemed to be the responsibility of the departed man's close male kin. It is therefore common to hear most of the inheritors among this community alleging that they are going to "assist their relatives' children" even if they are actually more interested in the women.

In a bid to elicit a more intimate reaction, the study also enquired into whether the respondents would allow their own daughters to be inherited if their sons-in-law passed away. The results were most interesting, as most of those who had earlier opposed wife inheritance now argued that it would depend on various factors. Overall, 22% of the respondents claimed that they would consent to their daughters' being inherited if their sons-in-law were to cease living, 39% said they would never sanction the inheritance of their daughters, while 39% gave "it depends" as their response.

These results are significant in various ways. The respondents who said it depends seemed to have realized that this was an issue to

seriously ponder because it could happen to them. The most important was the daughters' own feeling about the matter. Respondents here (N=17) claimed that one may feel strongly for or against the custom of wife inheritance, but it boils down to an individual's decision because she is the one who would see the need to be inherited or lack of it. As one of them put it:

You cannot cook food for blood that is running (meaning that food cannot fulfill sexual desires). It has to be satisfied by the opposite sex. If I am staying here at Mateka, and my daughter is staying at Malakisi, how can I control her when her blood is still running and she still feels she cannot do without a man after her husband's death?

Another reason that was given by those who said it depends was the age of the woman in question. If the daughter was still young, 12 informants thought it would be unreasonable for a parent to prevent her from being inherited. They added that it would be fine for her not to be inherited if she was past childbearing age. Seven other respondents were of the opinion that the decision on whether or not their daughters should be inherited after the husbands' death ultimately rested with the family in which the ladies had married into. These were the elderly respondents above age 46, who said that it was important to keep the two families united even after the departure of their son-in-law. Such feelings are not unique to Babukusu. Among the Luo, for instance, a woman who loved her husband made a dying wish that her sister be given to him as a replacement for her, which would preserve the marital ties between the two families (Mboya, 1965). In addition, culture was also taken into consideration because according to this group, it was wrong for a parent to interfere in the life of his/her daughter once he/she had "eaten" bridewealth, as she was now part of another family.

This seems to suggest that it is hard for some women to resist being inherited once their husbands are dead, as they cannot get the support from their own parents to break away from the husband's family, while at the same

time they are financially handicapped to refund the bridewealth (the number of cattle to be refunded usually depends on the number of children a woman has, with fewer children leading to more cattle being repaid), which is a requisite for buying their freedom. Lastly, 3 respondents argued that it depended on the disease that the husband had died of. If the disease in question was not AIDS, it would be okay for their daughters to be inherited, as they would not be infected. These results suggest that wife inheritance is not an issue that can simply be tackled without understanding why it is practised in the first place.

The main reason given by the 22% of the respondents who were of the opinion that they would allow their daughters to be inherited if their sons-in-law died was for somebody to take care of the children left behind by the dead son-in-law. Eight respondents (36.4%) cited this reason. Five respondents (22.7%) said that it would be good for somebody to inherit their daughters because this would ensure that their offspring are not having many sexual partners who could transmit AIDS to them. This tallied with 5 (22.7%) others who encouraged the inheritance of their daughters for a continuation of social ties between the two families if their in-laws were good people. This reason is related to the Tswana's perception of marriage, which is thought to establish certain rights and duties between respective families and not just between a husband and his wife. For instance, the parents of the wife have an obligation to see that the marriage is fruitful and will consequently provide a substitute wife to their son-in-law if the first one is barren or dies when she is fairly young (Schapera, 1950). Some two (9.1%) other respondents supported wife inheritance on the grounds that it would guarantee their grandchildren inheritance rights over their late father's land. Lastly, 9.1% other respondents argued that it was good for their daughters to be inherited because women need somebody to take care of the property that is left by the deceased.

Most (61.5%) respondents amongst the 39% who opposed inheritance of their daughters cited the AIDS scourge as their main

opposition ground. Some respondents also cited their daughters' independence as their reason for being against the issue of somebody having to step in the shoes of their departed sons-in-law. This view was given by 18.0% of the respondents in this category. In addition, 15.4% of the other respondents in this group felt that most of the inheritors are not genuine as they usually are out to acquire the deceased's property. Lastly, 5.1% of the informants opposed the inheritance of their daughters because they realized that poverty accounted for many cases of wife inheritance, arguing that they would themselves provide for the family left behind.

The future of wife inheritance in the Bukusu community was ascertained by asking the respondents what they felt should be done about the practice. The highest number among them (46%) felt that the practice had to be discouraged, followed by 21% who felt it had to be discouraged totally. On the other hand, 13% of the respondents felt that the practice had to be encouraged, while 10% added that it should be encouraged very much. These were followed by 5% of the informants who stated that the decision should be left in the hands of the individuals in question. Another 4% felt that it depends on age such that the young had to be inherited while the elderly could do without the practice, while one respondent said that wife inheritance should only be allowed to continue after the invention of an AIDS drug. Age was significant for only female respondents where almost all (5 out of 7) that supported it were the elderly women of age 45 or over. Three other women above age 45 also said the practice should be encouraged if the wife is still young. For the males, however, age was not very significant, as only 5 out of the 16 that supported the continuation of the custom were the 45 or over elderly people. Gender was also once more related to these responses, as the females generally discouraged the practice. On the whole, 16 (30.8%) of the male respondents were of the opinion that the practice of wife inheritance should either be encouraged or encouraged very much, as

opposed to the 7 (14.6%) of the females for the same response.

Discussion

Wife inheritance is still being practised, although it appears to be declining. The study came across five instances where three men had inherited their late kin's wives while two women had been inherited, all of which were considered married cases. In all of these cases, the women who are inherited reside in their original homes and the inheritors have their own individual families, but always make appearances in the homes they have inherited during the day and sometimes spent nights there. The inheritors, therefore, have two families at different places and do consider both as belonging to them. Polygyny is sharply declining among Babukusu, as only 31.0% of the married respondents were in polygynous marriages while 69.0% were in monogamous ones.

The issue of widow inheritance and not widower inheritance is not surprising since most (74%) respondents agreed that a man should always look for another wife in case he loses his first wife, while the same is not a must for a woman. This might be due to the fact that in this community, women who have reached menopause are perceived to have less sexual activity as compared to men who may marry at any age in their lifetime. In addition, Babukusu are a patrilineal society where men enjoy a more superior status than women. For instance, customary law allows men to marry more than one wife in this community, while women can only have one husband. This is well captured by Nangendo (1994), who notes that a husband among Babukusu "can engage in extra-marital affairs while the wife cannot, because Babukusu are polygamous and any extra-marital affair could result in a marriage" (p. 157). Therefore among Babukusu as well as many other traditional African societies, sexual rights and duties favour men, which may explain why there are very few widowers in the Bukusu community.

Gender was found to have an influence on the respondents' opinion on wife inheritance

because more males than females are in support of the wife inheritance tradition. Among the female respondents, 37 said the practice of wife inheritance was generally bad, while 9 suggested that it was a good custom. The remaining two stated that it depended on the age of the woman in question, arguing that it was extremely difficult for a young widow to stay without having somebody to look after her. This means that out of the 25% total sample that were in support of wife inheritance, 32% were of the female gender while 68% were males. Looked at from another perspective, 52.9% of the 70% that were opposed to wife inheritance were females while 47.1% were males. Given that the Bukusu community is a patrilineal society where decision making is considered to be a males' preserve, wife inheritance may take some time to be eradicated as it still seems to be enjoying some level of popularity among the decision makers of this society.

The overwhelming number (85.4%) of women who asserted that they could not allow anybody to inherit them seems to point to the fact that wife inheritance is going to be eradicated in the near future, given that the potential victims for the practice are opposed to it. This is not what is on the ground, as the practice is still being practiced; 5% of the informants had been inherited or were the inheritors. It seems that despite the women's opposition to wife inheritance, the practice would still be viable as long as men who are widely perceived as the breadwinners are still in support of it. Men are considered breadwinners because Babukusu are patrilineal and inheritance is through the male line. It is one thing for women to oppose wife inheritance (in theory), but quite another for them to firmly take decisions on their status once their husbands' are actually dead, due to their economic vulnerability.

Tradition also dictates that men make decisions on behalf of the women even in matters that involve women's lives such as the issue of HIV and the inheritance practice. This is not unique to Babukusu. Among the Luo of Kenya, for instance, the levir was chosen with

little or no consultation of the widow (Nyambedha, Wandibba and Aagaard-Hansen, 2003). Men's disregard of women's opinions is also reported in several societies across Africa (Seymour-Smith, 1986, Evans-Pritchard; 1950, Kuper, 1950; Wagner, 1949). One widow at the study site summarized these sentiments thus: "Once my husband died, the clan just sat and told me that they had appointed John to look after me and the children". This is the harsh practical reality that befalls most women.

In addition, education also had a bearing on the informants' opinion on wife inheritance. For instance, more than a half (55.6%) of the women who supported wife inheritance were illiterate. Similarly, 11 (68.8%) out of the 16 men who supported wife inheritance were either illiterate or had only been to primary school. This means that more has to be done to encourage more school enrollment while discouraging the high school dropouts, especially those happening in the primary schools. This is because higher educational achievement leads to a change in perceptions on wife inheritance. Emphasis should particularly be put on female education because earlier studies have indicated that girls are the most disadvantaged in educational matters, and that women have little or no access to information in the Bukusu community (Republic of Kenya, 2002). The free primary school education is therefore a step in the right direction.

On the whole, however, the situation seems to be changing due to HIV/AIDS, combined with the hard economic times that have discouraged many people from having to take care of two families. One widow, in fact, lamented that since the death of her husband five years ago, nobody had shown any interest in inheriting her, despite the fact that she is still young and feels there is need for her to be inherited. This indicates that men are no longer enthusiastic about the practice of inheriting their late kin's wives.

Conclusion

This study has established that wife inheritance is on the decline among Babukusu, as most

(71%) informants were for the idea that wife inheritance is a bad custom, while only 18% were in support of it. The main reason for the change in attitude towards wife inheritance appears to be the HIV/AIDS pandemic, which was cited by 62.9% of those who opposed the practice. Other factors are economic losses where inheritors have intentions of inheriting property instead of the widow (cited by 11.4% of the informants), and the harsh economic realities that have prompted men to avoid supporting an added family left behind by their deceased kin (7.1%).

Economic reasons seem to account for the few cases of wife inheritance. The highest number (40%) of informants who supported wife inheritance cited the need to take care of the children left behind by their deceased father. Women are generally more economically vulnerable than men in the Bukusu community because of its patriarchal nature where property is passed from father to son, which has forced some widows to accept to be inherited by their late husband's kinsmen.

Culture also emerged as a contributing factor towards continuation of wife inheritance among the Bukusu people. For instance, 7% of the informants argued that once bride wealth has been paid, it is wrong for a parent to discourage her daughter from being inherited. Consequently, some women accept to be inherited because the late husband's family would otherwise demand for a refund of the bride wealth.

From the respondents' tremendous opposition to wife inheritance, it can be concluded that this practice is on the verge of becoming extinct in the Bukusu community. This may take time, however, as long as the reasons that have been making it to remain relevant are still present. One of the main reasons that have ensured the continuation of wife inheritance is the economic vulnerability of women. Consequently, sensitization of the community on women's rights, including the right to inherit their parent's property has to be advocated for. Economic independence will make wife inheritance custom to decline, as it

will only be done with the consent of the widows.

In addition, bad cultural practices such as those requiring a clan to choose a man for a widow have to be discouraged. This can be achieved through community-based organizations such as women groups, which should take the lead in advocating for women's rights and sensitizing the community on the demerits of bad cultural practices. The right approach should be taken to ensure that only those practices that are inconsistent with the current realities (e.g., wife inheritance that may lead to faster spread of the HIV/AIDS pandemic) are discouraged. Men should also be involved in such interventions so that it is not perceived that women want to take over the roles of men. One way of doing this is by organizing *barazas* (local meetings) through the provincial administration where community members can be educated on the importance of equally valuing boys and girls, which is vital for faster developmental process. Churches should also play a more active role in discouraging wife inheritance so that HIV/AIDS spread can be checked.

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