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THE KABRAS CUSTOMARY MARRIAGE

BY

ELIJAH I. TALI

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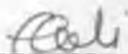


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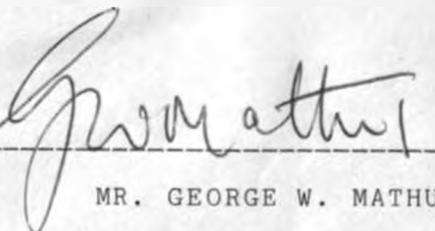
DECLARATION

THIS DISSERTATION IS MY ORIGINAL WORK AND HAS NOT BEEN SUBMITTED FOR A DEGREE IN ANY OTHER UNIVERSITY .



ELIJAH .I. TALI

THIS DISSERTATION HAS BEEN SUBMITTED FOR EXAMINATION WITH MY APPROVAL AS THE UNIVERSITY SUPERVISOR..



MR. GEORGE W. MATHU

DEDICATION

Dedicated to my mother, Timinah K. Tali, who took me to school.

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I hope the data available in this thesis can be used as acceptable working hypotheses for more researches in this area. Any shortcoming of any nature in this work should be attributed to me.

ELIJAH I. TALI

ABSTRACT

Since different communities organize their marriages in varying ways, there is need to study and analyse every community's marriage system. Therefore, the main theme of this thesis is the Kabras Customary marriage. This is a survey examining and assessing the customs, beliefs, and practices of what constitutes a traditional Kabras marriage system.

The author first gives a brief account of the Kabras people's historical background before embarking on the main theme of the study. The community's migrational as well as its settlement patterns are fully discussed in this part. For easier understanding of the community's way of life, one has first to know its historical background. A community's beliefs and practices are synonymous with its historical background.

The introductory part of this work looks at marriage in general. The marriage institution's value in any given community is examined also under this part. The author compares the Africans' attitude towards marriage with that of the Westerners. The latter's view regarding the former's marriage system is examined. This part gives an overview of the marriage institution in general.

In the statement of the problem, the author exposes some of the issues that he intends to research on. The main issues to be highlighted during the study include the way the Kabras people prepared for marriage and generally how the whole affair was organized and finally consummated. Thus, one of the objectives of the study is to establish how the Kabras organized their marriage system. The community's concept of marriage, the bridewealth, weddings and all

other aspects which constituted a traditional Kabras marriage are some of the aspects of which the author intends to cover during his study. The rationale behind this study has also been clearly stated.

Before looking at the Kabras marriage system, the researcher first examines other scholars' works on marriage.

The available literature shows that the institution of marriage has interested many authors. This does not however imply that marriage has been exhaustively researched on. The literature explored by the author indicates that some of these scholars were 'armchair researchers' who never went to the field but relied on other people's works. Also some of these authors studied a given community's way of life and generalized their findings. For instance, Evans - pritchard (1951) studied and discovered that the Nuer of Sudan practice ghost marriage; He later generalized his findings to mean 'Africans' practice Ghost marriage without realizing that not all Africans are Nuers. So, the author examines some of these scholars' views and draws his conclusion either by agreeing or disagreeing with thm.

The theoretical model has also been represented in this work. Two theories, namely the functionalism and evolutionary have been discussed here. Their aim is to guide the author during his field work. A part from these two theories, the researcher had three hypotheses too which he tested while in the field. These hypotheses too have been stated in this thesis.

Although the Kabras had clearly laid down procedures which were

supposed to be adhered to during marriage formalization, there were other instances where these procedures were not followed. Some marriage were thus organized under extra ordinary circumstances. These marriages too were sanctioned although the community did not encourage them. The researcher looks at some of these marriages. Elopement, marriage by capture, and pre-marital pregnancy marriage are some of the extra - ordinary marriages which the author has examined. The circumstances leading to each one of these marriages have also been stated. It has been revealed from the study that these forms of marriage are more pronounced in the present society than was the case in the traditional days.

Various methods were used in collecting the data presented here. It was deemed necessary to use different methods because no single method is absolutely perfect. These methods ensured that all the relevant data on the Kabras customary marriage was collected.. Before discussing each of these methods, the author first briefly describes the community's site. The community's population size, area temperatures and the general topography have been analyzed. Also examined are the people's economic, social, and political way of life. The researcher then moves on to look at each of the methods used in collecting data. The interviews, observations, and the use of the questionnaire were all used in collecting data. These methods were supplemented by the information sought from the University Library materials, journals, articles and other relevant documents. The advantages as well as disadvantages of each of these methods have been given. The data obtained was then analyzed and synthesized into a thesis. This data was analyzed qualitatively because the research was mainly a descriptive one.

The research's findings showed that some of the aspects of the Kabras traditional beliefs and practices have been changed by the effects of modernization. For instance, bridewealth was discovered to have been drastically transformed. A part from being commercialized, it is not paid in full in the present society. Traditional weddings were also discovered to have completely ceased to exist. Although numerous changes were identified in the Kabras marriage system, it was discovered too that the community members still cherish some of traditional marriage practices like polygyny and levirate marriages. These are some of the institutions which were discovered to have resisted change. It is the present social and economic pressures which are compelling people to change their attitudes towards some of the marriage beliefs and practices. The youths were discovered to be more flexible to changes. The youth's flexibility and the elders' rigidity to changes were cited as the main cause of tension between the two groups.

This thesis concludes by giving the author's recommendations on the marriage institution. The author suggests some of the precautions which can be taken so as to preserve our culture. One of the recommendations given is that both the youths and the elders should learn to understand each other to avoid unnecessary squabbles. Such an understanding can be realized if there is a two-way adjustment, between the two parties.

The author does not claim that his findings are exhaustive and final. This thesis only crates gateway for the would-be

interested scholars for further researches, not only on marriage but on other areas like birth and death beliefs and practices where very little material has been documented. Intensive survey should also be conducted on various communities' marriage systems. This will enrich both ethnological and ethnographical fields. Such studies will portray the actual picture of the African marriage system. When this will have been achieved, the already existing prejudices against African marriages will be discarded.

ABBREVIATIONS

- I: Interviewer.
R: Respondent.
S.D.A: Seventh Day Adventist.

GLOSSARY

Below are some of the vernacular words used in this text. The reader is advised to familiarize himself/herself with them before venturing into this work. This will enable him/her to comprehend this thesis with a lot of ease.

Abashilibwa:

Neighbours

Amalwa amasiile:

This is a kind of food which is prepared from maize flour. The flour is fermented for 2 - 3 days and then dried on fire.

Avakomi:

Married women (considered strong) from bride's side who visit the bridegroom's home after the wedding has taken place. They bring some food for the bride.

Elila:

Easting period. It is a time when friends and relatives come to feast prior to the wedding day.

Elitungu:

A lyre

Elivusi:

A goat

Eshifwavi:

Something shameful and when done lowers one's dignity.

Nzulile:

I have arrived. It is used to alert people of one's arrival.

Okhuila:

To marry.

Okhuisia:

To prepare one psychologically for the imminent festival. It is mainly done by singing various songs.

Okhukalusia amafura:

'To return paraffin'. It is a period when a bride goes to her new home after all formalities have been finalized.

Okhumanyana:

To know each other properly. This is achieved through frequent meetings and also using spies.

Okhuoonia:

To advertise something. In this text, it was a girl who was 'advertised' by her brothers. The latter moved around with her looking for a man who was willing to take her as a wife and pay bridewealth.

Okhwikhasia:

An act of forcing the groom's people to complete the remaining bridewealth. This was achieved through withholding of the bride after the wedding.

Okhwitishila:

To elope: It occurs when a bride goes to stay with the groom without the parents' consent.

Olukoosi:

Bashfulness. It is evident when a bride feels shy and self-conscious especially on the wedding day. She does not talk, eat, or look people directly in their faces.

Olusilo:

Something done for the sake of fulfilling the custom. For instance, a groom may pay a few cattle just because it is customary for bridewealth to be paid in marriage.

Oluswa:

Incest: Seen when one has a carnal knowledge with his/her relative.

Omuhenzihenzi or
Omuchendichendi

A girl who is considered 'loose' and so does/cannot stick to one man.

Omuini:

The handle of a hoe.

Omukhana:

A girl.

Omusumba:

A bachelor: A man who has attained the age of marriage but has not done so.

Omuveli:

Bestman or bridesmaid. This is a friend or relative of either the groom or the bride who supports each of them during wedding. We have a male friend or relative and a female friend or relative for the groom and bride respectively.

Omwami:

A king or honoured man.

Omwea:

A bride, a woman on or just before her wedding day; a newly married woman.

Ovukhwe:

Bridewealth: This is the property taken from the groom's side to the bride's side.

Vayia:

Men circumcised at the same period.

DEFINITION OF TERMS

- Affinity:** A kin relationship involving one marriage link; for instance, a man is related by affinity to his wife and her consanguineals. Affines are two or more people related by affinity. It is thus a relationship established through marriages.
- Avoidance relationship:** It is a means of eliminating role conflicts of conflicting claims on one person, as in affinal kin relationships. Avoidance is mainly observed between a mother-in-law and, as ^{when in law} a daughter-in-law and ^{as when in law} a daughter-in-law.
- Bridewealth:** Valuables given by a man's kin group to his wife's kin group to legitimize their marriage, to compensate her kin for losing her presence and labour, and to give rights regarding her children.
- Consanguinity:** A relationship based upon biological descent only. Consanguineal relatives must be related by parental ties, or both.
- Dowry:** A sum of money or property brought to marriage by the bride. It is given by her family and it may be hers, her groom's or her groom's father.
- Endogamy:** A rule defining the largest group from which a person may choose a marriage partner. One can choose a partner from the same tribe, caste, race, religion, social class or ethnic group.

- Exogamy:** Marriage rule based on the incest prohibition that defines the group of relatives not available to a person as marriage or sex partners. One has to marry outside one's social group where one is found.
- Family of Orientation:** The nuclear or elementary family (consisting of a husband, wife and offspring) into which ego (the individual) is born and in which he or she is reared and considered as a child in relation to the parents.
- Gender:** The subjective awareness that one is a member of the male or female sex with the consequence that one conforms to culturally determined expectations of appropriate masculine or feminine behaviour.
- Hypergamous Marriage;** Marriage between social levels where the man is a member of the higher stratum.

Incest rules:

Rules forbidding a person to marry or have sexual intercourse with anyone within the kin boundary of the immediate family as well as some members of kinship network farther out from the family.

Joking relationships:

Prescribed joking between relations, particularly in-laws. It takes the form of sharp teasing, obscene references, and derogatory allusions. Generally the kinfolk involved are those of the opposite sex who are potential mates. Thus in a society encouraging sororal polygyny, a man has a joking relation with his wife's sister. However, the whole clans and phratries might also be obligated to abuse and belittle one another in a suggestive and obscene fashion.

Levirate marriage:

A marriage custom requiring a brother, a close relative or a son by a different mother to take over the deceased man's wife.

Marriage:

A publicly recognized and culturally sanctioned union between a male and a female which is intended to be enduring, to give primary (but not necessarily exclusive) sexual rights in each other to the couple, and to fulfil their social function.

- Preferential Marriage:** An individual is supposed to marry within a very narrow range of partners. One knows from childhood whom one is likely to marry.
- Sororal polygyny:** A rule that allows ^{one} to have more than one wife at the same time. The co-spouses should however be sisters.
- sororate marriage:** A marriage custom which requires a man to marry his deceased wife's sister or her close relative whom a joking relationship can be applied.
- Wife inheritance:** A widow is taken by one of the dead man's agemates usually a brother or a son. She becomes his wife and any children that she bears are his.

CHAPTER 1

1:0 HISTORICAL BACKGROUND-

The theme of this thesis is the Kabras customary marriage¹

The people studied are one of the 17 sub-ethnic groups that form the entire Luhya community¹... The Kabras are believed to have migrated from a different area before finally settling in their present site. Their culture is more or less the same as that of the other Luhya sub-ethnic communities. However, there are certain aspects in which the Kabras differ with the rest of the community members. Marriage arrangements and formalization are some of the areas in which the Kabras differ with other Luhya community members.

The original name of the Kabras is 'Abanyala' named from Nyala, one of the three sons of Ngwiro. In their final settlement, the Kabras were referred to by the Nandi as 'Kamarasi'. While at Turbo, Joseph Thomson asked the Nandi who their neighbours were. He was told they were 'kamarasi' but he misunderstood it and wrote 'Kabras'. This name was widely used by the Kalenjin group and it later replaced 'Kamarasi'²

Legend has it that the Kabras ancestors came from Judea in Bethlehem and later settled in Misri. They are believed to have descended from Sakatia (Adam) and Lisabo (Eve) who lived in the garden of Eden. They left their parents in Misri after passing through the land between the Red Sea and the Mediterranean sea. All the Luhya sub-ethnic communities trace their ancestry to Misri³. Both external and internal pressures forced the Kabras people to move from one region to another.

From Misri, the Kabras moved down the mouth of the River Nile and settled in Karamoja in the Sudan, and then to Eyembe near Mbale in Uganda. Munyaala is said to be the ancestor of the Kabras. He had two sons namely, Muhongo and Mukhulu. The latter lived at Mulubembe near Mbale in Uganda. The Abanyala split at Lumboga with Nyala's descendants going back to Tororo while Muhongo's descendants proceeded to Lumino and Machanji. Some of Nyala's descendants who joined Muhongo are Abasonje, Abashu, and Abamakangala who are referred to as Abanyala Abahongo.

From Mbale, the Kabras moved to Tororo, Mumias, Isongo in Wanga Mukulu, Emusire, and thence to the Bunyala forest. From Emusire, they went to Mwhune near Ingotse and thence to Burundu in South Kabras. All these places were unihabited then. They moved on to Mandukunyu in South Kabras, Sambuli's, Chiboles and then to Mushiruku all in South Kabras. Later they went to Bachekulo and Chiriboti in North Kabras—also un-inhabited then. The Kabras then gradually dispersed and spread out to their present land of North and South Kabras.

Neither the original settlement of the Kabras nor the year of their movement is clearly known. The present literature is based on legends that do not clearly state the exact place (homeland) of the Kabras people. All in all the Kabras might have migrated together with other Luyia communities before they finally settled in their present land. It seems probable that inter-familial conflicts led to the Kabras people settling in different locations. Although they occupy a vast area, the Kabras have got a similar legend concerning their origin and migration ---- a legend shared by all other luyia sub-ethnic communities.

1:1 INTRODUCTION

Marriage is a social institution which unites all the family members of the couple. The socially approved progeny is only realized in marriage. So, marriage ensures a community's solidarity as well as its survival. Due to the importance attached to marriage, a community's culture can only be well understood if the marriage institution is well analyzed because it is embedded in a community's way of life.

The thesis covers the entire Kabras customary marriage right from the early stages like marriage preparations up to the final stage when the whole affair is formalized and sealed, giving it validity. The work shows the role of customary marriage in the Kabras social organization. All the beliefs and practices that evolve around the marriage system have been stated in this thesis.

Many African communities have got a diversified way of conducting marriage arrangements. The laws governing the entire process also vary. Likewise, the Kabras people have got a unique marriage system whose legal and socio-economic basis is the concern of this work. The research shows how the Kabras people conducted their marriage in the pre-colonial, colonial, and post colonial periods. The continuity and change in the institution have been analyzed with a view of establishing to what extent the marriage has been influenced by external forces. The author looks at the socio-economic effects of both colonial ^{and} post colonial regimes on the evolution, of the Kabras marriage system. Being a dynamic community, the Kabras, Culture has drastically been transformed.

The dissertation also looks at how the Kabras marriage has

responded to new forces of change caused mainly by Westrnization. These changes have led to some aspects being destroyed. For instance, marriage now has become a private affair. The community's role in its organization has been overlooked. Very few youths (if any) consult the community members when they want to marry. The study also examines the extent to which marriage has been transformed.

The various forms of marriage as practiced by the Kabras include Monogamous, ploygynous, Levirate, and sororate unions. Although these forms of marriage were traditionallly adhered to, it will be shown in the due course how other forms of marriage have found their way into the Kabras community. Some of the community members who have been 'Civilized' have adopted ~~other~~ forms of marriage. The most prevalent form is the christian marriage which is valued by most people who have been converted to christianity. Such people now see the Kabras traditional marriage as being 'primitive'.

Colonization led to the tranformation of many, if not, all African communities. The colonialists saw customary marriage laws as being 'barbaric', hence 'primitive' people had to be 'Civilized'. The so called 'civilization' led to the introduction of new laws that contradicted those of the Africans. The introduction of the western education for instance has brought about tremendous changes of attitudes toward life and this has greatly affected the traditional institutions like marriage. The study has attempted an exhaustive description of the Kabras customary marriage before imperialism. The Kabras, like many other African communities, was well organized both politically and socially before colonization. Socially, it was the elders who had a final say in all matters concerning the whole community. As the thesis shows, things have changed and for the worst. The analysis in this work provides a comparative understanding of the soico-economic

position of the traditional systems with the modern systems as they exist today. Although the government is trying to introduce a new family code to regulate uniformly all Kenyan marriages, many communities are still guided by the customary laws.

Many communities viewed sex as a sacrament meant for procreational purposes only. Pre-marital sex was discouraged in many communities. Every community member was expected to marry and regenerate the whole community by delivering progeny. Children born in a recognized marriage were recognized by the community. They were socialized by their parents and later by the entire community in accordance with the approved norms and values of the community.

In this study, the author shows how new forms of marriage have become widespread today in the Kabras community. These changes are much pronounced in the post colonial era than before. Most youths, whether in urban centres or in the rural areas are cohabiting without following the laid down procedures. Things like pre-weddings which were unheard of in the Kabras traditional setting have pre-occupied the youths' minds. The study contrasts the present ceremonies with the traditional form. It also highlights the problems arising from the conflict between the two ceremonies.

The foregoing account has compelled the author to attempt a clear and comprehensive analysis of the Kabras customary marriage. The work examines the various aspects of such a marriage in the light of many criticisms labelled against customary marriages generally. Such criticisms display failure to grasp the deep significance which various aspects have for

the Africans. The customary marriage laws enable people to realize the meaning of the philosophy of 'good life' for they (laws) regulate the whole affair to ensure that casualty is not encountered in the process.

It is however unfair to surmise that all the changes in the Africans' way of life were caused by colonialists. Migrations and contact through trade meant different people with different cultural backgrounds were coming together hence could borrow each others' culture.

Having established cordial relations with other luhya community members, the Kabras interacted freely with them and in the course borrowed some aspects of the former's cultures.

This work ends by showing the significance of customary marriages in the present community. Some of the by-products on the Kabras marriage are established. A brief study of the christian marriage is undertaken with a view of assessing the extent to which it has influenced the status of the Kabras marriage system. This comparison can enable us to assess the future trend of the latter's marriage system. Some people have become so 'Civilized' to the extent that they regard certain aspects of customary marriages as 'undersirable'. The position and value of bridewealth as well as polygyny are the main victims of this 'civilization'.

A survey was conducted so as to get the people's views concerning the nature of their marriages. The data was collected through interviews and the use of questionnaires. The relevant literature on this topic was also consulted whenever need arose. The main

concern was the formalities of contracting marriages which includes the question of the parents' consent, solution to family disputes, and the betrothal. It is the author's feeling that the information provided in this work will enable readers to understand the Kabras way of life from the pre-colonial, up to the post colonial era.

1:2 PROBLEM STATEMENT:

All human communities do uphold the marriage institution in a very high esteem. Despite its universality, marriage forms vary from one community to another. These diversities of marriage forms render it hard, if not impossible to have a widely accepted definition of the concept, 'Marriage'. This complexity arises from the fact that marriage is an affair with social, economic, and religious aspects which are hard to separate. It is thus embedded into all the aspects of human life.

Ember and Ember are some of the scholars who have defined marriage. They defined it as:

A permanent socially approved sexual and economic union between a woman and a man with reciprocal rights and obligations between the parties involved,

There is no definition that suffice the term 'marriage' as none of the definitions include all the forms of marriages practiced by human communities. Any given definition tends to suit just one or a few communities' understanding of the term.

The different forms that marriage takes depend on the community practicing it. For instance, some communities like the Nuer of Sudan practice Ghost-marriage while the Amber of Uganda exchange a woman for a woman. Although rare, polyandrous marriage is practiced

by the Tiv of Nigeria⁶. This form of marriage is much pronounced among oriental communities like the Toda of India.

All community members ---- the living, the dead, and those to be born meet in marriage, hence making it a communal affair. A community's survival is realized through marriage⁷. Being a communal affair, it is compulsory for every community member to marry and raise children. Marriage elevates one's status in a community. For example, a married man is considered an adult and so can be given social, political as well as economic responsibilities.

One can be allowed to own property or be appointed to a leadership position like becoming a village elder.

Every community has its own rules and norms that govern the marriage institution. The beliefs and practices also vary. Some of the variations are seen in areas like the amount and form of bridewealth paid, means of selecting a mate, age at marriage, and wedding ceremonies that accompany marriages. A community devices regulations which it believes will stabilize the marriage. A staple marriage is synonymous with a staple family.

The Luyia community is comprised of different sub-ethnic groups. These include among others, the Tiriki, Kabras, Bukusu, Isukha, and Wanga. These communities' marriage systems do differ despite some similarities that can be detected. The differences can be identified in areas like the amount of bridewealth paid and wedding ceremonies. As is the case in any African community, it was the Luyia elders who socialized the young on marital issues. Marriage in the Luyia context meant a situation where a man takes

a woman in a socially approved manner and establishes a new home where he can own his property and raise children as well.

The Luyia customary marriage was conducted with utmost care because it was believed through legends that any fault could anger the deities who could retaliate by punishing the entire community. Therefore, marriage had a religious meaning. All people were expected to follow their ancestors' laid down procedures when formalizing marriages to evade the latter's wrath.

The study ~~has~~ focused on, "The Kabras Customary Marriage". The main issues ~~that have been~~ examined in the research include, the preparations for marriage, the age at marriage, qualities sought in a mate, traditional ceremonies involved, as well as the form of bridewealth presented to the bride's people. All the stages involved in the traditional Kabras marriage right from the preliminary stages like marriage preparations up to its final stages including c^onsumption have been covered in this study. The study has analyzed the various types of marriage and how each one of them was conducted.

The thesis then proceeds to look at the changes which have been incorporated into the marriage system. This has been achieved by comparing the traditional form of marriage with the other forms which are prevalent today like the civil, christian, muslim, and Hindu marriages. The reasons for these transformations have also been given. By comparing and contrasting these marriages, the continuity and change in the traditional Kabras marriage have been determined. It has also assisted in trying to assess the future trend of the marriage system thus, whether the system will be totally eradicated or if it will co-exist with these changes.

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The study has been worthy undertaking because it has brought out a clear picture of how the traditional Kabras marriage was organized as well as the new changes being experienced in it. The thesis has also assessed how the future Kabras marriage is likely to look like.

1:3 THE OBJECTIVES OF THE STUDY:

The Kabras people, like any other community, do value the marriage institution. Since every community has got its ways of conducting marriage, it is vital to look at each one's norms that govern the whole process. Therefore, the primary objectives of the study are:

- 1: To establish the beliefs and practices evolving around the Kabras marriage system.
- 2: To examine the changes which have occurred in the Kabras Marriage system.
- 3: To assess the future trend of the Kabras marriage system.

1:4 JUSTIFICATION OF THE STUDY:

Cultural transformation is a worldwide phenomenon hence the Kabras customary marriage has not been spared either. People are abandoning their way of life in favour of the 'foreign' ones which they (especially the youths) cherish so much. Therefore there is an urgent need to record the people's cultures before they become extinct.

Many writers who include Mbiti (1969) and Wagner (1949) have extensively written on the African marriage systems in general. Despite their efforts, very little has been written on specific communities' marriage systems. The Kabras marriage is one of the many systems that have not been exhaustively explored. The study attempted to

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fill this gap. Besides, even the little data that is available is based on the etic approach. Being an emic study, a comparison can be made between the two approaches to enable one understand the Kabras culture easily.⁸

A society's improvement both academically and developmentally can only be realized if there is enough literature on its culture. This study on the Kabras has provided data which can be used to improve our society now and even in years to come. This work will enable us to preserve the Kabras people's 'Original' culture which will be of much use both to the present and coming generations.

The fields of ethnology and ethnography require different data from different communities. The thesis has contributed information which will be used in comparing different people's ways of life. It has therefore, contributed greatly to the two fields of anthropology. The available data in this study can be used in comparing and contrasting the Kabras culture with that of other Luyia communities and other world cultures.

Studies of this nature are very vital because they enable one 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. We can only be sure of preserving our Cultures if we conduct numerous studies especially at such a time when many of them are still intact.

FOOTNOTES

- 1: V.G. Simiyu, (1985).
- 2: Joseph Thomson stopped at Turbo while on his way to Uganda. It is believed he crossed Kabrasland and stopped at Shibanga in the course of his journey. Shibanga is one of the villages in Kabrasland.
- 3: The Misri is not clearly identifiable. G.S. Were (1967) thought it was Egypt. He later modified the term to refer to the general area north of Mt.Elgon.
- 4: A detailed discussion on levirate and sororate marriages is provided in chapter 5 of this work.
- 5: Some of the authors who have attempted to define marriage are listed in the literature review review of this thesis.
- 6: E.E. Evans-Pritchard (1951) and J. Beattie (1964:123) have written on different forms of marriage as practiced by different communities.
- 7: Children born out of wedlock are not socially recognized hence are denied fullbirth rights.
- 8: Etics is a label of a variety of theoretical approaches in anthropology concerned with the outsider's view of the culture while emics deals with the inside or native view of culture. T.L.Liyong (1991:35) encourages Africans to write about their own culture to avoid the already existing prejudices on the African culture.

CHAPTER 22:0 LITERATURE REVIEW

Marriage is a social institution that has interested many scholars. There is a lot of literature written on this topic. But as this chapter will prove later, most of the authors, especially those who have written on African marriages are 'foreigners'. They have studied specific communities' marriage systems and generalized their findings. They have not considered the fact that Africa has been inhabited by different ethnic communities with varying cultural backgrounds. Therefore most of the books or other works written on the African marriage systems are not representative of the whole continent.

It is very essential to understand the meaning of an institution before researching on it. This will give the researcher a chance to comprehend what he/she is researching on. Some of the authors who have written on marriage have given various definitions which they feel apply to the concept. They however admit that there is no widely accepted definition of the term. Beattie echoes this view when he says that:

There is no proper definition of marriage because marriage in one society may not be viewed as marriage in another society (1964:118).

The other authors with a similar view include Riviere (1971:70), Vivelo (1978:69), and Hunter and Whitten (1976:257). The Kabras too had a different concept of marriage. It (Marriage) was only said to have taken place when a man took a woman in a socially approved relationship and lived as husband and wife. The other

forms of marriage like polyandry and Ghost — Marriage were not only uncommon among the Kabras people, but immoral as well in the community's culture.

Despite the complexity involved in defining marriage, a number of scholars have gone a step ahead by attempting to define it.

According to Vivelo:

Marriage is a socially recognized and normatively prescribed relationship between at least two persons that defines economic and sexual rights and other duties each owes to the other or others and provides the primary mechanism in a society by which offspring are recognized as legitimate and accorded full birth — status rights common to normal members of their society or social stratum (1978:170).

Nearly all the definitions given by other authors are more or less the same as Vivelo's. Wambeu (1979:12), Encyclopedia Britannica volume 14(1768:926), Enclopedia Americana volume 18(1929:311), Ember and Ember (1973:313), Beattie (1964:117), Hornby (1948:763) and Hunter and Whitten (1976:257) are some of the authors whose definitions of marriage tally with vivelo's.

However, non of the above definitions suits the Kabras understanding of marriage. The latter's marriage was a union between a man and woman and not 'a union between individuals' as suggested by the above scholars. Thus other forms of marriage were not recognized by the Kabras people. Most authors therefore err when they use their definitionsto apply to all African marriage systems.

Marriage forms varied from one community to another. Polygynous marriage was the most prevalent form among African communities. Any wealthy man could marry as many wives as he deemed fit. Some of the authors who hold a similar view are Wambeu (1979:13),

Beals (1971:395), Viveló (1978:170), Ember and Ember (1973:327), Parkin (1978:53), and Kilbride and Kilbride (1990:71).

However, these authors have overemphasized the economic value of polygyny. As the data collected will show, one could become a polygynist with the aim of fulfilling a social obligation. A married man was expected to take his deceased brother's wife and raise children on his behalf. He thus could become a polygynist not because of his economic status but as a social requirement.

Beattie (1964:123), Evans-Pritchard (1951:106-110), and Beals have also written on other forms of marriage like the group marriage among the Marquesans of Polynesia, woman-to-woman marriage and Ghost - marriage. Their views are to the effect that such marriages are common among many human communities. The study disproves such ideas for such marriages were unheard of among the Kabras.

Mbiti has the following to say regarding African marriage:

For Africans, marriage is the focus of existence.

All community members meet: the departed, the living and those yet to be born

One who fails to take part will have rejected the society and it will reject him in turn. (1969:141).

Mbiti suggests further that marriage is a religious duty and a responsibility for everyone. Other authors who see marriage as a communal affair are Gennep (1960:117), Viveló (1978), and Wagner (1949). The authors do not however tell us how the communities dealt with unmarried people. The research has established the ways and means used in discouraging people from remaining single. Keya (1975:30) simply says the whole clan stood to lose if marriage was recklessly concluded. She does not state the dangers that could

befall the community if marriage was 'recklessly concluded'.

The main function of marriage in any community is for procreation. A society's security is guaranteed only when children are born to replace those dying. Holway (1976:18) says:

Marriage, sexual activity and procreation link the world of the living and the living dead.

The dead are said to be living through reincarnation. This sole function of marriage is supported by Wagner (1949:379), Mbiti (1969:133), Gitao (1980:6), Evans-Pritchard (1951:49-50), and Riviere (1971:58). The study found out that the main function of marriage is to legitimize the children. People can procreate and increase in number out of wedlock. So the purpose of marriage is not procreation but legitimization of children².

One has to be fully prepared before he/she is socially allowed to marry. In most communities, initiation was seen as a prerequisite for marriage. Philips (1953:49) says initiation involved instructions on sexual matters and marital and other duties. This scholar does not say the kind of initiation performed on initiates. It is also not vivid on whether initiation was for one gender or both. Holway asserts that girls underwent clitoridectomy. Mbiti concurs with the above authors when he says that:

The whole community participates in the initiation rites hence it is the entire corporate body which prepares the young people for marriage and family life, (1969:133).

These authors do not show how and when initiation was conducted

in preparation for marriage. Besides, clitoridectomy was unheard of among the Kabras people. The study has therefore established the kind of initiation performed on the Kabras youths as well as the gender that underwent initiation.

Most traditional societies did not keep records of events. It was not possible for instance, to establish one's age. This led to flexibility in the age at which the youths were allowed to marry. Goode admits that:

The precise age for marriage was not known for no records were kept (1963:167).

His approximations are given although no exact age is given. He says further that; "partners should be of the same age although the groom may be older than the bride"(1964:33),

The other approximations of the age at marriage are given by Philips (1953:31), Gennep (1960:132), Wagner (1949:399), Keya (1975:31), Wambeu (1953:31), Michael (1985:515), Parkin (1978:81), and Gitao (1980:15)³. No one of the above authors tells us how a community could identify a mature person fit for marriage. Keya says that girls were supposed to have mastered household chores but falls short of showing how boys were identified. This thesis has found out how the Kabras people judged on who was mature enough to marry and who was still 'a child'.

Every community has got its own rules and norms governing the marriage institution. According to Beattie:

All societies have got rules and restrictions about who may, or may not marry whom. The primitive promiscuity of the Victorians has no function in ethnography (1964:125).

This view is also upheld by Ember and Ember (1973:120), Vivelo (1978:170), Wagner (1949), Evans-Pritchard (1951:30), Hunter and Whitten (1976:258), Keya (1975:34), Wambeu (1979:15), Parkin (1978:51), Liyong (1991:29), and Holway (1976:1) among others. So, Goode's view that, "It is formally free and legally almost any man can marry almost any woman" (1964:32) does not apply to the Kabras community. People do not just marry indiscriminately. In fact Goode sees the truth in his later book where he accepts that, "Parents see themselves as seeking the best for their children" (1987:52).

A community's rules concerning marriage are strictly adhered to. Here again Goode misreport that, "Sometimes rules were bent or ignored in all societies to legalize marriage" (1987:51-52).

The study has clearly revealed that no marriage rules among the Kabras could be bent or ignored. Members were expected to marry strictly in accordance with the community's rules and norms. It was the elders' duty to ensure that one married from a recommended community. Incest rules were strictly observed and rules set to direct mate selection. Both exogamous and endogamous marriages were practiced to ensure that individuals did not marry anyhow.

The Kabras rules however required members to marry from within the Luyia community. Non-luyias were seen as 'foreigners' hence unsuitable for marriage. In the view of Goode, "incest rules force an individual to go outside his nuclear family or wider circle of kin," (1963). This means that the Kabras people's

exogamous marriage had limits. One was not allowed to go beyond the luyia community when looking for a mate.

One needed to possess certain qualities before one could be earmarked for marriage. Wagner (1949) lists down some of the qualities sought in a mate. They are:

"The mate should not have any affinal or consanguineal relation with the intended partner, the two clans should not have entered a ceremonial relationship with one another, they should not be in a state of mutual avoidance usually bending a feud, one should be from a family of good background like not practicing witchcraft and without contagious diseases like epilepsy.

The two clans should, ^{also} be of comparable wealth, living in a medium distance and the man should be physically strong and un aggressive. The girl should be industrious, modest, strong, polite, and welcoming. Philips (1953) also asserts that the girl should not be promiscuous. Beauty and charm are other qualities sought in a girl. Besides, the husband should not be a drunkard, and should have wealth especially for bridewealth. The girl on the other hand should have well mastered the household chores. Those scholars who echo Wagner (1949) on the issue of qualities sought in a mate are: Goode (1964:31-38): (1987:55-56), Evans-Pritchard (1951), Gennep (1960), Mbiti (1973:52-54), Keya (1975), Gitao (1980:10), and Liyong (1991:36).

Although the above qualities were valued in the Kabras customary marriage, they were not the most crucial ones. What was valued most as the research has established was the ability of a mate to bear children. Impotence and barrenness for boys and girls respectively could bar one from getting married even if one possessed the a forementioned qualities. Also insignificant in mate selection was the issue of beauty. Among the Kabras, an

ugly but hardworking girl could get married more easily than a beautiful, charming but lazy girl. Infact impotence and barrenness were the major causes of divorce among the Kabras. A victim of any of the two was hardly tolerated in marriage.

Many ways were used in identifying a suitor. Mbiti (1973:50-52) states that different ways were used in mate selection. The parents could make the choice sometimes even before the children were born. Negotiations could start at around initiation period in most cases. The negotiations could commence with or without the sons' or daughters' consent. Another view by Keya is that the young could make their own choice and later inform their parents about it. Sometimes an intermediary could be used to propose marriage to the concerned party. The Kabras preferred a close relative especially a sister or an aunt to earmark a suitor. Having been married to unrelated people such a person had an opportunity to choose a mate either from the community that she had married into or its neighbours.

Philips (1935:55), Holyway (1976:26), Gennep (1960:119-120), and Evans-Pritchard (1951) support Mbiti on the mode of mate selection. They however do not say whose consent was paramount. Among the Kabras, it was the parents who had a final say in marriage. This study has gone a head and enumerated some of the methods adopted by parents to make sure that their children did not completely turn down the offer. The parents used all means at their disposal to ensure that their children married people of the formers' choice.

Sometimes emissaries were sent to find out the qualities in a mate.

This assertion is supported by Wagner (1949). This author does not however tell us how the emissaries discovered the qualities possessed by a mate. Emissaries among the Kabras had unique ways of identifying qualities possessed by a mate. Even the groom was involved in finding out the qualities in a bride. The Kabras ways of determining a suitor's character were very effective because in most cases the one being monitored was not aware hence he/she could not alter his or her character.

Once a suitor had been identified and all the concerned parties agreed that marriage should take place, the next stage was the betrothal period. In most African communities, betrothal was not clearly marked because it could start even before the children to be married were born. In the view of Mbiti;

No rites were performed to mark the betrothal or the courtship period. Parents could start negotiations especially at drinking parties (1969:138-140).

The parents were very much involved in the betrothal period because they considered it their role to make sure that the marriage formalization did not encounter any hitch. Goode has the following to say concerning the parents' involvement in the betrothal arrangements;

Parents prevented love between partners to prevent it from weakening the power of the elders to arrange marriage for the young, (1963:167).

Philips (1953) says betrothal period is marked by exchange of gifts and feasting. He however fails to tell us when and how the feasts were conducted. It is not clear also on the types of gifts given. This research examined the gifts during betrothal period. Also Philips' assertion that a bride and her party

could go and assist her mother-in-law-to-be with work during betrothal period is contrary to the Kabras culture. In this community, a bride was discouraged from paying a visit to the groom for chastity reasons.

Philips goes a head and says that during the betrothal period, the groom could visit the bride in her hut at night. We are not told of why the groom had to visit the bride at night and not during any other time of the day. The study has revealed that the groom visited the bride at night due to the avoidance relationships which were strictly observed between him and his mother-in-law-to-be. Also the Kabras girls had no huts of their own. They slept in their grandmother's or in any other elderly woman's house. Writing on betrothal, Gennep states that such a period was marked by gifts and counter-gifts. A groom could take some gifts to the grandmother who was mediating, (1960:120). At this period, girls were discouraged from condoning the boys' sexual advances. Asking for sexual intercourse meant one was not serious with marriage. The above authors do not tell us the steps taken to ensure that the couples-to-be never engaged in pre-marital sex. This is in line with Wagner's view (1949:397) that courtship was for the groom and bride to know each other better and not to have sex. A betrothed girl was not given much work to ensure that she remained 'nice' and 'plump'. Many scholars among them Beals (1971:399) hold this view. It is not however clear on who had the responsibility of caring for the betrothed girl. The study has revealed that it was the mother who cared for the bride. The manner in which the girl was cared for has been given as well. A mother whose daughter was not 'nice' and 'plump' at marriage was laughed at for she was

considered as having failed to properly care for her daughter.

Courtship takes many forms which vary from one community to another. According to Evans-Pritchard:

Courtship may be carried out openly and a youth need not fear the girl's brothers so long as they are on friendly terms and he is discreet (1951:54).

Among the Kabras people, the groom had to fear the girl's brothers lest he was 'disciplined' if he was got talking to the girl secretly.

Every marriage carries with it an economic aspect. Bridewealth is one of the economic aspects in marriage. Vivelo (1978:176), Wambeu (1979:19) Mathu (1971:2) and Wagner (1949) agree that bridewealth was prevalent among African communities. Though prevalent in Africa, bridewealth did not mean wife buying. Mathu defends the institution of bridewealth by arguing that it did not mean wife buying but just a token of appreciation by the groom's people. This was the case even in the traditional Kabras marriage for bridewealth was not synonymous with wife buying. A married girl did not lose touch with her family of orientation. She still remained part of the family.

The importance attached to bridewealth is shown by Wagner who says that marriage was not concluded until full bridewealth had been paid, (1949:381). Beattie concurs with Wagner when he says that, "A union in which bridewealth had not been paid was looked down on as immoral, and the children of such a union had no recognized status in the community," (1964:125). It is not clear from the above account on how such marriages were treated. This work has revealed the action taken by the bride's people in case bride-wealth had not been paid or if it

had not been paid in full. A groom who had not paid bridewealth lost his wife's burial rights and was also required to pay full bridewealth incase the wife died.

When viewed generally, bridewealth in many African communities took many forms. Some of the forms as suggested by Gitao (1980:10) are livestock, spears, materials, and hoes. Gitao does not say the amount of each of the above forms. Also the Kabras did not accept any form of livestock. Besides, items like spears were unheard of in the kabras bridewealth. Only cattle as will be seen were paid in the Kabras traditional marriage.

Bridewealth had very many functions in marriage. They included, compensation to the bride's family for lose of a member and her services, to give the groom right over children to be born, a token of love and also as a sign of security to the marriage bond. There is no dispute over this as seen from the works of Keya (1975:47-54), Goode (1987), and Holway (1976:279). Bridewealth among the Kabras had similar functions. It was the foundation of the whole marriage for it could lead to its dissolution incase it was not paid in full.

The main bone of contention in bridewealth is the form and amount paid. Many authors have distorted the information regarding the amount of bridewealth paid. Most of the scholars say there is haggling within marriage arrangements. Some of those who uphold this view include among others, Goode (1964:42), (1987:59), Keya (1975), Liyong (1991:39) and Evans-Pritchard (1951:53). There was no haggling over bridewealth in the Kabras traditional marriage. There was a fixed number of livestock(cattle) and one was not expected to pay more or less

A groom was expected to raise enough cattle before he could be allowed to marry. Wagner (1949) and Philips (1853:52) say the groom was assisted by his kin to raise the bridewealth. The research has discovered that raising bridewealth was a community's concern. Since marriage was a communal affair, all members could raise bridewealth for a groom whose kins were too poor to raise the required amount. The above authors also do not clearly state whether bridewealth was paid in full at once or if it was a piecemeal affair.

Vivelo (1978:176), Ember and Ember (1973), Beals (1971:399) Keya (1975:45), and Goode (1987:57) talk of the prevalence of dowry in many African communities. Dowry was unheard of among the Kabras people. In case a bride came with some property, the community considered it as a gift and so was not dowry. That is why I support Goode (1963:167) in his objection to the payment of dowry when he states that:

In no African society so far uncovered does the bride bring sizeable dowry with her. Almost always, the groom pays a brideprice or serves the bride's family for a period of time, although the bride's family furnishes some goods in exchange. The gifts that a bride brought during marriage were voluntary and so marriage could take place with or without such gifts.

Brideservice was also not uncommon in many societies. Beattie (1964:123) quotes the Biblical story of Jacob and Laban's daughters to justify that brideservice is common in many societies. Vivelo (1978:176), and Ember and Ember (1973:318) do admit that brideservice exists in many communities. Brideservice had no place in the Kabras marriage. If a groom rendered some services to his parents-in-law (which was rare), it was purely on voluntary basis. He could still be required to pay

full bridewealth. His services could thus not count as bridewealth.

The marriage system was the happiest occasion among the Kabras. Feasting ceremonies were valued and all people from both sides took part in them. Ceremonies were some of the aspects that validated marriage. The existence of ceremonies in marriage is supported by philips (1953), Wagner (1949), Beattie (1964:124), Ember and Ember (1973:317), and Fox (1967). On the value of ceremonies in Marriage, Liyong has this to say: "Marriage and children were made during ceremonies in order to gain the blessing of the dead for his own replacement." (1991:29). These authors have not exhaustively dealt with the importance of ceremonies involved in marriage systems. The types of food eaten on such occasions is also not given. Marriage among the Kabras could only be said to have received the ancestors' blessings if ceremonies were observed. It was believed that the dead partook of such meals. The ceremonies also enabled the contracting parties to know each other better by sharing meals. Therefore, the ceremonies had a very important role to play in the Kabras traditional marriage.

A part from the formal marriage, there were other forms which were also approved by many societies. These secondary forms include marriage by elopement, marriage by capture, levirate as well as sororal marriages. Many authors acknowledge the existence of such marriages. They include Wagner (1949:434), Ember and Ember (1973), Evans-Pritchard (1951), and Mbiti (1973). The study has examined each of these marriages in detail. The circumstances which lead to each one of them and also the community's attitude towards each one of them have been established.

Another sensitive stage in traditional marriages is the period when the groom and bride are united. This is the stage when the bride crosses to the groom's side. Different scholars who have written on this topic have got different views. For instance, Wagner (1949), says the groom and his party visits the bride's people prior to marriage. This is contrary to the Kabras beliefs which required the groom to keep away from the bride's home at such a stage. He was thus not required to pay a visit to the bride's home when the real wedding was about to be conducted. On this topic, Mathu(1971:16-17) argues that the groom prepares the garden for the bride prior to wedding from where the bride and her party goes to cultivate. It is here that the groom's sisters come and 'seize' her. The bride is then 'forcefully' taken to the groom's home. This practice was not found in the Kabras community because an unmarried man had no garden of his own. He could only be given a plot to cultivate when he was married and with children. The Kabras had a properly organized wedding marked by singing and merry-making.

Marriage was not arranged at any time of the year. There were specific periods when the communities concerned could organize for weddings. Writing on this issue, Gennep has this to say:-

Marriage was arranged at the time of little activity to give members a chance to participate in it (1960:139).

Gennep does not specify which period was suitable for wedding ceremonies. The research found out that the Kabras organized their weddings mostly after the harvesting period when food was abundant. At such a time, the contracting parties could be able to prepare enough meals for all the visitors who were taking part in the affair. Also such a period was advantageous in that,

there was very little work to do and so all members had an opportunity to attend.⁵ Besides, the ancestors' consent was sought first before marriage could take place.

There are drastic changes which are taking place in marriage ceremonies today. Beattie (1964:123) says nowadays money is used as bridewealth instead of the traditional livestock. Mbiti adds that 'Parents now-days view bridewealth as a purchase price hence demand for more' (1973:64).

Keya (1975:50-51) identifies schooling as the main cause that has led to demand in high bridewealth. The money paid is negotiable. Kilbride and Kilbride blame the changes taking place in many societies on external influences. They say:

There was considerable diffusion or spread of ideas and lifeways through trade, inter-marriage, and warfare among the luhya peoples and also the neighbouring Luo, (1990:52).

On why marriage has been individualized, the two say, economic decolonization has weakened the moral power of the clan, extended family, and other social groups with moral authority over parents and children, (1990:54)⁶. They also talk of the changes in polygyny. In their view, "Modern educated men tend to support polygyny compared to their female counterparts"(1990:71).

No reasons are given by these authors as to why modern men tend to support polygyny. This study has examined the real changes which have occurred regarding polygynous marriages. The reasons behind these changes have also been given.

Kilbride and Kilbride go ahead and assert that polygyny is caused by the people's attitudes toward their children. They say many

people still consider daughters, the children of women, (1990:79). This is not true when applied to the kabras because many people these days value all children irrespective of the latter's sex. The work of the two authors also shows that all the changes in African marriage systems are due to external factors. They say for instance that:

Many christian churches women and schools today oppose levirate and polygynous marriages, (1990:197).

The study however discovered that not all christian churches are against polygynous marriage. The Roman Catholics for example permit polygynous marriages among their faithfuls. In their book, Transformations of African Marriage (1987), Parkin and Nyamwaya say;

Among the Iteso, formerly, marriage negotiations took place before cohabitation but recently, spouses have tended to live together in advance of bridewealth negotiations and other formalities, (1987:9).

The research discovered that some youths hardly pay even a half of the required bridewealth. 40% of the youths interviewed on bridewealth admitted that they had not paid anything although they were aware of the need to pay the required bridewealth.

The study also found out that polygyny has adopted a new dimension. Many men especially the working class, are now keeping mistresses instead of marrying them legally. This shows that polygyny is always adapting to new conditions. Some girls proceed high for education hence very few are available for polygynous marriage. Also most educated women detest polygyny. These are however outweighed by the financial advantages in becoming the second wife or mistress of a wealthy man. A woman from a poor family is more likely to get married as second or even third wife to a wealthy man who will take care

This thesis has discovered too that there are drastic changes taking place in the marriage systems of many African communities. However, from the foregoing account, it is quite clear that all the scholars who have written on marriage have not taken the trouble of trying to assess the future trend of the marriages. They have not shown whether these changes will completely assimilate the marriage systems or if the two will co-exist. This work has examined this area as well. Most of the scholars listed above were studying a particular community and then generalizing their findings. They were 'ignorant' of the diversities of African marriage systems. Such generalizations can only be discarded if many scholars undertake the studies of each and every community's culture. Every community's beliefs and practices should thus be studied separately.

2:1 THEORETICAL FRAME—WORK:

The researcher employed two theories during the field work. These theories were of much use because they were the main pillars that guided the research. The researcher deemed it necessary to use two theories so that they could act as checks and balances to each other --- where the explanatory value of one fell short, the other one could take over. The two theories identified are evolutionism and functionalism.

EVOLUTIONISM

The study based its arguments on the tenets propagated by Edward Tylor (1832-1917). This anthropologist saw evolution as a progressive change through successive uniform stages. He said evolution is progressive and cumulative hence each generation adds a new contribution to the previous level of understanding. He saw culture as a historical process. This theory applies even

to the Kabras customary marriage for it too has been undergoing various transformations with time. Very many elements in the marriage system have been discarded while new ones have been adopted. There is a marked difference between the present form of marriage and the traditional one?

In Tylor's view, culture is always a culture of a given community, hence it does not refer directly to the individual as such.

Likewise the traditional Kabras marriage was a communal affair. It was the elders who arranged for marriage.

Tylor's school of thought sees every facet of social life as being worthy of study for it contributes to the understanding of mankind. The research has thus enabled us to understand the Kabras people better for it has stated the people's way of life.

Every culture has got survivals which are carried on from one generation to another. Payment of bridewealth and not marrying from a closely related group are some of the survivals still existing in the Kabras marriage system. Human institutions are sui generis, autonomous systems with a life of their own. Some customs persist solely due to tradition's force. They 'fetter' the human thought and determine the individual's behaviour. Some of 'fettters' ^{of tradition} in the Kabras marriage system are the emphasis on circumcision as a prerequisite for marriage and also the requirement that a groom should be slightly older than the bride. No reasons are given for such practices although the people strictly adhere to them.

Tylor also advocates for the utilitarian value of culture. That institutions are consciously created to serve practical ends.

Marriage has got a utilitarian value for it ensures the community's survival through procreation. The institutions are guided by reason for people have to contem^Hplate on which aspects best fit them before choosing on anyone of them. In the Kabras marriage, mate selection was guided by reason. One had to possess admirable qualities before being identified as a suitor. This required a lot of of reason.

The established customs have to be adhered to by members, even if they lack any practical purposes. The Kabras custom has fixed the a mount of bridewealth needed before marriage is consummated. No reason is given for this fixation but the members are required to adhere to it. Tylor says this is tradition conservatism which is much more pronounced in primitive society than in civilized society. The 'fetters' of tradition limit people's mind. Likewise the youths in the Kabras community are out to discard any practice with a traditional bearing. They consider practices with a traditional bearing as lacking reason hence have outlived their usefulness. The elder's role in marriage formalization has been overlooked by the youths. The elders are said to be 'old-fashioned' hence have no place in the 'modern' society.

Tylor further states that all societies go through a gradual and natural process of development and the various peoples of the world represent different levels of achievement along this line of evolutionary progression. The Kabras' borrowing of certain elements from other communities could imply that the marriages are evolving towards the same direction. This view is also associated with the psychic unity of mankind as propagated by the evolutionary model. Having the same mind, the people's thinking is the same

everywhere. All communities have got rules and regulations governing marriage systems. An example is the indiscriminate marriage which is abhorred by all human communities. So, the Kabras marriage is guided by reason just like other societies' forms.

People invent stories to account for phenomena that have got no meaning. The African wakuafi for instance claim that heaven gave them all the cattle and so they should seize all cattle from other people. They use this story to justify their raiding and rustling. Likewise, no reason is given by the Kabras as to why they feel marriage is compulsory for all members. They just say it is a command from their ancestors hence all people should show their respect to the ancestors by adhering to the latter's command.

The evolutionary school of thought best suits this study because it enables us to understand the changes taking place in the marriage system as well as traditions that still exist to this day. Like any other aspect of culture, marriage is undergoing drastic changes mainly because of the contact with other communities' cultures. There is borrowing of certain elements while others are discarded.

FUNCTIONALISM THEORY:

The proponent of this school of thought was Bronislaw Kaspar Malinowski (1884-1942). As its name suggests, it aims at the explanation of anthropological facts and all levels of development by their function in a society. This theory looks at the functional aspects of all cultural traits within a given community.

Malinowski says culture is a whole which is made up of different units each having a role to play ----- a tenent applicable even to the Kabras people's marriage which too has got a role to play within the community's cultural setting. All the units of marriage have got a role to play in the whole system. Bridewealth's role in marriage include among others, the compensation to the bride's family. The elders' role is to ensure that the community's rules and norms are adhered to. Generally all the elements in the Kabras marriage have got arole to play.

Functionalism school also talks of integration of cultural traits whereby if one trait is disturbed, it paralyzes the others. The integration of cultural traits in the Kabras marriage is vivid when one looks at the gift exchange system. If a party's gifts are returned, it (the act) might ^{paralyze the whole} process and all other processes could be terminated. Refusing to acknowledge the gift presented or returning a similar gift thus can lead to the disruption of the whole affair. This clearly indicates that gift-exchange is integrated with all other cultural traits of the Kabras marriage.

A cultural trait should satisfy some basic or derived 'needs' of individuals in society according to this school of thought. Procreation through marriage among the Kabras satisfies the need for the community's continuity. Malinowski further asserts that all cultural items fulfill sociological functions and these systems are indispensable. The indispensability of cultural traits in the Kabras community's marriage is seen when one compares gift-exchange and bridewealth. As the research has proved, the two play different roles and they cannot interchange at all. Thus, each one of them has got a role to play in the marriage system.

Marriage system

On the integrative theory, Malinowski says all cultural traits should be studied in relation to others for they are all interdependent. No trait can exist in isolation from others. Gift exchange among the Kabras is interrelated with all the cultural traits in the marriage system. When studying the place and value of gift in marriage, one will also be compelled to study other aspects like bridewealth, the contracting parties' relations and also the mate's background. When studying a particular element, one also studies other aspects in order to comprehend the former better.

Functionalism school also has it that an individual has three needs namely; basic needs (necessary for satisfaction of biological organism), derived needs (for organizing basic needs), and integrative needs which satisfy intellectual and emotional requirements. In Kabras context, marriage serves the basic need of procreation while marriage laws are organized to satisfy the basic needs of the community members. All these are organized in such a way that they enhance a harmonious relationship in the community.

Self-interest leads to law and order for when an individual conforms to the customs of the society, his own interests are taken care of by the society. This self-interest theory is also

applicable to the Kabras community because a man may decide to marry from an approved community to safeguard his own self-interest. The society approves such a marriage and gives the necessary assistance when need arises. For example, the society will help in raising bridewealth incase the groom's family is unable to do so. This leads to law and order in the society. for the groom and other community members will appreciate each other's contribution in the community's welfare and so the relations between them will be cordial.

On the issue of discrepancy of ideals, Malinowski says people know what they are expected to do but they do not do it. Thus people practice what the custom requires just in theory. The Kabras youths do not involve the elders in their marriage arrangements. Although the former claim to be following the right channels in marriage organization, the exclusion of the elders from the mainstream is an indicator of discrepancy of ideals. The various changes taking place in the Kabras marriage are the root cause of these discrepancy of ideals.

These two theories can help us understand the Kabras form of marriage. The evolutionary model is used to identify the changes taking place in the marriage. This theory has proved that indeed the Kabras marriage is evolving. By borrowing some aspects from other forms of marriage, it is likely that the marriage is evolving towards the same direction with other forms of marriages. This is mainly because of the psychic unity of humankind. The *functional* theory illustrates the role of the various aspects in the marriage system. Every aspect thus has got a role to play in the system in which it is found.

2:2 HYPOTHESES

Before embarking on any research work, one has to have some hypotheses which one will test while in the field. In this regard, the author of this work identified three main probabilistic statements which were tested during the research work. The following are the hypotheses which were tested:

1. That the Kabras marriage evolve around a set of beliefs and practices.
2. That the Kabras marriage system has been experiencing tremendous changes over a period of time.
3. That the Kabras marriage system will withstand the effects of modernization.

The above hypotheses enabled the researcher to collect the relevant data regarding the Kabras customary marriage. The first hypothesis guided the researcher in examining the Kabras traditional marriage system. The second one helped in gathering information on the changes that have occurred in the marriage system while the last hypothesis was useful when the author was trying to assess the future trend of the marriage system. By testing the above hypotheses, the author was able to gather all the relevant information concerning the Kabras marriage. The researcher thus analyzed the marriage systems as practiced in the pre-colonial, colonial, and post colonial eras.

FOOTNOTES

- 1: C.R. Ember and M. Ember (1973) define marriage as a socially approved sexual and economic union between a woman and a man.
- 2: The issue of illegitimate children has been dealt with in the introductory part of this work.

- 3: Ruth N. Keya (1975) page 31 says the probable age at which the girl could marry was 18-25 years or above.
- 4: Those who participated were from the bride's side as well as the groom's people.
- 5: The Kabras traditional marriage was a communal affair and so required the participation of all community members .
- 6: Colin M. Turnbull (1972)page 186 says that the youths now-days want to fall in love with a girl before they marry her. This implies that love is becoming now-days an initial requirement for mate selection.
- 7: Drastic changes are witnessed in areas like bridewealth where money is paid instead of cattle. The family's role in marriage has also declined.
- 8: Chapter 4 of this work proves that these areas have slightly changed. For instance, bridewealth is not paid in full. Besides, most youths tend to marry from groups that the elders view as relatives.
- 9: The bride's family has to be compensated for loosing her presence, her services and the children that she will bear. See part 5 of chapter 4 for a detailed discussion on the role of bridewealth in marriage.

CHAPTER 3

METHODOLOGY

3:0 BACKGROUND INFORMATION TO THE STUDY SITE

The subjects of the research were the Kabras people who live in Kakamega District. Kabrasland borders with the Rift Valley Province (Nandi District) in the East and Bungoma District on the north, with the Nzoia River cutting between the Kabras and the Bukusu people of Bungoma. The other communities that border with the Kabras in the south and west are within Kakamega District. On the western part are found the Banyala people with the Batsotso and Isukha being found in the south-west and southern parts respectively.

As per the 1979 population census, the total population of the Kabras was 102,116 people. Kabrasland has 8 locations, 28 sub-locations and 8 electoral wards. The two main administrative divisions are Lugari and Kabras. The area has two parliamentary constituencies namely, Malava and Lugari. Temperature varies between a mean maximum of 26°C - 32°C and a minimum of 14°C - 18°C. The altitude falls from about 1500m above sea level.

Kabrasland has got a good network of rivers which generally run from north-east to south-west. Nzoia river is the main river with its tributaries that provide permanent sources of water.

Rainfall varies from 1250mm to 2000mm per year. It is highest between March and October with maximum in April/May and August/September. The growing seasons obey the pattern of rainfall distribution. The area is mainly an agricultural zone with

maize being the chief crop. Other crops grown include sugarcane, bananas, beans, sorghum, a variety of vegetables, cassava, millet, pawpaw fruits, sunflower, and potatoes --- a very rich agricultural area indeed.

The soil is well drained, dark red covered with dyslamic top soil derived from both volcanic and basement complex rocks ---- a soil suitable for the aforementioned crops. Much of the soil fertility has however been leached because of their age, high rainfall, and intensive cultivation with-out appropriate measures.

to maintain the soil fertility. Most of the land is used for cultivation and livestock holding with little a forestation (only Malava forest). The livestock kept include cattle, poultry, sheep, goats, and pigs. The good soils and rainfall in the area allow families to subsist on smaller parcels of land. Farmers are small scale, growing food for household consumption and the local market. 30% of the cultivated area is under cash crops ---- sugarcane, beans, and sunflower. Thus the land use is characterized by mixed farming practices. The minerals exploited in the area include sand, soils and clays, and rocks for ballast --- used in the construction work. Productive labour is largely provided by female inhabitants, together with children and the aged as most men are working in urban areas. Most of what is produced is used in the area either by selling in the local market or for home consumption.

Being a patrilineal community, it is the men in the Kabras community who have a final say in all decision-making matters. Patrilocality residence is the rule. The traditional people lived in round houses with poles evenly spaced from a centre and joined

at the top of each other to form a roof which were covered with grass and cow-dung. Today, a number of people have constructed iron sheet houses; semi or permanent. The houses belong to a family or a group of families. The cattle sleep outside the houses but within the kraal. The Kabras' traditional clothing was made from animal skin.

The study thus covered the entire Kabrasland. However, the data from north Kabras proved to be quite unreliable because, this area is inhabited by different ethnic communities. The Kabras people who live in this area have thus been influenced by other communities' cultures. Apart from north Kabras, the other areas in Kabrasland covered by the study provided adequate information. These areas' cultural way of life has not been drastically transformed as a result of external influences. It was thus possible for the researcher to gather the 'original' Kabras marriage from these areas. The data from north Kabras was used in assessing the extent to which the Kabras marriage system has been transformed. Therefore, the data from the entire Kabrasland was analyzed during the study.

3:1 DATA COLLECTION METHODS

During the field work, a number of methods of data collection were employed so that they could act as checks and balances to each other. The study was conducted on a sample population which was carefully selected to ensure representativeness of the entire community. The researcher had targeted 50 respondents but managed to gather information from only 45 of them for 5 respondents did not provide their information for various reasons. For instance three respondents did not return the questionnaires. The other

two interviewees did not avail themselves for the interviews.

Random sampling was used to identify the respondents. This method assisted in avoiding biases in selecting the samples. A number of old men presumed to be well-versed with Kabras culture and traditions were randomly picked to provide the information.

Snowball sampling technique was also adopted whereby the researcher had to make a tour prior to the interview day, and identify some respondents. Apart from giving their own information, such key informants were also an asset in the research in that they also referred the researcher to other people whom they believed were also well-versed with the Kabras customs. This method was however disadvantageous in that some key informants referred the researcher to their friends. Some of these friends appeared 'ignorant' of the Kabras culture. They were thus giving distorted information during interviews. In other instances, even some of the key informants turned out to be unfamiliar with the Kabras traditions.

Snowball sampling was also time-consuming in that more time was spent on identifying and selecting respondents. Some of the key informants sampled were also not available for the interviews. The researcher could travel for a long distance only to find out that the targeted respondent(s) was not available. Efforts made to trace such respondents were a total fiasco.

But once identified, some of the key respondents gave a very adequate data on the Kabras people. The respondents were also able to refer the investigator to some useful/resourceful respondents

whom the researcher had been unable to identify. Additional data was thus obtained using this method. The researcher could have been unable to identify resourceful respondents had he relied on random sampling alone.

3:2 OBSERVATION METHODS

This method was employed to supplement the data collected using the other methods. As a community member, the researcher participated in the group's activities relevant to the area of study. First hand information was collected for the researcher was watching activities relevant to the area of study. First hand information was collected for the researcher was watching activities as they occurred.

Some of the respondents who could have been unwilling or unable to give verbal reports of those who could not articulate themselves meaningfully proved to be very resourceful when this method was applied to them.² The researcher had an access to all behaviours and activities for he was present when they were occurring. Observation method enabled the researcher to judge a reality from a view point of someone inside the case study than one outside it. Being a descriptive study, the observation method proved to be very appropriate. A checklist (a copy of which is shown in the appendix) was used to ensure that all behaviours and activities intended to be noted were not forgotten or overlooked. The observation units were selected in a systematic way to ensure a representative sample from every cross-section of the Kabras population. The researcher was free to code information the way

he perceived it. He was participating in the activities of the group he was observing.

The shortcomings of this method of data collection was that it only enabled the researcher to observe what was happening. He could not observe the reasons behind such happenings. The researcher only observed hence could not ask the respondents why they were behaving the way they did. It was also impossible for the researcher to observe all the activities related to marriage. So far, only pregnancy and elopement ceremonies were observed. Timing was yet another obstacle for the researcher could not always be present when the respondents were participating in his area of interest in order to make the observations.

Where observation was possible, the researcher simply watched people do and say things as he recorded his findings. The observed phenomena were studied in their 'natural' settings because the researcher's presence did not change the respondents' attitude³. Thus the researcher's presence did not affect or influence the respondents' behaviours.

Using this method, the investigator was compelled not to be biased in recording information. He thus recorded what he was observing and he was careful as well not to call some prospects 'good' while others 'bad'. He was thus observing and recording what was happening and not what he thought should have been happening.

Another disadvantage of this method was that only a small fraction of the population was used. It was not possible to make observation in the whole area under study. Besides, it was

impossible to observe a certain phenomenon right from the beginning up to the end. To counter this problem, the investigator employed time-sampling schedule as it used selection of observation units at different points in time.

As a community member, the researcher adopted participant observation method for he was able to act and behave like the respondents while recording his information. Therefore, the investigator used both complete-participant role and participant-as-observer method in his home area and other areas respectively. The former method succeeded in the researcher's village because he was not seen as an 'intruder'. He freely intermingled with the respondents without causing any concern to them.

In the latter method, the researcher's presence was made known to the respondents prior to the observation day. The researcher was unable to conceal his presence as he was from a different village. The group members served as both informants and respondents. Since the investigator's presence was known, he was able to record his observations on the spot. The information obtained was not forgotten as it was being recorded as it occurred.

A complete participant observation was employed in the researcher's home area for the author participated with the group members under their natural setting. First hand information was also collected using this data collection method.

The method was independent of memory for the researcher was recording what the respondents were doing and not what they could remember thus, the respondents were acting and not remembering.

The observation method was thus used to collect supplementary information that could interpret the findings obtained by other methods. The author participated in the activities of the group which was being ^{observed. he was + receptive able to observe} and record the various activities of the community as they occurred.

Observation units were selected in a systematic way to ensure representation of a defined population of behaviour. The observed data was processed and an inference made that the behaviour measured a certain variable. This system was typified by clear and explicit decisions of what, how, and when to observe a given phenomenon. A non controlled system posited fewer commitments on the part of the researcher and allowed greater flexibility.

The author tried to devote himself to attaining some kind of membership in or close attachment to 'alien' villages that he wished to study. He shared the world view and adopted the perspective of the people in the situation that was being observed. There was conscious and systematic sharing in so far as circumstances could permit in the life activities and on occasion in the interests and effects of a group of persons. The author shared the same language, habits, work patterns, and all other activities engaged in by the respondents. A better apprehension of reality was achieved through it.

A complete participant observation was possible in the author's village for he was wholly concealed and his research objectives were not made public. He interacted with the observed groups as naturally as possible in whatever areas of their living that interested him and were accessible to him. The study of ordinary inaccessible or accessible groups that could not reveal to

'outsiders' certain aspects of their culture was made possible using this method. Some of the respondents' cultural aspects could thus not be revealed to 'foreigners'. For example, marriage that took place when the girl had already conceived was secretly arranged hence an 'outsider' could not be allowed to take part in it.⁶ Such a marriage was considered shameful and so, it had to be conducted in the most secret manner. Only community members were allowed to participate in such marriage.

But there was the problem of deciding what to observe for the author could not evoke behaviour. His observations were thus limited to activities that were occurring and recurring only. Most of the activities that the respondents were engaging in during the times of observation were irrelevant to the author's study. He had thus to be patient until the group members turned to relevant issues. The respondents could not be manipulated so as to behave in accordance with the author's wishes.

Where complete participation was used, it was again not possible to record the observations on the spot. Recording was postponed until the author was alone. But time lags in reporting introduced selective biases and distortions through memory. It was hard for the researcher to memorize all the observed happenings. There was the possibility of some of the observations to be omitted when the recording was done after the observation.

In the participant-as-observer role, the author attempted to establish close relationships with group members who subsequently served as both informants and respondents. The purpose of the study was explained to the subjects and their co-operation sought.

Letting the people know the intended research was however disadvantageous in that the respondents appeared to have been sensitized prior to the real study. Therefore, during the observations, the respondents were behaving as they thought they should behave and not as they used to behave. The method thus evoked the behaviour of the subjects under study. The author's presence influenced their behaviours.

Another problem with this method was that it was hard to establish good relations with the group members for the short period that the research took place. The short period during the field study was the major obstacle that hindered the creation of good rapportness between the author and the subjects. Identifying reliable informants was yet another shortcoming of this method of data collection. The author could not easily identify resourceful respondents. Some of the observed phenomena thus proved to be irrelevant to the study.

3:3 SURVEY RESEARCH

This method was also used during the field research as a substitute where the other methods had failed or were inadequate. As indicated earlier, snow ball sampling technique was employed in identifying informants. Only key informants were interviewed using this method.

In the survey research, both personal and inter-personal interviews were employed. Personal interview was the main principle method of collecting information. Different forms of interviews were used by the author while in the field. In the informal interviews, the author engaged in direct conversations with informants while recording down the relevant data.

Once the researcher had sampled his respondents, he introduced himself to them and explained to them the purpose of the research as well. He then kindly requested for their co-operation so that he could record the information which could not only be useful in the academic field but to the whole community as well. The information was thus going to be used in the present and future generations. Once rapportness had been created, the interviews ran very smoothly. No interpreter was needed for both the interviewees and interviewer were using the same language.

Codification was the main obstacle in this method. Some of the elders interviewed were taking too long either by repeating what they had already said or talking about 'irrelevant' issues. Some deviated from the topic at hand and engaged in other issues like how they had fought the Kalenjin when the latter attempted to grab their livestock. The author had to bear with such stories lest he discouraged the respondents by cutting them short. There were also continuous interferences that barred the smooth running of the interviews. Some respondents stopped in the midst of the interviews in order to attend to other 'equally important' matters like informing the children to take the cattle to the river. Some people were also coming in the course of the interviews. Some of these 'intruders' interfered with the interviews mostly by opposing what the respondent was telling the researcher. Besides, some respondents were too fast in giving their information. The author found it extremely hard to keep with their pace. To counter such problems, the author was compelled to visit the respondents at the time when he felt there was little or no activity going on at the latter's home. Evening interviews proved quite successful. The author also

recorded his observations in short form to catch up with the respondents who were too first in giving information. Despite all these problems, the author's direct contact with the informants enabled him to gather firsthand and meaningful data.

A schedule of questions and topics were selected and adhered to hence it was easier to get the information on a question - answer basis. The respondents were as well given an opportunity to disagree or expand on an answer. Additional information was thus obtained using this method.

All forms of interviews were employed—the formal, informal, and even the less formal interviews. Face-to-face interview was the best form of the interviews because the researcher was in direct contact with the informants. He could repeat a question which he felt had not been adequately answered. The questions were designed to obtain answers pertinent to the research hypotheses. Little time was spent during the interviews. Also only relevant information was collected for the questions were clear and direct. This method was very successful for it enabled the author to get data from respondents who could neither read nor write. Another advantage with this method was that the questions were administered with a lot of ease. An interview schedule was used to ensure that all the pertinent questions were asked.

For convenience purposes, the interview was structured in three different ways. One of them was schedule-structured interview. Here, the questions, their wording, and their sequence was fixed and identical for every respondent so that any variables in the answers was attributed to the actual differences between the

respondents. The structured interview was thus the same for every respondent. The focused/non schedule - structured interview was used to respondent who were known to have been involved in a particular experience. The main shortcoming with this method was in identifying such respondents. The author picked on topics related to the research hypotheses. The respondents had considerable liberty in expressing their definition of a situation that was presented to them. The method helped in obtaining details of personal reactions and specific emotions. The researcher was also alert and sensitive to inconsistencies and omissions of the data that was needed to clarify the problem.

The non structured or non directive interview did not have specific questions. There was no schedule for the question were not asked in an orderly manner. The respondents were encouraged to relate their experiences, to describe whatever events seemed significant to them, to provide their own difinitions of their situation, and to reveal their opinion and attitudes as they saw fit with little or no direction from the interviewer. The author had great freedom to probe various areas and to raise specific questions in the course of the interview. The problems encountered using this method included among others, *the interviewees' deviation from the real topic and concentrating on other* 'irrelevant' topics. The differences in the respondents' vocabulary led to some questions being interpreted differently hence different answers were given. It became hard to analyze which of the respondents had correctly interpreted the questions. Some of the questions used during the interviews were fixed - alternative ones hence they were easily asked and quickly answered

3:4 THE QUESTIONNAIRE

The questionnaire was used in the impersonal method. A sample of the questionnaire is attached in the appendix of this work. The same questionnaire was administered to all the respondents. The respondents were instructed to answer only the questions that applied to them. They did this by indicating "not applicable" (N/A) to the questions that did not concern them.

Out of the 30 questionnaires randomly administered, only 25 were recovered at the end of the study. The questions were posed through a written questionnaire. Even demographic questions were included in the questionnaire in order to motivate the respondents. All the respondents; the married, separated, divorced, and widowed were eligible to fill the questionnaire. The questionnaires were equally distributed according to gender.

To ensure that the respondents co-operated in answering the questions, an introductory letter specifying what the research was all about was included in the questionnaire. The respondents were told of the importance of the study and so, answered the questions to the best of their knowledge for they knew that the research was going to benefit them as well.

An average vocabulary was used to ease understanding. Both fixed alternative and open-ended questions were applied so as to collect enough data. The funnel sequence of questions was employed in ordering the questions. As was the case during the structured interviews, the differences arising using this method were attributed to actual differences between the respondents and not to the interviewer for all questions were

the same for every respondent . After administering the questionnaires, the author gave the respondents enough time to answer them. This method was very cheap and very little time was consumed. Since the author was away when the questions were being answered, he could not influence the respondents' answers. The respondents answered the questions as they understood them without being influenced by the author's presence.

The questionnaire was with and without closed items so as to get a personal opinion. The respondents were accorded privacy hence answered even questions that might have appeared to be "embarassing" in nature. To attain clarity, the questions were posed in various forms. Posing the questions in various forms helped in evading the monotony of asking all the questions in a similar form. Administering the questionnaires randomly ensured that a representative sample was obtained.

However, the respondents were not completely abandoned while they were answering the questions. The author visited them to give the necessary assistance like translating the questions which might not have been well-understood. Every couple randomly selected was given a questionnaire each to enable the investigator make comparisons within and between households.

The respondents were also given chance to give their own views on the Kabras customary marriage. This helped in gathering information which would not have been obtained if the respondents had only been asked to answer the questions without airing their views. This method of data collection was very useful because the information got was easily compared. Besides, only relevant information was acquired for the respondents stuck to the questions.

Its setback was that it was not applicable to the illiterates. The information obtained using the questionnaire was thus not representative of the whole community. Although the fixed alternative questions were asked and answered easily, they introduced biases in that the respondents were compelled to choose from given alternatives. They were thus denied the chance to give their views. Also availing the choices from which the respondents were expected to pick from made them to think of alternatives that might not have occurred to them. While analysing the data, the author discovered that all the questions of this nature had been answered. An inference drawn from this was that some respondents might have simply picked on a few answers even if they did not understand what the question(s) required. The open-ended questions were also used to counter the above problem for the latter allowed the respondents to express their thoughts freely, spontaneously, and in their own language.

Using the questionnaire meant that the author had to accept all the answers given as final. There was no room to probe beyond the given answer, to clarify ambiguous answers, or to appraise the non verbal behaviour of respondents. It was also discovered that some respondents gave the questionnaires to other people to fill for them. Therefore, the information provided was not from the intended respondents. Other respondents were discussing the questions before answering them. Such respondents were thus not giving their views. They were giving the answers which they thought the author was seeking and not what they knew. The author detected this folly from the fact that some questionnaires had similar information. Only

demographic questions had varying answers.

Some questionnaires were returned but with some questions still unanswered. It was hard to analyze such questionnaires for the author could not tell respondents' views on the unanswered questions. The other respondents did not return the questionnaires. Their information which might have been very useful was thus not included in the data obtained.

Despite its shortcomings, the questionnaire method proved to be very effective. The respondents had no room for giving "irrelevant" information for they were only answering the questions presented to them. Compared to the interviews, the questionnaire method was time saving because the questionnaires were answered at the same time. The author was able to administer all the questionnaires in two days unlike the interviews which took very many days.

3:5 THE LIBRARY RESEARCH

Although the above methods provided adequate information on the Kabras customary marriage, there were some gaps which remained unfilled even after the study. This matter was worsened by the fact that some of the information got from the field was varying. Different respondents were giving different views on the same topic. It was extremely difficult for the author to judge which of the respondent was giving the right information. The author therefore, decided to consult the relevant literature concerning the Kabras customary marriage. So, documentary materials were consulted to supplement information acquired in the field. The past and present investigations of relevance, official reports and statistics, and also records of institutions were utilized to obtain relevant data. The various books, journals, and discussion papers

both at Jomo Kenyatta Memorial Library and the Institute of African Studies Library were used with a view of recording the relevant data and eliminating the usual "official biases". The National Library of Kenya and National Archives proved very useful in supplying the relevant material.

The Library research method was not however perfect. The "official biases" were encountered in very many books and journals that were consulted. The material available was portraying the authors' self-fulfilling prophecies for they were writing on how they thought the subjects were behaving and not how the latter were actually behaving. They were thus distorting the real data by infiltrating it with their own views. Most of the literature consulted was very general and so did not wholly apply to the Kabras people. Most of the authors had written either on Africans in general or the Luhya people. Very little data concerning the Kabras was available for consultation. Different authors had different views despite the fact that they were writing on the same topic. It was hard to judge which of the author's views were to be adopted and which ones were to be discarded.

The author tried as much as possible to use any available method while collecting the data on the Kabras people. The author was aware that there was no single method of collecting data which was absolutely perfect. Every method had both advantages as well as disadvantages. Therefore where one of the methods failed or appeared to fail, another one was adopted so as to supplement the former. All the methods were acting as checks and balances to each other. By employing a variety of methods in collecting data the author was able to collect and analyze the relevant data concerning the Kabras marriage system.

FOOTNOTES

- 1: The exact location of the Kabras people is clearly shown in the maps found in the appendix of this work: ^{See} maps 2 and 3.
- 2: Some respondents can conceal information because of their unwillingness or because they cannot express themselves fully verbally.
- 3: It is only in complete participant observation that events can be observed in their 'naturalness'. The participant—
—as-observer method makes respondents aware of the researcher's presence hence change their behaviour.
- 4: If the information from the field is not recorded on the spot, the researcher is compelled to use his memory when writing down what he/she observed. Some information could be omitted either by the researcher's forgetfulness or his/her biases.
- 5: "Alien village" in this work refers to those villages in Kabrasland but where the author was not known. He was thus considered by the subjects as an outsider.
- 6: There are certain aspects of people's cultures which cannot be made known to the outsiders. Even if the researcher was permitted to carry out his study from an alien village, some information could be hidden from him/her. Pregnancy before marriage is cited as an example. A family whose daughter had become pregnant before marriage could not let outsiders know of it lest the family was laughed at.
- 7: Participant—
—as-observer is disadvantageous in that the researcher's presence biases the respondents. The subjects might as a result behave in ways they think the investigator wants to see them behave and not how they normally behave in their daily activities.
- 8: Interpreters should not be relied on unless there is no otherwise because some of the interpretations do not tally with what the respondent or the researcher has actually said.

- 9: In fixed alternative questions, the respondents are offered a set of answers from which they are asked to choose the one that most closely represents their views.
- 10: Some of the demographic questions covered in the questionnaire include the respondents' gender and marital status.

CHAPTER 44:0 THE KABRAS CUSTOMARY MARRIAGE AND PRACTICES

The information on the Kabras customary marriage was collected and analysed with a view of understanding the different aspects of their social systems. The data showed how the Kabras traditional marriage was conducted before it was subjected to external influences. It was discovered from the research work that the Kabras people had their own ways of conducting their marriage systems before they were exposed to external forces of change. The data on how the Kabras marriage has been affected by changes was also analyzed and then a thesis argued as to what extent external changes have penetrated the Kabras marriage system. Examining the changes in the marriage system enabled the author to assess the future trend of the Kabras marriage. The data available was assessed to see whether the system will be completely assimilated by these changes or if it will co-exist with them.

Finally conclusions were drawn in support or counter proving and disproving the original hypotheses. The author used qualitative method when analyzing the data. Qualitative method seeks to answer the why and how questions; a major concern of the research. This method helped in searching for patterns that were occurring and recurring in the data collected. Percentages were used to judge the patterns that were frequently occurring and recurring. The research was mainly a descriptive one and so, the information was mainly got from the living informants. The other information from different sources like that from the books was only used to supplement the one obtained from the living informants.

The author was looking for the consistencies and inconsistencies in the data collected to ensure that what he was picking was a representative of the subjects under study. The consistencies in the data collected were an indication that the issue being discussed was familiar to the respondents. Such consistencies could not be accidental and the author depended on them when analysing his data. Whenever a disagreement arose (which was not rare), the reasons for it were sought especially by consulting the relevant literature on the topic. Besides, a comparison of statements from respondents with that from different types of observation was made with a view of looking for the consistencies and inconsistencies. The different information on the same issue was cross-checked for comparison reasons. The data was thus examined against the consistencies. In this case, the information was analysed by reaching to it, either in agreement or disagreement in case of dissenting views.

The research was thus a descriptive one. The consistencies and inconsistencies in the data collected were the major guiding principles. Percentages were used to assess the extent to which the respondents' views agreed or disagreed on a given topic. By using this method of data analysis and consulting the relevant books in case the respondents' views were varying, the author was able to adequately analyze the available data and present it in an orderly manner as will be seen later in this thesis.

4:1 THE KABRAS CONCEPT OF MARRIAGE

The Kabras concept of marriage differs from that of the Western World.¹ Okhuila is the term used by the Kabras people to mean "to marry". This is a social institution which unites a man to

one or more women and further unites 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, (1951:84).

The relationship was a communal affair in which all members participated. Therefore, it was highly valued in the Kabras social structure. Marriage is a central institution upon which all other institutions are dependent for life revolves around it. A quotation from 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, (1969:133).

The Kabras customary marriage takes two forms: the one accompanied by ceremonies and the other which does not². The former takes a long period and all relatives and friends from both sides of the couple-to-be are aware of it before the actual marriage takes place. Lubang'a³ told the author that the prevalence of the latter form of marriage shows how those concerned are evading the right formalities to be followed under normal circumstances. 90% of the respondents interviewed admitted that the former form of marriage was too demanding both timewise and economically. Despite its high demands, it was highly valued and the latter only occurred to the disappointment of the whole community. The value and respect with which the Kabras had for marriage was illustrated by the various processes one had to undergo in preparation for it. A properly organized and socially approved marriage elevated an

individual's social status. It is the highest moment in one's life. A married person was 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 affairs. Life in any community is highly valued hence it has to be preserved and ^{conferred through marriage. This ceremony is usually celebrated during a religious duty and a} responsibility for everyone. It is a public event for the local community has a stake in its consequences. The Kabras practice both exogamous and endogamous marriages. Village exogamy is the rule among these people. Like in any other community, the Kabras marriage creates alliances which remain even after the death of one or all the partners. The investigator had an opportunity to come across a deceased wife's sisters who had visited their brother-in-law and his children: an indication, that the relationship was still recognised despite the wife's death.

It is marriage that legalises procreation. Illegitimate births are untidy, random events which threaten the proper order of things. It is only through marriage that the couple can express their intimate love and conjugal feelings which is done in recognition of sexual differences. Therefore, the Kabras marriage is held with high esteem and it is the entire community's concern. There are laid down procedures to be adopted before marriage's final consummation can be realized.

4:2 THE CAPACITY TO MARRY

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.

Philips is one of the scholars who have written on the preparations for marriage. According to him:

Initiation is an indispensable preliminary to marriage and involve instructions on sexual matters and marital and other duties (1953:49).

Among the Kabras people it was the boy who under-went circumcision in preparation for marriage. The practice is still observed to this day. Circumcision changed one from boyhood to manhood. Imbiti could not remember the age at which boys were initiated, because "they did not keep written records". The boy was however to be mature enough to withstand the pains. This could mean the boys were slightly over 18 years old. Today's circumcision has lost its meaning. It has been reduced to a mere physical operation for most initiates are very young and they hardly receive any education while in their seclusion period on matters related to adult ~~wives~~. Similarly, the majority of the parents these days take their children to hospitals for the operation. But being circumcised was not a guarantee that the initiate was fit for marriage. Lision informed the author that:

A part 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.

On the other hand, the girl was expected to have a complete mastery of the household chores and also to be in a position to conceive. The partners were to be slightly of the same age.

But in most case, boys were slightly older than girls, for the

were compelled to marry earlier to enable their parents to receive bridewealth. Even today, there is no specific age at which one has to marry. Most of the youths who do not go to school marry earlier than those who spend most their time schooling. The age at which one marries is also determined by other factors such as economic status of one's family, one's age, his/her place in the family, and whether the parents are dead or a live.⁶

Marriage is an exchange between two previously unrelated clans. The groom's people receive (girl) while the bride's group obtains something in return for the woman who is handed over. Since its main function is procreation, no marriage is said to have taken place until at least a child has been born out of it. A childless marriage among the Kabras people was very painful, and embarrassing situation in life. As social beings, people establish social relationships through marriage alliances. It thus binds the contracting parties and individuals within them together. The poor parents in the Kabras community preferred their daughters to marry earlier than boys because in Lichung's view:

Daughters are cows and wealth: generally girls could elevate one's economic status from poverty to richness so, daughters bring cows while boys use them.

When there was a proof that the partners have 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.

4:3 THE CONSENT

Among the Kabras people, marriage negotiations could not commence unless consent had first been sought from the concerned parties.

Any socially approved marriage was thus to have consent of either the parents or the guardians of both parties to be married. Although other people's consent was sought, it was the parents' consent which was paramount. The negotiations seeking consent started at or around initiation period. As Msaala stated:

We could meet at beer drinking parties and suggest to one another the need to have our children married. We could later inform our children on our agreements to have them married.

The above quotation suggests that the Kabras parents could make choices and later on inform their children. The parents could agree to have their children married even if the children were too tiny or still unborn.⁸

A part from the parents' choice, a boy could also make his own choice and later inform his parents who could in turn vet on whether the choice was suitable or not. It was necessary for a boy to seek consent from his father because he could need land, bridewealth and blessings from the latter when he got married. Negotiations could only commence after the choice had been approved.

In most cases, a relative, either a sister or a paternal aunt who was married could be used in giving a choice. Such a person could earmark a suitor either from the community that she was married into or from the community's neighbours. She could then inform the concerned parties for further consultations. Being close to a variety of unrelated people meant that such a person had an opportunity to assess an individual's characters before recommending him/her for marriage. Once a choice had been made, immediate relatives were also informed so that they could express their views on the selected mate. Thus their consent was also sought

A girl had very little or no say in child betrothal or forced marriages as all the arrangements were made by her parents. Also in times of a disaster, a young girl could be betrothed to a man who could hand over at once one or two cows as bridewealth. He could pay the remaining bridewealth later. This form of marriage was referred to as Okhuoonia which literally means to "advertise". The girl's brothers could walk around with her with the aim of finding a man who was willing to take her as a wife and pay for her bridewealth. In most cases such a girl was married to an old man who was able to pay the bridewealth. She remained at the man's home assisting in household chores and farm work in times of need. She could only assume the full responsibilities of a wife when she was mature enough. The Kabras never saw this act as being unjust to the girl. The parents thought they were seeking the best for their daughters. This is in line with Goode's view that: "Parents see themselves as seeking the best for their children", (1987:52).

A girl's plight was no better even in the formal marriage. Once parents had identified a suitable mate, they could use all means at their disposal to ensure that the girl yielded to their demand. The girl had to succumb to her father's consent because marriage was not her business but her people's business. The situation was even made worse if bridewealth had been paid. Under such circumstances, a girl was hunted down and brought home for the boy who had already paid for her bridewealth. Shikwekwe confirmed this by saying:

We could make sure that a girl married a man of our choice especially when we discovered that she was intending to marry a poor man who could not raise bridewealth. Our discipline included placing one of the girl's hands in a hole dug for that purpose and then covering it with soil. We could then subject the girl to severe beatings. We could not allow her to deny us imminent wealth.

The respondent confirmed that such tortures could ^{cause} death although this was taken as merely "bad luck".

A married man sought his first wife's consent before he could marry another wife. The first wife was highly respected and so was consulted on many occasions. Such consents were easily given by these wives because having many co-wives increased their prestige. They were respected by these other wives.

The situation has changed in the present society in that the parents' consent is not sought prior to marriage. Most youths are getting married especially at school or work place and only brief their parents of what has already transpired. The parents are thus sidelined in such marriages. They are just observers. Any change arising in marriage is very much appreciated by the youths because it isolates them from their folk and frees them from the advice of the old generation—an advice that they detest most. A part from the parents' consent, the other family members had to be consulted when need arose for marriage was a communal affair and therefore needed the community's consent. The other members' consent was indicated by their participation in the marriage formalities. For instance, they could take part in paying and accepting bridewealth. Since marriage brings the two families together, all the members have to give its consent before it can take place. The marriage formalities can cease if other community members have got convincing reasons of withholding their consent. They may be having good reasons to feel that such a marriage will injure 'the general will' if it is allowed to proceed. They withhold their consent by keeping a loof in all the formalities of marriage. Withholding consent is the main cause of elopement.¹⁰ Consent in the Kabras marriage was given or withheld

depending on the suitor's behaviour and characters. A suitor had to possess admirable qualities before consent could be given. In most instances, the elders used metaphoric language in asking for mate. An old man could go to a girl's father and say the following words. "Enzitsile khumakhuva komuini kweimbago" or "nenyanga khwambane eshivoye". The above sentences literally mean, "I have come on the issue concerning the handle of a hoe" and "I want us to become tied together" respectively. The reply could depend on whether the old man's request had been 'heard' or not.

4:4 THE QUALITIES SOUGHT IN A MATE

Before one was identified for marriage, one was to have admirable qualities. All the respondents interviewed on this topic unanimously agreed that there were certain qualities which were sought in a mate. Every community had its own rules and norms governing mate selection. Writing on this topic, Goode assert that:

In mate selection, each individual seeks within his/her fields of eligibles for that person who gives the greatest promise of providing him/her with maximum need gratification, (1964:38).

The above quotation illustrates that although one had a variety of eligibles from which one was expected to choose a mate, one had to choose the one perceived to be possessing certain admirable qualities.

The issue of mate selection was carefully handled by the Kabras people to ensure that the right mate was selected. The choice of a mate was a contract between families or other groups. Shilili lamented that the present generation considers irrelevant qualities when selecting a suitor. He mentioned beauty and

and education as some of the meaningless qualities which are sought by today's youths.

There were very many qualities sought in a mate and in most cases, no mate could possess all the qualities. Choice was therefore made on one who had most admirable qualities when compared to others. Some of the qualities sought in a mate included among others; fertility, modest, industrious, physical strength, good character and behaviour like obeying the seniors and being generous or welcoming, chastity, and experience in household chores like cooking and fetching water. Regarding the qualities sought in a mate the author had a conversation with Ingokho who claimed to be a member of the S.D.A Church.

The following is part of the conversation between the author and Ingokho:

R: "As I had told you earlier, we advised our boys not to choose a girl for her looks but to court a girl who is industrious, modest, and physically strong so that she can stand up under strain of the heavy work that is expected of a wife"

I: "You mean beauty had no value in selecting a girl?"

R: "Oh, no, we never considered beauty when selecting a girl. Just ask yourself the use of marrying a very beautiful but lazy girl: Would you eat the beauty of the girl when you felt hungry?"

I: "No."

R: "That is right. It was advisable for one to marry a girl who was ugly but who could till the land and provide the family with enough food."

I: "I see, I see, what about the boys? Were there any qualities sought in them?"

R: "Definitely. Not any boy could be earmarked for marriage. He too had to possess certain qualities."

I: "Can you remember some of the qualities sought in a boy?"

R: " I can. There were very many qualities sought but the most valued ones were the following: he was to be physically strong, a man, not quarrelsome, able to pay bridewealth, polite, not a drunkard, careful with property, faithful, and wise!"

The above conversation is a clear indication that one needed to possess certain qualities before one could be earmarked for marriage. A part from the above qualities, one's background was also probed. A boy or a girl from a "bad" family like that practicing witchcraft, suffering from contagious or other hereditary diseases like leprosy and epilepsy, 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 as will be seen later was carried out with utmost secrecy to ensure that the one being observed was not aware of the observation being made.

Being an exogamous community, the ^{Kabras} couple-to-be were not to have either affinal or consanguineal relationships. But the rule of ^{end} exogamy was also applied in that people were expected to marry from within the Luhya community. Differences in customs discouraged the Kabras from marrying non-Luhya people. Marrying from one's affinal or consanguineal relatives was considered incestuous - "Oluswa" hence it was highly discouraged.

Mushele disproved the Kabras consideration of beauty in mate selection by referring the author to a saying borrowed from

Wasukuma people which states that, 'the face does not bear children and the neck does not handle the hoe'. Asked to explain further, Mushele said the Kabras wanted a girl who could bear children and till the land irrespective of her physical appearances. The groom-to-be was as well given an opportunity to go and talk to the girl and make his own observations. In case he wanted to secretly make his observations on the girl, he could go and hide in a tree near the girl's home to see for himself how his wife-to-be worked, moved, or responded when called.¹³

The Kabras people used to cultivate in groups. The land was communally owned. The girls from different families worked together on the same plot. Such working pieces were the best when it became necessary to know how fast a girl could till the land.

Sechero said:

Communal gardens were best places where we observed the girl's speed in cultivating. One could intentionally pass at such places to see for himself how the girl was working. If she spent most of the time standing so still with her ^{arms} she was said to be lazy or Omukara and so unqualified for marriage.

To find out if the girl was welcoming, a very old man could pass her home during a sunny day and pretending to be so tired and hungry, he could say: 'My grand-daughter, help me with water'. A humble and welcoming girl was expected to give him a seat in a shade and bring him some water plus any food available in the house like milk or Amalwa amasiile.⁴

The distance between the contracting parties was also considered in mate selection. The distance was to be moderate. Marrying from a very close range was termed eshifwavi or "shameful" for the groom could easily come across his mother-in-law in an "awkward"

State like being shabbily dressed or when answering nature's call. The Kabras people strictly observed the joking and avoidance relationships. Likewise, marrying from too far could hinder the daughter from visiting her people, especially, her mother who was to be frequently visited by her married daughter. The two families could also not be able to aid each other when an urgent and abrupt need arose. Therefore, since the two families were dependent on each other, the distance between them was to be moderate to enable them come together whenever need arose. Similarly, the contracting families were to be of comparable wealth, thus "the like married the like". According to shilasi:

It was necessary for the two families to be of comparable wealth to ensure that the gifts to be exchanged were more or less of equal value. If the two families were not of comparable wealth, the rich family could be giving more gifts, thus making the other family feel inferior.

It was also necessary for the two families to have the same cultural background and style of life so that they could understand one another in many of their social, economic, religious, and political dealings. The Kabras however practiced hypergamous marriage for slightly a great amount of wealth flowed from the groom's side.

No marriage was allowed between clans or communities in a state of mutual avoidance usually bending a feud. Ceremonies had to be performed before such groups could enter into marriage alliances. Due to the land disputes, the Kalenjin were the Kabras' perennial enemies hence no marriage was to take place between the two. Marriage was only allowed to take place if the contracting parties were in cordial relations.

The people who were great friends allowed their children to marry so that the former's already existing cordial relationships could be cemented. But this could not apply to people, who were circumcised at the same period. Such people, Vayia considered one another as brothers and so could not entertain marriage between their children. Such a marriage could be considered incestuous incase it did occur. The Kabras observed the preferential marriages as well. Here, the community members were not allowed to marry indiscriminately. The members of the community were expected to marry from specified groups.

The Kabras traditional marriage had very little to do with sexual gratification. The marriage system dealt with the establishment and maintenance of social relationships. Mbiti's view concerning sex in marriage does apply even to the Kabras people. According to this author:

Marriage is just accepted in traditional African background as a normal rhythm of life through which everyone must go. Sex is not the guiding principle, (1973:39).

Although beauty and love were not a prerequisite for a Kabras marriage, some respondents admitted that the former was not absolutely ignored. In the Kabras context a beautiful girl was to be fat, with big breasts and buttocks, and without cicatrices. Big eyes and lips rendered a girl ugly. But as stated earlier, beauty could not bar 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 the first priority.

A suitor had to possess admirable qualities before further marriage formalizations could proceed. Since very many people were involved in identifying one's qualities, it was most probable that only the suitable mate was selected. Once a mate had satisfied those concerned that he/she possessed the admired qualities, the next step was the betrothal period which the author examines in the following topic.

4:5 THE BETROTHAL AND COURTSHIP PERIODS

The above mentioned issues are complex to comprehend in the African context because as suggested by Mbiti (1969), there are no rites performed to mark their commencement. The matter becomes even more technical in that in the betrothal period, commencement could proceed even when the couple-to-be were very young or even still unborn. The Kabras marriage negotiations were initiated and arranged by parents often when they met at beer drinking parties. Beer in many African communities was a symbol of friendship, communion, oneness and acceptability. Every adult person in any community longed to marry. The unmarried man, Omusumba was considered to have failed to fulfil a societal duty.

Courtship was a prerequisite to the Kabras marriage after mate selection. The Kabras used the word Okhumanyana to mean "to know each other". This was the courtship period where the partners as well as their families had the opportunity of interacting with each other well before marriage was conducted. The family members involved included the couple's matri-lineal and patrilineal kins as well as their friends. In most cases, the boy used his sisters to get in touch with the girl. Most meetings between the couple-to-be were at the girl's grandmother's house at night due to the community's strict observance of the ^Kjoing and avoidance

relationships. The girl's grandmother acted as an intermediary. She secretly allowed the boy to talk to the girl but in the house for chastity reasons.

The first negotiations between the parents took place at the bride's home and it was at or before the time their children reached puberty. The boy's paternal uncles or other relatives and friends went for the negotiations. The girl's parents on their part held discussions with other members before reaching a conclusion on the marriage issue. If both parties were satisfied that their children should marry, more meetings were organized where they could come together with the aim of knowing each other further, proceeding with the negotiations and ironing out any differences whenever they arose. Whenever there was a need for a meeting, a trusted person especially a close relative or friend was sent to go and organize for it at the other side. All the family members especially the elders could attend such meetings. Every person who had attended the meeting was given a chance to air his/her views on the issues at hand.

It was the bride's father's brother who was the chief organizer of the negotiations on her side. Such meetings were accompanied by feasts and celebrations. The chief foods at such meetings were the local brew (busaa), meat, ugali from sorghum or millet flour, and amalwa masiile. The people did not go for such meetings with "empty hands". There were gifts and counter-gifts during the meetings. The gifts and counter-gifts continued to flow from both sides even in the absence of the meetings. In this case, a third party would be sent to either side to present some gifts. The quality, quantity, and frequency of gift exchanges depended

on the existing relationships as well as the families' economic status. Where the relations were very cordial, more gifts were exchanged and depending on the family's economic status, even a bull could be offered, as a gift. The gifts were however not to be of the same items. Presenting a similar item as a counter-gift was tantamount to rejecting the original gift and could cause suspicion on the other side. Despite the various gifts involved, marriage could still cease if one or both parties discovered that the affair was not serving a meaningful purpose. Among the things that could cause termination included death, change of mind, or discovering that the parties were within a prohibited degree.

Many respondents admitted that these arrangements have ceased to exist. Said Muliango when talking of these changes:

Our children who have gone to school or "up" simply surprise us with families. A boy goes "up" for some years only to return with a wife and children.

"Up" was used by the respondent to mean "town" thus those who have gone to town marry from such places without parental consent. The youths are today just marrying without following the communities' laid down procedures.

The length of courtship depended on the concerned families' co-operation. It could last as long as the parties were not well acquainted with each other. A betrothed girl was well cared for so that she could be in a healthy condition on the wedding day. She was well cared for so that she could remain "nice" and "plump". She was assigned very light duties like staying at home to care for the house. Her mother spent most of the time "coaching" her on how to behave when she got married. The girl at this time was still referred to as Omukhana or a "girl" and not Omwea or "bride".

Although a boy could ask for sexual intercourse during his frequent visits to the girl, the latter was discouraged from yielding to such demands. A girl who succumbed to the boy's demands was referred to as Omuhenzihenzi meaning "a loose girl". She could be dropped as a prospective wife or despised when she got married. Virginity was highly valued and one who upheld it was praised and her mother rewarded. This is in line with Mbiti's view that:

Marriage is just accepted in traditional African background as a normal rhythm of life through which everyone must go. Sex is not a guiding principle, (1973:39)

Pre-marital sex was thus abhorred in the Kabras community. A girl who was discovered to have lost her virginity when she got married brought shame to herself and her family members as well.

For chastity reasons, a boy was accompanied during his night visits by some friends who were his age-mates. While in the house, the boy slept next to the girl's sisters or friends while his comrades slept next to the girl. The major talk of the night was on the imminent marriage. Visiting the girl frequently was also a security measure as it barred other possible rivals from getting access to her. The girl was discouraged from visiting the boy's home for such acts could lower her dignity in the face of the community in which she was intending to settle as wife. There were no special procedures to mark the commencement or end of betrothal period. Love was prevented from the partners to ensure that the elders' power to arrange marriage for the young was not weakened. Encouraging love before marriage would be erasing the elders' role in the whole process. It would be tantamount to making marriage an individual affair where the main participants could be the youths!

The marriage negotiations were along and tedious process. After various visitations, there was discussion and payment of the bridewealth and finally the wedding. The interval between betrothal and the actual wedding was marked by the transfer of the marriage cattle and beginning of the series of wedding feasts. The interval varied depending on the relationship between the contracting parties. The betrothal ceremony meant that the marriage is provisionally agreed upon by both sides.

The vigour with which these formalities were observed has disappeared. The inevitability of the socio-economic changes in the present community has led to all these changes. As the means of livelihood change, so the whole world of social relationship, values, and status change with them. Once all the concerned parties were satisfied that all the previous arrangements had been properly adhered to, the next step in the formalization of the whole affair was discussing the question of bridewealth. Bridewealth was the backbone of the Kabras traditional marriage as will be seen in the due course.

4:6 THE BRIDEWEALTH

The Kabras concept of bridewealth also differs from that of the Western world in that the latter has an element of purchase. The term Ovukhwe is used by the Kabras community to mean bridewealth. Ovukhwe were cattle sent from the groom's side to the bride's people. The Kabras people had a fixed number of cattle paid as bridewealth. This contradicts Goode's assertion that: "There is haggling over bridewealth", (1964:42). Goode's view is a generalization that does not apply to the Kabras culture for in the latter's way of life, there was no haggling over bridewealth. No matter how poor an individual was, he was required to pay the whole bridewealth.

The full bridewealth for the Kabras marriage was 13 cattle which included one cow for the bride's mother's brother. Many respondents stressed the fact that bridewealth was the cornerstone of the Kabras marriage. The rule applied in the Kabras, appeared to have been that, "No bridewealth, no marriage".

The Kabras culture required that bridewealth be paid before the wedding could take place. However, basing on the understanding between the contracting parties, part of the wealth could be paid and the remaining amount completed in bids while the couple was cohabiting. But this marriage was only temporary for it could come to an abrupt end at any slightest excuse. It was thus not socially approved.

It was the father's duty to raise bridewealth for his son's first wife. In case the son later married extra-wives, a thing that was normal and welcome, he shouldered the whole burden of raising and paying the bridewealth along. No one could come to his aid in such situations. In most cases, polygynists were economically well off hence did not need other people's assistance to raise bridewealth.

Since the traditional Kabras marriage was a communal affair, all members participated in raising the bridewealth. One respondent, Shimosi, confirmed that raising bridewealth was a communal affair. He said:

The Kabras children (sons) belonged to the community. We could not sit back and watch them loitering around without wives just because they could not afford to raise bridewealth. It was our duty to assist in raising the required wealth.

It is quite probable to infer that whenever need arose, the Kabras could call "an impromptu harambee" with an aim of raising

bridewealth for a poor person. Only cattle were counted as bridewealth. The other things like beer and goats were not counted as part of bridewealth, but as gifts. When the author asked why some people were paying a goat in marriage, he was referred to a traditional saying which states: "Elivusi liekhuba muvukhwe", meaning, the goat had just joined the bridewealth's bandwagon. The Kabras culture had it that the goats were very mischevious and so they could run and join the cattle which were being taken away, as bridewealth. When this occurred, the goats were left to a company the cattle, not as part of the bridewealth but as gifts. Further investigations by the researcher on the issue of the goats revealed that the act of taking the goat to the bride's people was a custom borrowed from the Bukusu people.

In most cases, bridewealth was paid in bids. Even a very rich man could opt to pay bridewealth in bids because it was widely believed that paying full bridewealth could bring a bad omen to the couple and it could easily lead to the dissolution of marriage or the couple could be encountering ceaseless misfortunes in their marriage. The author concurs with Keya when the latter says that; "Bridewealth in the traditional society was motivated by noble and genuine necessity, rather than by reason of malicious profiteering"; (1975:47).

Bridewealth did not mean selling of the bride in the Kabras culture. The element of purchase has been introduced as a result of the socio-economic changes taking place in all the communities. Mathu is one of the scholars who defend the institution of bridewealth. In his view:

Bridewealth is not purchase but rather it is expressed through the gifts and ceremonies that a company it. It is not wife buying ! (1971:2).

Thus, bridewealth in the African context was a social obligation and had nothing to do with wife-buying.

Bridewealth played a very prominent role in the whole marriage process. Among the Kabras, the children were highly valued for the community's survival depended on them. Being a patrilineal community, the children among the Kabras belonged to the father. So the bride's people were deprived of her services, her presence, and the children that she was going to bear. Her marriage was seen as giving away something very valuable hence had to be replaced by something small ---- bridewealth. The most honourable thing for the man to do was to give something to appease the bride's parents for dispensing with their daughter's presence and her services. Bridewealth was a token of love and a sign of a lasting bond of friendship as well as a recognition that the woman would be an asset to the husband's clan. In case a woman died before bridewealth was paid, she was buried at her parents' home and her husband was ordered to pay full bridewealth. Bridewealth also confirmed and sealed marriage for the latter could not be said to have taken place even if the couple was staying together, until bridewealth had been paid. The wife whose people had received bridewealth felt honoured and respected. It secured the wife's place in the new home. This assertion is echoed by Ember and Ember who say that:

The brideprice does not reduce the woman to the position of a slave but rather gives her family prestige (1973:317).

The husband who had paid for his wife's bridewealth was socially permitted to control her and her children as well. That is why the Kabras marriage implied an exchange between separate groups. One group "receiving" and the other one obtaining something in the return for the woman who was handed over. Any slightest excuse

like failing to properly cook for the bride's people when they paid her a visit could cause marriage dissolution if bridewealth had not been paid. This means that the stability of marriage depended on whether bridewealth had been paid or not.

Payment of bridewealth continued even if the husband had died or was too old. When a man died before completing the bride wealth, his sons were expected to finish the balance. Although the bride's people could receive the bridewealth, they still retained some rights over her. She had thus not been sold. Bridewealth only marked the transition of some rights from one group to another.

Due to the importance attached to bridewealth, the final marriage conclusion could not be performed until the entire bridewealth was paid. The cattle which died immediately after being taken to the bride's people as bridewealth were to be replaced. Depending on whether the couple had had children or not, bride-wealth could be refunded either in full or in part. The quality of the cattle paid was also considered. A bride's people could not be fooled by the quantity alone. To ensure, that "good cattle" were received, the bride's father sent his brothers and sons to go and be shown the actual cattle which the groom's people wished to bring as bridewealth. The "bad cattle" were rejected even while still at the groom's home. Such cattle had to be replaced by "good ones".

A girl could still change her mind at such a time and refuse the imminent marriage. She expressed her disapproval of the marriage by trying to drive back the cattle paid as bridewealth. She could also not drink of the cattle's milk. To evade her

people's pressure, she could run away to a distant relative or she could simply elope.

All the respondents agreed that bridewealth has taken a different dimension. An element of purchase can now not be ruled out. Most of the youths do not take the issue of bridewealth with the seriousness that it deserves. All the respondents under the age of forty admitted that they had not completed their bridewealth payment. The majority said they had paid only two or three cattle just for the Olusilo or "Custom" purpose only. They had thus taken the issue of bridewealth very very lightly.

The effects of education have worsened the situation. Pambakha aged 35, said he had to divorce his first wife after the latter's parents demanded for an "extra-ordinary" bridewealth. Said he:

They came and asked me to pay Kshs.25,000 as a refund of the fees spent on their daughter. Academically, she had gone up to "A" level. I was also expected to pay the usual bridewealth in addition to this huge sum of money. When I asked them who would refund my father's fees for I too was educated, they took it as an unpalatable insult and took away their girl for good.

Pambakha's predicament is an indication that parents see themselves as investing when educating their daughters. This means that the forces of change like urbanization and formal education have brought into life a new social and economic orders which have transformed the institution's face.

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But the author discovered while in the field that not all parents who have educated their daughters ask for money when the latter get married. One respondent claimed he had educated his daughter up to the University level of education but did not need anything from the groom's people. What he wanted was "for the couple to

live in peace". He did not want even the groom's cattle ---- bridewealth.

Most of the respondents had mixed views on the issue of bridewealth. Some said it binds the contracting parties together while others said it has outlived its usefulness hence should be discarded. Most of the youths who were against it were those who had attained at least a secondary level of education. One can thus infer that formal education is changing the people's ways of life.

It was also quite vivid from study that bridewealth was mainly used by the bride's brothers to obtain wives and pay their own bridewealth. If the bride was a first born, it was her father who used her bridewealth to acquire his second or third wife. Part of the bridewealth was again shared by the other community members to enhance cohesion within the lineage. Sharing bride-wealth was also a form of investment for the giver would also receive something in return at an opportune time. Thus bride-wealth had a social, economic, and religious significance in the Kabras community.

Changes in the economy transform people's value and attitude, their social practices, and their whole life in general. The old people still believe abolishing bridewealth will hinder them from obtaining "something" from their daughters. They say a married daughter does not care for her parents (true to some extent) but is more pre-occupied with the problems of her new home than the problems of her parents. They (parents) henceforth see bridewealth as their only consolation. Shiunwa asked the author how one can deny himself so many things while bringing up his daughter, only to give her free of charge at marriage. This

proved that some parents want to gain something when their daughters get married.

Today, it is the husband or his immediate family members who raise the bridewealth. In most cases, a working man shoulders all the responsibilities although his father may raise one cow for the tradition requires a father's cow(s) to be part of the son's first bridewealth. Bridewealth in the Kabras community has thus been individualized. The author discovered another interesting incident where a bride had paid for her bridewealth. The couples were all working in the urban centres and when the bride's people insisted that her husband pays the bridewealth, she took a loan and bought some cattle which were later taken to her people as bridewealth. This was another pointer that bridewealth in the kabras community is taking a different dimension.

The Kabras marriage is slowly losing its original meaning. Replacing cattle with cash as a form of bridewealth proves that the institution has been commercialized. The cow for the bride's mother's brother is hardly paid let alone giving the bride's parents their due. Only 5% of the respondents admitted that they had received a cow from their sisters' daughters. But they were quick to remind the author that they only got the cattle after threatening to curse their nieces' children. Another respondent said he received his share only after taking the matter to court.

Bridewealth was thus very important in kabras customary marriage. It was hard if not, impossible to come across a marriage where nothing had been paid in form of bridewealth. Even the poor people were assisted by the community in raising the bridewealth. No marriage could be allowed to proceed unless and until the

bridewealth question had been settled. Once the issue of bridewealth had been settled, all was headed for nothing but the wedding. The following section explores how the Kabras traditional wedding ceremonies were conducted.

4:7 THE WEDDING CEREMONY

The traditional wedding was the most important ceremony in the Kabras marriage system. The Kabras referred to it as eshiselelo, a word which simply means "the wedding". Eshiselelo too required the participation of all community members. It was yet another social responsibility where the living the dead, and those to be born joined together in its celebration.

The preparations and celebrations took place concurrently at both homes. Arbitrators were used to communicate message between the two groups when need arose. The wedding interval 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 celebrations for a whole month.

To ensure all members' participation, the Kabras, like any other African 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 places. These were the only available places that could accomodate all the participants and give room for dancing.

Arrangements for the wedding were made prior to the material date. There was dancing and flirting mostly done by young girls at the bride's home. This period was referred to as Okhuisia, meaning "preparing the bride psychologically for the coming ceremony". The girls used to come in the evenings, sing, eat, dance, and leave late at night. Both affinal and consanguineal relatives were invited to come and partake of the feast. A relative who did not turn up unless with permission was held responsible if the couple encountered any misfortune in their new marriage. People sat and ate in groups according to age and gender. The elders were the main directors of the occasion. They assigned duties to the young. The main duties on such occasions included fetching water, firewood, and assembling the knives to be used in meat sharing. The meals eaten during these occasions were the local brew (busaa), meat, amalwa amasiile, ugali prepared from millet or sorghum flour, groundnuts, milk, and simsim. Amalwa amasiile was a kind of "food" obtained by fermenting maize flour for 2-3 days and then drying the stuff on an iron sheet placed on fire. This stuff was/is used in preparing "busaa". This was time of elilia or "eating period". People ate and sang songs on such occasions.

To make the occasion even livelier, a musician playing elitungu or a "lyre" was invited. He sang songs in praise of the bride's family for organising such a wonderful ceremony; he also praised old women for their chastity and also wished the bride good luck in her new life. These arrangements were mainly carried out by family friends and relatives. The spouse's role was insignificant. They were only told of how, what, and when to do things. Prior to the wedding day, the groom's sister brought a perfume prepared from milk cream to the bride. On the wedding day, the girls who had

seen invited to accompany the bride started arriving in turns. The time to start the journey depended on the distance between the two homes. Since village exogamy was the rule among the Kabras, most of the homes conducting a marriage were not quite a part. The distance between them was medium. Therefore in most cases, the journeys commenced in the afternoon.

Before leaving the home, the girl (now referred to as bride) stood on a skin outside the house. The skin was from a cow slaughtered for the wedding occasion. An elderly, man, mostly the father's father was given some busaa, or water. He sipped and spat it on the bride's body. This was a blessing ceremony. He would then utter the following words:

Lolatsitsanga olukhasi, winyoe omwana omusiani: orie
omusatsa wuwo, mama wuwo, baba wuwo, nende avoomushirechero
voosi: Okhwira khumakhuwa keshirechero tawe.

The English version of the above words is:

Now you are getting married, let your first born be a boy, respect your husband, your parents-in-law, and all the neighbours; Do not involve yourself in unnecessary village matters.

While still on the skin, the bride was shaved, and then smeared with simsim and perfume by another girl. Whatever fell on the skin in the course of smearing was later taken by the bride's father's sister. The bride was given a small walking stick by her paternal grandmother which symbolized the power to succeed in the marriage. Gifts most of them household goods, were then given to the bride as a send off and as a surety of a stable beginning of a new home.

The group was then wished good luck by all the participants as the journey commenced. In the course of the journey, the party sang and danced. Those who remained behind continued with feasting

Another feasting was also taking place at groom's home as they eagerly awaited the visitors' arrival. While on the journey, the bride became very shy. This was referred to as "bashfulness" or Olukoosi. The party sang songs in praise of the bride, her father's wealth, and all those people who had married "the Kabras way". The singing became even louder as the party approached the groom's home to alert the host of the former's arrival. The following is a version of one of the songs sang at this stage. The version was quoted from Namunyu:

Solo:	"Nzulilee e-e-eh nzulile"
Others:	Lelo nzulile
Solo:	"Nzulile wanga omwami-ii-i nzulile"
Others:	Lelo nzulile

Translated in English, the song goes as follows:

Solo:	I have arrived e-e-eh I have arrived"
Others:	I have arrived
Solo:	I have arrived at the King's (groom's) home
Others:	I have arrived"

The groom's sisters went singing to meet the visitors on the way. On joining the visitors the singing and dancing intensified. The group then headed for the groom's father's house. The bride could refuse to enter the house unless and until she was given a present, like a goat for instance. The party then entered and sat on animal skins spread along the walls. Various meals like amalwa amasiile, milk, ugali, and roasted meat were offered in plenty. The bride however played a very passive role for she never talked, sang, laughed nor ate anything. She could sometimes weep instead. Presents were showered on the visitors in the course of the singing and dancing.

In the middle of the night, both parties adopted an exceedingly contemptuous and haughty attitude towards one another with the groom's party being on the defensive side. The visitors accused (feigned or true accuses) the groom of being very ugly yet he had married their beautiful daughter. The groom's sisters were not spared either. They were ridiculed for preparing very little and poor meals, as well as being too slow when attending to them. Customarily the hosts were not expected to out do the visitors in such ridicules. The ridicules and counter-ridicules were made mainly through songs.

The following morning, the visitors went to the river to bath. While in the river, some boys were sent by the groom's party to go and spy and report on whether the bride was physically beautiful or not. The boys went and hid in bushes nearby the river and watched the group especially the bride as they bathed. The bride who was discovered to be ugly became the community's laughing stalk.

After 3-4 days, mature and strong women, avakomi would come to the groom's home singing and dancing as well. They carried with them some foods like the dried meat, groundnuts, and beans. These foods were meant for them and the bride. This could be the bride's first meal at the groom's home.

Incase the avakomi came across the groom in the home, he was subjected to severe beatings and fined. He could be ordered to pay a goat as a fine. To avoid such humiliations, the groom went into hiding when the avakomi were coming. These people went back the following day. After 4-6 days, the bride and her party

could be ready to go back ^{to} her home. She once more stood on the skin and similar rituals were performed on her. Before departing, the bride was given some beer and other gifts to take to her parents. The groom's sisters tried in vain to restrain the bride from leaving the former's home. The bride's group went back singing and dancing yet again. They were met on the way by another singing party led by the bride's father's sister. The meeting was a very happy occasion for the bride was considered successful in her first major assignment. Before entering the house, the bride stood on the skin again for very rituals to be performed.

The bride and her bridesmaid or omuveli sat on a skin in her mother's house. They could then report on all that had transpired from their departure time up to the period when they returned. If bridewealth 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 Kabras referred to this action as Okhwikhasia. In case the bride's parents prevailed upon her not to return to her new home, she could not risk walking outside the home lest she was waylaid by the groom's party and carried forcefully to his home.¹⁶

When all matters had been settled, the bride could start the preparation for her second journey to her new home. Shindumunda referred to this second journey as Okhukalusia amafura which literally means "returning the paraffin". The bride was given flour, amalwa amasiile, and other gifts to take to her parents-in-law. This shows that gift exchanges among the Kabras people was a lifelong process. The bride was accompanied on this journey again by some girls and young boys.

There was little feasting when the bride and her party arrived at the 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 acquaint with her new environment. The girl could go and report on how the bride was fairing on at her new home. There are no more traditional weddings taking place in the Kabras community of late. The christian weddings have dominated the people's marriage system. The most prevalent form of marriage is the elopement. The traditional Kabras wedding has completely ceased to exist. What a blow to the community's culture?

The parents and their children no longer consult each other on marriage affairs. Most parents now assume their children been taught enough at school hence know what they are doing. On their part, the youths have come to reject the elder's advice because, 'they cannot listern to outdated piece of advice.'

Marriage as an institution is however still valued in the community. Most of the youths interviewed indicated that they were nursing the ambitions of getting married at an 'opportune' time. It is only the harsh economic situation being experienced that is forcing the young to shy away from marriage. But it should be stressed that most of the youths only postponed the marriage.

Each stage and set of rules in the community are meant to fulfil specific purposes and obligations in consolidating the entire marriage relationship. The concerned families are full participants and not spectators although this view in the present community is ^{only} in theory.

The form of marriage that this chapter has dealt with is the 'original' form of Kabras marriage system. It involves all the stages in marriage like betrothal, courtship, bridewealth, and the wedding ceremonies. There is no short cut in this form of marriage. But as the following chapter will prove, there were other forms of marriage in the Kabras traditional community.

FOOTNOTES

1. The Western concept of marriage is given in chapter 2 of this work. See the part dealing with the literature review of this thesis.
2. Chapter 5 of this work discusses the other forms of marriage.
3. For convenience purposes, the author "invented" some names when referring to respondents. All the names appearing in this work are thus pseudonyms. Most of the names are used by the Kabras people and refer to nicknames, trees, birds, animals etc.
4. See definition of endogamy elsewhere in this work.
5. The qualities sought in a mate are enumerated in section 3 of chapter 4.
6. It is fully discussed in section 3 of chapter 4 as well.
7. The groom's people receive a wife, her services, and her children while the bride's people receive bridewealth.
8. But the children could only live as a husband and wife when they were ^{old} enough.
9. This is discussed in chapter 5, section 3 on marriage by abduction or capture.
10. Section 1 of chapter 5 discusses in detail marriage by elopement.

11. 'A man' was used to mean somebody who could father children.
12. Violation of exogamous laws could result in mentally or physically defective offspring.
13. While still underpopulated, the Kabras people lived in bushy areas hence a spy could carry out his observations as close as possible without being discovered. There were many trees covered with thicket where a spy could 'safely hide".
14. The meaning of amalwa amasiile is given in chapter 4. See the part dealing with marriage weddings.
15. Section 4 and 5 of this chapter discuss the issues related to bridewealth and wedding ceremonies respectively.
16. Waylaying the girl and dragging her to the groom's home led to the termination of the remaining formalities. Only bridewealth could be asked for incase it had not been paid in full.

CHAPTER 5THE OTHER FORMS OF MARRIAGE5.0 OVERVIEW

Some marriages in the Kabras community were either hurriedly or secretly arranged and so did not follow the laid down avenues. A few rituals as will be seen in this chapter were performed before such marriages were socially approved. The marriages discussed here are marriage by elopement, marriage by capture or abduction, levirate marriage and marriage arising from pregnancy among others.

5:1 MARRIAGE BY ELOPEMENT

The Kabras referred to 'elopement' as okhwitishila. 100% of the elders interviewed concurred that this form of marriage has become more pronounced in this era than it was in the old days. This form of marriage was said to have taken place among the Kabras people when a girl ran away and got married without her parents' consent. No valid customary marriage was contracted under such circumstances. When the parents' efforts to dissolve it were a fiasco, they had only one alternative, to sanction the union. Sometimes a girl went to live with a relative from where she could elope with a man that had interested her.

Elopement was highly discouraged for it was seen as a rebellious marriage for the right formalities had not been adhered to where this form of marriage took place. Shioyoyo lamented that this kind of marriage has brought about numerous problems in the community. Said he:

Such marriages have led to relatives getting married unknowingly and also most of our children do marry from bad families. Even our ancestors are annoyed to the extent that they have showered misfortunes like deaths

and poverty on us. Our ancestors no longer listern to our prayers.

In most cases the boy had to 'hide' the girl at one of his relatives until all arrangements had been fulfilled and the marriage accepted. On learning of the 'news' of elopement, the boy's parents quickly sent a neutral person to go and inform the girl's people of what had transpired.

If the parents from both sides agreed that marriage should take place, bridewealth was paid and that was the end. There were no feasts to mark such marriages. Very close relatives and friends took part in the marriage. The couple was not present because it had to remain in hiding until its fate had been decided. The discussions between the two families were very volatile, especially if the girl's parents had earmarked another richman as a suitable mate for her. Sometimes the affected parties resorted to actual physical fights. On other occasions, the girl's parents could go and take any number of livestock at the boy's home.

The causes of elopement included failure to release the girl when full bridewealth had not been paid¹. Under such conditions, the couple could elope so that the remaining bridewealth could be paid while the couple^{w/3} staying together. The commercialization of bridewealth today has only helped to escalate the already worse situation. A girl could also decide to elope incase she was compelled to marry a man who was not of her choice. In most cases parents identified a wealthy man irrespective of his age and asked the girl to marry him. The man was told to pay the bridewealth even if the girl's consent had not been sought. The girl could be adamant and refuse to marry such a man. She could instead run away and elope with a man of her choice. The girl's family could have no otherwise but to recognize this form of marriage.²

Another cause for elopement was when parents disapproved of a marriage between their children and those from 'bad families'³. Their disapproval could also result from a distance relationship which the couple saw as minor while the parents saw it as strong hence the marriage could be incestuous if it was allowed to proceed.

When elopement occurred and the affected families recognized it, some of the marriage formalities were followed while the couple was cohabiting. However not all elopements could result to marriage as parents on either side could be totally opposed to it. Even if the couple cohabited for decades, the parents could not rest until the former were separated.

The above factors are still causing elopement even in our present society. The fear to meet the expenses when all formalities are followed is also compelling many youths to elope. Many youths feel elopement does not involve many expenses as there are no feasts to mark its commencement or end.

Besides, most of the youths meet at schools or work places. They have 'no time' to go back home and follow the right marriage procedures. They simply elope and stay together mostly in urban centres. Public opinion has little or no say in the urban areas. This means that the families' role in the marriage drama has become only a secondary one.

Some youths use elopement as weapon to compel defiant parents give hand in the marriage. When the groom's parents have refused to give him cattle to pay for his bridewealth, he could decide to elope so that the parents can legally be compelled to pay bridewealth.

Unwanted pregnancies have also been cited as being the catalysts of elopement in our society. When lovers discover that the girl has conceived, they may opt to elope quickly so as to save the girl and her family from the dishonour that may follow upon the discovery of the pregnancy⁵.

Parents force their daughters to get married against the latter's will due to the need to obtain bridewealth. Wagner (1949) sums up this view when he says that:

Parents are more eager to have their daughters married faster than their sons because the former's marriage will bring wealth while the latter will spend it.

One might therefore, infer that most girls elope as a result of external pressures. A girl may elope when her wishes are being ignored by her parents. She may thus elope as a last resort. The conclusion of the marriage that has resulted from elopement differs depending on the degree of tension which the elopement has created between the parties affected. Tension is normally rife if elopement has occurred before bridewealth has been paid.

It should be remembered that elopement in most cases interfered with other forms of marriage. For instance, an engaged couple could become impatient and elope due to the long and tedious procedures involved in the formal marriage. Eloping could thus disrupt the whole process. Elopement was not the only unusual marriage within the Kabras community. However, it is the most prevalent in the Kabras community today. Those who do not conduct their marriages in the church simply elope.

5:2 PRE-MARITAL PREGNANCY

This form of marriage did occur when a girl became pregnant before she got married. Sometimes the marriage arrangements could still be in the 'pipeline' when this marriage occurred. Once the couple was 'assured' that marriage was going to take place, it could be convinced that having sex was very healthy for after all in the very near future, they could be staying as a husband and wife. The boy and girl could then agree to be having sex while other arrangements were being formalized. The girl could conceive in the due course. Sometimes the parents were not even aware of the existing relationship. The culprits could be just secret lovers who were having sex unrecognized. This could only come into the open when the girl conceived.

This form of marriage was very rare in the 'good old days' but its prevalence in the modern society is alarming. One can be forgiven if one suggests that there is something wrong in our present society. While in the field, the author was briefed of one case which was about to be taken before the elders. 'A certain man's son', the author was told 'had broken another man's goat's leg' - meaning the boy had made the other man's daughter pregnant. The elders would hear the case and rule out whether the victims could marry or not.

The victims of such marriage were looked down upon and viewed as social misfits for chastity before marriage was the norm. Many respondents complained that this form is as a result of loosening norms caused by modern education. When the girl was discovered to have conceived, her immediate relatives gathered and asked her to name the man who was responsible for the 'mess'. Having been

informed, an elderly man was sent to go and inform the boy's parents of the phenomenon. He could for instance say; "Your son has broken our goat's leg." This simply meant the son had made their daughter pregnant. If the boy accepted, ^{the two partners mutually agreed to have their child} If the boy disowned the girl, which was very common, a village headman could summon a gathering where the boy was to come and prove his innocence.^b

Incase the boy insisted, ^{that} he was not responsible for the pregnancy, a verdict was reached by asking the girl to stand and spread her legs wide open. The boy was then asked to pass through the girl's legs. It was believed that if the girl had had intercourse with the boy, the latter could collapse and die if he passed through the former's legs. In most cases, the boy was found to be guilty for few (if any) dared to pass through the girl's legs. The boy was then prevailed upon to marry the lady and other arrangements like bridewealth payment would be formalized later while the two were already cohabiting. Such a marriage was never accompanied by ceremonies. Asked why the community members never held celebrations for such a marriage Linooni retorted:

Conducting a ceremony for such people would be tantamount to encouraging such illegal marriages.

Sometimes the whole process was secretly arranged to avoid the shame spreading to other communities⁷. If it was proved that the boy was not responsible or that he was responsible but the two were related, the girl was forced to marry an old man who could pay for her bridewealth. It was very rare for such a girl to get a young man who was willing to marry her for she was seen as 'eshitwatwa' or 'unmarried mother'. She was said to have been 'very' promiscuous in her youthful life. Normally she was married

as a second or even fifth wife depending on the number of wives her new husband had. The effects of westernization have escalated the prevalence of this form of marriage in the present society. For every five homes interviewed, at least one was having such a case. The introduction of contraceptives has been interpreted by the youths to mean the legalization of pre-marital sex. Most of the methods advocated for as devices against conception, like timing the 'safe period' are very ineffective and many youths who attempt to use them end up conceiving. The rate of pre-marital pregnancy is very alarming in the present society.

5:3 MARRIAGE BY ABDUCTION OR CAPTURE

Marriage by abduction or capture mostly took place when the two families could not or were unwilling to provide food for wedding ceremonies. Due to the anxiety to have a wife, the boy could not wait until food for weddings 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. She was forcefully carried to the groom's home. This marriage was/is mainly caused by fear of expenses incurred in formal marriages. Although rare, sometimes men could go to a market place and choose a girl whom they wished to marry. They could then drag her home. Most girls who were victims of such marriages were non-luyias. This form of marriage 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 that such a man got a wife at all expenses.

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 bridewealth 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 bridewealth 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 bridewealth could be asked for and the marriage was socially recognized.

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 bridewealth 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 on 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.

The above are some of the other forms of marriage which did occur among the Kabras people. Although these marriages were not encouraged, they did occur and were sanctioned by the community. In the following section, the author examines some of the secondary forms of marriages practiced in the Kabras community. These

secondary marriages are discussed under the same topic.

5:4 THE OTHER MISCELLANEOUS MARRIAGES

The author has used miscellaneous marriage when referring to the marriages discussed here because most of them are secondary marriages and not all members ^{could} take part in their formalizations. There were no ceremonies observed to mark the commencement or end of such marriages. There was very little or no merry-making during such marriages. The formalizations of such marriages were 'cool' and sometimes secretly arranged.

If a man's wife died and left behind very young children, her parents could provide the bereaved husband with another wife; either the deceased's sister or any other close relative but who was the man's sister-in-law. It was believed such a person could tenderly care for the young kids as she could regard them as being her own. Providing another wife also ensured that bridewealth was not refunded. Such a sororate marriage also did help in continuing the contracting families' alliance even after the death of the individual actually married. But a man could only marry his wife's sister after the later's death. Thus sororal polygyny was unheard of among the Kabras.

Levirate marriage was th mirror image of sororate marriage. The only difference was that in the former, it was the deceased man's brother or another close relative in the deceased's lineage who "took over the wife". The Kabras referred to it as okhukalusia meaning, "to return' or "to replace". It was the deceased who was being replaced. Such a man was to bear the children on the deceased's behalf. He could also ~~also~~ care for the deceased's property so that if the latter had any children, they could

inherit it when they grew old. Since the deceased's family had 'paid' for the wife in terms of bridewealth, it had the right to retain her even after her husband's death. If she happened to go away, either part or the whole bridewealth was to be refunded by her people. This could cause a lot of tension which could disrupt the already established cordial relations. When a man died, his eldest son could take over his younger wife, but on condition that the wife had been married when the son was already circumcized.

Levirate and sororate marriages ensured that the families retained the alliances, even after the death of the individuals actually married. A part from these forms of marriages, the other one was 'wife inheritance'. In 'wife inheritance', any man could take over the deceased's wife. Such a man could 'inherit' her plus her property. She abandoned her late husband's home and went to live with her new husband. The children born out of this new union belonged to the 'inheritor'.

A widow had many alternatives upon the death of her husband. She could decide to remain a widow and maintain herself on her deceased husband's property. Alternatively she could decide to enter into any of the 'special' types of marriages. The Kabras however preferred levirate to wife inheritance for once married, a wife belonged to the community hence it had to supply her with another man if her husband died. There was also need to propagate the deceased's line and this could only be realised by 'assigning' a person the duty of bearing children on the deceased's behalf. However old a widow would be, someone was assigned the duty of 'ploughing' for her and looking after her children. 'Wife inheritance' could only be resorted to if there was no one to take over the widow. This was very rare for the Kabras believed,

'a widow is as good as a fish's soup' hence there was a rush whenever a man died. Many people expressed their willingness to 'assist' the widow. The widow was referred to as 'namulekhwa' which literally means 'one who has been left behind'; or 'the bereaved one'.

The forces acting against these forms of marriages include harsh economic conditions, formal education, and the general belief that children from such unions 'take' the luck of other children. The infectious diseases especially Aids which is most dreaded are also forcing people to change their mind on these marriages. A wife whose husband has died is said to be belonging to all men because 'she has buried her own husband'. Her door is said to be 'open' to all men. People are shying away from such wives because they fear contracting the sexually transmitted diseases.

The women's struggle for equality has also changed the people's behaviours for such movements discourage women from accepting to be 'inherited' when their husbands die for one who accepts such a marriage is equated to a chattel which is inherited just like any other property. But these forms of marriage however provide ways through which a widow/widower may be maintained. Besides, the deceased's name is not lost as the levir raises children on his behalf. It should be remembered that neither a widow nor a widower is forced into such unions. It is just done out of one's volition hence the question of women being used as chattels does not hold any water at all.

5:5 TESTING THE HYPOTHESES

The researcher had three hypotheses which he tested during the field work. It is important for hypotheses to be tested so that their validity can be evaluated. In testing the hypotheses, the author used percentages in assessing their validity. The percentage of the respondents who had a similar view on a given topic was worked out and compared with that of the other respondents who had a dissenting view. If many respondents had a similar view and this same view was the same as that of other 'distinguished' scholars who have written on marriage, then the view was accepted. That is how the author tested all the three hypotheses.

The first hypothesis which states: 'That the Kabras marriage system evolves around a set of beliefs and customs' proved to be positive when the data collected indicated how the Kabras strictly observed the rules and norms governing marriage system. 100% of the elders interviewed said that indiscriminate marriages were unheard of among the Kabras people. They also stressed that marriages were arranged in a formal pattern with the rules governing them.¹⁰ Being a communal affair, the Kabras marriage was organized and formalized according to the wishes of the entire community. It was then agreed upon that the Kabras marriage had beliefs and ~~beliefs and~~ practices which govern its consummation.

The second hypothesis: 'That the Kabras marriage system has been experiencing changes over a period of time' was also tested and proved to be right. Numerous changes in the Kabras marriage system were cited. Comparisons between the past and present forms of marriages revealed that new changes have been incorporated into the marriage system. Most respondents blamed these changes on over-population.

They said people have become so many that one can hardly know his/her relatives. This precipitates incestuous marriages. The people living in urban centres hardly follow the laid down procedures when conducting their marriages. On top of it all, formal education has made the youths disregard the elder's advice. Some elders also think their children are so educated that they do not need the former's advice. There is no cordial relationship between the old and the young as was the case in the old days. Only 5% of the youths interviewed admitted that they had consulted their parents before marrying.

So the impact of western civilization is the root cause of all these changes. It has led to industrialization, urbanization and formal education all of which have played the greatest role of spoilers in the Kabra customary marriage. The external changes have greatly transformed the community's economic, political, and social institutions. In the social institution, marriage has been hit hard and new changes are almost overriding the traditional way of life.

The last hypothesis: 'That the Kabras marriage system will withstand the effects of modernization' was only partially proved. The aforesaid changes show that the marriage system will be drastically changed. There are some institutions which have been changed. For instance, bridewealth has lost its meaning. Non of the youths under 40 years had completed paying bridewealth. The author inferred that bridewealth in the Kabras community has no future. It is likely to be abandoned altogether in the near future. It seems in future, parents will wish their daughters to live peacefully with their husbands. They

will not ask for bridewealth. Despite these changes, the Kabras marriage system will not be completely ended. Some of the aspects will withstand the effects of modernization. Incestuous rules will continue to be observed. Again, the requirements that the boy should undergo initiation before he can be allowed to marry will continue to exist in the Kabras marriage system.

So in future, one might see neither the traditional Kabras marriage system nor the western type of marriage. The two are co-mingling and the result is likely to be a mixture of the two cultures.

The Kabras marriage system is likely to co-exist with other forms of marriages although it will borrow some aspects from these other marriages while at the same time discarding some of its practices which might become incompatible with change. In short, the Kabras marriage system will borrow and at the same time lose some of its practices. The system might not be totally independent of the changes sweeping across the world.

FOOTNOTES

1. As indicated in chapter 4 section 5, a bride was not released even after the wedding ceremony had been conducted unless full bridewealth had been paid.
2. But the man to whom the girl had eloped with was to be in a position to raise the required bridewealth, lest the bride's parents completely refused to recognize the elopement.
3. The meaning of bad families is fully illustrated in section 2 of chapter 4.
4. One whose daughter has eloped with another man's son can now use the court to seek compensation for the damages caused to him by this elopement. Court brokers can be used to get the

bridewealth from such 'a defiant' man.

5. A family whose daughter becomes pregnant before she gets married is socially looked down upon and despised for it is said to be irresponsible due to its inability to properly 'care' for the daughter.
6. The boys disowned pregnant girls even if they were responsible for the pregnancy because accepting it could make the 'offender' pay full bridewealth if by bad luck, the girl passed away while giving birth. The boys could only accept responsibility after a girl had safely delivered.
7. Pre-marital pregnancy marriage could also cause elopement as has been shown elsewhere in this work.
8. This form of marriage is on the decline because a man who abducts a girl now-days is despised by the community members for he is seen as being weak in approaching women. Also the long arm of the government could reach to such a person. Population-wise, the ratio of girls to boys is high hence a boy can easily get a lady who is willing to get married and thus need not necessarily abduct one.
9. Withholding a girl as a sign of demanding for full bridewealth to be paid is fully discussed in chapter 4, section 5.
10. Refer to chapter 4 on the part dealing with consent to marry and mate selection procedures.

CHAPTER 6CONCLUSION

This study has brought out the overall Kabras customary marriage system. The study was mainly concerned with establishing and describing what constitute a socially sanctioned Kabras marriage. All the beliefs and practices surrounding this marriage system have have shown with a view of putting the records right since most of the available literature is biased against African marriage systems. Most of the authors are mainly "outsiders" who cannot fully comprehend people's ways of life. Such scholars write on how they think the people behave and act, and not how the people actually behave and act.

It has clearly been stated that marriage is a manifestation of the people's religion and their concept of "good life". Thus, marriage ensures the community's good life. The reasons as to why marriage was highly valued have been enumerated in this work. The Kabras marriage was categorised into two groups namely; that organised in the "normal way" and that organised in the extra-ordinary circumstances. The author has examined the circumstances leading to each of these marriage systems. The two forms of marriage have been discussed differently to enable the reader comprehend each one of them separately.

The "normal marriage" was attained after along period of courtship through which the concerned parties familiarised with each other. Courtship was very important in the Kabras marriage for it determined whether the whole affair could proceed or come to an end. The other form of marriage did not follow the right

procedures and in most cases it was hurriedly and secretly arranged. The Kabras was an endogamous as well as an exogamous community. However, village exogamy was the rule in most cases.

This work has shown how marriage appeared more stable in the traditional society than it is today. The present form of marriage has been individualised. It is the external forces which have led to such marriage instabilities. Most marriages conducted today are aimed at sexual gratification and not for procreational purposes. No wonder then that a couple may intentionally decide not to have children.

Elopement and marriage by abduction have been cited in this text as some of the marriage forms which did not follow the right channels. The circumstances surrounding the occurrence and prevalence of each one of them have been fully examined. The study has proved that the informal marriages are much more pronounced in the present society than they were in the traditional society. Elopement and pre-marital pregnancy marriages are rampant in the modern society. This is as a result of the loosening ties of the people's customs and traditions. The effects of westernization have been cited as being the major causes of these changes in marriage forms.

The tedious practices required in the formal marriages are making the youths to shy away from it. They have resorted to "shot-cuts" when marrying. Thus external forces have destabilized the African marriage system. The traditional marriage was accompanied by various feasts. That is why it was conducted with a lot of vigour. The communal participation and merry-making during these wedding ceremonies indicated that this was the climax of the Kabras marriage.

The author has examined the Kabras marriage in the light of criticisms levelled against its practices. African marriages have been accused of using women as chattels which change hands just like any other property. The author has vividly shown that such criticisms display lack of understanding of the deep significance behind the various aspects of a customary marriage.

The work has also shown how the youths have abandoned (though not completely) the traditional way of marriage in favour of the modern form. They have disregarded the "old's good life" and have adopted a new form which they claim is the best and "modern life". There is therefore a rift between the young and the old. The former are out to disregard anything with a traditional bearing while the latter want to preserve "their culture". The youths it seem, "want to go western".

The extent to which the effects of westernisation have affected the Kabras marriage system has been clearly stated. Formal education and over population have been cited as the greatest agents of change in the marriage systems today.² All the aspects of marriage system like mate selection, bridewealth payment, and wedding ceremonies have all been transformed, with the traditional wedding being the real victim of the change.³ In the traditional Kabras marriage system, it was the community in general and the elders in particular who were involved at the initial marriage arrangements. But today's elders have been "marginalised" to the extent that they can not air their views when it come to marriage formalisations. The youths have assumed the elders' role in marriage and so the former do not see any need to consult the latter in marriage matters.

Despite these changes, marriage in general is still highly valued in the Kabras community. Every youth desires to get married although most of them are postponing marriage due to hard economic situations, being experienced today. Others are sticking to 'one man one woman' principle as well. So it seems most probable that it is the high costs in life that are changing the people's attitudes towards polygynous marriages.

Change is inevitable in any society. Some changes can be borrowed or they may simply be introduced through diffusion mechanisms. With time, the people's value change. With a strong colonial background and the retention of capitalist mode of production, these changes tend towards westernisation. Indeed the core of the African person's character has been retained in his/her marriage laws.

Most of the changes in the Kabras marriage have been borrowed. The socio-economic influences have transformed this marriage system. The present marriage is a mixture of the old and new trends which are co-existing. Therefore, not all traditional aspects of marriage have been phased out. The competition between these two trends of marriage is the main cause of tension between the young who are flexible to change, and the old who are rigid to changes; with each one of them trying out do the other. The parental control on marriage has declined: Mate selection, bridewealth payment, and all the other aspects of marriage have been individualised. The parents have been relegated to the role of advisors and not decision-makers. In fact even their advice in most cases fall on deaf ears. Despite its commercialization, bridewealth still helps in creating a certain stabilising influence in marriage. A marriage

in which bridewealth has been paid tends to be more stable than that in which bridewealth has not been paid.

It is Westernisation that has dealt a great blow to the African marriages. The elite and middle class people, especially those living in urban centres are the main victims of these changes. The new teachings on sex have eroded the youths' morals. The introduction of contraceptives has been interpreted to mean the legalisation of pre-marital sex. Similarly most of the Christian teachings on marriage are contrary to the African understanding of it. Christianity for example advocates for monogamy, celibacy, and Christian weddings. All these teachings were abhorred in the Kabras traditional culture.

There should be an understanding between the youths and the old. No party should push the other too far. The youths should remember that although changes in a society are inevitable, they should come gradually. The youths should thus consider basic facts that assured for the success in marriage and stick to them. Those aspects of the culture whose utility value can still be witnessed should be retained. The traditions that have outlived their usefulness should be replaced by new ones which make sense to the present society. Thus, the elders should not be simple tradition-bound puppets of their culture. Given adequate opportunity to measure the advantages of a new alternative, they should act to maximize their expectations. The elders should not just stick to certain customs just for the sake of it. They should be willing to change with time in case there is need to do so.

Since the changes are sweeping across the world, many researches of this nature should be conducted so that our traditional way of life is not completely lost. Our culture can only be preserved for the present and future use if many researches are conducted especially at this period. When some of the elders who are familiar with our traditional ways of life can be traced. The author cannot claim that this study is infallible. There is thus the need for more researches to be conducted not only among the Kabras people but among all world societies.

Most of the changes are taking place in the urban areas. These are places where different people with different cultural backgrounds meet and live together. Some people with time tend to abandon their cultures in favour of other people's ways of life. Those who live in towns "want to be civilised". 'Civilisation' is only said to have occurred when one adopts new aspects of culture and abandon his/her own. The government can assist by sponsoring many cultural festivals in urban areas so that people cannot be completely alienated from their cultures. Such festivals will remind those living in towns on how they are expected to live. Alternatively, rural areas should be developed so that they can provide jobs. This will check the rural-urban migrations. Those who remain in such places are likely to be influenced by external forces as most people will be from within the surroundings.

Most marriages are breaking due to the "ignorance" on the couple's part. Some people are getting married without knowing exactly what it means and requires of a married person. There is need

for guiding and counselling such "inexperienced" couples before and even after marriage has taken place. This will create stability in marriage and will thus revive its lost glory.

The study deserved to be undertaken because it has revealed the insight of the Kabras culture which can now be kept in safe custody for the present and future ^{use. We can only understand our present and future} if we first understand the past. This study has therefore put us in a position to understand the past, the present and possibly the future marriage pattern of the Kabras people.

The customary marriages should be accorded the respect that they deserve for they serve the same purpose just like other marriage systems. All cultures are thus, "equal but different"⁵. The people should be advised not to adopt the western culture at the expense of their own. Bridewealth still has got a utility value and, should be retained. It should not be misconceived to mean purchase! Bridewealth is the foundation of African marriage systems. However, the amount paid should be regulated so that it is neither too high nor too low as either of them would be detrimental to the whole process of marriage. Weddings bring people together and so, should be encouraged in marriages. But such weddings should not be extravagant. No one should be denied the chance of getting a spouse just because he cannot afford to provide meals on the wedding day. Marriage should be conducted with or without feasts. If all the aspects of marriage are well understood and adjustments made only when it is necessary, marriages will not lose their value. They will instead continue to be the pillars upon which the societies are built.

Location Of District - KAKAMEGA

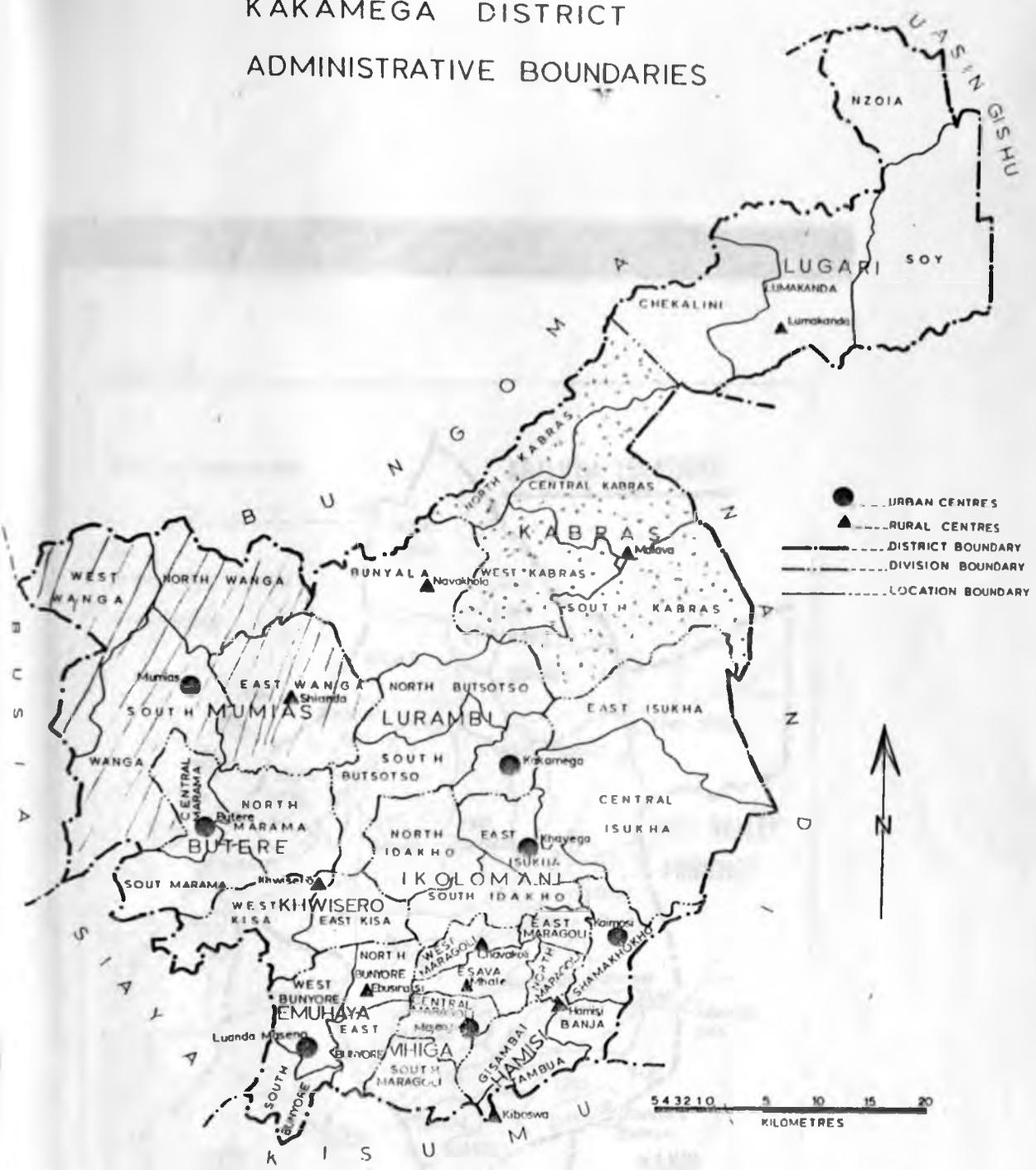


What is the source of these maps.
 Eg Indicate the source at the bottom

2

KAKAMEGA DISTRICT
ADMINISTRATIVE BOUNDARIES

118



Map 3

SCALE: $\approx 7\frac{1}{2}$ Miles to 1 Inch

ABALUYIA LOCATIONS.



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QUESTIONNAIRE

Below are a sample questions on the Kabras Customary marriage.

You are required to answer all the questions to the best of your knowledge.

The information to be given will help in recording the community's culture which can be used by the present and future generations.

Write N/A in the blank spaces where you feel the question asked does not apply to you. All the answers given will be confidential.

- 1: a) Your name Mr/Mrs/Miss _____
- b) Age _____ Years: Sex: Male () Female () (Tick in the right space).
- c) Religion _____ Occupation _____
- d) Village _____ Sub-location _____
- Location _____
- 2: Marital Status: (Tick in the correct space). Single _____
- Divorced _____ widowed _____ Separated _____
- Any other, (speiy) _____
- 3: a) Are you educated? Yes/No (delete where necessary).
- b) If yes, up to what level? Primary _____ Secondary _____
- University/College _____

- 4: a) Are you married? Yes/No _____
- b) If yes, at what age did you marry? _____ Years
- c) Who identified your marriage partner? Yourself _____
 Parents _____ any other relative/friend (specify) _____
- d) Had you known your partner before engagement? Yes/No _____

- 5: a) Did you pay any bridewealth? Yes/NO.
- b) If yes,
- i) In what form? _____
- ii) How much did you pay? _____
- iii) How was it raised? _____
- iv) When was it paid? After marriage _____ before marriage _____
- v) Was it paid in full or at intervals? _____

- 6: a) Was pre-marital sex allowed in the Kabras community?
 Yes/No. _____ Can't tell _____
- b) If no, how were pre-marital sex cases handled in the community? _____

- 7: Who were the custodians of the Kabras customary marriage laws?
 All men _____ All women _____ Elders _____

8: a) Were there any ceremonies in the Kabras marriage system?

Yes _____ No _____ Don't know _____

b) If yes, briefly narrate how and when any one of the ceremonies was conducted:-

9: What was the role of bridewealth in the Kabras marriage system?

i) _____

ii) _____

iii) _____

iv) _____

10: What qualities were sought in:

a) A bride _____

b) A bridegroom _____

c) How were these qualities identified? _____

11: a) The Kabras marriage system has changed over a period of time:

True _____ False _____

Impossible to tell _____

b) If true cite any changes which have occurred in the marriage system _____

c) What are the causes of these changes? _____

d) The Kabras marriage system is going to be completely transformed by these changes. Agree _____

Agree Strongly _____

Disagree _____ Disagree strongly _____

12: Briefly state any other information on the Kabras
marriage which you feel is vital and has not been
included in the above data _____

OBSERVATION SCHEDULE: CHECKLIST;

The observation area _____

Date _____

Time _____

Venue (in the house or outside) _____

1: When is the meeting taking place _____

2: At whose home are the parties meeting? _____

3: Who are involved in the negotiations? _____

4: Who initiates the talking? _____

5: Which party is more vocal in the conversation? _____

6: Is the conversation friendly? _____

7: a) What meals (if any) are being served? _____

b) How is the eating arrangement organised? _____

8: i) Are the spouses - to - be present? _____

ii) What role (if any) is each one of them playing? _____

9: i) How does the meeting come to an end? _____

10: i) Have the parties agreed to meet again? _____

ii) If yes, where and when is the next meeting going to be held? _____

11: What other phenomena relevant to the study can you observe? _____
