

**ANGLIA RUSKIN UNIVERSITY**

**A NEW MODEL OF PASTORAL CARE:  
RESOURCES FROM LUO WIDOWS IN KISUMU  
ARCHDIOCESE**

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ANGLIA RUSKIN UNIVERSITY

ABSTRACT

FACULTY OF ARTS, LAW AND SOCIAL SCIENCES  
PROFESSIONAL DOCTORATE IN PRACTICAL THEOLOGY

A NEW MODEL OF PASTORAL CARE:  
RESOURCES FROM LUO WIDOWS IN KISUMU ARCHDIOCESE

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This thesis discusses the levirate custom also known as widow inheritance among the Luo of Western Kenya. Persistent observance of the practice by the Luo and its condemnation by the Catholic Church has led to a pastoral dilemma for the Catholic widows in the Archdiocese of Kisumu. Those who reject it are ostracized by the community while those who embrace it are excluded by the Church. This dilemma has remained unresolved for over 115 years since the arrival of Catholicism among the Luo. I have addressed the dilemma in this study.

I used a multi-mixed research methods (quantitative and qualitative) to examine the perceptions of the Luo widows regarding the custom. However, the research relied heavily on qualitative methods through the use of focus group discussions, mixed discussion group, narrative techniques and Delphi. The study made use of the pastoral cycle paradigm to facilitate dialogue among the stakeholders in the levirate debate.

The findings from the survey showed that a majority of the participants wanted the levirate custom abolished, and widows involved in Church ministries. However, a significant minority wanted it retained and asked the Catholic Church to recognise certain levirate unions. The responses from the focus groups, mixed discussion group and Delphi method, was that the levirate custom as currently practiced, is retrogressive and grossly violates the rights of widows and needs to be stopped. They called upon the government to intervene and protect widows against the abuses. However, the Catholic widows in levirate unions want the Catholic Church to re-think her stand on marriage in the face of diverse human cultures in a rapidly changing world.

The desire by widows to be included in Church ministries, pointed to the need for a new model of pastoral care. I have developed a model of widowhood ministry in which Luo widows see Jesus Christ as their ideal husband. The model emerged from the narratives and resources of widows, and from the traditional models of widow care in the Judeo-Christian traditions.

**Key Words:** *Levirate custom, widow/wife inheritance, pastoral cycle, ideal husband, a new model of pastoral care and contextual feminist liberation theology.*

## Table of Contents

<b>ACKNOWLEDGMENTS</b> .....	<b>i</b>
<b>ABSTRACT</b> .....	<b>ii</b>
<b>Copyright Statement</b> .....	<b>v</b>
<b>Figures</b> .....	<b>v</b>
<b>Tables</b> .....	<b>v</b>
<b>Appendices</b> .....	<b>v</b>
<b>CHAPTER ONE: BACKGROUND TO THE STUDY</b> .....	<b>1</b>
1.1 Introduction .....	1
1.2 Statement of the Research Problem .....	2
1.3 My Contexts .....	3
1.4 Research Objectives .....	6
1.5 The Research Questions .....	6
1.6 Study Assumptions .....	7
1.7 Rationale and Justification of the Study .....	7
1.8 Location of the Study .....	8
1.9 The Luo of Kenya .....	9
1.9.1 Luo Socio-Cultural Identity and System.....	10
1.9.2 Luo Traditional Education and Leadership.....	11
1.9.3 Marriage Institution among the Luo .....	12
1.9.4 Luo Concept of Death .....	14
1.9.5 The Luo and the Spirits of the Dead .....	16
1.9.6 The Luo and Taboos .....	17
1.10 Conclusion .....	18
<b>CHAPTER TWO: SELECTED LITERATURE ON LEVIRATE CUSTOM</b> .....	<b>20</b>
2.1 Introduction .....	20
2.2 The Pastoral Cycle Paradigm .....	21
2.3 Human Rights and Levirate Custom .....	24
2.4 HIV/AIDS and Levirate Custom.....	27
2.5 Anthropological, Sociological and Philosophical Literature .....	28
2.6 Scripture Scholars and Church Teaching on Levirate Custom .....	30
2.7 Post-Vatican II Literature on Levirate Custom .....	32
2.8 Africanists and Levirate Custom.....	36
2.9 Feminist Theologians and Luo Levirate Custom .....	37
2.10 The Pastoral Gap .....	38
2.11 Conceptual Framework .....	39
2.12 Conclusion .....	40
<b>CHAPTER THREE: RESEARCH METHODOLOGY</b> .....	<b>42</b>
3.1 Introduction .....	42
3.2 Research Philosophy .....	42
3.3 Research Approaches .....	44
3.4 Population and Sampling Techniques .....	45
3.5 Data Collection Techniques .....	46
3.6 Data Processing and Analysis .....	50
3.7 Research Process .....	51
3.8 Ethical Considerations .....	53
3.9 Limitations of the study .....	54
<b>CHAPTER FOUR: DATA DISPLAY, ANALYSIS AND INTERPRETATION</b> ....	<b>56</b>
4.1 Introduction .....	56
4.2 Demographic Profile of the Respondents .....	57

4.3	Perception of Levirate Custom by Luo Widows.....	61
4.4	The Roles of Significant others in Addressing Levirate .....	67
4.5	Perceptions of Widows on how the Church Addresses Levirate custom .....	70
4.6	Proposed Roles of Widows in the Church .....	77
4.7	Conclusion .....	81
<b>CHAPTER FIVE: DISCUSSION OF RESEARCH FINDINGS .....</b>		<b>83</b>
5.1	Introduction .....	83
5.2	Two Divergent Views on the Levirate Custom .....	83
5.3	Why the Levirate Custom Persists .....	87
5.4	Widows Appeal for Sacraments.....	94
5.5	The Catholic Church Response.....	96
5.6	Theologians Respond to the Church .....	97
5.7	The Law of Graduality and the Levirate .....	102
5.8	Conclusion .....	105
<b>CHAPTER SIX: MODELS OF WIDOW CARE IN JUDEO-CHRISTIAN TRADITIONS.....</b>		<b>107</b>
6.1	Introduction.....	107
6.2	The Jewish Model .....	107
6.3	Messianic Model .....	111
6.4	Jerusalem Church Model .....	113
6.5	The Pauline Model .....	113
6.6	Apostolic Fathers' Models .....	117
6.7	The Beguine Model.....	119
6.8	Conclusion .....	123
<b>CHAPTER SEVEN: A NEW MODEL OF PASTORAL CARE FOR LUO WIDOWS.....</b>		<b>124</b>
7.1	Introduction.....	124
7.2	New Widowhood Association .....	125
7.3	Jesus Christ the Ideal Husband to Luo Widows .....	126
7.4	Women in Mission in the Catholic Church.....	128
7.5	A Special Garment for Consecrated Widows .....	129
7.6	New Widowhood Ministry.....	130
7.7	Leadership in Kisumu Catholic Widows' Model .....	133
7.8	Material Support for Widows .....	134
7.9	Conclusion .....	135
<b>CHAPTER EIGHT: CONCLUSIONS AND RECOMMENDATIONS .....</b>		<b>137</b>
8.1	Introduction.....	137
8.2	Perceptions of Widows on Luo Levirate Customs.....	137
8.3	Methods used by the Catholic Church to address Levirate Unions .....	138
8.4	Roles Luo widows want to play in the Catholic Church.....	138
8.5	Research Contributions .....	140
8.6	Recommendations .....	144
8.7	Possible Areas of Research .....	146
<b>REFERENCES .....</b>		<b>147</b>
<b>APPENDICES.....</b>		<b>162</b>

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## Figures

Figure 1: Venn diagram on current position of widows .....	5
Figure 2: Location of Study .....	9
Figure 3: Holland and Henriot's Pastoral Cycle (1983, 2000) .....	22
Figure 4: The Pastoral Cycle Modified .....	23
Figure 5: A Flow Chart Illustrating Conceptual Framework of this Study .....	40
Figure 6: Research Process .....	52
Figure 7: Experiences in Levirate Unions .....	60
Figure 8: How Kenya Government and Politicians can Help Widows .....	67
Figure 9: Is there Pastoral Policy for Widows in Kisumu? .....	76
Figure 10: Proposed Roles of Widows in the Church .....	78
Figure 11: Venn diagram on the new model .....	136

## Tables

Table 1: Demographic Profile of the respondents .....	57
Table 2: Perception of Levirate Custom by Luo Widows .....	61
Table 3: Perceptions of Widows on how the Church Addresses Levirate .....	70

## Appendices

Appendix 1: Stage one Paper One .....	162
Appendix 2: Stage One Paper Two .....	180
Appendix 3: Stage One Paper Three .....	198
Appendix 4: Questionnaire for Luo widows .....	216
Appendix 5: Interview Schedule for Focus Group Discussions .....	220
Appendix 6: Focus Group Discussion Report on CD-ROM .....	223
Appendix 7: Questionnaire for Theologians .....	223
Appendix 8: Views of Female Theologians with Comments by Male Theologians Report on CD-ROM .....	225
Appendix 9: Views of Male Theologians with Comments by Female Theologians Report on CD-ROM .....	225
Appendix 10: Consent Release Forms .....	226

## CHAPTER ONE: BACKGROUND TO THE STUDY

### 1.1 Introduction

When a Luo man dies, it is customary for his surviving male brother, a cousin or a distant relative to take the widow and raise children for the dead brother in a *levirate* union. The *levir*, (Latin for husband's brother), is never considered a husband to the widow even though he is expected to care for her as a husband (Kirwen, 1993). In contemporary Kenya, many Luo Catholic widows resent levirate unions and would like to refuse them. However, they find themselves in a dilemma, because either they are excommunicated by the Church for contracting the unions, or they are ostracized by the community for rejecting them.

In this thesis, I gave Luo Catholic widows a platform to raise their voices and speak their word. They have told the Luo society that they reject the levirate custom as it is practiced currently. They appealed to the Kenyan state authorities to protect them against all violations and guarantee their human freedom to decide on how to live. Luo Catholic widows have also told the Catholic Church in Kisumu Archdiocese how they want to be perceived, treated and involved in various ministries. From their own reflections and resources, the widows suggested the formation of a new association to take care of their concerns in Kisumu. Members of this new group see Jesus as their new husband having rejected the oppressive Luo *levirs*. Jesus the ideal husband of widows does not see them as sinners but welcomes them as daughters of God. Using the widows' insights, I have developed a contextual feminist liberation theology to address their experiences of exclusion and violation of their dignity as human beings.

This chapter introduces Luo levirate custom and then states the research problem. The researcher presents his contexts to help clarify the problem further, followed by research objectives, questions, assumptions, rationale and justification of the study, and location of the study in Kenya. I then introduce the Luo of Kenya and show how their every aspect of life, links with and impacts on the levirate custom. The chapter situates the Luo widow in a rigid patriarchal society with complex death rituals, taboos, and the foreboding danger of revenge by the spirits of the dead on those who fail to observe the rituals. I argue that a sound understanding of the Luo world view, is key to grasping the Luo perception of levirate custom, and the predicament of Luo Catholic widows. The

chapter ends with a brief conclusion.

## **1.2 Statement of the Research Problem**

Luo levirate law demands that a widow remains, for the rest of her life, *chi liel*, (wife of the 'grave'- deceased) even if she accepts another man into her life (Potash, 1986; Cattell, 2003). For the Luo, "although the inheriting man usually has his own wife or wives, traditionally the widow is not seen as entering into a polygamous marriage because the relationship is neither a marriage nor wife inheritance but merely a union of convenience" (Mutongi, 2007, p. 66). It is rather a "temporary adjustment in the marriage of the deceased brother to ensure that his marriage achieves its goal" (Kirwen, 1993, p. 78). If the *levir* is not yet married, the union with his brother's widow does not stand in the way when he wants to marry his own wife. The Luo enforce the levirate law regardless of whether the widow is a practicing Catholic or not.

The Catholic Church rejects the levirate custom because it contradicts her fundamental teachings on Christian marriage. The Church teaches that marriage is a contract/covenant between two consenting adults and that it is indissoluble and therefore permanent. During the celebration of the sacrament of marriage, the couples swear to remain faithful to each other until death separates them. Christian marriages are, therefore, exclusively monogamous (The Canon Law Society of America, Canons 1055-1165 especially 1101 section 2). Besides, the sixth and the ninth commandments also prohibit sexual intercourse with any other person other than one's spouse. A Christian man taking his brother's widow, without the sacrament of matrimony, would be committing adultery. He would also be guilty of polygamy. The widow is equally guilty of the same. Furthermore, the widow's relationship with her Christian *levir* destroys the sacramental marriage of the latter. Both have defiled themselves and cannot participate in the sacramental life of the Church, because they have indulged in "illicit sexual relations contrary to Christian living" (Kalanda, 1975, p. 133). The solution for a young Luo widow, as far as the Church is concerned, is to look for a widower or for a young man who is not yet married and wed him in Church. The Luo reject this approach to the levirate unions by the Church.

The problem is, therefore, that on the one hand, any Catholic widow who enters into a levirate union is excommunicated by the Church. On the other hand, the Luo community

ostracises any widow who rejects the custom to remain in the Church. Such a widow is tabooed and excluded from the community life. Among the many injunctions, even "her visits to her maternal parents' homestead are restricted" (Okeyo and Allen, 1994, p. 23). Consequently, Luo widows are often victims of both their Church and local community. Whereas Catholic widows are doubly excluded and suffer immensely, non-Christian Luo widows in levirate unions are also subjected to all forms of violence, loss of inheritance rights and abuse of personal dignity by their relatives. Experiences of widows in my contexts help to illustrate how much they suffer.

### **1.3 My Contexts**

My research topic places me in three distinct contexts simultaneously: My own personal story and experiences with Luo widows in my village, my Catholic faith community and how it treats widows, and my role as a teacher in the Institute of Social Ministry in Mission (ISMM) of Tangaza University College in Nairobi, Kenya. Some of my students have been widows from different communities in Kenya. The following narratives demonstrate the predicament of widows in each of my three contexts:

When I was about nine years old in 1967, my father who was a product of levirate union, told me a story that has remained with me to date. One dark rainy night, his widowed mother was brutally beaten up by her *levir*. When my dad tried to protect his mother, he too was beaten and thrown out together with her. They spent the rest of that night in a banana farm using banana leaves to shield themselves from pouring rain until morning. The next day a friend of his dead father helped his mother to put up a shelter next to her husband's grave. My father told me the story to explain to me why he made us work on widows' farms every year, to ensure they harvested like everybody else. I therefore grew up observing widows struggling in my village.

I have also been motivated by personal experiences as a Catholic seminarian between 1975 and 1987. During my pastoral assignments in different parishes, I noticed how both missionary and local clergy paid little attention to Catholic widows in levirate unions. Some of these widows had been abused and brutalised by the relatives of their deceased husbands. When they turned to the Church for help, I heard some priests reprimanding them that they were living in sin. Their refusal to listen to the stories and predicaments of the widows, puzzled me and planted the desire to do something for widows. Jennifer's

story (real names hidden), is a typical example of what some Luo Catholic widows go through.

Jennifer Anyango and John Odhiambo, from Kisumu, Kenya, were married in a Catholic Church and lived happily in the city of Nairobi for ten years. John, a successful lawyer and Jennifer a high school teacher worked hard and bought a house in the city. Their three children attended a good primary school just behind their estate. One evening, Jennifer was called to a city hospital where she found out that John had been killed in a car accident. As is the Luo custom, John's funeral took place in his rural village.

Before the funeral, John's brothers arrived in Nairobi with a lorry and insisted that all the household items had to accompany John's body home. Two weeks after burying her husband, Jennifer was expected back in Nairobi to resume work. Her mother-in-law and other members of John's family told Jennifer that she must think about taking one of John's brothers as her new husband. She was told that she had to be inherited, as part of the many widow cleansing rituals performed for her own sake and that of her children.

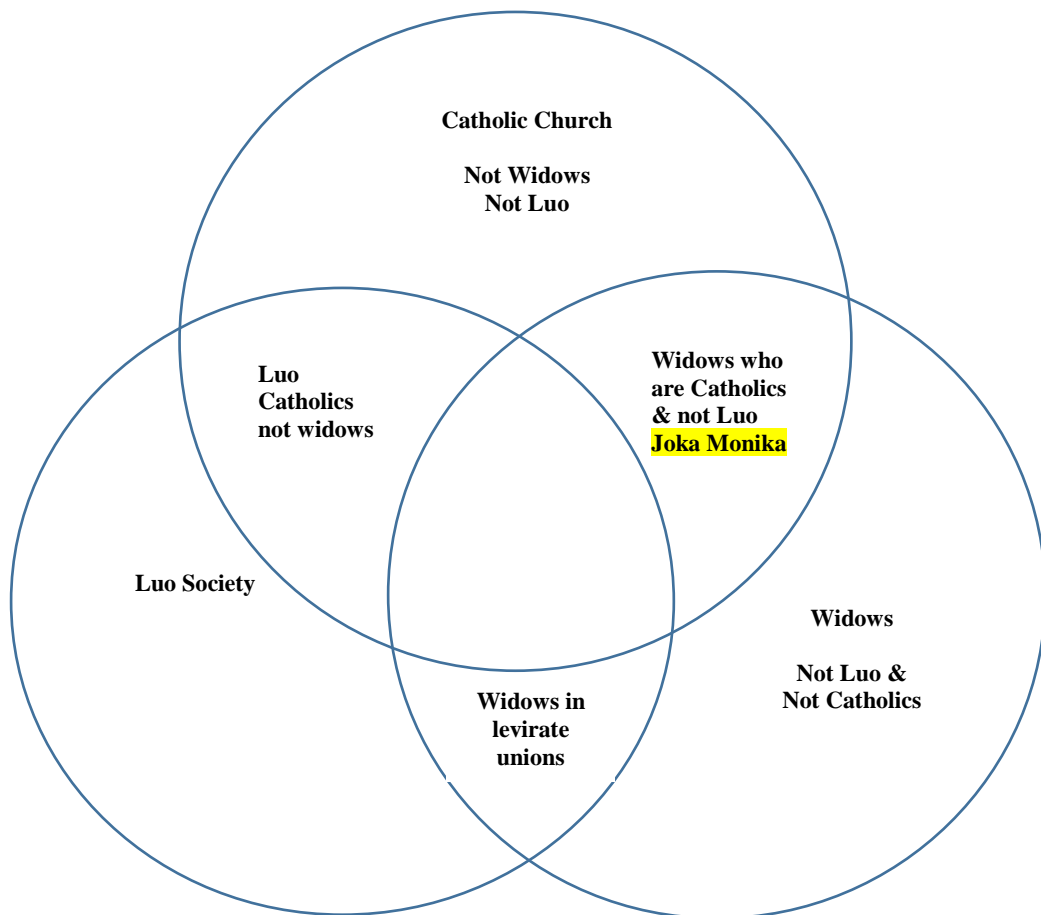
Still full of grief and sorrow, Jennifer rejected the proposal and returned to her empty city house. Without John's income, Jennifer found life extremely difficult. Eventually, she decided to fulfill the levirate custom as one of the conditions for getting her furniture back. After the ritual, Jennifer was shocked to realize that her *levir* was not ready to support her and the children. She even had to borrow money to transport the furniture back to Nairobi. Jennifer returned to her children feeling abused, used and frustrated.

Upon learning that Jennifer was engaged in a levirate union, her Parish Priest called her and informed her that she could no longer receive Holy Communion or lead prayers in her Small Christian Community (SCC). Jennifer was devastated. In trying to free herself from traditional bondage, she had chosen spiritual imprisonment outside her Church.

Unlike my grandmother's story, Jennifer's narrative does not only invite me to evaluate Luo levirate custom, but it also compels me to raise questions regarding the Catholic teachings on Christian marriage. Raising such questions may attract sanctions as witnessed in the work of Hans Kung, Leonardo Boff, Tissa Balasuriya, Greg Reynolds, Tina Beattie, and Sr. Anne Nasimiyu. However, practical theologians know that the Church is not only the "the subject of practical theology but also...the subject of action"

(Heitink, 1999, p. 129). I approach the levirate subject aware of the discomfort it is likely to create.

My third context is the Institute of Social Ministry in Mission (ISMM), Tangaza University College, Kenya, where I do my practice as a teacher. During my personal discussions with some students who had fee problems, it emerged that they were widows. They could not pay their tuition because the relatives of their deceased husbands had appropriated their properties leaving them destitute. After listening to them, I felt compelled to study the levirate custom and to invite the Catholic Church to engage the Luo widows in serious dialogue. The Venn diagram labeled, figure 1, illustrates the position of Luo Catholic widows at the start of this research.



**Figure 1: Venn diagram on current position of widows**

It can be seen that Luo Catholic widows in the levirate unions are accepted members of

the Luo community but outside the Catholic Church circle. Luo Catholic widows who have rejected the levirate practice like *Joka Monika* (Daughters of St. Monica), are ostracized and are living outside the Luo community. This group is made up of widows who declare publicly at the funeral of their husbands that they will not contract levirate unions. They opt to remain single in their villages but pray and support each other. They are considered cultural rebels and are treated as if they are non-Luos. Details are found in chapter four (4.5) and in appendix 2. The Venn diagram also shows that the intersections of the Luo Community, the Catholic Church and the widows is empty. This study set out to fill this pastoral gap, where widows who are fully members of both the Luo society and the Catholic Church should be.

#### **1.4 Research Objectives**

The general objective of the study was to find out the kind of Pastoral Model and Care needed by the Catholic Church in Kisumu to address the Luo levirate custom effectively. The specific objectives of the research were to:

1. Present the perceptions of widows on Luo levirate customs today.
2. Examine the methods the Catholic Church has been using in Kisumu to address levirate unions and establish whether the widows were aware of them.
3. Discuss the roles Luo widows in Kisumu wanted to play in the Catholic Church.
4. Propose a model of pastoral care for Luo widows in Kisumu emerging out of their experiences and resources.

#### **1.5 The Research Questions**

The main question of this study was what kind of Pastoral Model and Care is needed by the Catholic Church in Kisumu to address Luo levirate custom effectively? The specific research questions were:

1. How do the Luo widows in Kisumu perceive the Luo levirate custom?
2. Why has the levirate custom persisted?
3. What methods does the Catholic Church in Kisumu use to address the levirate custom and are widows aware of them?
4. What roles do Luo widows in Kisumu want to play in the Catholic Church?

5. What model of pastoral care for Luo widows is emerging from their experiences and resources?

### **1.6 Study Assumptions**

This study was based on four assumptions. First, there are strong cultural taboos which may make it difficult for some Luo Catholic widows to ignore the levirate custom. Second, since the current Catholic position does not allow levirate union, widows who strongly believe in the cultural practice may not find it acceptable hence the persistence of the practice. Third, widows who want to be accepted members of the Luo community and full members of the Church find themselves in a dilemma. Fourth, offering a more honourable status in the Church points to “a new model of pastoral care” for the widows to effectively deal with the issue of levirate custom.

### **1.7 Rationale and Justification of the Study**

Luo Catholic widows in levirate unions have been excluded from Church life for over 115 years since the arrival of Catholicism among the Luo of western Kenya. While presenting my context, we already saw that I grew up seeing many widows suffering various abuses. The same happened in my professional life as a lecturer. These experiences raised my interest in the levirate practice.

Anecdotal evidence I had, showed that the Catholic Archdiocese of Kisumu was doing something to address the levirate unions. I did an exploratory study in 2012 to establish the extent of the pastoral challenge posed by the practice in the diocese. The survey confirmed that widows in levirate unions were excluded from the Sacramental life of the Church. The survey further established that there was no pastoral programme for the care of widows or pastoral policy guiding parishes on the matter. Levirate custom was a big pastoral challenge, but each parish handled the widows in an *ad hoc* manner usually determined by the parish priest alone. In almost all the 13 parishes surveyed, the Daughters of St. Monica widows were present. However, there was no documentation on how they recruited members and what ministries they performed in their respective parishes. The study further established that levirate unions posed great health, social, economic and spiritual problems to the widows. The results of the survey are available in appendix 2.

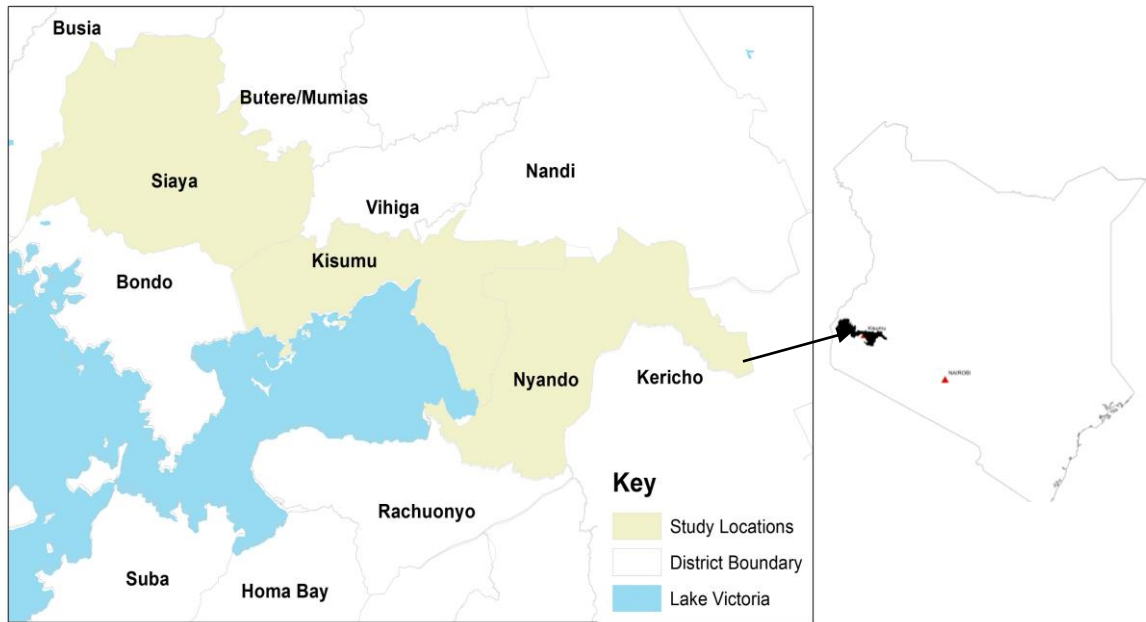
It was against this backdrop that it became urgent for me to capture the widows’

experiences of exclusion and pain and to let them present their own perceptions of the levirate practice. It was also important to let the widows say how they wanted to be treated both by the Church and society, and suggest the kind of roles they would like to play in an inclusive Church. It was clear to me that a second survey involving Catholic widows was needed and hence my study.

I was convinced that my study was justified because the results would benefit various stakeholders: First, the widows had a chance to raise their voices to tell the Catholic Church and Luo society how they want to determine their own lives. The study reveals the unacceptable exclusion of widows from Church life, and suggests how the Church might be more caring through a new model of pastoral care. Second, the study explains to the Luo how their insistence on levirate practice kills widows and *levirs*, and also perpetuates abuses of widows' rights to life and to inheritance of property. Third, my study assists policy makers in the government to understand the complexities in the levirate custom, and proposes ways in which they could step in to support and protect Luo widows. Fourth, this study applies the pastoral cycle paradigm in a way that interests practical theologians who use it in their practice. Finally, the widows have introduced a new title of *husband* to Jesus Christ. In so doing, a new *contextual feminist liberation theology* emerged from the widows' experiences. This new theology is significant because it raises more questions for further research by interested academics.

### **1.8 Location of the Study**

This research was carried out in the Catholic Archdiocese of Kisumu located on the western part of Kenya. Three deaneries of Kisumu, Siaya and Nyando make up the Archdiocese as shown on Figure 2.



**Figure 2: Location of Study**

In order to appreciate the complexities Luo widows have to contend with, we have to enter into the Luo world where beliefs surrounding the levirate union are central to what it is to be a Luo person.

### **1.9 The Luo of Kenya**

The Luo are Nilotic Africans found mainly in Southern Sudan, Uganda, Tanzania and Kenya. This study focused on the Luo of Kenya who are found in the Western part of the country around Lake Victoria with Kisumu as their capital city. Were and Derek (1986, p. 43) observed that Luo infiltration into the Lake Victoria region began "between 1490 and 1600". They forced the "loosely organised Bantu communities to abandon the lakeshore and the plain for higher and safer lands" (Ochieng, 1974, p. 11). The occupation took generations but by the mid eighteenth century, most Luo groups were settled in Central and Southern Nyanza," (Odinga, 2013; Adhunga, 2014). The Luo in Kenya are also called the Southern Luo. They carry out various activities to ensure their livelihood.

Apart from fishing, the Luos also engage in mixed subsistence economy growing cash crops like rice, sugarcane and cotton. Maize, millet and beans are for home consumption. They also keep cattle, sheep, goats for milk, meat for sale, ploughing, marriage and funeral rites. Those who live in Kisumu City and other major towns are employed in industries,

civil service jobs, and private business. “Women in Kisumu engage themselves in activities such as milling, running small shops, kiosks, building rental houses, selling fish, cereals, handicraft production and selling, farming, animal keeping and establishment of group revolving fund credit, also known as merry-go-round” (Office of the Vice President, 1994 – 1996, p. 91).

### **1.9.1 Luo Socio-Cultural Identity and System**

The Luo are a patrilineal society, reckoning "descent, inheritance, or succession is exclusively or preferentially through males" (Fairchild, 1962, p. 215). Thus property is held in the male line. It is also a strict customary law among the Luo that married couples reside "at the home of the husband or his kinsman" (Blum, 1989, p. 32). Due to the extensive kinship system, a Luo has literally hundreds of “brothers”. “Brother is understood to mean not only the son of one's mother but any other close male relatives" (Mbiti, 1984, p. 144). In the event of the death of a husband, a widow has many *levirs* to pick from. Kitembo et al (1977, p. 78) stress that “in patrilineal societies, a woman who is married enters the family community of her husband as a worker and a bearer of children for the whole group. The Luo people cannot conceive of a marriage which excludes begetting children, because children are the glory of womanhood in which a man merely participates” (Adhunga, 2014, p. 147). Her marriage is not only to a particular man of that group, her husband, but in a real sense to the group itself. She is the "wife" of the whole family "our wife". This does not of course; mean that any other male, besides her husband, has any conjugal rights over her. In a patrilineal society the community is much more important than the individual (Mbiti, 1984; Magesa, 2001, 2004). The individual passes away, but the community lives on. "The community spirit is so pervasive that it affects not only every individual in all his activities, but adds a transcendental quality to living" (Ongong'a, 1983, p. 15).

The reason for this outlook is that when a Luo male is marrying, he gathers bride wealth from his people to take to his wife's family. The woman and her children belong to the family who are always proud to speak of "Nyithiwa" (our children) "Yawuotwa" (our sons) and "Nyiwa" (our daughters). The existing strong kinship ties within patrilineal societies are strengthened even more by the practice of a *Sororatic* type of marriage (*Soror* is the Latin word for sister). In the event of a married woman passing away, the "parents of the dead wife, offer and give a sister of the deceased to the husband as his

wife in "replacement" of the dead one arguing that she is going to take care of her sister's children" (Office of the Vice President, 1994 – 1996, p. 116). It is worth noting that *sororatic* marriages are still very common in Kisumu, although literate girls resent them.

Potash (1986) has shown that apart from the Luo of Kenya, many other African communities practice levirate unions as well. However, Kalanda (1975, p.119) has observed that the custom "is stronger and more binding in patrilineal ones ... than in, either, matrilineal or polyandrous ones." The custom lays "an obligation on the part of the widow to continue rendering services to her dead husband's descent group, and also ... on the part of the husband's descent group to continue providing for her and (usually) her children" (Schneider and Gough, 1974, p. 627). In this arrangement, marriage continues within the family long after the husband's death. Okullu (1990, p. 36) radically put it that among the Luo, "a wife is married into a family, to be taken by the *levir* on the death of her husband...." Traditional Luo education stressed this belief.

### **1.9.2 Luo Traditional Education and Leadership**

Education of Luo boys and girls regarding family life prepared them for levirate practice. Boys were taught to be good sons, good defenders of the society, good husbands, responsible elders and later good ancestors of the societies. Luo girls were taught to be good wives and good mothers. A good wife ought to be subservient to her husband and to her husband's family. When girls were preparing for marriage, levirate union formed part of the learning topics (Mboya, 1938, 1983). When her husband later takes a brother's widow into his household, there would be no objection, since "she ... has been culturally moulded into this awareness that tomorrow it might be her turn" (Mailu, 1988, p. 13). After all, education is "the sum total of the experiences which moulds attitudes and determines the conduct of both the child and the adult" (Ayayo, 1976, p. 58).

Luo traditional education was conducted in two places: *Duol* (the main fireplace) where elders instructed the boys, and in the *Siwindhi* (grandmother's hut) where the old lady acted the tutor. Boys were taught to protect all the females, while young girls were taught to view their brothers-in-laws as part of their security detail within the home. For example, if a man beat his wife for flimsy reasons, he might find himself thoroughly beaten up by his own brothers and cousins. This protection mechanism did not only check any form of violence against women, but was also a remote preparation for levirate union (Mboya, 1938; Ayayo, 1976).

Luo education was ethically oriented. Respect for the elders was upheld by all. "Authority of the elders was never challenged" and their decisions were final (Odinga, 1982). Luo elders see themselves as custodians of Luo culture and traditions. Consequently, they still uphold the levirate custom. Widows who attempt to resist levirate union often find themselves in serious trouble with elders. Widows who feel aggrieved at the hands of elders know from their education that the next level of authority is that of the chief.

The Luo chief (ruoth) worked closely with village and clan elders who sat in his council (buch piny). His personal verdicts were often agreed points of view of the whole council. The council also "plays religious functions such as offering sacrifices and uniting the whole country for peace" (Mboya, 1978, p. 33). It took rare courage for a rural widow to stand up against the decisions of such a well-knit power block. Very often, widows simply comply for the sake of their children and personal peace. Luo council of elders is particularly rigid when it comes to matters regarding the survival of the Luo community. Consequently, matters of marriage, life and death are in their firm grip and control (Mboya, 1983; Ayayo, 1976). Akoth (2013) found out that the Council of Elders has been strengthened among the Luo.

### **1.9.3 Marriage Institution among the Luo**

Although levirate union is not considered as a marriage by the Luo, it is an important prism through which we can see and understand the meaning of marriage for the Luos. This understanding, in turn, assists us to appreciate the challenges facing Luo widows in Kisumu today. Blum, (1989, p. 1) tells us that since marriage "occupies such a central place in human life, each society has developed important traditions relating to the institution." Among the Luo of Kenya, no traditional marriage was conducted without the presence of a go-between (*Jagam*). The *Jagam* could be a man or a woman. Ayayo elaborates:

In all normal marriages a Luo cannot carry it through without a *jagam*.... The duty of a *jagam* is not only to clean up doubts and allegations of antisocial behaviour... but s/he also acts as a witness who must record to his memory all the ceremonies.... The *jagam* is therefore considered the chief witness in future negotiations, should a divorce be necessary, and a return of bride wealth demanded (Ayayo, 1976, p. 137).

In Luo marriage arrangements, the *jagam* ensured that those intending to marry were not

related. During marital process, the Luo like other African people, want to ensure that:

The relatives of the husband and of the wife establish a close relationship through the interchange of visits and gifts. This is an important African view of marriage, namely that it is not an affair between two people only but those two people together with their families and relatives (Mbiti, 1981, p. 102).

The families of those marrying want to be involved because they "are the ones who maintain the relationship between the living physical world in which the two live" (Mugambi, 1976, p. 101). Once the consent of the two families had been secured, the bridegroom started paying the bride wealth. This served as a tie between two families long after the husbands are dead. Brown and Forde (1950, p. 46) add that bride wealth is also "an essential part of the establishment of legality".

Ochieng (1979, p. 13) explains that "the Luo thought that everyone must marry, since full social status and adulthood was only attained by married people". The Luo concept of marriage is well summarized by Mbiti when he explains:

For African peoples, marriage is the focus of existence. It is a point where all the members of a given community meet: the departed, the living and those yet to be born.... Failure to get married under normal circumstances means that the person concerned has rejected the society, and society rejects him in return (Mbiti, 1984, p. 133).

This view rests on the African philosophy and theology that life continues to be realised after death in one's posterity as a way to achieve personal immortality. Consequently, Luo widows are expected to enter into levirate unions in order to keep their dead husbands 'alive'. Failure to do so implies rebellion against life and even complicity in his death (Mboya, 1938; Ayayo, 1976; Okwach, 1989; Odoki, 1992).

From the writings of Mboya (1938), Wilson (1955), and Ayayo, 1976), it emerges that among the Luos, marriage was valid only when eight conditions were met. First, the consent of all parties which included not only that of the bride and the groom, but also of their families. This consent is called *ayie* (I have agreed – on the part of the bride). Second, the exchange of bride wealth as a gift of appreciation to the family of the bride. It was not only a sign of commitment and appreciation on the part of the bridegroom but also a compensation for the bride's family for a loss of a member. Third, the presence of a-go-between (*jagam*) who acted as a witness that all marriage proceedings had been

followed faithfully. Fourth, the presence of a matrimonial home, usually the husband's home in accordance with patrilineal rules. It is the man who marries the woman in the Luo understanding; a woman does not marry a man (Dhako ok nyuom dichwo).

Fifth, the purification of the new bride. This ceremony is called *riso*, done when a young bride returned to her parents to collect special meat which she brought to her new home and cooked it for her husband. From then on it was affirmed that the girl *osedhi tedo* (she has gone to cook). After this ceremony, the girl could not return to her parents. Although the two people could separate; divorce was extremely remote. Sixth, the consummation of marriage marked by the first sexual intercourse between the married couple. Although a divorce could occur if the man was impotent, in most cases, the truth was shielded and the girl quietly advised to look for a cousin of her husband to take care of her sexual needs. The children born out of such a union belonged to the impotent husband. Thus contrary to the Christian teaching, consummation was not a *conditio sine qua non* for a validly contracted Luo marriage.

Seventh, the presence of children which sealed a marriage. The absence of children could not lead to divorce as such, but to polygamy. Children merely strengthened an already valid marriage. At times childlessness led to divorce where a woman did not want a co-wife. If a man died leaving a young widow without a child, it was necessary that she got a child via levirate union to bond her to the family of her deceased husband. Finally, the burial of the spouse. The Luo hold that a man and a woman are surely husband and wife after one of them has buried the other. While partners are still alive, there always exists a possibility of separation. In case of death during separation, the living partner has to return to bury the dead and care for the grave thereafter. This explains why a Luo widow is considered *chi liel* (wife of the grave) after her husband's death. She cannot remarry precisely because she is still a wife. However, a widower is free to remarry, hence the unjust patriarchal structure. It is pertinent to understand the Luo understanding of death.

#### **1.9.4 Luo Concept of Death**

Levirate union is one of the numerous death rituals a Luo widow is expected to observe. Any sign of reluctance to comply, attracts not only open hostility to the widow, but also suspicion of her possible complicity in the death of her husband. The resulting mental anguish and psychological stress to a grieving widow is unimaginable. But this does not seem to bother some relatives of the deceased. Their immediate concern is that all death

ceremonies are fulfilled as stipulated by Luo culture. If a widow is a Christian, then Church rituals can take place afterwards. Ojore (2014) found out that condemnation of this practice by the Church for over a century has had little impact on its continuity. The Luo approach to death provides insight to the persistence of levirate custom.

When a Luo dies, people say: *odhi wuoth* (s/he has gone on a journey) or *odhi nindo* (s/he has gone to sleep) or *yamo otere* (s/he has been blown away by the wind) or *ose kalo* (s/he has passed away) or *lo otere* (s/he has been swallowed by soil) and so on. Death rituals of the Luo, like other people anywhere, "depend on the gender, age... social position of the deceased," time of death and the nature of the death (Van Genep, 1960, p. 146). For example, the funeral of a child is not as elaborate as that of an adult. A person who commits suicide is not given an elaborate funeral because one is not expected to take one's life (Mboya, 1938). Victims of lightning or drowning may also not get a respectable funeral (Mbiti, 1991). The time of burial, position of the grave in the homestead, and intensity of the ceremonies reflect the position of the deceased in society and must be adhered to attentively to avoid problems with the spirit of the dead returning to haunt the living (Wilson, 1955; SHIINO, 1997).

After death, the body rots in the grave, but there is a part of the human person that:

Survives death ... This they called *tipo*, shade or shadow whether of a person or animal. It is applied to the soul of human beings.... The Luo therefore identify this shadow with the immaterial and spiritual aspect of humans; it is the part of the person which survives death. This spiritual part is given the name *jok* (Ongong'a, 1983, p. 20).

The Luo, therefore, do not see death as total annihilation, but a transition to another form of existence elsewhere. It is believed that:

Although death tends to threaten the very core of the society, the Luo do not look upon it as extinction.... For the Luo, a person does not disappear immediately from the people's memory after death. The dead continue to exist within the community in a state of personal immortality (Ongong'a, 1983, p 20).

Personal immortality is only possible when the deceased is married and has a family to remember her/him by naming children after them and by pouring libations on their graves. Mbiti (1984, p. 26) suggests that these acts "are symbols of communion, fellowship and remembrance. They are mystical ties that bind the living dead with the

surviving relatives and must be performed within the family.”

In the Luo understanding, the link between the living and the dead can only be maintained when a person's remains and grave are at home. In the past, the Luo used to bury their dead inside their huts to express their closeness with them. Gehman (1993, p. 17) confirms that "the Luo person remains very much alive and active among the members of the clan. While his body corrupts..., his spirit continues to interact with the living, for good or for ill." The dead appear in dreams and in visions to close family members. When they appear, they make demands, requests or give instructions on what they want. The belief is that although the dead person is spirit he/she retains most of the other physical existence.... S/he retains her/his personal name, and her/his relatives continue to recognize him/her as one of the members of their family” (Mugambi and Kirima, 1976, p. 101). This explains why the most suitable burial place for a dead Luo is home, where the spirit dwells in communion with the living.

#### **1.9.5 The Luo and the Spirits of the Dead**

A survey by Ojore (2014), confirmed that many Catholic women and men leave the Church to go and fulfil levirate custom due to fear of offending spirits of the dead and of violating Luo death taboos. Consequently, there is a strong link between spirits, Luo taboos and observance of the levirate practice by widows.

The Luos believe in good and bad spirits. The good spirits (chunje mabeyo), do no harm to the living. But malevolent spirits (chunje maricho or jochiende) are always feared for they do harm to the living. I have hinted that Luos are usually buried at home so that when the spirit of a dead ancestor proves troublesome, a traditional exorcist (Jadil) can be called upon to handle it. Spirits can bring sickness, barrenness even death when they are unhappy (Mbiti, 1975, 1991). The Luo believe very strongly that the “spirits of the living- dead... have influence on their lives” (Adhunga, 2014, p. 73). The living dead are those who died recently and are still fresh in the memories of the living. It is not uncommon in Luo land to hear that some person cannot sleep because s/he sees or talks to the spirits of the dead (Ayayo, 1976). Due to this pervasive fear of what spirits may do to the living, the Luo are ready to spend colossal amounts of money transporting corpses for burial in their rural villages (Cohen and Atieno, 1992).

Evil spirits are of those who are forgotten or spirits of those who were evil in their life

time. These spirits are called *Nundu* (wandering) and they do not sleep. Ayayo (1976, p. 178) explains that these spirits are believed to travel by night and in bands.... As they go their way they often talk.... *Nundu* were believed to be "shadows" from the underworld who invaded the upper world". Wherever they pass, sickness and death strike the living. A Luo man who has been abandoned by his widow may very well join this dreaded band of wandering spirits. A series of death taboos are usually performed to avert harm from such spirits (Ongong'a, 1983).

#### **1.9.6 The Luo and Taboos**

When the Luos declare that a widow who has just lost her husband is tabooed, it means she is cut off from daily contacts with all others until she is finally purified through a levirate union with her *levir*. Refusal by a widow to contract levirate is considered a serious breach of the Luo moral code. She cannot till the soil, plant or harvest crops without a man. She cannot cook and give the food to her own children. She remains a tabooed person forever. Her whole lineage becomes a group of outcasts. Anybody, who knows them, cannot dare marry from that line. Besides, the Luo believe that breaking a taboo "may cause death to children, prevent a family from having children or may prevent a family from producing fe/male children" Ayayo (1976, p. 147). Taboos serve many purposes in Luo society.

In order to keep evil spirits and bad omens at bay, the Luo invented and put in place numerous taboos. "Taboo" signifies a thing that is forbidden and may be defined as "a negative sanction, a prohibition whose infringement results in an automatic penalty without human or supernatural mediation" (Seligna, 1953, p. 10). Because they impose themselves on observers, taboos are, by nature absolute. "The observer of the taboo knows simply one law thou-shall-not" (Namwera, 1994, p. 55). The purpose of taboos is to prevent bad behavior and ensure morality and order, thus protecting human beings from the wrath of supernatural powers.

The Luos have numerous taboos to ensure that societal norms are strictly adhered to. The nearest Luo word to taboo is *kiki* (thou shall not) or *kwero* (forbidden or never done). Breaking a taboo among the Luo brings heavy consequences with it. The culprit immediately suffers from a kind of sickness called *chira*. The illness the Luos call *chira* is a type of sickness that sucks or drains the victim slowly, as it were, until death. The person loses weight and withers away like a victim of HIV. This explains why the Luo

claim that those who have died of AIDS have actually died from *chira*. The difference is that *chira* used to be treated by the prophet - diviners administering *manyasi* (crushed herbs mixed with water) (Mboya, 1938, 1983; Ayayo, 1976).

Among the Luo of Kenya, “most of the taboos are connected with human sexuality in general” (Adhunga, 2014, p. 196). Such taboos include incest, bestiality, seeing the nakedness of parents, having sex with a widow who is not yet purified or having sex when one should not have had it. Other taboos include fighting with a parent, swearing dangerously by hitting a sacred object, desecrating graves, refusing to perform crucial death rituals and so on (Mboya, 1978, 1983; Ayayo, 1976). In order to avoid breaching taboo codes, the Luo mark important moments of life with ritual sex. For the Luo:

It is a societal requirement for women who are or have been married to observe sexual rituals to mark the beginning of social events, specifically food production seasons like planting and harvesting, rites of passage associated with birth, marriage, establishment of homes and death of a close family members (Adhunga, 2014, p. 197).

The sexual act on any of these occasions is an act of blessing, which maximises life. A widow, who does not have a partner, would be expected to have one even if for just that one specific ritual function. Ojore (2014) found out that failure to do so implies a curse and the wish to diminish life in one’s family and community. It is in this context that many widows cannot ignore the implied dangers and opt for levirate union to avert any possible harm on their children. Since occasions calling for rituals involving sex are many, the levirate union enables Luo widows to have constant partners for this purpose.

### **1.10 Conclusion**

In this chapter, I have introduced my research problem and situated it within the contexts of my daily life and practice. We saw the research objectives, questions, assumptions, rationale and justification of the study, and study location. The chapter has explained how the Luo world view, concept of death, the world of spirits and taboos bind the people especially widows. On the one hand, a Luo widow who marries outside the family would be perceived to have abandoned her dead husband and his children thus bringing potential disaster to the entire family of the dead. The dead man’s spirit would become *jachien* (malevolent) joining the spirits of the forgotten to unleash untold suffering on the relatives. On the other hand, if a Luo widow remains faithful to the

community by entering a levirate union, the dead husband would be remembered and his spirit would join *chunje mabeyo* (benevolent) spirits. The Luo widow is left torn in between and suffering. This research has addressed that suffering. In the next chapter, we shall look at the literature available on levirate custom.

## **CHAPTER TWO: SELECTED LITERATURE ON LEVIRATE CUSTOM**

### **2.1 Introduction**

This chapter presents the key literature I selected to analyse levirate custom in the 21st Century Kenya. I carried out the literature evaluation to realise three main objectives. First, to enable me to identify the pastoral gap which my study fills. Second, to seek a reliable conceptual framework that would assist me to clarify my assumptions, theories, beliefs and major concepts that would inform my research. Third, to confirm the assumption that my choice and application of the pastoral cycle paradigm to the levirate challenge, is unique to this study. I relied on relevance, chronology and discipline as my sorting devices for the literature. A chronological approach provides the evolution in thinking and approaches to the levirate issue. It also brings into the debate those who have addressed the topic in different epochs. In order to ensure clarity, the selected texts are grouped into themes starting from 1938, when the first book on Luo levirate was published to 2016 when the study was completed. Having looked at the materials of value to the thesis, I confirmed that a pastoral gap existed, and a viable conceptual framework also emerged. Research process usually leads to new knowledge, if the conceptual framework and the research paradigm are applied properly.

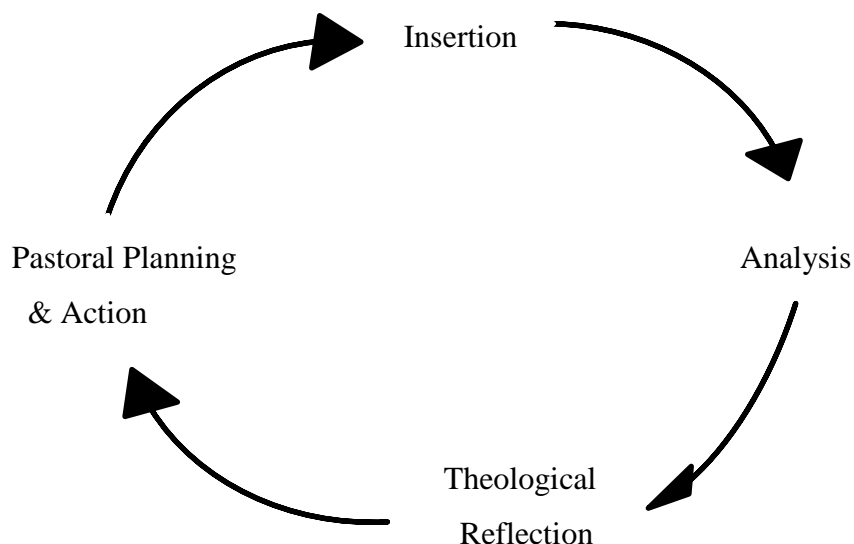
Consequently, this chapter is divided as follows: The first section presents and discusses the Pastoral Cycle Paradigm (PCP) on which my study is anchored. It is pertinent that my research paradigm is made clear, before we traverse the vast literature on the levirate custom. This helps the reader to appreciate the uniqueness of my study. I am convinced that stakeholders in the levirate dialogue are likely to achieve consensus if they follow the PCP. This is followed by literature on levirate practice from human rights and HIV/AIDS perspectives. In so doing, I place levirate custom in the context of the critical topics being debated in Kenya today. In the rest of the chapter, literature is presented thematically, starting with anthropological, sociological and philosophical texts. These are followed by texts on Scripture, Post-Vatican II Era, Africanists, Feminist Theologians, and the recent Catholic documents. I then illustrate how the pastoral gap has been identified followed by a conceptual framework that emerges from the literature. A brief conclusion ends the chapter. This study uniquely applies the pastoral cycle to the levirate issue.

## **2.2 The Pastoral Cycle Paradigm**

Application of the pastoral cycle as a research paradigm in this study has been extensively explained in appendices 1 and 3. The term ‘pastoral cycle’ is widely used in the United Kingdom (Wijsen, Henriot and Mejia, 2006). It is known elsewhere as the ‘the circle of praxis’ and ‘pastoral spiral’ interchangeably (Hug, 2006). From my own readings, I understand the pastoral cycle as a method of searching for solutions to controversial pastoral, social, economic or political problems by involving all stakeholders to insert themselves into the issue, analyse it, reflect upon it and finally carry out an action that has been agreed upon based on consensus. Following this definition, the pastoral cycle paradigm is both a method and a methodology.

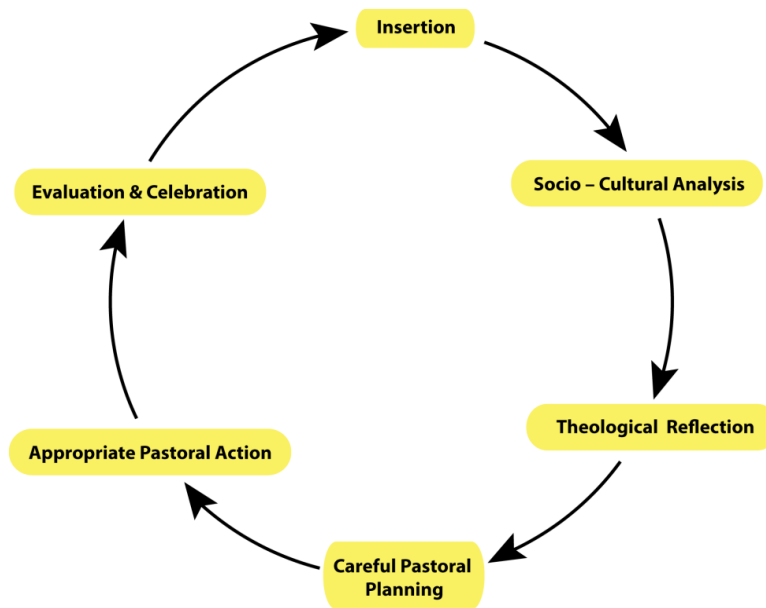
Wisker (2008, p. 78) explains that a “research paradigm is the underlying set of beliefs about how elements of research fit together, how we can enquire about it and make meaning of our discoveries.” It is a pattern, a structure or a framework that explains a research process. But it also contains an assumption that if followed faithfully, it eventually leads to the desired goal. One of the assumptions I made in chapter one was that Luo widows have been excluded from the debates affecting them. I assumed that if the Catholic Church became inclusive and involved widows in her pastoral plans, then she would be on the way to addressing the levirate custom. This study uses the PCP as an effective theoretical framework that blends with my conceptual framework to address the levirate practice effectively. The desired goal will be Luo Catholic widows who are accepted members of the Luo society and full members of the Catholic Church.

I have chosen the PCP for four reasons. First, practical theologians find it useful because it stresses action that leads to transformation. Second, it is the method recommended for our BA students and used in my context in Kenya by ISMM (Parise and Ndegwa, 2011). Besides, ISMM asked me to search for how the PCP might be applied at both MA and PhD levels. Third, it has been proven to bring about desired change in places where it has been applied (Freire, 1993). Finally, my experiences and observations are that the Luo of Kenya embrace consensus as the best approach to controversial issues like the levirate custom. Consequently, the PCP was suited for my search for a model of pastoral care for Luo widows built on consensus. However, the PCP as presented by Holland and Henriot (1983, 2000) in Figure 3, has its weaknesses that I have addressed in details in appendix 1.



**Figure 3: Holland and Henriot's Pastoral Cycle (1983, 2000)**

The summary of the four identified weaknesses are as follows: First, the starting point, *insertion*, gives the impression that those involved in the process of social analysis are *starting from nothing*. I have resolved the weakness by noting that all the four moments of the PCP start here and are repeated in all the others. The reality is that people bring their experiences into a dialogue process. Second, there seems to be *a missing link* between social analysis (*second moment*) and theological reflection (*third moment*). This is settled by pointing out again that *all the four moments occur at each moment*. Third, the fourth moment of the cycle is always a combination of pastoral planning and action. The pitfall here is the *absence of detailed pastoral planning*. I have corrected the weakness by introducing *Careful Pastoral Planning* followed by *Appropriate Pastoral Action*. The fourth pitfall is the obvious *lack of evaluation*. Consequently, I have introduced evaluation and celebration to address this anomaly in the original PCP. I have borrowed these adjustments from the good practices in the field of management. My modified version of the PCP is shown in Figure 4.



**Figure 4: The Pastoral Cycle Modified**

The manner in which this study applies the PCP to levirate custom has been explained in appendices 1 and 3. However, here is how we can use it to address the case of Jennifer seen in **1.3**:

At the *insertion* point, Jennifer tells her story to listening members of her community. Other widows present may also narrate their experiences to help all come to grips with their realities. During the second moment of *socio-cultural analysis*, the SCC asks why this injustice is happening. How long has this been going on among the Luo? Who is responsible for Jennifer’s suffering and why? What is the history behind the practice, what is the purpose of this culture? Must this situation continue this way or can it be changed? The SCC then moves to the third moment namely *theological reflection*. At this stage, questions are asked about what Jennifer’s suffering means to them. What is God’s will for Jennifer and for the members of the group? What does the Luo religious tradition say about the treatment of widows and injustice? What would Jesus do if he were here with Jennifer and her community? What can the group do to alleviate such suffering? At the *pastoral planning and action* moment, the reflection group plans actions that involve those responsible for Jennifer’s suffering. They plan to engage the Church and Jennifer’s family in the next round of reflections. They may also realise that there are certain legal protections that Jennifer has not been aware of but which John’s fellow lawyers have drawn her attention to. There may be a need to engage political

action. Then the process starts all over again but now guided by a well-informed community regarding levirate unions. I am convinced that if applied well, the PCP can facilitate discernment, bringing about transformation of attitudes towards Luo widows and the levirate custom. It is my contention, therefore, that this study applies the PCP in a unique way that no other literature does. It is with this conviction that I delved into my literature evaluation.

### **2.3 Human Rights and Levirate Custom**

A sound grasp of the United Nations' (UN) International Declarations and Conventions on women's rights, helped me to examine possible violations in the levirate custom. Any writing on women's rights in general and Luo widows in particular, needs to be read in the light of these important UN instruments. The UN Commission on the Status of Women (CSW) was set up in 1946.<sup>1</sup> The proposals of CSW were included in the UN document on Universal Declaration of Human Rights, adopted by the UN General Assembly meeting in Paris 1948. Article 1 stated that all human beings are born free and equal in dignity and rights. The document also declared that all human beings are entitled to rights and freedoms regardless of race, colour sex, language, religion, or political affiliation (article 2). Nobody may be subjected to torture, cruelty or degrading inhuman conditions (article 5). In 1967, the Economic and Social Council (ECOSOC) of the UN, in collaboration with CSW prepared a Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). The UN General Assembly passed and ratified it in 1979.<sup>2</sup> The Convention became known as the bill of rights of women. It called for equality of women and men, protection of women against discrimination and elimination of all acts of discrimination. The mandate of CSW was expanded by ECOSOC in 1987 empowering it to call for advancement of women everywhere. In 1993 the UN General Assembly condemned and called for elimination of all forms of violence against women.<sup>3</sup> In the same year, the UN World Conference on Human Rights in Vienna "confirmed that women's rights were human rights."<sup>4</sup> The Cairo UN International Conference on Population and Development held in 1994, also "affirmed

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<sup>1</sup> <http://www.unwomen.org/en/csw>. Downloaded on 15/10/16.

<sup>2</sup> [www.un.org/womenwatch/daw/cedaw.htm](http://www.un.org/womenwatch/daw/cedaw.htm). Downloaded on 15/10/16.

<sup>3</sup> <http://www.un.org/documents/ga/res/48/a48r104.htm> Downloaded on 15/10/16.

<sup>4</sup> [www.unfpa.org/resources/human-rights-women](http://www.unfpa.org/resources/human-rights-women)

the relationship between advancement and fulfilment of rights and gender equality and equity.”<sup>5</sup> Cultural practices that violate the rights of women such as Female Genital Mutilation (FGM), were condemned. The following year (1995), the Beijing Platform for Action repeated that women’s rights were human rights. All UN member countries, which have ratified all these instruments, like Kenya, have the duty to protect the rights of women everywhere.

Since the end of the cold war in 1989, the first democratic elections in South Africa in 1994, and the Beijing Conference in 1995, African human rights activists and lawyers have spoken of “the era of human rights” (Akoth, 2013). They call for eradication of all abuses of women’s rights in the name of preserving cultural values. Those personalities I want to evaluate their writings include: Ogolla (1995), Ewelukwa, (2002), Gunga (2009), Matakala (2010), Akoth (2013), Onyango (2013), and Paterson and Long (2016).

Some human rights proponents urge women to resort to judicial systems to secure justice. Ogolla (1995) presents to us a case of two Luo widows, Akoko and her daughter Nyabera, who went to complain to a British Colonial District Officer of the injustices they suffered at the hands of their *levirs*. They won the case and got their inheritance rights recognised and respected. The story is a call to modern Luo widows to rise up and challenge patriarchal structures. However, the problem with judicial settlement is that the widow returns home to a hostile environment. A-win-lose situation is not the best solution in cultural contests. My study prefers solutions that consider cultural sensitivities even as we include judicial processes.

Others have called for the criminalisation of cultural practices that dehumanise and humiliate women. Ewelukwa (2002) is in this category and she is not alone. “In recent years, the Malian government has come under pressure from the United Nations to bring to an end the practice of levirate within its territory,” (Jemphrey, 2011, p. 5). My experience in Kenya is that criminalisation of FGM, for example, has not ended the custom. Instead, the practice is being performed clandestinely thus endangering the lives of young girls even more. I opt for cultural and religious settlements that leave people united rather than broken and bitter.

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<sup>5</sup> [www.unfpa.org/resources/human-rights-women](http://www.unfpa.org/resources/human-rights-women)

Yet others call for equal treatment of widows and widowers in line with UN documents. Gunga (2009, p. 171) observes that “whereas widows are subjected to very strenuous widowhood rites among the Luo, widowers are not”. He calls for urgent reforms of Luo death rituals. My findings in chapter four, reveal that this is also what widows are calling for. I agree with him that transformation will only come when prominent Luos lead the process. But enforcement of rights has to be supported by acceptable cultural protection measures from the communities. Consequently, this study supports those who call for ‘community involvement in protection of widows’ rights as called for by Matakala (2010) and Akoth (2013). In addition, passing of legislation to protect women’s land rights as suggested by the World Bank is critical (Walle, 2011). My view is that levirate custom is deeply connected with religious beliefs and any responses to it that leave out religious approaches is doomed to fail.

Onyango (2013) warns that appealing to the local and global sense of disgust will not protect women from abuses. For example female circumcision has been referred to as FGM to present it as brutal and inhuman. Similarly, Luo levirate custom has been called wife or widow inheritance to suggest that the practice dehumanises women as it reduces them to objects to be inherited by men. All the literature I have cited in this section do call for action but they do not propose an alternative care for widows which replaces levirate. This study will show in chapter five that in many instances, it is women who are pushing fellow women to observe these cultural practices. In rigidly patriarchal societies, it is common that men use elderly women to perpetuate their agenda of keeping women subservient. My experience with levirate custom in Kisumu is that it violates all the international regimes meant to protect women. The failure by the Kenyan state to implement the UN conventions and declarations meant to protect widows, calls for other approaches. This study proposes a model of care for widows, which involves and empowers them to take actions that may improve their welfare and protect their rights. Closely connected with human right to life and good health is the phenomenon of HIV/AIDS.

In the text *Dignity, Freedom, and Grace*, Paterson and Callie (eds) (2016), present a collection of papers by theologians from across the globe giving Christian perspectives on HIV/AIDS and human rights. This text is relevant to my study because it condemns violations of human rights for any reason whatsoever. It also urges people to embrace

human rights as a sure way to a better future for everyone. The text condemns abuses of women's rights based on cultural claims. While the text talks about reproductive health of women, need for gender equity, women's rights to health care, and calls upon them to form groups to fight for their rights, it does not suggest formation of any body by women for pastoral ministry as I have done. Another significant point from the text for this study, is the mention and condemnation of cultural practices in Africa that put women at risk. Levirate practice has been pointed out as a conduit for spreading HIV/AIDS.

#### **2.4 HIV/AIDS and Levirate Custom**

The link between HIV/AIDS and dangerous cultural practices has been illustrated by the researches done by Okeyo and Allen (1994), Shisanya, (2007), Amornkul, et al (2009), Agot, et al (2010), Geissler and Prince (2010), Akoth (2013) and Azetsop (2016). Okeyo and Allen (1994) produced the first detailed medical study linking levirate custom among the Luo with HIV infection and AIDS. Results from Focus Group Discussions (FGDs) presented in chapter four, appendix 6 and in chapter five of this study, also confirmed the link between the practice and AIDS. Shisanya, (2007), found out that professional *levirs* who were not educated went ahead to inherit HIV positive widows without taking any precautionary measures. These researches by Okeyo and Allen and Shisanya confirm the dangers of insisting that widows have to have sex with their *levirs* to uplift death taboos.

Agot et al (2010) and Geissler and Prince (2010), also found out that there was a strong link between levirate custom and the spread of HIV/AIDS among the Luo. The findings interest me, because these studies covered my research locale, and therefore enrich my discussions in chapter five. I agree with them that the Luo insistence on taboos makes it difficult for people to accept the reality of the link between HIV/AIDS and levirate custom. Akoth (2013) not only links the levirate practice with HIV/AIDS but also stresses that it violates widows' rights. His research links well with Azetsop (2016) who presents research by various experts from all over the world on HIV/AIDS in Africa. Many of the articles talk about the links between cultural practices and social behaviours that lead to infection. Theological papers appeal for the ministry of healing for those infected and affected by the HIV pandemic, changes in ethical behavior, education and pastoral ministry to the dying. These texts propose medical interventions but do not speak about or even suggest a specific model of care for widows. I am convinced that

cultural matters need effective cultural approaches combined with practical pastoral solutions to address them in a manner acceptable to all parties involved. The search for comprehensive understanding of Luo levirate practice led me to literature in anthropology, sociology and philosophy.

## **2.5 Anthropological, Sociological and Philosophical Literature**

Some of the authors under this group present Luo levirate as one of those many customs practiced by an African people. Others have written on the subject with the sole purpose of preserving the levirate as a beautiful traditional institution for the care for widows. Yet other writings are simply contributions to raging debates regarding this Luo practice. In my view, this applies to the works by Mboya (1938, 1978, 1983), Wilson (1955, 1961, 1968), Ayayo (1976), Ojwang and Mugambi (Eds) (1989), Cohen and Odhiambo (1992) and Nyarwath (2012).

The earliest texts on Luo levirate custom is by Mboya (1938, 1978, 1983). The text was written as a response to the early missionaries who tended to condemn Luo customs and traditions. It was therefore an apologetic work, which presents levirate unions among the Luo as a good practice. Since almost all Luo women had no formal education by 1938, the majority of Christian widows embraced the custom as a normal way of life, and so they performed it first before returning to the Sacraments (Ojore, 2014). Mboya's book gives us rich information on how levirate ritual was performed and is therefore an important source for my work. However, the practice has changed with time and Luo widows are now raising questions beyond Mboya's first text.

In the second edition of his book, Mboya (1978) urged Luo people to continue with the value of caring for widows and orphans. However, as Stephen Akoth (2013) observes, Mboya who had become an ardent Seventh Day Adventist (SDA), had to balance between the care for widows, and the Christian teachings against it. Mboya manifests a shift from the traditional inheritance he had advocated in 1938 to Christian care that excludes sex. This text is valuable to us because it presents an evolution in Mboya's perception of Luo levirate custom. His own life exemplifies the radical change the Gospel of Jesus demands of us. This is the theme he expounds in his last edition (Mboya, 1983). But he fails to offer any suggestions on the sexual issue, which is the main bone of contention in Luo levirate. My study study confronts this matter and offers practical

suggestions.

Gordon (1955, 1961, 1968) found Luo levirate fascinating and wrote extensively about it. In all his texts, he gives reasonably accurate descriptions of levirate custom, despite the biased attitude of a coloniser looking at a strange cultural practice. He presents the levirate custom as a generally accepted practice by the people. The text is relevant to this study because it presents the views of an outsider looking at a controversial cultural practice. Unlike Gordon, my research exposes all the varied views of widows and other interested parties. These early works motivated Kenyan scholars and anthropologists to make special studies of the Luo people.

A detailed study of Luo levirate custom appears in Ayayo (1976). He presents the levirate as one of the given practices of the Luo and does not provide any critique of it. Writing in 1976 when many Luo women had already achieved education, one would have expected Ayayo to consider divergent views of prominent Luo widows. It is intriguing that Ayayo treats this controversial custom as merely expected of good Luos. This research subjects the practice to rigorous scrutiny, and puts widows' views on levirate in the forefront from chapter four to eight.

Levirate custom became a subject of national debate in Kenya following the death of a prominent Luo criminal lawyer Silvanus Melea Otieno in 1986. Ojwang & Mugambi (1989) present this epic case in their book. The text reports on how Otieno's widow, Virginia Edith Wambui, a Kikuyu, wanted to bury him in Nairobi. The Umira Kager Clan of her Luo husband wanted the burial back home at Nyalgunga in Siaya District. Wambui went to court and started a case which lasted 154 days! She won the case at the Magistrate's Court, but lost it at both the High Court and the Court of Appeal. The two courts handed the body of her husband to his Clan for burial. Wambui and her children refused to attend the burial for fear of being subjected to levirate custom, which they considered immoral. The Otieno case put the Luo levirate custom on both local and international platforms. Ojwang and Mugambi's work is relevant to me because it presents the controversial nature of the levirate practice. However, they do not show how to handle the custom in a manner acceptable to all interested parties. My study avoids a-win-lose situation, as it was in the Otieno case, and searches for a-win-win decision for Luo widows, the Church and the Luo society.

The Otieno case was picked up again by Cohen and Atieno (1992). Their book examines the legal procedures involved in the case. It mentions the levirate custom in reference to Wambui's negative attitude towards it during the court process. This text interests me because Luo widows are often denied their rights but do not have legal redress. The legal insights in this text has informed my study to see how widows can benefit from them. However, since this research is a theological piece, we examine pastoral aspects of levirate which transcend the legal issues raised by the two authors. Levirate debate has been carried on into the 21<sup>st</sup> Century.

Among the academics in Kenya today, Nyarwath (2012), has kept the levirate debate alive. He argues that given the sacred and moral implications of the levirate custom, it still seems to be the best alternative open to most Luo widows in the cultural set up. For him, there is no compelling reason at the moment to abandon the institution because it preserves the fundamental aim of marriage among the Luo. Consequently, he calls for widow guardianship to ensure they do not go astray. However, he recommends a number of adjustments to discourage some of the abuses that are becoming prevalent in it. Nyarwath's work is relevant to me because he outlines the philosophy behind the custom, its rationale, and exposes the contemporary challenges facing it. The problem with his argument for the continuity of the levirate custom is the implication that a widow who rejects a *levir* is likely to go astray. This sounds paternalistic and insulting to Luo widows. This study invites Luo widows to design their own future and take control of it. Since my research is in the field of theology, it is important that we look at scriptural literature.

## **2.6 Scripture Scholars and Church Teaching on Levirate Custom**

Old Testament (OT) and New Testament (NT) scholars and Church teaching also give us insights into the levirate issue. Some of them have proposed the formation of some kinds of ministries for widows. Notable among them are Neufeld (1944), Thurston (1989), Price (1997), Kaveny (2005). Perez, Jose and Kampowski (2014) present the Catholic position on marriage and perception of the levirate.

Neufeld (1944) presents a detailed text on the biblical study of the levirate custom among the Jews. His commentaries on the narratives given in Genesis 38:8-30, Deuteronomy 25:5-10, and Ruth 4:1-22), are of interest to me because they present

Jewish levirate practices as strikingly similar to those of the Luo. However, Neufeld stresses the fact that the Jews, unlike the Luo, provide an opportunity for a *levir* to renounce his right in line with Deuteronomy 25:7-10 (2.4). The ritual of renunciation is called *halitzah*, the Hebrew for "drawing off." Although Neufeld sees *halitzah* as a way of ensuring a widow's freedom, it can easily lead to abdication from responsibility to care for members of one's family. I argue that, in as much as the Jewish *halitzah* may inform the Luo on the possibility of a similar ritual, we have to make sure that the Luo *levir* is not simply avoiding the responsibility to care for his brother's widow and orphans as revealed in the study by Akoth (2013). African communities "are communities of common goods" (Magesa, 2001). It is important that family members of widows support them.

Whereas Neufeld is concerned with widows in the Jewish world, Thurston (1989) turned to the NT widows in the early Church. He stresses that "the Church not only supported needy widows but by the second century it elevated them to the status of a clerical order" (Thurston, 1989, p. 7-8). The insights on widowhood ministry given by Thurston are useful to my study because he proves that the early Church had a vibrant widowhood ministry offering widows roles to play. This early Church model can inform this study. Kaveny (2005) argues that as the numbers of religious women dwindle in Europe and America, she sees the order of widows as a substitute group of modern care givers to elderly women and men. She also suggests that widows could be the solution to the emerging crisis facing health care financing and delivery, and the enormous increase in the number of elderly Americans demanding medical and social attention. Kaveny's proposal is very useful to this study as she confirms that a widowhood ministry is possible. However, she does not explain how the model might work as I have done in this study.

Kaveny's work triggered numerous responses as seen in the works of Patridge and Turiaso (2005), Lysaught (2005), Hall (2005), and Tristram (2005). They all concur with Kaveny that time has come for the Church to re-establish the order of widows. All these insights confirm to me that my proposal of a widowhood ministry in Kisumu is a possibility. However, I do not see the order of widows as a substitute for dwindling numbers of religious women, but as a full ministry needed in the service of the Church. The lives of widows in the Church are guided by the Catholic teachings on the

## Sacrament of Marriage.

The Catholic position is that if a widow is living with another man, she has to marry him in Church. The Church explains that “the Sacrament of marriage is an act of Christ and of the Church. What the couple does is not just their own act, but an act of the Body of Christ” (Ephesians 5: 21-26; Murray, 2015, p. 28). There is no possibility of legitimising any extramarital exercise of human sexuality for whatever reason especially after the death of a husband. In the Sacrament of marriage the partners promise to each other: “You are my one and only: I am all yours and you are all mine. I give you all of myself-exclusively and for the rest of my life” (Perez, Jose and Kampowski, 2014, p. 27). A married Catholic man who takes his brother’s widow in a levirate union has committed adultery. Consequently, the Catholic Church rejects any other form of marriage or union that is contracted outside her understanding and definition of marriage. Whereas the Church does not offer any alternatives to widows, this study offers suggestions to the levirate challenge. In as much as the Catholic Church seems very rigid regarding cultural practices of peoples in mission lands, Vatican II (1962 – 1965) provided useful literature that may facilitate dialogue and appreciation of cultural practices that appear to contradict Church teachings.

### **2.7 Post-Vatican II Literature on Levirate Custom**

Vatican Council II marked a radical shift from negative perceptions of indigenous cultures to positive appreciation of the same by Rome. Soon after the council, many Catholic missionaries and local theologians published materials that would have been condemned as heretical previously. Two conciliar documents that triggered this interest were *Gaudium et Spes* (GS), and *Nostra Aetate* (NA). GS 44 for example, stressed that “culture is the medium through which the spiritual visions and energies of a society are expressed. Consequently, the Church has to listen to the world of women and men, in order to see how culture affects her ministry.” NA Art.2 urged the Catholic faithful to “acknowledge, preserve, and encourage the spiritual and moral truths found among non-Christians, also their social life and culture. Later, Pope Paul VI (1968), released *Africae Terrarum* in which he encouraged Africans to be missionaries to themselves and to make Christianity truly African. This openness from Rome motivated theologians to study and write on polygyny and on levirate unions as seen in the works of Hillman (1975), Kalanda (1975), Kitembo et al (eds) (1977), Kirwen (1979), Ogong'a (1983), Wachege

(1992), Haring (1994), and Orobator (2016). A brief review of each text shows how it links with my study.

Hillman (1975) rejects the Catholic Church's condemnations of levirate custom on the basis that it leads to polygamy on the part of the *levir*. He argues that what is called monogamy in the Western world today is, often, successive or serial polygamy, which are entered into after divorce. He asks the Church to recognise simultaneous polygamy in which a man lives with all his women in the same compound in unions that are stable, recognised and legal. Hillman (1975, p. 71) goes on to stress that human beings "live within the ethical system that happens to be available and intelligible to them where they are, at least until new possibilities for changes arise from within their own historico-cultural situation." He appeals for patience in mission lands.

Ntagali and Hodgetts (2011, p. 31), agree with Hillman that Western forms of marriage have failed in Africa and call upon the Church to recognise African traditional marriage. It is interesting that Hillman, a Catholic priest and Ntagali an Anglican Archbishop of Uganda hold such radical views regarding polygyny and levirate custom. However, many African women are not content with the views expressed by Hillman and Ntagali. They want to be equal partners in marriage. The two Churchmen's position confirms that there are no easy solutions to different forms of marriage in Africa. Thus the need for studies such as mine. It is also important to note that Hillman and Ntagali do not explain the consequences of their proposals to local Churches in Africa. My view is that such hasty proposals could be pastorally detrimental to the very people they were meant to help. The Church needs to avoid hurried solutions to pastoral challenges in Africa, and could first search for well planned models like this study does.

A study by Kalanda (1975) presents the levirate custom as it is practiced in Uganda. He gives the Christian view of marriage and then exposes the difficulties Christians from certain communities experience especially at the death of a married man. Kalanda argues and appeals for the Church's understanding. His work also interests me because it presents the situation of widows in Uganda where the Luo are found in large numbers. However, Kalanda fails to make a clear distinction between 'Widow Inheritance' and levirate unions. In widow/wife inheritance, the widow is re-married and the *levir* actually becomes her new husband. In the levirate union the *levir* is simply a care taker on behalf of his deceased brother (Schneider and Gough, 1974). Besides, Kalanda neither provides

nor suggests a model of care for widows the way my research does.

Kisembo et al (1977) give a Christian anthropological study of the levirate subject. While they affirm the traditional Christian view that it is immoral for Christians to contract levirate unions, they fail to expose the challenges faced by Catholic widows in their attempts to live their faith. This is one of the pastoral gaps my study sought to fill. I have argued that declaring a cultural practice immoral does not bring about receptivity on the part of the people. This study proposes a ministry of widowhood and a model of care that may help widows to start living authentic African and Christian lives. Chapter seven of this research discusses the proposed model in detail.

Kirwen (1979) did a comprehensive study of Luo levirate presenting the custom with all the difficulties surrounding it, the Church's understanding of marriage and how it conflicts with that of the Luo. He gives a critical analysis of the Church position, proceeds to point out areas of pastoral concerns and then appeals for the Church's understanding and consideration of those Christians living in levirate unions. Kirwen concluded that levirate "is in radical agreement with what is essential to Christian marriage, namely permanence, stability, responsible socialisation of children, fidelity, loyalty... and unbreakable covenants between individuals and lineages" (1979, p. 201). However, while Kirwen listed very many positive things about levirate union, he does not say whether the Church may or may not recognise such unions. Neither does he propose to the Church a pastoral model nor a liturgical rite that may be followed to resolve the apparent dilemma in which Luo widows still find themselves today. This study fills this gap by proposing a new model of care for Luo widows in consultation with multiple of stakeholders.

Jemphrey (2011) refutes Kirwen's assertions arguing in his study of the levirate among the Supyire people of Southern Mali that the custom leads to separation between a widow who chooses to remarry and her children who have to remain behind in the family of her first marriage. This destroys the permanence and stability Kirwen claims. Besides, he adds that Kirwen fails to address the evil of anger and jealousies which exist between widows and the wives of the *levirs*. In Jemphrey's view, Kirwen also ignores the issues of adultery and polygamy which form the Church's main problem with levirate unions. However, Kirwen argues that levirate union is not adultery either, since the union is already sanctioned by the community to avoid greater abuses. Furthermore, the

phenomenon of AIDS, feminist and gender issues, demands for equality and human rights, have all brought forth difficult questions on levirate custom. These shifts call for a new study whose findings appeal to the widow “living in the era of human rights” (Akoth 2013). My research has responded to what Akoth and many others called for.

Kirwen (1993) continued with the levirate debate by presenting a typical pastoral case in a Catholic parish serving the Luo of Tanzania. In the narrative given by Kirwen, Riana and his brother's widow, Lucia Akech, involve a white missionary in a dialogue on the levirate custom. The text reads like an African *levir* and his brother's widow, presenting an African case before an ecclesiastical tribunal in Rome. Through them, Kirwen challenges the Christian Church to re-consider her position with regards to Luo levirate custom. But again, Kirwen does not suggest any pastoral solutions like I have done in this study.

Another text on levirate unions that followed Kirwen's was by Haring (1994). The late Haring taught moral theology in Rome and was considered one of the foremost moral theologians of the Catholic Church. Haring describes his encounter with a Luo widow in Tanzania, who was planning to enter into a levirate union. After listening to the case, he advised her to follow her conscience. Haring was actually telling the widow to contract the levirate union if that was the only way she could have a house for herself and her orphaned children. Haring admitted that for the first time he was faced with a context and a union which did not fall into the Catholic understanding and definition of a marriage. The text is relevant to this study, because it indicates that levirate custom is a complicated matter and that the Church has not addressed it sufficiently. Luo widows have suggested a possible response to the levirate challenge in this thesis.

Ongong'a (1983) gives a presentation on the phenomenon of death among the Luo. The text also delves into the Christian interpretation and application of the rites and rituals surrounding death. Levirate custom, as such, is not the main subject of this work, but it is only mentioned as one of those many rites and rituals performed after the death of a married Luo man. This text is a useful reference for me when we study death rites among the Luo. Wachege (1992) argues that the levirate custom is an oppressive law from which the Luo widows ought to be liberated. However, while Wachege's book provides an outsider's view on the levirate law, his study did not capture the views of the Luo widows which the current study sought to establish. Orobator (2016), presents to us

articles by African theologians on various subjects. Articles by contributors such as Anne Arabome, Tina Beattie, Marguerite Akossi-Mvongo and Mercy Amba Oduyoye speak about the sufferings and exclusion of the African woman from the mainstream of both Church and societal life. This text is relevant to my study as it confirms my claim that Luo widows are an excluded lot. They also argue that the Catholic Church impoverishes herself by excluding women from ministry. However, none of these articles proposes any pastoral model for rectifying the numerous woes of the African women, in general, and Luo widows in particular. Promoters of African cultures have also raised issues on the levirate debate.

## **2.8 Africanists and Levirate Custom**

I have used the term Africanists in this section to refer to authors who support African traditional forms of marriage. These Africanists argue vehemently in support of African marriages and unions, contrary to what the Catholic Church teaches. Very often, such marriages have been condemned by Christian Churches such as polygamy and levirate unions. Many Africanists were motivated by Vatican Council II. Some of those who fall under this category include: Hillman (1975), Kirwen (1979), Mailu (1988), Blum (1989), Donovan (1989), Ntagali and Hodgetts (2011) and Jemphrey (2011).

We have already seen Hillman and Kirwen calling for recognition of African marriages and unions based on critical studies they had carried out on the subjects. Mailu (1988) argues that Christian marriages are merely Western forms arising from the ancient Roman marriage laws and customs. In his view, it is unfair and insensitive to impose them on Africans. For him, the Church's refusal to recognise African marriages is a form of neo-colonialism which must be resisted. As a non-Christian, Mailu can make his observations without fear of sanctions from any quarters. Blum (1989) also shares the same views with Hillman, Kirwen and Mailu. In his acclaimed book *Christianity Rediscovered: An Epistle from the Maasai*, Donovan (1989) laments that after 100 years of missionary efforts among the Maasai of Kenya, the Christian form of marriage preached by the Catholic Church was rejected. The Maasai demanded Baptism regardless of their marital status. They rejected an exclusivist Church. They were either all in, or they were all out. Donovan learned that the grace of God was already ahead of him among the Maasai long before he arrived. This text is relevant for my study because of the *principle of reception*. The principle states that when a people refuse to receive

and accept a teaching, then it is time to re-think that teaching. Like the Maasai, the Luo have insisted on levirate custom for over 115 years since the arrival of Catholicism. Donovan appeals to the Catholic Church to let local people organise their Church in the way God's Spirit leads them to. Although the Maasai also practice levirate, Donovan does not suggest a model of care for widows like I have done. Like Hillman, Kirwen and others, Jemphrey (2011) also recommends that the Church may recognise and even bless levirate unions among the Supyire of Southern Mali.

Ntagali and Hodgetts (2011) observe that Luo widows in levirate unions, in Uganda, are prevented from being communicants because they are considered second wives to their *levirs*. However, they remind us that "throughout the world, attempts are being made to redefine the institution of marriage". In their view, "the Christian understanding that marriage shall be the union of one man and one woman for life is constantly under threat and may, in fact, be recognised by only a minority of the world's total population" (Ntagali and Hodgetts, 2011, pp. 23-24). This study raises questions that are of immense interest to my topic. For example, how can the Church accept gay and lesbian relationships but have levirate unions rejected as immoral in Africa? Has time come for the Church to redefine marriage as has been called for by civil governments in France, the United Kingdom, Ireland and Australia? Although Ntagali and Hodgetts (2011) raise valid questions on levirate, they do not offer any alternative pastoral policy the Church could adopt in Uganda. This research offers a model that fills this pastoral gap. Calls for a return to African cultural practices by Africanists prompted African feminists to respond.

## **2.9 Feminist Theologians and Luo Levirate Custom**

African feminist theologians emerged in the 1980s, and have been addressing oppressive cultural practices ever since. They work under the umbrella of the *Circle of Concerned African Women Theologians*. They call for the liberation of the African woman, in general, and the African widow, in particular. Appendix 3 presents detailed literature on feminists and their perception of the levirate law. I would like to outline the works of the following theologians: Amoah and Oduyoye (1988), Nasimiyyu (1991), Nwachukwu (1992), Edet (1992) and Oduyoye (1995).

These feminist theologians argue that they have the duty to assist oppressed women to

raise their voices to reject all forms of oppression. Oduyoye (1995, p. 82) stresses that the “silence and anonymity of the African woman are her greatest handicap.” Nwachukwu (1992, p. 64) explains that “African Christian Theology, while seeking to contextualise Christianity within the African milieu, must seek to minister effectively to the widow as a “total person” and her children. Indeed a Luo widow “needs a Christ who affects the whole of her life, whose presence is felt in every corner of the village and who participates in everything and everybody’s daily life” (Nasimiyu, 1991, p. 77). African feminists want the Church to take widows seriously because “the Church’s concern about the welfare of women can stop harmful traditional rituals and replace them with the Church’s rites instead of allowing them to operate on parallel levels” (Edet, 1992, p. 36).

The feminists also stress that “Christ is the one who liberates all from the burden of disease and the ostracism of a society riddled with blood-taboos...” (Amoah and Oduyoye, 1988, p. 43). I agree with them when they propose a widowhood ministry that will give women a voice. I also take their suggestion that the Catholic Church can take over the performance of some Luo rituals that hinder widows from living full Christian lives. However, the feminists fail to show how widows can get out of their current predicament. My study proposes how this might be done. A detailed role of feminist theology in this study is found in appendix 3. Not a single text I have evaluated in this chapter approaches the levirate in the way my study does.

## **2.10 The Pastoral Gap**

In chapter one, we saw that a Luo widow cannot remarry because she continues to be the wife of her deceased husband. Faced with many death taboos, rituals and the fear of offending the spirits of the dead, with its destructive consequences, widows have little choice but to enter into levirate unions (Miruka, Nathan and Obong’o, 2015). Aware of the predicaments of Luo widows, theologians like: Hillman (1975), Kirwen (1979), Blum (1989), Haring (1994) and Ntagali and Hodgets (2011), have challenged the Catholic Church to consider recognising levirate unions and polygamy. However, feminist theologians I evaluated rejected levirate custom and called for its abolition. They argued that widows should not be abused in the name of culture and offered on the altar of African communalism (Phiri and Nadar, 2010). Human rights activists like Akoth (2013) termed levirate custom a violation of women’s rights and should be

abolished, while some Africanists suggested that the government needs to intervene to criminalise some abuses in levirate practice (Nyarwath, 2012). Scholars interested in health matters showed that the levirate custom promotes the spread of HIV/AIDS and condemned it as dangerous to widows (Shisanya, 2007; Kawango et al. 2010; Peterman, 2012; Perry et al., 2014; Miruka, Nathan and Obongo, 2015). The Catholic Church, however, insists that she cannot recognise any form of marriage other than what she teaches. It is clear that the scholars do not agree among themselves on the best way forward for Luo widows. Whereas one group is sympathetic to the widows and condemns the levirate practice, yet another is neutral appealing for “safe sex” during levirate union.

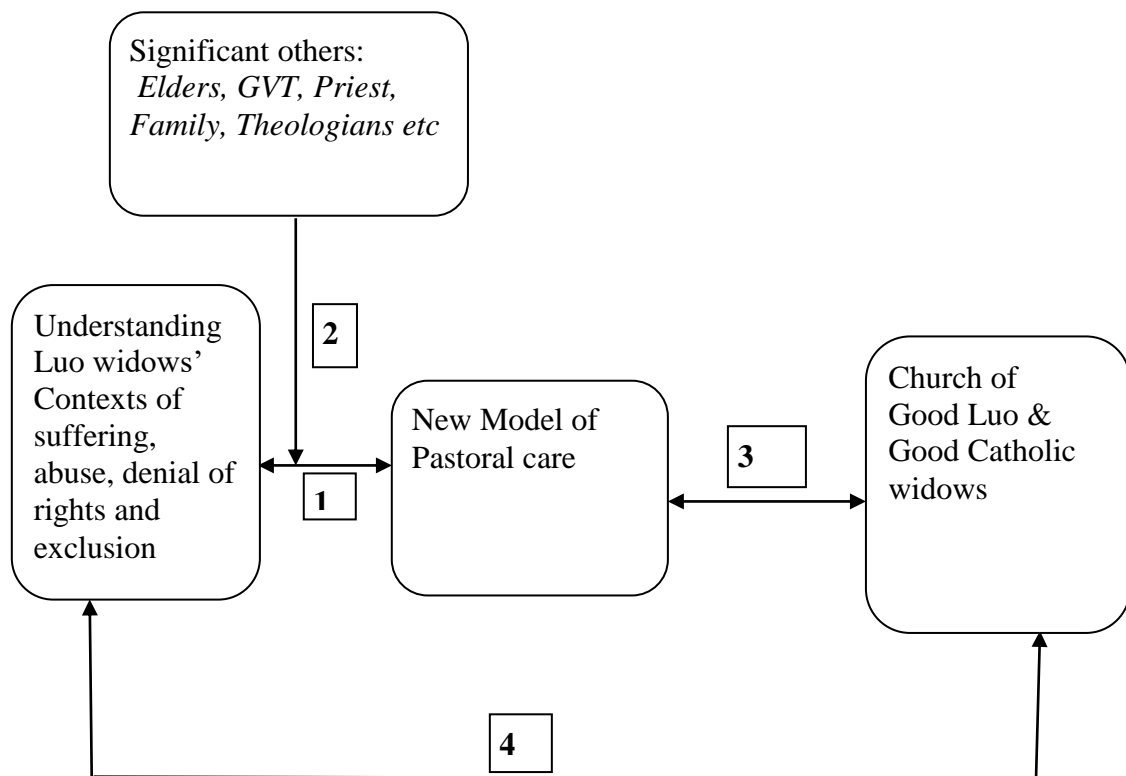
As the debate rages on, the Catholic widow is caught up in a dilemma. She is torn between rejecting levirate to remain in the Church leading to her ostracisation from her community, or embracing it thereby earning herself exclusion from the Sacramental life of the Church. From all the literature I have evaluated, there was no attempt to resolve the widows’ dilemma the way my study does. Not a single piece of the literature hinted at developing a new model of pastoral care that takes into account the views of Luo widows. This is the pastoral gap which this study sought to fill. Consequently, I have proposed a new model of pastoral care for Luo widows in the Archdiocese of Kisumu. I argue that if the new model is implemented, the gap we saw in figure 1 (1.3) will be filled in by widows who will live as true Christians and full members of the Luo community.

### **2.11 Conceptual Framework**

Having read the initial literature during the first survey in 2012 shown in appendix 2, and evaluated the literature on Luo levirate in this chapter, a conceptual framework emerged. The framework is all “about organising research activity, including data collection, in ways that are most likely to achieve the research aims” (Smith, Thorpe and Lowe, 2001, p. 33). It has to be clear and able to demonstrate the intended outcome. The framework shows that those who want to address the levirate custom have to enter into the experiences of widows. One does this by listening to the widows’ stories of pain, anxieties, fears, violations, exclusion and joys if any. Having immersed yourself into the world of widows, you have to move on to understand how the widows are perceived by significant others in the levirate debate such as: family members, elders, the Church,

theologians and government officials. I have called them significant others because whatever they do affects the widows either directly or indirectly.

The process follows a *reflexive* approach in which the researcher stops at every stage to reflect on the feedback and the group comes up with an agreed position. The main objective of this process is that a new perception of widows and a model of care emerges. The model eventually leads to the formation of Luo widows who are full members of the Catholic Church and full members of the Luo community as shown by Figure 5. The double-sided arrows explain the dynamism that occurs in a healthy interchange between the widows and the Church. In other words, the widows may influence the pastoral policies of the Church and the Church challenges the widows to live in accordance with the Gospel values. My conceptual framework reflects the process we already saw in the PCP in section 2.2.



**Figure 5: A Flow Chart Illustrating Conceptual Framework of this Study**

### 2.12 Conclusion

In this chapter, the presented literature revealed that the levirate custom raises cultural,

social, spiritual, human rights, and health issues that demand urgent response. The chapter has highlighted materials of value to this study and demonstrated that nobody has approached Luo levirate in the manner this study has done. Through evaluation of various texts from 1938 to 2016, I have identified the studies whose prior works enable me to take the debate forward. I have demonstrated the interdisciplinary nature of the task, which ranges from human rights to HIV/AIDS, anthropology to sociology, culture to traditional religion, and theology to Church teaching and widow care in the NT. I have shown that despite the vast literature on Luo levirate, nobody has attempted to develop a new model of pastoral care for and with Luo widows. To the best of my knowledge, no study available has developed a model of pastoral care that relies on the views of Luo widows themselves in the manner this study does. Consequently, I have shown that there is a pastoral gap that this study set out to fill. Literature evaluation has yielded a conceptual framework and confirmed that my use of the pastoral cycle in this study is unique. Proper application of a research paradigm and a conceptual framework often have a bearing on the research methods and methodology a study chooses. In the next chapter, I present the research methodology that enabled me to investigate the levirate custom in a systematic manner.

## CHAPTER THREE: RESEARCH METHODOLOGY

### 3.1 Introduction

In this chapter, I demonstrate that I carried out a detailed and complex research using a variety of research methods. In order to address the levirate topic, which is culturally emotional and doctrinally controversial, I needed to employ sophisticated methodological approaches. Consequently, the chapter starts off with a combination of philosophical theories upon which my study was based. I selected constructivism, interpretivism and critical feminist theories as the best suited for the levirate discussion. The chapter then presents multi-mixed research methods approaches, combining quantitative and qualitative techniques. This is followed by purposive and snowball sampling techniques that I engaged to identify and recruit participants in the study. In order to ensure reliability and validity of my findings, I opted for multi-methods data collection techniques. These included the use of questionnaire surveys, focus group discussions, mixed discussion groups, Delphi method, and narrative techniques. I next present the data processing and analysis methods the study used followed by ethical considerations, research process, study limitations followed by a brief conclusion. I argue that my choice of mixed research methods was justified and that it has enabled me to gather and present reliable data and make valid conclusions. Research methodology needs a solid philosophical basis on which assumptions and concepts are built.

### 3.2 Research Philosophy

The philosophical basis of a particular study helps the “researcher to recognise which designs will work and which will not” (Smith, Thorpe and Lowe, 2001, p. 21). Philosophy also aids the reader to understand the researcher’s arguments. The research philosophy for this study was determined by the main research question, Luo epistemological approach of consensus and the research assumptions. My main research question was what kind of Pastoral Model and Care is needed by the Catholic Church in Kisumu to effectively address Luo levirate custom? One of the study assumptions we saw in chapter one, was that offering widows a more honourable status in the Church, pointed to *a new model of pastoral care*. My main reason for making this assumption was that widows who are the victims of the levirate practice, have never been involved in the pastoral decisions regarding the levirate unions. Therefore, I opted for a research

philosophy that enhances my belief that one major step towards the levirate solution lies in listening to the voices of widows.

Since I chose a mixed methods approach in my study, I also anchored the same study on three philosophical approaches. These are *constructivism*, *interpretivism* and *critical feminist theory*. *Constructivism* is a philosophical paradigm, which “assumes that truth and knowledge and the ways in which it is perceived by human beings and human communities is, to a greater or lesser extent, constructed by individuals and communities” (Swinton and Mowat, 2007, p. 35). Both constructivists and interpretivists hold that:

“Human behaviour is affected by knowledge of the social world... The mind interprets experience and events and constructs meaning from them and that meaning does not exist outside the human mind and the agreement of human beings. In other words, human behavior is affected by knowledge of the social world, which exists only in relation to human beings (Wisker, 2008, p. 69).

Wisker (2008) is simply saying that *interpretivism* is a philosophical theory, which states that human behavior in a particular place and situation, is often guided by beliefs and feelings about their world and how it may be understood. Through the process of interpretation, society gives meaning to what it has constructed. In the case of Luo widows, whether one chooses to enter the levirate union or not is affected by her knowledge of her social world. This includes the knowledge of taboos, death rituals, and beliefs in spirits we saw in chapter one. A Luo Catholic widow is a subject of two worlds, the world of her community that practices levirate custom, and the world of the Church that condemns it. On the one hand, widows who have never travelled outside their community may believe that the levirate practice is the only option for them. On the other hand, modern Luo widows have been exposed to other cultures that do not practice the custom. The Luo widow is constantly pulled in two powerful directions and there is need for proper interpretation of her world. A critical approach to the Luo widow’s world is needed in the levirate issue.

Consequently, a *critical feminist theory* which is preferred by feminist theologians is relevant for my study. Critical theorists “want to show that constructions of knowledge and of value, representations of versions of readings of the world and lives, are relative to whoever is doing the constructing and representing, where and when” (Wisker, (2008,

p. 79). Critical feminist theorists focus on those who are treated differently because they are labelled as “other”. They would argue that levirate custom is constructed by those who wield power in society. It may be noted that critical feminist theorists are also constructivists because they believe in the dismantling of structures of oppression in order to reconstruct a society of equals where all human beings (fe/male) flourish. But they also embrace interpretivist’s paradigm as they examine “ways in which gender, race, and sexuality...are repressively inscribed in everyday life and representations” (Wisker, 2008, p. 79). Feminists want to eradicate oppressive social structures and cultural practices and beliefs that impede women from realising their full potentials as human beings. They believe these structures and practices are constructed by patriarchal societies to keep women under their domination. They know that “women in many parts of the world have internalised their state of “subordination”, and are living uncomplainingly with low self-esteem, and in silence, apathy, and with servile attitude to men and to the structures of Church and society” (Oduyoye, 1990, p. 64). Since this research proposes a *practical feminist liberation theology, critical feminist theory* was an obvious philosophical choice. Appendix 3 provides more information. The three philosophical bases of this study influenced my research approaches.

### **3.3 Research Approaches**

The study used a multi-methods research strategy that is, qualitative through focus group discussions, and quantitative (descriptive) research design although it was majorly qualitative. Data was collected through the use of questionnaires, focus group discussions and Delphi method to address the research questions. The first quantitative research design consisted of a survey of priests and catechists as shown in appendix 2. The second quantitative design involved widows found in appendix 4. Focus groups and a mixed discussion group involving Luo elders, government officials, Church leaders, health officers, social workers and widows followed an interview guide given in appendix 5. Report from these discussions are found in appendix 6 stored in CD ROM found on the back flap of the thesis. Data was also gathered from scholars, mainly female and male theologians who also responded to a questionnaire schedule presented as appendix 7. Their feedbacks are labeled appendices 8 and 9 also in CD ROM. The questionnaires were designed based on research questions and from the literature review. Survey data was analysed through descriptive analysis. Descriptive statistics helps in revealing information about the composition and distribution of data used in the analysis

(Cresswell, 2006). It is important to note that although I used multi-methods, the study relies heavily on qualitative research methodology. “Methodology is the rationale and philosophical assumptions underlying a particular study rather than a collection of methods” (Wisker, 2008, p. 67).

I opted for qualitative methodology because it “allows researchers to get at the inner experience of participants...” (Corbin and Strauss, 2008, p.12). Cultural phenomena, like levirate custom, are usually socially constructed. Consequently, qualitative research methodology is the best since “qualitative researchers stress the socially constructed nature of reality...” (Denzin and Lincoln, 2013, p.17). “Meaning does not exist in its own right; it is constructed by human beings as they interact and engage in interpretation” (Robson, 2013, p. 24; Gray, 2014, p. 20). This is how the model of pastoral care the researcher proposes has emerged from the widows’ own experiences and interpretations of social events. Furthermore, the issue of levirate custom is multi-faceted and required a holistic approach involving different interested parties bringing their views on board. Swinton and Mowat (2007, p. 50) suggest that “the most effective way that theologians can use qualitative research methods is by developing an eclectic and multi-method approach which seeks to take the best of what is available within the acceptable models of qualitative research....”. Consequently, I added the Delphi method to corroborate the survey findings and the focus group discussions and to delve deeper into some of the issues that emerged from other methods.

### **3.4 Population and Sampling Techniques**

Since the study was largely qualitative, I used non-probability sampling procedures namely purposive and snowball techniques recommended by Brannen (2005). The study employed a multi-stage sampling approach. In the first stage, 14 parishes were purposively sampled based on their year of establishment. The older the parish, the likelihood of a richer pastoral attention to widows (see appendix 2). In the second stage, widows from 24 parishes who responded to the structured survey were purposively sampled at the start and then moved to snowball. There were 42 parishes in the Archdiocese at the time of research. The same applied in the third stage for the different Focus Group members. In the fourth stage, Delphi members were all purposively sampled based on their writings on widows, interest in the levirate topic or whether they were from Luo ethnic community.

### **3.4.1 Sampling for the survey**

Purposive and snowball sampling techniques were used in identifying the respondents for the survey instrument. The researcher with research assistants visited the local administrators in each deanery who helped to draw up the list of widows. The first widows on the list were contacted and interviewed. At the end of the interview, the widow also introduced others and it snowballed to all the 94 participants. This is why the snowballing method is also called chain or referral sampling technique for identifying and engaging other participants in a study (Heckathorn, 2011).

### **3.4.2 Sampling for the focus group discussions**

Purposive sampling was used in the identification of members of the three FGDs and one mixed discussion group in Nyando deanery. The administrators also helped to identify health officers, social workers, elders and widows who participated in the mixed discussion group in Nyando. The priest and the catechist who took part in the mixed discussion group, were purposively sampled by the main researcher, because they had taken part in the initial survey involving priests and catechists. Priests and catechists in Kisumu and Siaya did not have time to attend all the three discussion sessions that had been planned. One focus group was formed in each of the three deaneries. There were 10 widows in each group making a total of 30 widows in all the FGDs. The mixed discussion group had 11 members. Each focus group discussion took an average of two hours.

## **3.5 Data Collection Techniques**

The study made use of a multi-data collection techniques. This was done to enhance validity and reliability of the findings in qualitative research. Primary data collection was done in stages through questionnaire surveys, Focus Group Discussions, Delphi method and narrative techniques (story-telling on experiences on the levirate practice).

### **3.5.1 The surveys**

The first stage of data collection was an exploratory survey in which a structured questionnaire was administered to 13 priests and 12 catechists. A total of 25 questionnaires were administered. The questions were both closed and open-ended. The aim of the first survey was to establish the current status of the levirate issue in Kisumu, and to gauge the perceptions of participants towards it.

The second stage of the data collection was a structured questionnaire instrument with 22 both closed and open-ended questions that was administered to the widows. I chose to use the questionnaire because it could be completed and returned with strict “anonymity” (Kumar, 2014, p. 181). It also allows respondents to have time to reflect on the answers they give to the questions posed to them. Questionnaires were administered by the researcher with the help of enumerators. In this way, illiterate widows also had a chance to give their views. Literate widows administered the questionnaires to themselves and were then collected by research assistants. Enumerators were trained before the start of the data collection by the researcher. As a control measure, a pilot study was done by the enumerators on one parish. A total of 10 questionnaires were piloted. This parish was excluded from the final data collection. The responses from the pilot study were then used to revise the questionnaire, which targeted 100 widows. At the end of the survey, only 94 widows had participated.

### **3.5.2 Focus group discussions**

Focus group discussions formed the third stage of data collection process. The discussions were informed by the issues that emerged from the survey findings. “Focus groups are a form of strategy in qualitative research in which attitudes, opinions or perceptions towards an issue... are explored through a free and open discussion between members of a group and the researcher” (Kumar, 2014, p. 156). Gibbs (1997) stresses that focus group is particularly suited for obtaining several perspectives, reveals shared understanding and show how views can be influenced in a group setting. This method was preferred “because... it is an efficient way of generating substantial amounts of data and easy to carry out” (Robson, 2013, pp.193-194). FGDs allow the use of an interview as another method because it “is often claimed to be “the best” method of gathering information” (Smith, Thorpe and Lowe, 2001, p. 72). In writing the findings, the researcher was keen to observe the warning by Morgan (1997, p. 64) that “writing the actual report of results of FGD requires a balance between the direct quotation of participants and the summarisation of their discussions.” FGD is even richer because participants are able to contrast their views to come up with a consensus position, which is considered the most appropriate epistemological approach to controversial issues like the levirate practice. All FGDs followed the pastoral cycle paradigm given in figures 3 and 4, (2.2).

The focus groups also encourage a range of responses from the participants regarding the research issues (Hennink, 2007). As Gaiser (2008) noted, discussion between participants provide the researchers with an opportunity to hear issues which may not emerge from a one-on-one interaction with the researcher alone. Another benefit of focus group discussion is the additional insights that can be gained from the interaction of group members (Newby et al., 2003). A successful FGD relies heavily on “the development of a permissive, non-threatening environment within the group” where the participants can feel comfortable to discuss their opinions and experiences without fear that they will be judged or ridiculed by others in the group (Hennink 2007; Blackburn and Stokes, 2000).

The main moderators of the FGDs were trained beforehand to address the power dynamics of FGs (Kitzinger, 1994, 1995). They were each asked to privately manage a sociogram during the discussions. The use of sociogram helps researchers keep track of who had spoken to who, and who had responded to who. In this way, they were able to ensure that specific members of the group did not dominate the discussions (Kitzinger, 1994, 1995; Leung and Silberling, 2006).

Before the first FGDs took place, participants were informed that during discussions, no view would be considered wrong or right; that all participants were searching for a common ground and, therefore, all views would be considered important (Kitzinger, 1994, 1995). During the interviews, the researchers played a facilitative role by directing the discussions along the study objectives. Participants were urged to discuss all issues freely. After each FGD, the lead researcher met with research assistants to evaluate how the discussions had gone, and what needed to be improved for the next meeting. The sociogram and the voice recorders also assisted us to note those who tended to dominate the discussions. A focus group discussions’ protocol was designed in line with the research questions as shown in appendix 5. The outcome from FGDs was compiled and presented in appendix 6. The interviews were voice recorded, analysed, and later erased to protect the identities of participants. Each FGD took an average of two hours.

For the purpose of consensus building, I created a Mixed Discussion Group (MDG) in Nyando deanery. Members of the MDG were distributed as follows: Two elders (male and female) who were custodians of Luo culture, two widows in levirate unions (young

and middle aged), one old widow who had been in levirate but no longer was at the time of discussions, one widow who never contracted levirate, one chief (male) representing the government, one clinical officer (male) who addressed HIV/AIDS issues, one social worker (female) who visits HIV-infected persons in villages, one priest (male) and one catechist (male) who represented the Church as custodians of doctrines. A total of 11 participants (6 women and 5 men) drawn from diverse faith communities took part in the MDG. Their discussions followed the same interview schedule as the three focus groups. In this group, the dialectical process elicited by following the PCP was notable. The dialectical process involved creating conflicting ideas among different stakeholders to engage in heated discussions that ended with a consensus. Appendix 1 explains how the dialectics were applied during the mixed group discussion. For example, elders and young widows engaging the priest and catechist on levirate unions or medical officers and social workers confronting widows with the reality of HIV/AIDS and levirate practice. The result of the MDG is available in appendix 6 stored in CD ROM.

### **3.5.3 Delphi Method**

One way of ensuring consensus was the reliance on Delphi as fourth method of data collection. Delphi entails the use of or reliance on the knowledge arising from experts' analyses and reflections. In my case these were female and male and theologians who could add value to the levirate question. "The Delphi method is an interactive process used to collect and distil anonymous judgments of experts using a series of data collection and analysis techniques interspersed with feedback. The method is well suited as a research instrument when there is incomplete knowledge about a problem or phenomenon..." (Skulmoski, Hartman and Kran, 2007, p.1). The survey is usually carried out in two or more rounds. Analysed data is sent back to participants to check whether they want to change their views having seen what other respondents have said on the same. The outcome of their feedback enables the researcher to do dense reflection on the subject of study. Delphi method was critical in the development of a reliable practical feminist liberation theology. In order to be confident that the theology of widowhood this study proposes would be acceptable to the Church in Kisumu, the input of theologians was mandatory.

The questionnaire for the Delphi was administered to the theologians via email. The researcher generated an anonymous table with columns bearing each respondent's

contribution and space for personal comments after reading the views of other participants. In the second round, each participant read the views of others to the same questions and were able to review their original positions before sending their comments back to me. In the third and final round, I swapped the responses between the male and female theologians. The final results and general comments from the fe/male participants were summarised and are available as appendices 8 and 9 in CD ROM. Their views are brought into the levirate debate in chapters four and five.

#### **3.5.4 The Narrative Method**

I also used narrative technique within the FGDs as a method of gathering data. Narrative research method “is a family of approaches which focus on stories that people use to understand and describe aspects of their lives” (Robson, 2013, p. 374). My experience is that the Luo are usually more comfortable sharing their personal experiences and those of others using stories. In this way, narrative method helps to “stimulate dialogue about complex matters and about social change” (Chase, 2013, p. 71). It also makes respondents comfortable because they are able to talk about themselves indirectly. Besides, Teddlie and Abbas (2013, p.137) stress that “narratives are intrinsically more interesting ... than numbers. Indeed, Chase (2013, p. 71) stresses that “when survivors or marginalised or oppressed groups tell their stories,...they may demand that people who hold legal, cultural, or other forms of power take action to bring about justice”. The narratives are found in the FGDs report marked as appendix 6 in CD ROM.

### **3.6 Data Processing and Analysis**

Data analysis “is the process of bringing order, structure and meaning to the complicated mass of qualitative data that the researcher generates during the research process” (Swinton and Mowat, 2007, p. 57). In this process, data is arranged in a thematic manner thus rendering meaning attainable as shown in chapter four.

#### **3.6.1 Survey Data Analysis**

In this study, closed-ended questions were analysed quantitatively using Statistical Package for Social Sciences (SPSS). The field survey data was coded and entered by the coordinators using a common template. Before analysis, data was cleaned for consistency and completeness. Descriptive analysis was done for the survey and the findings were then displayed on simple frequency tables and bar graphs as seen in

chapter four.

### **3.6.2 Analysis of Focus Group Discussions Data**

Focus group discussions and interviews were transcribed to provide the data for analysis. The transcriptions were then coded and emergent themes identified and grouped. The data were reduced into categories, sub-categories and codes to which the data were attached. The categories, sub-categories and codes were identified from two sources: First, from the terms used by participants such as ‘freedom to choose a man to live with’, ‘denied the right to inherit property’, ‘the government may protect us’ or ‘the Church may involve us’ and so on. Second, from terms used in existing literature for example, economic empowerment or violation of human rights. Strauss and Corbin (1998) advise that such terms may be picked up as indicative of the meaning being communicated. The determination of categories was also guided by my research questions. Explanations are given following narrative, analysis, description, and interpretation techniques in chapter four.

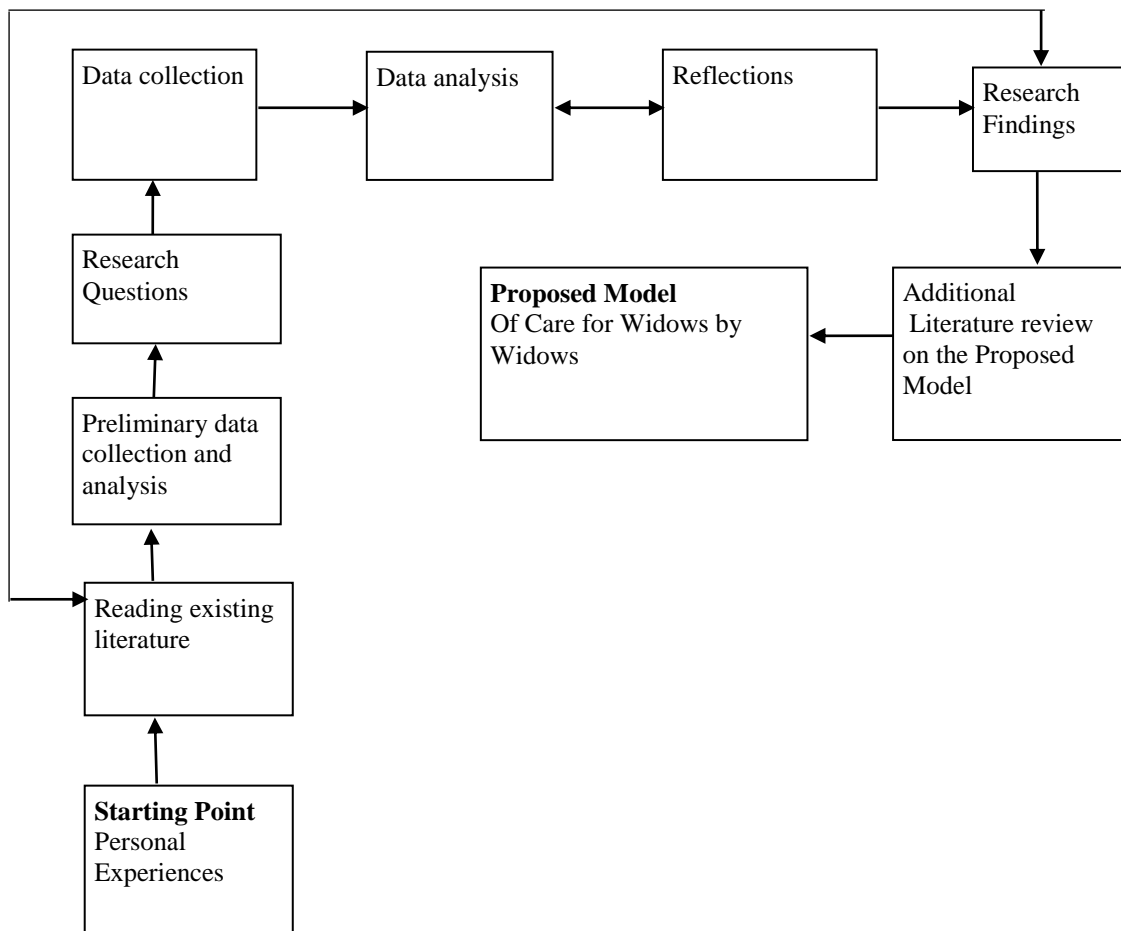
### **3.6.3 Documentary Analysis**

In my attempt to develop a new model of pastoral care for Luo widows, it was clear that my unit of analysis would be what the widows themselves said on the levirate custom. Consequently, all the data I gathered were given a hermeneutical interpretation in the light of the positions taken by the widows. The voices raised have been listened to in the light of documentary evidence by various experts in the fields of health, sociology, human rights, the Church and theologians. Although these various voices were heard, they were considered secondary, because the voices of widows were paramount in this study. Chapter five shows how I used extant literature in the levirate debate.

## **3.7 Research Process**

The process of this research started with my personal contexts explained in chapter one. This was followed by initial literature I read during the first survey labeled as appendix 2. The survey confirmed that there was a problem worth investigating and was published in the *Tangaza Journal of Theology & Mission* (Ojore, 2014). Critical reading of available literature was done as shown in chapter two. Additional evaluation of relevant literature continued as the thesis progressed. Throughout the data collection process, the researcher kept a reflexive journal of issues that were emerging. The process was a-feed-

backward and a-feed-forward experience, that is, re-visiting both the past and forecasting into future possibilities. Due to the complex nature of Luo levirate custom, I opted for a multi-methods approach to my investigation. This was to ensure consensus and to achieve the highest reliability in the results. In chapter four, the emerging findings were discussed in the context of the literature already reviewed. Additional literature was brought into the discussions of findings in chapter five. In the context of my findings from widows and the existing literature, a new Pastoral Care for Widows emerged. Figure 6 attempts to trace the research process.



**Figure 6: Research Process**

The process led me to forge important linkages with people who have added value to the study. For example, I have been in constant touch with both Laurenti Magesa and Stephen Bevans, whose models of doing contextual theology this study has relied on. I also made contacts with two resourceful women in the Netherlands namely Rentia and Sieth, who have run Widows and Orphans Projects in Kisumu since the 1980s. Their models will be reference points for Kisumu widows in terms of income generating

projects and collaboration. In England, I got in touch with Ms Mary – Jane Butler who is “founder and organiser of Widows and Orphans in Rural Kenya (WORK), which funds health care, education and training” (Backler, 2015, p. 29). Butler’s work with widows in the Catholic Diocese of Bungoma, in Western Kenya, informs my study on how widows can be self-supporting.

### **3.8 Ethical Considerations**

In keeping with Anglia Ruskin University Policy and Code of Practice for the Conduct of Research with Human Participants, this project received the required approvals from: the Faculty Research Ethics Panel, the Kenya Government through the National Council for Science and Technology, and authority from the Archbishop to carry out research in Kisumu. Levirate custom involves discussions on death and one’s sex life, hence it was likely to cause pain and hesitation to discuss or disclose important facts. Consequently, the researcher engaged two women research assistants to interview widows. In order to avoid hurting widows, assistants were cautioned not to ask any questions outside the interview schedule. The assistants were also instructed to avoid probing respondents where they noticed reluctance to give details on a question. Besides, the two women assistants were married and were therefore potential widows culturally speaking. This awareness helped to raise the level of trust and openness while embarrassment was reduced to the minimum or eradicated altogether. Since the two research assistants were from the Catholic University, widows felt that for the first time, their plight was being addressed by the Highest Catholic Institution in the country. This awareness motivated them to share their experiences freely.

The research process requires that, for maximum benefit, the Focus Group Discussions with women would be conducted by a woman. I began the sessions by introducing myself, the research assistants, explained about the participant consent form and participant information sheet and then planned to leave them. I wanted to respect the sensitivities about lack of gender parity and to allow the women to discuss the issues without the constraints the presence of a man might have imposed. However, participants in the three focus groups in the three different deaneries, called me back into the rooms after 10 to 15 minutes. They insisted that I sit through all discussions and hear their stories, because it is we, Luo men, who are responsible for their miseries. Luo widows were telling me that eradication of forced levirate unions starts with men listening very

carefully to what they have to say. The widows were already moving from victims into protagonists of their own change, by taking control of how they wanted the debate to be conducted. Research ethics demand that researchers treat respondents with dignity and respect. My compliance was demanded and I gave it. During the sessions, it dawned on me that my conceptual framework and research paradigm called for deep immersion into the widows' experiences of abuse and pain. It was providential that the widows took me along with them. My own transformation by this experience is found in chapter eight (8.5).

During tea breaks, I was struck by the animated exchanges by widows among themselves and with me. The relief and the sense of peace on their faces hinted to me that some kind of healing process had started. It is possible that for many of them, their sad stories had finally been heard and their hope was that something would be done about it. I was convinced that by telling their stories to a listening man, some kind of cathartic healing had occurred. My research faced some challenges.

### **3.9 Limitations of the study**

This study was done amidst several limitations that need to be noted. First, Kisumu Archdiocese is huge and made up of three deaneries of Kisumu, Siaya and Nyando with a total of 42 parishes. Since the study involved widows from 24 parishes, I consider this representative enough to provide acceptable results. Second, due to limited resources and time, the study left out the Catholic Diocese of Homa Bay with a huge population of Luo people. However, it is my conviction that the findings from Luo widows in Kisumu closely reflect the realities of widows in Homa Bay. Consequently, the proposed pastoral actions in Kisumu may apply to Homa Bay as well. Third, this study was carried out on widows in the rural parts of Kisumu. Elite Luo widows spread in towns and cities across Kenya were left out. However, the focus group at St. Peter's Nanga in Kisumu City had some elite widows who made up for this limitation.

Fourth, in chapter one, we saw how the researcher had been personally affected by the custom in three different contexts. Being such an insider may be a limitation in the sense that I may be either anti-levirate or pro-levirate. However, I have made it clear that it is the views and perceptions of widows that count in this study. Besides, I ensured objectivity through the mixed methods I used in this research. But it has also been said that practical theological research "is a partnership between an insider and outsider

team... to renew both theology and practice in the service of God's mission" (Cameron et al, 2010, p. 63). Swinton and Mowat (2007) also observe that the one who facilitates reflection and understanding, also represents valuable insights that shape the result. This is why reflexivity was critical in this practical theological piece as explained in chapter two (2.11). Reflexivity is a "research practice by which the perspectives and self-understandings of the researcher are subject to critical scrutiny as a primary source" (Graham, 2013, p. 150).

Fifth, I am not a moral theologian and yet I have dared to write a thesis on a topic that has serious moral overtones. I am confident that the moral issues in this work have been addressed adequately because one of the supervisors of this work was an African Catholic priest, who is one of the foremost moral theologians in the continent today. Consequently, it is my conviction that moral issues in the thesis were taken care of and that all my arguments are logically sound even if they may be morally controversial.

Sixth, poverty of human language in God-talk is always a limitation in any theological work. For example, referring to Jesus Christ as king, chief, elder, and in the widows' case husband, can be problematic. Those who have been under autocratic kings, chiefs, elders and violent husbands, may not want to associate these titles with Jesus Christ. However, we see in chapter seven that both the Old and New Testaments, use marital language analogously, to describe the relationship between God and his people Israel. In this sense, this study is perfectly justified to apply the term husband to Christ.

Finally, the main focus of this study were Luo Catholic widows in Kisumu. Hence, the findings and proposals may not be replicated in their entirety in other places in Kenya that practice the levirate unions. Similarly, the model of pastoral care this study proposes, may also not apply fully to other Christian Churches that treat widows differently from the way the Catholic Church does. In the first survey of this research labeled appendix 2, I mentioned that levirate custom is practiced among many ethnic communities in Kenya and in more than fourteen African countries. Even if my proposals may not be applied in the same way as suggested for Kisumu, other Catholic dioceses in Kenya and Africa, can use them to design models relevant to their own contexts. Most importantly, it is my hope that this study will trigger many similar studies in African countries with the levirate challenge. In the next chapter, I present data analysis and interpretation.

## **CHAPTER FOUR: DATA DISPLAY, ANALYSIS AND INTERPRETATION**

### **4.1 Introduction**

This chapter displays, analyses, discusses and interprets the data gathered using a structured questionnaire, focus groups (FGs), Discussion Group (DG) and Delphi method. The findings are displayed on simple frequency tables and bar graphs. Since the main focus in this research are Luo widows, the whole chapter presents their perceptions, views and attitudes towards levirate unions. Results from the questionnaire administered to 94 widows are used to initiate discussions. In order to delve deeper into the emerging issues, the researcher invites the voices of other widows in the four focus groups and significant others such as theologians, the government and politicians, Luo elders and the Catholic Church. Since this study used mixed research methods, narrative technique has been used throughout the chapter to accommodate all diverse views emerging from the rich data at my disposal. All the findings and discussions take place in the light of the research problem, research objectives, questions and assumptions outlined in chapter one.

In order to ensure a logical flow, the chapter starts off by introducing participants in the research and then swiftly moves to present their responses in line with the research objectives and questions. It exposes the views of Luo widows towards levirate custom and death taboos, why they think levirate custom has persisted in Kisumu and how they want the significant others to help them address it. The chapter then indicates the roles the widows would like to play in the Church, and the pastoral model they would prefer to support those roles. The ministries widows want to engage in are also outlined in this chapter. The chapter concludes that the majority of the widows (79.3%) feel that levirate custom is retrogressive and should be abandoned immediately. However, there is a significant minority (20.7%) who suggest that the custom could be upheld but with radical transformation, which may call for a return to the way it was done in the past. This conclusion arises from critical discussions of issues emerging from the data presented in the chapter.

The results of the first survey marked appendix 2 was already examined as part of this thesis. Consequently, participants in that survey are not included in the data I present in this chapter. During my second survey, a total of 141 people participated in the study distributed as follows: 94 widows who answered the questionnaire, 30 widows in the

three focus groups, 6 women and 5 men in the mixed discussion group, 3 female and 3 male theologians. Of the 133 women participants, only 4 women were not widows. Whereas 25 men took part in the first survey, only 8 men took part in the second one. This proves that Luo women who were widows, were the main focus of this study. The study targeted 100 widows (100%) in the structured questionnaire and 94 widows (94%) took part giving me a good response rate needed for reliable results. Biodata of participants were also noted.

#### 4.2 Demographic Profile of the Respondents

The questionnaire that was answered by the 94 widows started by asking them to provide demographic information on their age, education levels, occupations, years of widowhood and whether they belonged to any association of widows. This kind of data assists me to see, at a glance, the nature of the respondents I engaged in the research, and why they may have been affected in various ways. Table 1 provides the summary of the bio-data variables.

**Table 1: Demographic Profile of the respondents**

	Characteristic	Frequency (N)	Percent (%)
Age	18-24 years	2	2.1
	25-30 years	7	6.8
	31-36 years	14	15.7
	37-42 years	16	18.0
	43-50 years	11	12.4
	Above 50 years	40	44.9
	<b>Total</b>	<b>90</b>	<b>100.0</b>
Education	Primary and below	46	55.4
	Secondary	15	18.1
	College	19	22.9
	University	3	3.6
	<b>Total</b>	<b>83</b>	<b>100.0</b>
Occupation	Unemployed	18	19.2
	Self employed	25	25.5
	Employed	28	30.0
	Charity	23	24.5

	<b>Total</b>	<b>94</b>	<b>100.0</b>
Years of widowhood	Below 1 year	5	5.7
	1-5 years	14	16.1
	6- 10 years	19	21.8
	Above 10 years	43	49.4
	<b>Total</b>	<b>81</b>	<b>100.0</b>
Member of association	Yes	23	27.1
	No	62	72.9
	<b>Total</b>	<b>85</b>	<b>100.0</b>

Age was one of the critical variables in the Luo levirate custom. It is critical because it is one factor that determines whether a widow is subject to levirate union or not. Table 1 presents the age of the respondents in simple frequencies. It illustrates that 50 widows (55%) out of the 90 (100%) who responded were still subject to levirate unions. But this result also confirms that many Luo women are widowed when they are still relatively young and that the levirate challenge is real and needs to be addressed. Study by Mutongi (2007, p. 4) found out that “nearly 30% of adult women in Africa were widows” and that many of them entered levirate unions. Education of widows was the second important variable explored by the study.

It was important for us to explore the level of education of widows involved in this study. This was because sound education would, not only, enable widows to make informed choices, but it would also equip them with the skills they need to tackle levirate custom and bring about the social transformation they desire. Consequently, widows were asked to state their levels of education. Table 1 also provides this vital information. A large majority of widows 61 (73.5%) out of the 83 (100%) who responded only received both basic (primary) and secondary education. A minority of 22 (25.5%) respondents had both college and university education. Ojore (2014, p. 91) argues that “education level is critical for effective engagement in dialogue and contextualisation of the Christian faith in every context. It also determines one’s ability to receive, retain and disseminate sound doctrines of the Church.” It has also been proven that “education increases knowledge, which can break down barriers to social participation. It can also expand perspectives, values and aspirations and encourage critical and analytical

thinking beyond individual circumstances (Kuh, 1995; White, 1997; DLP, 2011). In Kenya today, a high level of education is key to securing good jobs and good living. Minimum education exposes people to manipulation and to servitude. The low level of education manifested by the majority of the widows who took part in the study, suggests that they are susceptible to all manner of abuse without recourse. The next interesting variable was occupation of participants

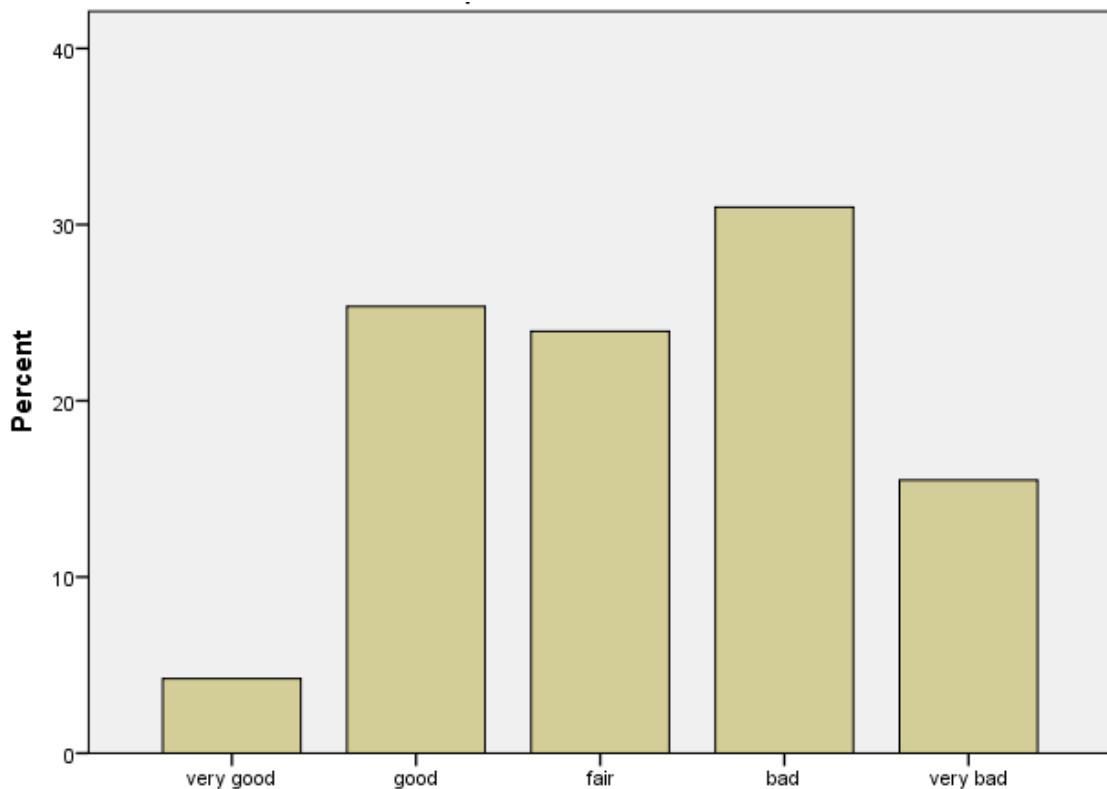
When asked to indicate what kind of work they did for a living, a significant number 41 (43%) stated that they were either unemployed or they depended on charity for survival. Even the 25 widows (25.5%) who cited self-employment actually indicated that they vend roasted maize, sold charcoal, sugar cane, bananas or run temporary saloons. They may actually add to the 43%. The implication here is that over 68.5% of the respondents had no paid jobs, relied on charity or merely struggled to scrape through each day. Statistics can be found in Table 1. The table shows that a significant number of the widows who participated in this survey fell into the category of destitute persons. Widows who have no sources of income are more likely to enter levirate unions than those in employment.

Being widowed while young, poorly educated and unemployed, can be a very frightening experience. It is double tragedy if one has also been excluded, ostracized, humiliated and subjected to all manner of abuse. Widows were, therefore, asked to state the number of years they had lived as widows. This was important because it would inform us of how many years each widow has been excluded either from Church or community life, depending on whether they lived in levirate unions or not. Their responses are also shown on table 1. It is clear that 43 (49.4%) of the respondents had been widows for over ten years. We therefore sought to know if the widows were members of any association that gave them assistance in any form. A huge majority, 62 (72.9%) did not belong to any association. Only 23 (27.1%) belonged to some form of support group, usually merry-go-round for small loans. A widow without any support system is also likely to fall into levirate union due to desperation.

We saw in chapter one (**1.2** and **1.3**), that the research problem of this study was that Luo Catholic widows who reject the levirate custom get ostracized by the community, while those who comply are excommunicated by the Church. In order to gather views, attitudes and perceptions of widows on how to address this dilemma several questions were

presented to them. Widows were asked to state whether they had contracted levirate unions willingly or they had been forced into it.

Out of 94 widows (100%), 65 (69.1%) responded to the question. The distribution of frequencies shows that 35 widows (37.2%) entered the union willingly while 30 (31.9%) entered forcefully. It is interesting to note that these two figures are not far from each other in range. The fact that the majority of those who responded to this question entered levirate freely was rather surprising. It was surprising to me because I had assumed that Luo widows wanted levirate custom abolished, since it had brought suffering on them. The assumption is apparently being contradicted by this data. However, when asked to rate their experience within levirate unions, a different picture emerged. Figure 7 illustrates the ratings of those who responded.



**Figure 7: Experiences in Levirate Unions**

The bar chart shows that 46.5% of respondents rated their experience as either very bad or bad, compared to 29.6% rating the experience as good or very good. We have already seen that 37.2% of them had entered the union willingly while 31.9% had entered forcefully. It appears that a certain percentage who entered willingly expressed their experiences as very bad or just bad. They did not get what they had expected when they

entered into the unions. This begs the question what happened? In order to respond to the question comprehensively, several questions were asked to gauge the widows' perceptions towards levirate custom. The answers to these questions are of interest to the researcher, because they may also address some of the research objectives and questions of this study. One of the objectives of the research (1.4) was to present the perceptions of widows on Luo Levirate Customs today. Consequently, widows were asked to state whether levirate custom was still strongly kept where they lived. A large number 55 (58.8%) said yes while a rather moderate number 37 (39.4%) said no. It is noticeable that, whereas levirate is still being strongly observed in many places in Kisumu, change is already occurring as confirmed by those who said no. Table 2 presents the summary of all the questions posed to gauge the perceptions of widows and the responses they gave.

### 4.3 Perception of Levirate Custom by Luo Widows

**Table 2: Perception of Levirate Custom by Luo Widows**

<b>Statements</b>		<b>Frequency (N)</b>	<b>Percent (%)</b>
Why levirate union is strongly kept?	Tradition	40	66.7
	Ostracism	4	6.7
	Sexual desire	5	8.3
	Socio economic needs	2	3.3
	Societal violence	4	6.7
	Ignorance	5	8.3
	<b>Total</b>	<b>60</b>	<b>100.0</b>
Why do you think the custom persists?	Strength of Luo culture	43	51.8
	Ignorance of negative effects	5	6.0
	Shallow evangelisation	14	16.9
	Superstition	17	20.5
	Poverty	4	4.8
	<b>Total</b>	<b>83</b>	<b>100.0</b>
What purpose is the custom serving today?	Serves no purpose	38	59.5
	Spread HIV/AIDS	6	9.4
	To maintain tradition	6	9.4
	Oppress women	1	1.6

	Avoid prostitution	1	1.6
	Continue family support	12	18.8
	<b>Total</b>	<b>64</b>	<b>100.0</b>
What are the Injustices in levirate unions?	Forcing widow into levirate and denying her the right to choose freely	29	38.2
	Denial of widow's right to inheritance and stealing from them	31	40.8
	Looting property of the dead	11	14.5
	Abuse of orphan's rights to education	5	6.6
	<b>Total</b>	<b>76</b>	<b>100.0</b>

In order to investigate levirate unions further, respondents were asked to explain why they stated that levirate unions were still strongly kept. Tradition, fear of ostracism and societal violence against the widows were cited by 80.1% as the main reasons. Other explanations given by 19.9% of participants were ignorance and satisfaction of sexual and socio-economic needs. In my view, these responses are significant in the sense that the forces behind the observance of levirate custom are more externally driven than internally. In other words, if it were not for demands from tradition, fear of ostracism and societal violence, the majority of the respondents would not enter levirate unions. Those who observe it for personal (internal) needs such as ignorance, sexual desire and economic support would be a minority. Perhaps there are other explanations why levirate custom still binds Luo women.

One of the research questions of this study (1.5) was to ascertain why levirate custom has persisted in Kisumu. Respondents were, therefore, further pressed to give their views on the issue. Culture again featured as the main driving force at 51.8%. Other reasons such as: ignorance of the negative effects of levirate, shallow evangelisation, superstition, and poverty added up to 47.3%. The implication here is that if these issues were addressed adequately, then the number of widows entering levirate unions would be reduced

drastically. It would only concern those who will have freely chosen to keep the custom.

Different Focus Groups (FGs) and theologians in Delphi also gave their views on why levirate unions live on among the Luo. Views of widows from all FGs were very well articulated by Awasi when they explained:

The culture persists because there are customs connected with inheritance such as ploughing, planting and harvesting, which you cannot do without first having ritual sex (*golo pur*, *kodhi* or *golo cham*). This custom is also perpetuated due to ignorance (*koso ngeyo*) and fear of death taboo. Furthermore, widows who reject inheritance are considered worthless and voiceless. Because they are declared enemies of the society, they are provoked and humiliated in public, abused without reason and even beaten. We need protection (Appendix 6, Awasi FG, 6/1/2015, 11.00 – 1.00 pm).

We had already discussed the meaning and role of taboos in the life of a Luo in chapter one (1.9.6). Respondents mentioned taboos as the major reason behind the continued observance of levirate custom. During the study, the researcher asked the participants to confirm whether a Luo widow had to observe death taboos after her husband's death. The majority (84%) said yes while only 8.5% said no. Asked how they would rate taboos, 74.5% termed them very bad while 20.5% said they were good. It is important to note the consistent voice of the minority insisting on levirate even when the majority calls for its eradication. The explanation to the voices calling for the abandonment of levirate unions was provided by Siaya FG when they said:

The taboo is that after the death of a husband the widow is unclean. But nobody tells us how this comes about. Why is it that when a woman dies, the husband who remains a widower is clean? To remove the taboo you have to have sex with someone. We cannot understand how having sex with someone prevents our children from dying. But our children still die even after inheritance. Luo death taboos are backward because these days if there is no family member ready to stay with you, you are told to go to the market place to buy the inheritor to free you from the taboo. The widow is expected to do it whether she likes it or not. In this way taboos kill us by spreading HIV/AIDS. We want this custom abolished or let the Luo go back to the way it was done in the traditional society (Appendix 6, Siaya FG, 12/2/2015, 11.00 – 1.00 pm).

In spite of such an ardent appeal, an elderly widow from Nanga FG insisted:

I want to say that *ter* (inheritance) will not end among the Luo. As long as there is death, young widows will always be left on their own. Many of them will not wish to go anywhere with their children. But they have to be allowed to move on

with life. Considering the strict culture on widows and their children, there is need to free widows to marry men of their choice and not strictly relatives of the dead. Sometimes those available relatives may not be healthy or may not be the widow's choice. The community must accept that widows are not children. We are able to decide for ourselves (Appendix 6, Nanga FG, 8/2/2015, 11.00 – 1.00 pm).

Female and male theologians also added their voices to the persistence of levirate unions in Kisumu. They were in agreement that:

Because the widow is declared *chi lie* (wife of the grave), this idea evokes awe and fear. The widow is in powerful invisible grips of spiritual powers that she must never dare to offend. She has to remember all the time that she is never single. This prevents her from venturing into starting life a fresh because she feels that she has to keep peace with the invisible world. If displeased, the spirit of the dead can wreak havoc on the living, especially the widow. It is very hard to change customs that have given people security and supported life for a long time. Levirate custom is part of Luo tradition and traditions die hard. It will take a very long time before the practice is transformed. Approaches to levirate by the Church have not met the needs of widows. A well thought pastoral strategy is needed to address the levirate matter seriously (Appendix 8, Q2).

When a cultural practice persists, like levirate has, it means that it still serves specific purposes in the society. Following this line of thinking, widows were asked to identify the purposes the levirate custom still served among the Luo in Kisumu. A majority, 70.1% were categorical that it served no purpose at all, but only facilitated the spread of HIV/AIDS and led to oppression of women. Only 29.8% thought the practice helped to maintain tradition, to avoid prostitution, and to continue family support. It is significant to note that there is a certain group of widows who, consistently hold that levirate custom still serves an important role in Luo community. Their views have to be taken into consideration to avoid the tyranny of the majority. If a prevalent cultural practice serves no purpose, as has been pointed out by many widows, then it is likely that those who observe it suffer some inconveniences.

In order to find out such inconveniences, respondents were asked to confirm if there were some injustices connected with levirate custom. The overwhelming majority 82 (90.1%), affirmed that there were many injustices. Asked to name the injustices, the respondents cited the following: forcing widows into levirate; denying them the freedom to choose their own partners or to live on their own; denying widows the right to inherit the property of their deceased husbands; looting the property of the dead and abuse of the

orphans' right to education. These injustices were also mentioned in every FG. This response indicates that widows were almost unanimous that levirate custom, as is practiced by the Luo in Kisumu today, grossly violates the rights of both widows and orphans. This claim seems to be justified because when the same widows were asked whether levirate custom should continue or not, again a large majority 73 (79.3%) out of the 92 who responded declared that it should end. However, a small minority 19 (20.7) still preferred to keep levirate law.

We have seen that some respondents pointed out that levirate unions spread HIV/AIDS. They were subsequently challenged to agree or disagree with the claim that Luo levirate custom has led to the rapid spread of HIV/AIDS in Kisumu. Participants were almost unanimous, 86 (94.5%) of them agreed strongly, while 5 (5.5%) disagreed. When the same question was put to the widows in different FGDs, their responses confirmed that levirate unions facilitated the spread of HIV/AIDS. A widow from Nanga FG shared her story saying:

I was being forced to live with a man that was HIV positive and he has since died. My husband died in the second year of our marriage so I was still very young. It is time the Luo stopped the practice. Some widows can't resist and they end up getting AIDS and they die leaving their children as total orphans. How can our families let us die as they watch? Do they want us to follow our husbands so that they can take all the land? (Appendix 6, Nanga FG, 8/2/2015, 11.00 - 1.00pm).

A widow from Ombeyi DG told her story: "My husband died in 2005 and I had to look for a man myself. When I found a willing man, he refused to come with me for HIV test. Eventually you get frustrated and go with a person who may be sick because you want the taboo to go so that you can live a normal life." A widow from Awasi group confirmed that levirate unions spread AIDS when she said: "My husband left me healthy when he died but the man who inherited me infected me with HIV."<sup>6</sup>

It is, therefore, surprising to mention that a male theologian in the Delphi study insisted that levirate unions do not facilitate the spread HIV/AIDS. He argued that:

Levirate unions can help to curb the spread of HIV/AIDS. A young widow who is positive and has no *levir* is likely to infect many unsuspecting sexual partners. Recent studies in Kenya have shown that many married people are infected through prostitution. Levirate custom prevents prostitution in the villages so it is

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<sup>6</sup> Appendix 6, Awasi FG, 6/1/2015, 11.00 – 1.00 pm.

one way of fighting HIV infection. If a widow is HIV positive, then match her with an infected partner. With medical advice, they may live normally. In this way you control infections by widows (Appendix 9, Q3).

However, two female theologians in the same Delphi explained that:

Research on HIV/AIDS indicates that generally, there is a significant correlation between some cultural practices and HIV infections. The geographic map of HIV in Kenya testifies to the fact that those areas that have cultural practices like levirate are more affected than others. However, we need to educate and sensitise the widows, especially those whose husbands have died due to HIV/AIDS related illnesses. The husbands' relatives may not want to inherit the widows because they know the facts. But some widows may hire a stranger to have sex with them in order to set them free from death taboos (Appendix 8, Q3).

A survey carried out by Ojore (2014) confirmed the link between HIV/AIDS and levirate custom in Kisumu. The views of these female theologians is therefore more credible than that of their male counterparts in the study. The question that arises is why a theologian would affirm that levirate unions do not spread HIV/AIDS against all the available evidence? My opinion is that the levirate custom has always been about male control of the female gender. The position of this male theologian merely reveals his deep sympathy with the culture that he sees threatened by handing over control and final decisions to women. In his life time, a Luo man controls his wife, children and property. At his death, this authority is unilaterally assumed by the surviving brothers and other male relatives, as has been proven by various confessions by widows in this study. In their zeal to ensure consolidation of family property and unity, they are paradoxically averse to the suffering of widows and orphans. But it is also known that African intelligentsia have been accused by Fanon (1952, 2008) for vouching for foreign practices at the expense of indigenous African values. It is possible that some African elites try to support cultural practices to appear faithful to African practices.

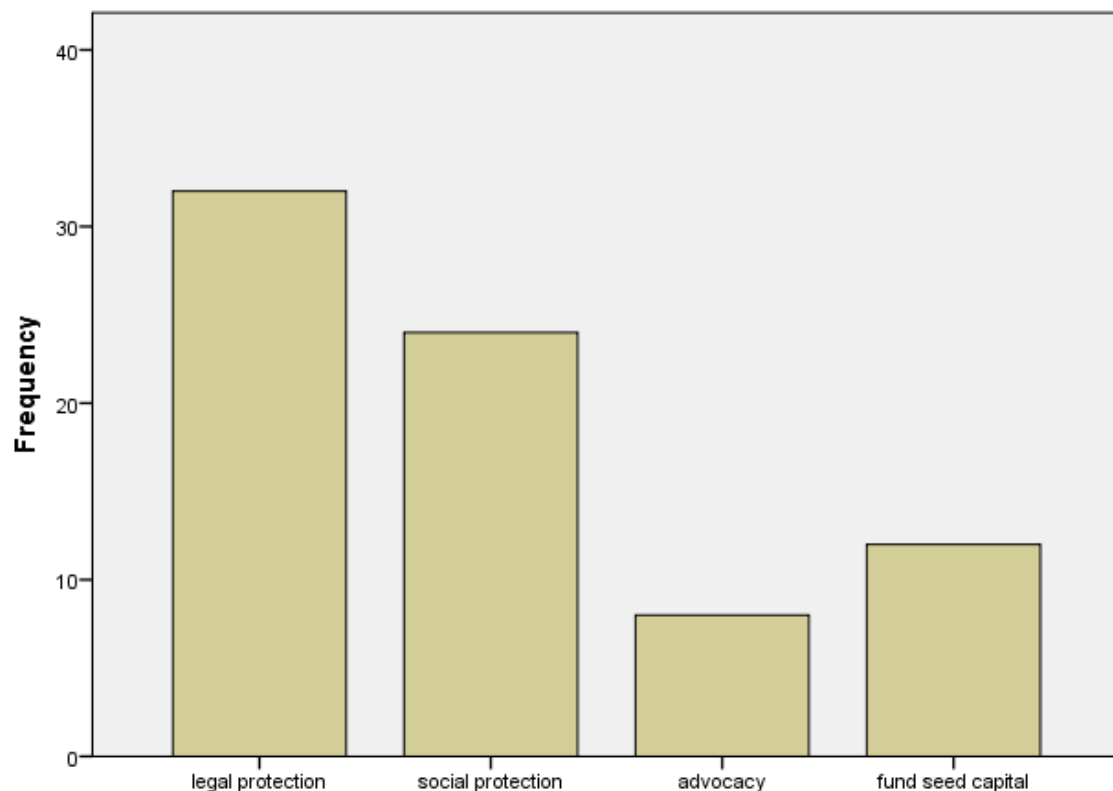
We are now in a position to return to the puzzle on the high number of widows who, apparently, entered levirate unions willingly. From the data presented already, it would seem that many widows think that by entering levirate unions to avoid conflicts, exclusion, being seen as village prostitutes, or due to poverty, then they have chosen it freely without duress. It is my view that widows without sound education, no formal employment, no support system, constantly excluded, harassed and threatened with violence, and living in utter destitution would mistakenly think that they are still free to choose levirate or not. Such widows need the support of other stakeholders in levirate

custom to help them address its impacts on them.

#### 4.4 The Roles of Significant others in Addressing Levirate

The epistemological basis of this study, discussed in chapter three, was that true and binding knowledge for the Luo is that which has been arrived at via consensus. It was also for this reason that the study engaged multi-methods approaches to data collection. Widows on their own cannot hope to bring about transformation in the application of levirate custom in Kisumu Archdiocese. They will need the resources and the good offices of different stakeholders. These are the government and politicians, elders and village communities, the Catholic Church leadership and other widows' own efforts and resources.

Asked if the government of Kenya and politicians had a role in ending levirate custom, all respondents said yes and went further to suggest how this could be done as shown in Figure 8.



**Figure 8: How Kenya Government and Politicians can Help Widows**

The policy areas mentioned by the widows were legal protection, social protection, advocacy and funding. Regarding legal protection, a widow from Awasi FG said:

We are sexually abused and exploited. Some men force themselves into our houses at night and the chief does not take action when you report. Our houses are either burnt or destroyed by brothers-in-laws if we reject levirate union. Land, cars, money, and household items left for us and our orphans are often taken away by in-laws (Appendix 6, 6/1/2015, 11.00 – 1.00 pm).

Another widow from the same FG added, “I know of a widow from Mibasi village who had rejected inheritance. The clan and her sons called for a meeting. They got a man from the area and he inherited her by force. She was elderly and was raped. She went into depression cried much and later died. No legal action was taken against anybody”.<sup>7</sup>

Consequently, Awasi group proposed that:

The government in collaboration with political leaders, the Church and traditional elders could plan and call a public rally during which Luo death taboos could be uplifted and declared non-binding. A change in Luo culture has already been realised in recent years. The former Prime Minister of Kenya, Raila Odinga called upon the Luo to embrace male circumcision as a measure against the spread of HIV/AIDS in October 2008. The call was made at a public political rally attended by Luo Council of Elders who are seen as the custodians of Luo culture. Since then thousands of young Luo men have been circumcised. Circumcision has never been a Luo custom but now it is needed for protection against HIV/AIDS. Similarly, widow inheritance can be stopped due to health reasons and, more so, for the sake of women who resent it. But the same elders and the political leaders could also order a return to inheritance as was done in Luo traditional life. This may help widows who want it to continue (Appendix 6, Awasi FG, 6/1/2015, 11.00 – 1.00).

Widows in different FGs also suggested that the government could; Set aside monthly cash for widows and orphans and make sure they actually receive it; provide education bursaries to orphans from primary to university; ensure widows have shelter; give widows and orphans special health cards they can use to access medical services; distribute mosquito nets and organise home visits to give counselling to widows who are infected with HIV to know how to live positively. The government could give tax exemptions to organisations that support widows and orphans and on products manufactured by widows. During recruitment for employment in government institutions, priority could be given to widows and orphans who have completed college. There may also be a deliberate policy to carry out aggressive advocacy and education on the rights of widows as contained in the Kenya Constitution 2010. A widow from Ombeyi Discussion Group (DG) summarised it all when she said: “It is poverty and

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<sup>7</sup>Appendix 6, Awasi FG, 6/1/2015 and 27/2/2015, 11.00 am – 1 .00pm.

dependency that forces some of us to enter levirate. We want to be helped with seed capital to set up our own income generating projects.”<sup>8</sup>

One of the objectives of this study (1.4) was to examine the methods the Catholic Church has been using in Kisumu to address levirate unions and establish whether the widows were aware of them. Linked to this objective was the question on what pastoral methods were being used to address levirate custom in Kisumu? The respondents needed to belong to some Church group if they had to respond adequately to the question put to them. Consequently, they were first asked to confirm whether they belonged to any association of widows in their parishes. Out of 85 (100%) who responded, 23 (24.5%) said yes and 62 (66%) said no. It is clear that the majority of the respondents neither belonged to any general support group nor to any specific widow groups in their parishes. The questions that arise are, why would a large majority of struggling widows not want to belong to a support group? Could the parishes be doing something connected with levirate that turns widows away rather than draw them closer? The participants were next probed further to state whether their parishes were trying to end levirate unions. A huge majority 86 (93.5%) answered in the affirmative while a minority 6 (6.5%) said there were no efforts to stop levirate practice.

The responses given here were of interest to me because one of the research questions of this study was to determine what pastoral methods were being used to address levirate custom in Kisumu. Subsequently, the widows were asked to name specific pastoral actions their parishes were taking to end levirate unions. They cited a range of methods such as: preaching and teaching against it 28 (32.9%); giving help and urging widows to remain faithful to Christ 15 (17.6%); telling widows to reject it 17 (20%); encouraging widows to join St. Monica’s Widow Group 23 (27.1%) and refusing Sacraments to widows in levirate unions. St Monica’s group is a recent movement in Kisumu. It is a widows’ solidarity movement which takes its name from Monica, the mother of St. Augustine of Hippo (Ojore, 2014). Members commit themselves to Christ and publicly renounce levirate union during the funeral of the husband. Details on how the Church has responded to the levirate practice in Kisumu and the widows’ perceptions of the same are displayed on Table 3. Appendix 2 presents more information on St. Monica’s Widow Group in Kisumu.

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<sup>8</sup> Appendix 2A, Ombeyi DG, 27/3/2015, 11.00 – 1.00 pm.

#### 4.5 Perceptions of Widows on how the Church Addresses Levirate custom

**Table 3: Perceptions of Widows on how the Church Addresses Levirate**

<b>Statements</b>		<b>Frequency (N)</b>	<b>Percent (%)</b>
Actions the Church is taking to end levirate unions	Preaching and teaching against it	28	32.9
	Giving help and urging widows to remain faithful to Christ	15	17.6
	Telling widows to reject it	17	20
	Encouraging widows to join St. Monica's Widow Group	23	27.1
	Refusing Sacraments to widows in levirate unions	2	2.4
	<b>Total</b>	<b>85</b>	<b>100.0</b>
Widows' perceptions on Church initiatives on Levirate	Church action is good	2	3.3
	They give us moral support	16	26.2
	They are weakening Luo traditional culture	23	37.7
	They strengthen Christianity	7	11.5
	They may support us financially	13	21.3
	<b>Total</b>	<b>61</b>	<b>100.0</b>
What parishes do to widows who are in levirate unions	No Holy Communion	39	52.7
	Discrimination in pastoral attention	32	43.2
	Creating awareness to avoid levirate	3	4.1
	<b>Total</b>	<b>74</b>	<b>100</b>
<b>Statements</b>		<b>Frequency (N)</b>	<b>Percent (%)</b>
Ways in which the Church could make the	Help widows to enjoy freedom	12	16.9
	Support widows start projects	55	77.5
	Help in abolishing the tradition	4	5.6

lives of widows better	<b>Total</b>	<b>71</b>	<b>100</b>
<b>Statements</b>		<b>Frequency (N)</b>	<b>Percent (%)</b>
What roles can widows play in the Church?	Parish priest	2	2.4
	Catechist	6	7.2
	Parish council	14	16.9
	Widows association	21	25.3
	Serve in small Christian community	40	48.2
	<b>Total</b>	<b>83</b>	<b>100</b>

Commenting on St. Monica’s group as an option for widows, a male theologian observed:

The current Catholic widow group called St. Monica’s does not admit widows who entered levirate union because they already compromised their Catholic faith and sinned. They forget that Jesus came to save sinners and even died for them. There is no human sin that is so grave as to block them from accessing God’s mercy. No individual human being or groups may be excluded because they have sinned. There should be a new widow group built on God’s boundless mercy, compassion and love as promoted by Pope Francis (Appendix 8, Q9).

My experience of St. Monica’s group is that it seems to suit fairly elderly Catholic widows, but it does not address the plight of young widows who still want to marry and move on in life. It is crucial to realise that since the arrival of Catholicism among the Luo over 115 years ago, the methods mentioned by the widows have been the traditional pastoral approaches to levirate unions. It is my view that levirate unions persist in Kisumu because of constant application of such ineffective pastoral methods. Time has come for the diocese to try other methods, especially those coming from the widows themselves. Widows were, therefore, invited to give their views regarding the application of these pastoral methods by the Church to tackle levirate custom. Out of 61 (100%) respondents, 25 (51%) felt the Church’s initiative was good because it gave them moral support and strengthened Christianity. This response rate closely reflects the experiences of widows who entered levirate forcefully (31.9%) and had very bad experiences (47%) as we had seen in Figure 7. A good number of those widows seem to

be falling into this first group. A significant number 23 (37.7%), remarked that the Church initiatives weakened Luo traditional culture. Again this group reflects very closely the number of widows who entered willingly (37.2%) and had good experiences (29%). This group appears to be the consistent voice calling for the preservation of levirate custom. A reasonable number 13 (21.3%) observed that they would rather get financial support from the Church. It appears to me that this last group is telling us that economic empowerment of widows may be the starting point rather than preaching to them. A widow in Ombeyi DG complained that: “The Church rejects levirate unions but does not provide a way out. The Church needs to help widows to start off. Do not condemn a person you have not assisted. It is death and desperation which force us to live this way.”<sup>9</sup> They seem to be saying that levirate would not be an issue to them if they were economically empowered.

In the face of clear admittance by a good number of Catholic widows that they feel it is their cultural obligation to observe levirate custom and others keep it due to financial needs, we sought to know what the Church did to those who entered levirate unions. Practically all respondents to this question 71 (95.9%) said the Church stopped and excluded them from Holy Communion and they were discriminated against in other pastoral services. My informed experience has been that these have been the Church’s response since Catholicism arrived among the Luo. Reacting to this complete ban on Communion for widows in levirate unions, a respondent from Awasi FG observed:

The Church takes our offertory in terms of money and foodstuff but we are not allowed to receive Holy Communion because we live in sin. The Church should review her stand regarding faithful widows who are not a scandal. Some of us live in levirate unions where our co-wives do not mind. Why can’t the Church study specific cases and allow some widows to receive the Sacraments? We actively participate in all Church activities but if you die in a levirate union, your corpse is not received in Church and the priest does not come to bury you. Even the Catechist may not be sent to take part. We are totally excluded. They may not give us Communion but let them pray for those who have died and leave judgment to God (Appendix 6, Awasi FG, 27/2/2015 from 11.00 – 1.00 pm).

Another widow from Nanga FG shared her story saying:

I lost my husband two years ago in a tragic road accident when I was only 25 years old. I cannot pretend that I will not have sex. Since there was no young man available for me, I am in a relationship with a married man who is caring for me

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<sup>9</sup> Appendix 6, Ombeyi DG, 16/3/2015, 11.00 - 1.00 pm.

and my children. He is a teacher like my late husband and they were very good friends. My children know him and he loves them. His wife is not aware of the relationship. I have therefore decided to stay away from the Sacraments. I do not want to abuse the Sacrament of confession by going there frequently, because the man visits me every month. I am in the choir and a very active member of our Small Christian Community. The priest and the Catechist are always asking me why I do not receive. They think that I am not inherited because they find no man when they come to pray in my house. The day I tell them that I am inherited they will stop coming and will also stop me from doing many things with my community. It is very hard for me (Appendix 6, Nanga FG, 8/2/2015, 11.00 – 1.00 pm).

In the face of such treatment of widows by the Church, female and male theologians were asked to suggest what they thought Jesus would tell Christians about widows in levirate unions, and what he would say to widows in those unions. All were unanimous that Jesus would tell Christians to care for widows and orphans and show them compassion and love. But they were very varied on what he might tell widows in levirate unions. One female theologian observed:

It is hard to say what he would tell widows in levirate unions, especially those living with married men. Most likely he will condemn the relationship but not the widow and the *levir*. Jesus condemned the Pharisees and the Sadducees who put heavy burdens on the poor but would not help them make the burden light in Luke 11: 45, 46. Because widows are victims of unjust cultural practices and are in some unions which are forced on them, Jesus is likely to empathise and sympathise with them rather than condemn (Appendix 8, Q5).

However, another female theologian was of the opinion that:

Jesus would advise young widows to remarry, but tell those already in levirate unions, that if they found the union stable, empowering and enabling, then they may remain faithful in it. But if the union was abusive and exploitative, then they may get out of it. I suggest that the widow in stable peaceful levirate unions be given Sacraments as long as the widow is faithful to her *levir*. It is true that the pilgrim Church is called to holiness, as the ideal, but it is also true that she is both wounded and sinful. The patience, the compassion and the mercy of God should be enough (Appendix 8, Q5).

On his part, the missionary priest who participated in the Delphi study stated:

The Church could show mercy, compassion and forgiveness and let widows in levirate unions receive the Sacraments even as second wives. Widows find themselves in a culture where married men are the only people allowed to care for them. What can they do in such a situation? Who can judge them? As long as the union is accepted by the first wife of the *levir*, and the two women and their husband live faithfully to one another, why should the Church condemn them? The option offered by the Church is not viable among the Luo of this generation.

What can the poor widows do? In my parish I used to close my eyes and just give them Communion (Appendix 9, Q5).

The Catholic priest and the catechist present in Ombeyi DG contradicted the proposal stressing that:

Christian marriage is exclusively monogamous. Catholic men or women in levirate unions have broken this commitment and are guilty of adultery. The Catholic Church cannot allow such a union because it destroys another marriage and family. The Church cannot make a ruling that violates the rights of another person. Acknowledgement of levirate union leads to the violation of the marital rights of the wife of the *levir*. Even if the Church were to allow it, under certain circumstances, the wives of the *levirs* would not accept (Appendix 6, Ombeyi DG, 27/3/2015, 11.00- 1.00 pm).

One reflection that is a direct response to the stated Church position on levirate unions was given by a male theologian who remarked that:

The Sacrament of matrimony is the only one which the Church does not give. It is the couple exchanging vows who give each other the Sacrament as the Church merely witnesses. The two are the ministers of the Sacrament. If one minister decides to enjoin another partner into this union, with the consent of the other, why should the Church be concerned? (Appendix 9, Q5).

But while commenting on this view a female theologian rejected it arguing that:

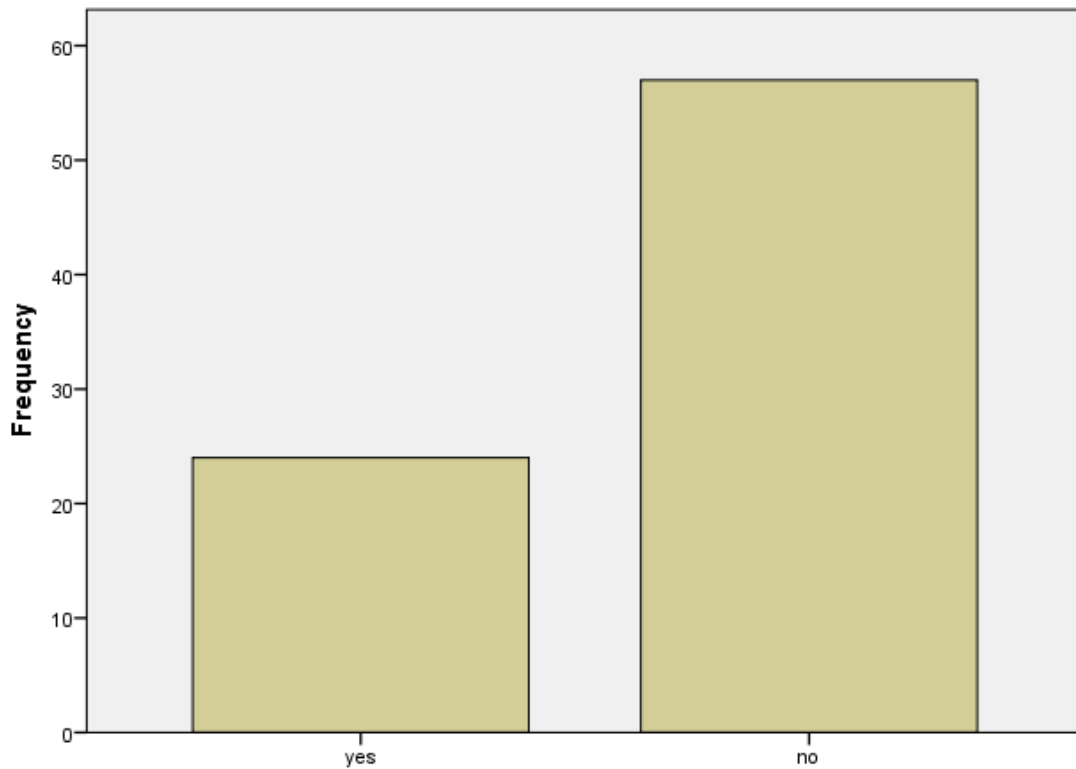
The solution to levirate by enjoining another woman to an existing marriage is unacceptable, because it is another manifestation of patriarchal tendencies in marriage. It will always be the man bringing another woman on board while his wife cannot. A-one-way solution will not do (Appendix 9, Q5).

However, the reader will remember that these same female theologians believed that Jesus would tell widows in stable and caring levirate unions to stay on. On that basis they suggested the Church may administer the Sacraments to them. What could be the reason for this apparent inconsistency? In my view, people may propound an ideal but then later realise that a relevant pastoral approach may be needed to respond to complexities of lived reality. It would seem that the female theologians were merely showing empathy and solidarity with victims of a patriarchal structure, while ignoring the feelings of the wives of *levirs*. The same attitude is manifested by widows who are being supported secretly without the knowledge of the *levirs'* wives. As long as they get the sexual, emotional and financial support, the feelings of the co-wives are secondary. In the face

of such confusing observations, I attempted to find out why theologians and widows wanted some levirate unions accepted by the Church. Both male and female theologians pointed out that levirate union is a unique relationship with complicated sexual acts that fall outside the Church definitions. For example, a male theologian explained:

A Luo widow is never single, she remains married after the death of her husband. The relationship with the *levir* has the blessing of the deceased husband, who knew in his life time that his brother or a cousin would act for him to continue with the business of life. Through levirate union, it is as if he has hired the *levir* to act as his advocate in the court of life that he cannot attend. She is perpetually married to her deceased husband. If you want to call this adultery, then it must be one that the Church never envisaged. This relationship is not a marriage and it is not polygamy. It is strange that as long as widows live secretly in levirate unions with selected *levirs*, the Church has no problem. The widows keep coming to confess the same sins and the priests have no problem with this either. The moment a widow comes out to declare that she does not want to live a secretive life then the Church condemns her. It is un-Christian not to care for a victim of death. Why should the Church just be concerned about the sex bit and ignore the care for the widow and the orphans given by the charitable *levir*? (Appendix 9, Q5).

Having discussed the complicated moral issue regarding levirate, the researcher asked the widows to suggest how best the Church could intervene to make their lives better. It was surprising to note that 16.9% wanted the Church to help widows enjoy freedom and only a tiny 5.6% needed help from the Church to fight levirate unions. The majority 77.5% wanted the Church to support widows financially to start projects. This is the clearest statement from widows so far that they can handle levirate if they are able to fend for themselves. It may also be an indication, and an admission, that a majority of widows succumb to levirate practice due to desperation. Following such a clear confirmation that the Church has a critical role in improving the lot of Luo widows, participants were asked to mention if they were aware of any pastoral policy regarding them in Kisumu. Their responses shown on Figure 9 reveal that majority (70.4%) stated that there was no pastoral policy regarding widows in the Archdiocese of Kisumu. The significant minority 29.6% said there was a policy. This minority has been consistent and are likely to be members of St. Monica's group.



**Figure 9: Is there Pastoral Policy for Widows in Kisumu?**

One of the main objectives of this study was to find out how the Catholic Church in Kisumu could address levirate unions effectively. Respondents were, therefore, asked if there were some aspects of levirate practices which could be incorporated into Church liturgy. 50.6% said yes, while 48.4 said no. It is my view that this close distribution in responses may tell us that either the respondents did not understand the question or that they were simply uncertain about what to say. I say this because the responses are not consistent with the distributions we have seen so far. All the same, the figures tell us that there are some levirate practices that can be adopted by the Church as a step towards addressing levirate custom. Female and male theologians in the Delphi study were also asked the same question and they concurred with the widows. But they went ahead and suggested that:

The Christian community can replace the local Luo community and take over the care of Christian widows in order to shield them from the current abuses. If there are post-mortuary ceremonies that need to be performed in line with Luo culture, let the Church take over to make sure that only rituals that preserve the dignity of a Christian woman are upheld. When the Church embraces widow cleansing rituals, then this could mark a real start towards levirate solution. But as long as the Church is inept only waiting to condemn widows, then widows will continue to be victims of cultural exploitation (Appendix 8, Q7).

Regarding specific rituals that could be made part of the liturgy for cleansing widows, a male theologian explained:

The Church can organise and conduct cleansing rituals after some catechesis. For instance, old Luo widows used to be cleansed by merely accepting tobacco from a potential inheritor. Sometimes the man simply entered her hut and they shut themselves in for a while and she was free from death taboo. The man could also just sit on the three legged stool of the deceased symbolising headship or he simply left his clothing in the old widow's hut overnight. These symbolic ceremonies could be performed either by the parish priest or by commissioned fe/male Catholics to avoid rumours. When a widow who rejected levirate union dies and the family members refuse to bury her, the Church could step in and take over. Some priests are already doing this but it should be a diocesan policy (Appendix 9, Q7).

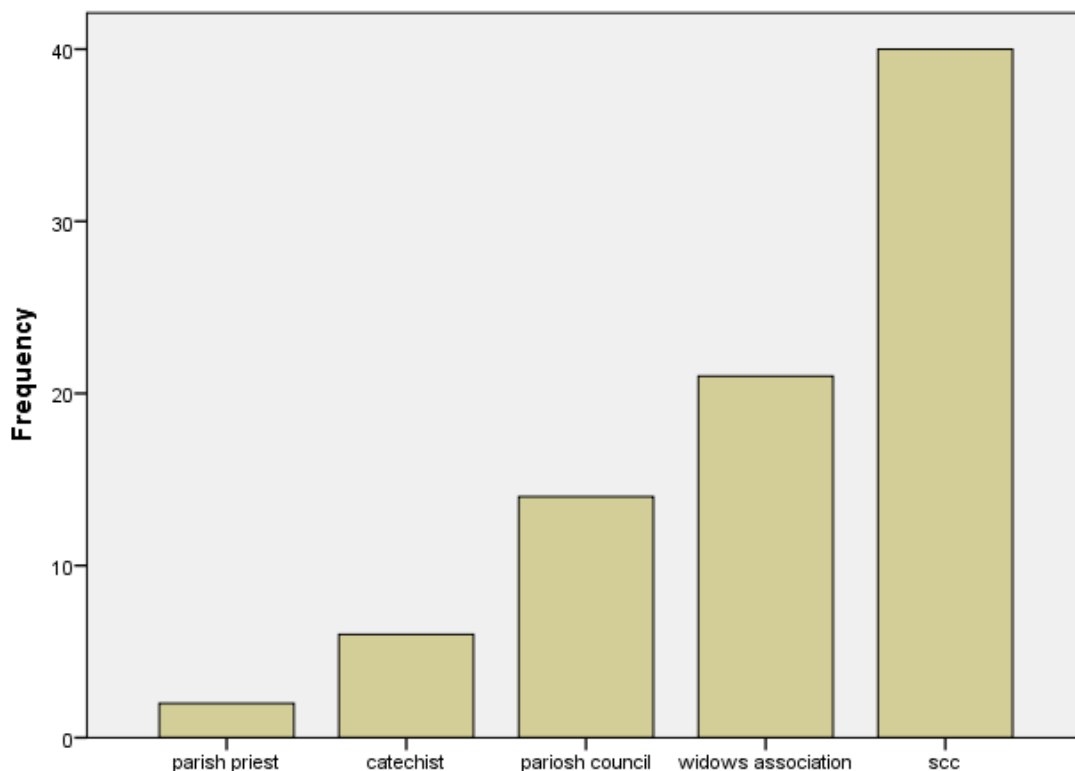
However, the female theologians insisted that those purification rituals should include widowers as well. They asked: "Why is it only the widows to be cleansed? Where are the rituals that cleanse the men who have lost their wives? Death affects both men and women and therefore, the ritual may apply to both widows and widowers. The Church has to embrace rituals that do not stigmatise only one gender."<sup>10</sup> It seems to me that if the Church is going to be actively involved in the lives of widows, then they too may also be involved in the life of the Church. Consequently, the researcher asked respondents if they thought the Church could involve them in ministries. Almost all 89 (97.8%) said yes and only 2 (2.2%) were of the contrary opinion. In my view, the widows are indicating that service in the Church will be their refuge and shield from levirate practices. But what kind of pastoral model would not only suit but also involve widows?

#### **4.6 Proposed Roles of Widows in the Church**

One objective of this study was to search for and propose a new model of pastoral care for Luo widows in Kisumu emerging from their experiences and resources. The participants were, therefore, asked to mention the roles they would play in the Church if they were involved in ministry. Figure 10 captures the perceived roles the widows would want to play in the Church.

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<sup>10</sup> Appendix 8, Q7.



**Figure 10: Proposed Roles of Widows in the Church**

The 2.4% who mentioned parish priest were certainly not Catholic widows but the few Protestants who were among the 94 widows involved in the second survey. After the loss of their husbands they see a possibility of training and joining Church service as pastors. This is a dream beyond the imagination of any Catholic woman, let alone widows. Only 7.2% of the widows mentioned the ministry of the Catechist. This is not surprising because the ministry has been entirely a male domain in Kisumu as illustrated by appendix 2. The full time residential nature of training for catechesis ministry locks women out. A married woman and mother of children cannot abandon the family to attend training far away from home. Women catechists would be very effective with fellow widows and there is need to re-think how training can be brought to the people. A sizable number 16.9% want to serve on the Parish Council. A widow from Nanga FG stressed: “We need permanent seats within our Parish Councils to be able to articulate our needs.”<sup>11</sup> It is the Parish Council that co-ordinates all ministries within the Parish. Permanent membership in the Council would imply that widows have a specific ministry assigned to them and which they have to report on.

<sup>11</sup> Appendix 6, Nanga FG, 22/3/2015, 11.00 – 1.00 pm.

A reasonable number of widows 25.3% saw their ministry within their own associations. During the Action Plan phase of the FGDs, practically all the groups called for immediate formation of some sort of association to represent widows in various ways. Awasi FG summarised what others said in different ways:

We need to form Awasi Widows Association and register it with the Ministry of Culture and Social Services. Through this association, we can collaborate with the Church and other interest groups to assist us to run specific Help Age Homes. In such homes we will provide care for old women and men who have nobody to care for them. This can be one of the ministries we can do very well. Due to HIV/AIDS, there are thousands of orphans who have no parents or relatives who are willing or are able to care for them. These children are on their own. Our Association can identify widows who are willing to take in such kids and care for them. We can work closely with parishes or the diocese to take this up as full time ministry. But first we need economic empowerment to be able to care for ourselves and our own orphans (Appendix 6, Awasi FG, on 27/3/2015, 11.00 – 1.00 pm).

It is interesting to note that the majority of respondents 48.2% identified their ministry in their Small Christian Communities (SCC) in the villages. Their vision of the ministry was well outlined by Siaya FG when they said:

The Church can train us as SCC animators to carry out family apostolate in places where catechists and priests cannot reach frequently. As widows we are alone and are free to serve the Church without any man restricting us. Widows are God's wives as Prophet Isaiah says in chapter 54: 5 & 6). *Nyasaye en churmond liete kendo en wuon nyithi kiye* (God is the husband of all widows and the father of all orphans). Jesus is now our new husband and the father of our orphans. The Luo *levirs* only bring us death, but Jesus brings us life and peace of mind (Appendix 6, Siaya FG, 26/3/2015, 11.00 – 1.00 pm).

Widows from Nanga FG reflectively added: "Jesus is our companion, because like him we carry heavy crosses every day in our own ways. We need a Simon of Cyrene to help us. We challenge the Church to be that Simon for us."<sup>12</sup> Widows know that the Church is the vehicle by which Christ's care is manifested. They want to have roles in it as active members and not helpless victims. Chapters five and seven develop this idea further.

Confirming that widows can take part in Church ministry, the priest and the catechist who participated in the study pointed out that:

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<sup>12</sup> Appendix 6, Nanga, FG, 1/3/2015, 11.00 – 1.00 pm).

St. Monica Catholic widows already live without men like consecrated virgins. Time has come for widows to declare publicly their intentions to live without inheritors. Wife inheritance is over because widows can now have their houses built for them by the Church and the Christian community. However, some enthusiastic young widows have invited us to help them build their houses, only to be inherited afterwards. We could listen to St. Paul's advice to young widows in 1 Corinthians 7: 8-10. Luo society can free them to remarry whoever they want (Appendix 6, Ombeyi DG, 6/3/2015 11.00 – 1.00pm).

Asked to suggest how the Church might engage widows if a widowhood ministry was established in Kisumu, female theologians categorically stressed:

It may be noted that any ministry aimed at addressing the plight of widows should come from the widows themselves. Nobody can dictate to them how to live or what to do. The widows should decide on what affects their lives and how they want to address it. Church and society has to stop deciding for women as if they are children. In the Church, women should be seen as equal partners in mission. However, the Church has the mandate to provide formation and training to the widows to prepare them to serve professionally (Appendix 8, Qs 8 & 10).

The reader will recall that I had pointed out that St. Monica seems to suit widows who are elderly and truly resolved to dedicate their lives to Church ministry. The issue of young widows emerges again here as calling for a different response. On the kind of pastoral model that may support the ministry of widows, male theologians insisted:

A model organised and managed by widows themselves could be visible in the areas of chaplaincies to schools, hospitals, prisons, infant and adult catechesis, counselling and accompanying grieving widows, food distributions to the poor, home visits and care for the ill and conducting funeral ceremonies for widows who rejected levirate unions. However, the associations of widows in the diocese should not be under a priest or a bishop. This is because the old widowhood ministry died off in the Church because they were stifled by a Church that became more and more patriarchal after the Roman Empire embraced Christianity. Women were slowly put under the authority of men as was the case in the Roman families. Consequently, all women ministries were placed under the bishop seen as the father (*pater*) of the diocese and priests seen as the father (*pater*) of the parish. Widows should know that all the baptised Christians are priests, prophets and shepherds (Kings). They all have the mandate to preach the Gospel, without first seeking permission from anybody to do so (Appendix 9, Qs 8 & 9).

However female theologians warned that:

Widowhood ministry will not be embraced if the Church authorities view it as a rising sect of hard headed Catholic feminists. In as much as the group would want to be free from Church control, they have to be seen as recognising existing ecclesiastical authorities and structures already in place (Appendix 9, Q9).

I share the sentiments of the female theologians because there is a need for coordination of all ministries in the Church. If the widows have to win the trust and support of Church authorities, they have to be seen to be team players. In ISMM where I do my practice, collaborative ministry is promoted and insisted upon. This collaboration will not only be important among widows themselves, but also between them and other ministers in the Church. However, ISMM insists that collaboration does not mean subservience or taking over roles, but working with mutual respect and recognition of each role and person as important for the wellbeing of all (Parise and Ndegwa, 2011). What I hear from the widows is that they see themselves united under a ministry team but living at home with their families. From their homes, they provide different ministries and services to needy members of their communities. They are not institution-oriented, but village oriented. In my view, this can be a formidable movement of service providers who are likely to bolster the image and presence of the Church in distant villages. Members of such an association trained in ministry can transform the way of being Church. They can effectively address the current syncretic behavior in which the Luo profess the Catholic faith, but when death strikes, they resort to fear and taboos that lead them to insist on levirate unions, and the subsequent violations of the dignity of widows and their orphans.

#### **4.7 Conclusion**

This chapter has presented my findings and explained that levirate custom was established in history to protect and give security to widows and orphans. However, it has now been adulterated and become a tool of oppression. Data has revealed that a majority of Luo widows (79.3%) want it abolished, while a significant minority (20.7%) want it preserved. Widows have appealed to the government to step in and protect them from all manner of violations. Widows who reject the levirate unions want to be included in various ministries in the Church. They believe that the Church can help protect them from the current harassment and abuses they suffer. Being seen as consecrated in the Church to serve will attract respect and honor for widows and enhance their dignity as human persons. Such a move will improve the image and respect for widows both in Church and society. In Luo society, religious actions were traditionally an exclusive

domain for men. Having women playing such roles would automatically boost their status.

The chapter has also confirmed that levirate unions can be doctrinally controversial and socially and culturally emotive. Luo widows' constant pain and suffering arising from unwanted levirate unions, and from experiences of exclusion, ostracism, and other forms of physical and psychological abuses and violence, heavily influenced the proposals they have made in this chapter. The widows appealed to the researcher to cross over from the side of *orthodoxy* (correct Church teachings), onto their side of *orthopraxis* (practical pastoral action). In practical theology, we are invited to pay critical attention and address what emerges from daily practice as is revealed by data, and to transcend the usually defined pastoral norms (Pattison, 2007).

Various participants in the study have confirmed that new practices that provide security and protection, like levirate did in the past, have not been put in place. These new methods of care for widows, have to prove that they are more effective than current levirate practices. But more so, they have to show appreciation, recognition and respect for the traditional culture of care and love. It will then be easier to challenge the Luo with an alternative model of care, which suits modern widows and orphans. If implemented this way, the new model will, gradually, force the old one to give way for the new model. But this is bound to be a very slow process calling for patience on the part of all involved. In the next chapter we shall discuss the major issues that have emerged from this chapter. The issues shall be discussed in the light of existing literature and the researcher's own insights.

## CHAPTER FIVE: DISCUSSION OF RESEARCH FINDINGS

### 5.1 Introduction

This chapter presents and discusses major issues that emerged in the previous chapter. First, the link between HIV/AIDS emerged as one of the contentious issues that I discuss here. Second, although data shows that the majority of Luo widows (79.3%), want the levirate custom abolished, a significant minority (20.7%) want it preserved. Consequently, I take up the persistence of the levirate practice as another matter for discussion. Third, widows in levirate unions want the Church to admit them into the Sacraments. The chapter takes up this request and subjects it to serious theological scrutiny. Fourth, the Church response to the widows' request is then given followed by theologians' reactions as the fifth subject of the chapter. I then introduce the *principle of reception* and the *law of graduality* to carry the debate forward. On every issue for discussion, I first articulate the emergent matter and the arguments that were advanced in the previous chapter, and then invite extant literature into the debate. I raise my own voice to either clarify the argument or to raise questions which help to propel the debate further. The main idea in this process is to examine whether the answers to the research questions are sound enough to stand the possible challenges that are likely to be raised against them. I try to remain faithful to the positions that the widows suggest would suit them best.

The chapter states that Luo Catholic widows want the Church to adopt a model of pastoral care that involves them in various ministries in Kisumu Archdiocese. My argument in this chapter is that faced by the complex Luo levirate custom, and the current global changes on the understanding of marriage and family, the Catholic Church in Kisumu may have to re-think her understanding of marriage. Insistence that Christian marriage must remain absolutely monogamous and that levirate unions are evil has not helped to eradicate the custom. The Church needs to change tack to eradicate exclusion and prevent secret abuses of the Sacraments of reconciliation and marriage. The chapter ends with a brief conclusion.

### 5.2 Two Divergent Views on the Levirate Custom

Evidence from my data is that a huge majority of widows (79.3%) called for total abolition of the levirate custom due to the physical, psychological, social, economic and

spiritual harm it inflicts on Luo widows. Participants in the study proved from personal stories and experiences that levirate unions contribute to the spread of HIV/AIDS. This view is overwhelmingly confirmed by extant literature. For example, researches by Okeyo and Allen (1994), Shisanya (2007), and Gunga (2009), found strong links between the spread of HIV/AIDS and Luo levirate practice. Demographic and health survey carried out in Nyanza province by the Kenya National Bureau of Statistics (KNBS) revealed that the Province was one of the worst hit with HIV infection. Kisumu Archdiocese is located in Nyanza. This means that levirate unions exposed widows to possible infection (KNBS, 2008 -2009). Agot et al (2010) found out that Nyanza Province had a high prevalence rate of HIV infection among widows at 63%. Studies carried on widowhood and asset inheritance in 15 Sub-Saharan Countries came to the conclusion that “an increase in the absolute number of widows is partially attributed to HIV/AIDS” (Peterman, 2012, p. 544). Many widows who had lost their husbands to the disease were left extremely poor because much of their resources had been spent on medication for their husbands. Recently, research by Perry et al (2014), concluded that levirate unions were one major way HIV/AIDS was spreading among the Luo in Bondo, Siaya Deanery. Unrefuted scientific evidence is that “levirate unions lead to the spread of HIV/AIDS” (Miruka, Nathan, and Obong’o, 2015, p.248). The World Council of Churches (WCC) publication edited by Paterson and Long (2016), also illustrate how the rights of vulnerable women like widows are violated by cultural practices that lead to various infections and death. In the face of such compelling evidence, the significant minority (20.7%) of widows still call for the preservation of levirate custom.

We recall that one of the theologians in this study was of the view that levirate unions can curb the spread of HIV/AIDS. He suggested that an HIV positive widow could be matched with an HIV positive male to protect other unsuspecting sexual partners from infection. He is not alone. Another Kenyan scholar has argued that the Luo custom of levirate union is still the best alternative available to the Luo widows. His point is that “if an infected widow cannot ...abstain from sexual intercourse, then it is even better if she has a guardian because this restricts her sexual relations” (Nyarwath, 2012, p. 106). However, he condemns the current “practice of a professional cleanser/inheritor (*jatiek kwer*) as a perversion that violates the dignity of a widow (*chi liel*), and hence an abuse of the honorable Luo custom...” (Nyarwath, 2012, p. 105). Geissler and Prince (2010, p. 275) and Asewe and Wesonga (2013, p. 214), discovered that “professional inheritors

have been introduced to protect the brothers of the deceased from HIV infection”. Nyarwath (2012) admits that professional cleansers can infect widows with sexually transmitted diseases including HIV/AIDS. I concede that there is some merit in matching positive partners. However, the problem with it is that there are so many men, single and married, who are also positive. How do we prevent them from spreading the infection in society? In a male dominated society, such men are even more dangerous than positive widows. Besides, one may argue that matching HIV positive people could be another way of reinforcing the Luo patriarchal system that insists that a woman cannot be single even when she is ill. The Luo have to face the reality and take immediate measures to stop the spread of HIV/AIDS through levirate unions.

Apart from abandoning levirate unions to curb the spread of HIV/AIDS and protect women’s rights and personal freedoms, a number of actions need to be taken to protect women in general and Luo widows in particular. Since few widows resist the cultural practice, Perry et al (2014) call for women-controlled HIV prevention methods such as antiretroviral-based oral pre-exposure prophylaxis, vaginal gels and vaginal rings. These they reckon, will protect widows who are HIV-negative who have to engage in sexual activities related to widowhood. It is disturbing that the “Luo community have full knowledge about the spread of HIV yet the practice ...still continues” (Asewe and Nyongesa, 2013, p. 217). My conviction is that by forcing widows into levirate unions, healthy Luo widows are being condemned to death, while those already infected have their deaths accelerated via re-infection with new strains of HIV. This is not only a grave violation of the right to life, but also criminal and known culprits should be arrested and prosecuted. Although cultural matters need to be addressed culturally, which usually takes a very long time to settle, this cannot be done in the levirate case, because while Luo elders continue to bargain, women are being killed. Quick action is needed from the state.

Widows mentioned that one major action they want the government to take is legal protection against the numerous injustices meted out to them by their relatives. Studies by Obinna (2011, p. 147) revealed that widows are usually “exposed to untold hardships including homelessness, insecurity, hunger, poverty, illness and rejection”. Data from this study confirms that there is violation of widows’ right to inherit properties left to them by their deceased husbands. A survey on property inheritance in 15 Sub-Saharan

African Countries by Peterman (2012, p. 562), reported that “more than half of widows in the 15 countries examined reported no asset inheritance, and only in Rwanda and Senegal did widows and their children report inheriting the majority of assets”. This denial of access to the property of the deceased pushed the widows deeper into poverty and eventually forced them into dangerous levirate unions. Akoth (2013) has observed that the government’s failure to act where customary law clashes with modern law has prolonged the sufferings of widows. In such cases, Kenyan law courts tend to give precedence to traditional law to the disadvantage of the widow. It is clear that government intervention is needed to protect widows.

Open violations of widows’ rights revealed by my study calls for a speedy response “to improve legal structures so that widows can inherit the property of the deceased directly, instead of owning it through their sons, as is the case in the Luo community today” (Gunga, 2009, p. 175). The 2010 Constitution gives women power to do this but there is no enforcement yet and widows continue to have their inheritance rights violated. Formation of a strong association may help “protect their welfare and rights in case of any infringement or harassment” (Wachege, 2003, p. 316). These associations would also help widows “secure income leading to autonomy” (Miruka, Nathan, and Obong’o, 2015, p. 242).

One organisation working with widows to protect their rights is the RONA Foundation.<sup>13</sup> RONA demands that no woman may lose her rights because she lost her husband. Having identified over 8 million widows and widowers spread across Kenya, the foundation prepared a petition to Parliament in which they demanded the creation of a Widowhood Bill that is aimed at protecting widows, widowers and orphans. They demanded that the Bill be domesticated by all the 47 County Assemblies in Kenya. They also called for the creation of: Grief and Loss Centers in all Counties, Widows and Orphans Fund to end the current begging culture by widows, special seats for widows in both County and National Assemblies, departments for Widows and Orphans that care for their financial and psychological needs. These are the kinds of support that widows in my study suggested. The petition by the RONA Foundation illustrates how dire the situation of widows is in Kenya. Their voice confirms how timely and significant this study is. The widowhood association proposed by participants in this study already has

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<sup>13</sup> <http://www.ronafoundation.co.ke>. Downloaded on 17/6/16.

an ally in RONA for future collaborative actions for change regarding levirate practice in Kenya. But there is that small group of widows who want levirate custom retained.

One of the surprising findings from this study is the constant significant minority of 20.7% who want the levirate maintained. They want it practiced as it was done in traditional Luo society, that is, the true *levir* or a close cousin of the deceased husband should care for the widows. But they also want the widow to be free to pick the *levir* of her own choice if there be no *levir* or a close cousin. If this is the case, then the widow may pick a man from any community in Kenya, who is willing to care for her and the orphans. This option would be contrary to what traditional levirate was meant to achieve. But a helpless widow accepts a temporary cleanser because she “sees it as the only chance to take control of her inheritance” (Geissler and Prince, 2010, p. 275). By handing over levirate custom to non-relatives of the deceased, the Luo have adulterated it and lost its original meaning. In so doing, widows have been reduced to personal property of the family of the deceased to be passed over to different men at their own whims. This is gross violation of the rights and dignity of Luo widows.

If true *levirs* are not ready to play their old roles, then Luo widows have to simply accept that there will be no going back to traditional widow-care methods. Contracting a union with outsiders may lead to irreconcilable inheritance conflicts that may disinherit the children of the deceased, if a widow invites the non-Luo to live with her on the ancestral land of the deceased husband. Data from this study also showed that the majority of widows called for public uplifting of levirate custom by the government, politicians, Luo Council of Elders and the Christian Churches. This would set widows free from the bondage of traditional death taboos and rituals. When death taboos have been removed and widows allowed to marry whoever they choose, it would be a contradiction to attempt a return to the traditional model of care for widows, which the true *levirs* have abandoned. It is interesting to note that the changes that have taken place within the levirate practice only occur along patriarchal limits. This enhances my argument that eventual transformation in the levirate practice will only take place when all stakeholders are engaged in dialogue as they did in the Ombeyi mixed group discussion in appendix 6. In the mean time, the levirate practice persists putting widows and *levirs* in grave danger.

### **5.3 Why the Levirate Custom Persists**

Data from the first survey (appendix 2) and this study have shown that the levirate

custom persists despite its negative impacts on widows and the Luo society. Akoth (2013, p. 185) observed that “the subject of levirate institution is perhaps one that has persisted since the arrival of Christianity among the Luo”. Studies by Rosenblatt and Nkosi (2007), Idialu (2012, p. 6), and Perry et al (2014) revealed that African widows face traumatic experiences at the deaths of their husbands and that widow cleansing and widow inheritance are cultural practices observed in many communities in sub-Saharan Africa. Evidence from participants suggests that many reasons could be adduced to explain this persistence of levirate unions among the Luo in Kisumu. These include literacy levels of widows, anthropological, gender, social, theological and technological reasons. Appendix 2 has additional explanations.

We saw in chapter four that the majority of participants in this study had very low levels of education. The common reality in Kenya today is that a high level of education is key to securing good jobs and subsequently better economic standards of life. Minimum education exposes people to manipulation, exploitation and to servitude. Consequently, low literacy levels make widows susceptible to all manner of abuse without recourse. Dowden (2008, p. 326) confirms that levirate custom “is often used as a cover up to grab the widow’s inheritance: home, land, cattle, and possessions. The widow and her children are often left destitute, especially if she has no education.” Derek (2013, p. 563) also found that “wealthier, and more educated women had a better chance of protecting assets from dispossession. It has been further proven that “education increases knowledge, which can break down barriers to social participation. It can also expand perspectives, values and aspirations and encourage critical and analytical thinking beyond individual circumstances” (Kuh, 1995; White, 1997; DLP, 2011). Evidence shows “that... widows with secondary education and economic stability ignore levirate while widows with primary school education and no economic empowerment readily submit to the cultural demands. Educated widows prefer to be left alone to plan their destiny” (Wachege (2003, p. 77; Miruka, Nathan, and Obong’o, 2015, p. 247).

Analytical thinking is critical because it enables a widow to reject levirate custom. Gunga (2009, p. 175) found that “widows in rural Luo communities in Kenya...are subjected to destructive rites due to their ...low literacy and lack of exposure.” Shisanya (2007) explains that urban Luo widows who are better off economically find it easier to resist negative cultural demands and practices. From the bio-data presented in chapter

four, it is my view that the majority of Luo widows who entered levirate unions either willingly or forcefully did so because of their low levels of education. Higher education would lead to autonomy whereas illiteracy leads to dependence on a *levir*. It is clear that one major step towards eradication of negative impact of levirate in Kisumu is insistence on higher education for Luo wo/men.

When my father died in 2002 at the age of 86, elders expected our mother to undergo Luo death rituals befitting an elder of his age. Our mother, a staunch member of the Legion of Mary devotion group, told us that she would remain faithful to the Catholic Church. We all agreed to support, defend and protect her against any possible harassment from any member of our extended family. During the funeral, our mother made her intention known to all the mourners present. Our elder brother, speaking on our behalf, also confirmed our acceptance and respect for our mother's choice. He welcomed relatives to visit and console our mother in her grief and mourning but warned of legal action on anybody who would dare exert pressure on her to observe levirate custom. This study has confirmed that widows are often forced into levirate by close relatives. Geissler and Prince (2010, p. 286) found that adult sons of widows in Uhero in Siaya deanery...“were often instrumental in persuading their mothers to be inherited”. Perry et al (2014) also found that some widows in Nyanza were forced into levirate unions by their own family members. On our part, we were able to defy the elders for two reasons: our levels of education and our strong Christian faith. We refused to believe that failure by our mother to observe Luo death taboos, would have repercussions either on us or on our children.

Widows in the study complained of the numerous death taboos, which they are expected to observe. Chapter one of this study has already defined and explained what taboos are **(1.10)**. In my view, anthropological reasons for levirate unions are patriarchal structures, explanations and practices designed by Luo men to keep women perpetually subservient. Numerous death taboos and rituals are aimed at controlling women in the family of the deceased. The main aim is to ensure that the widow is available for the numerous fertility rituals involving sexual intercourse. SHIINO (1997), Geissler and Prince (2010), Asewe and Nyongesa (2013), Adhunga (2014), Perry et al (2014), and Miruka, Nathan and Obong'o (2015), confirm that, among the Luo, sexual intercourse has to be performed during establishment of a home, during agricultural cycles such as tilling the land,

planting, harvesting, after a funeral of a parent and during marriage ceremonies.

Taboos are used to instill fear into widows thereby forcing compliance. Akoth (2013, p. 181) found that among the Luo “taboos (*kweero*) are followed almost to the letter. Diversions due to ignorance is treated with horror and followed by immediate corrective measures.” The Luo have been socialised to believe strongly that neglecting death rituals “jeopardises one’s life, family and descendants, livestock and crops – the entire forward flow of life” (Geissler and Prince, 2010, p. 105). “The psychological fear of defiling children with *chira* (cultural impurity), and the subsequent desire to neutralise it, are the driving force for widow cleansing rites (Gunga, 2009, p.170).

Data from this study has shown that widows who refuse to perform death rituals face “total ostracisation from her husband’s family, and even withdrawal of or limited access to their children” (Idialu, 2012, p. 7). It is through observance of taboos that a Luo widow can “gain access to land and ensure control over land titles and other assets” (Geissler and Prince, 2010, p. 273). The story of Jennifer in chapter one is a perfect illustration. In my opinion, there seems to be a deep seated fear of women in the male Luo psyche. This fear may be responsible for the strange insistence on levirate observance even by well-educated Luo men. Derek (2013, pp 131–133) observes that from the 1950s, Luo men living in towns in Kenya formed organisations that “gave them leverage over independent women....These organisations were obliged to represent independent minded women as deviants and traitors of their people.” Luo men seem afraid to let women make decisions on matters that affect their lives. I am convinced that gender issues lie underneath this fear, and so Luo male elders involve elderly women to enforce the levirate practice.

Patriarchal systems are known to implement practices designed to keep women under men. In order to ensure that women observe the very rules meant to subject them to men, elderly women of the community are delegated by men to make sure women comply. It is bizarre that the “enforcement of the rituals has been vested in elderly married women and widows who are, or have been, in levirate unions” (Asewe and Nyongesa, 2013, p. 215). I call it bizarre and vicious because potential widows or women who are already widows, are turned into instruments of persecution of their own kind. When a cultural practice that oppresses women has been handed over to women to enforce, the widows think that there is merit in its observance. The gender aspect emerges from the fact that,

“whereas widows are subjected to very strenuous widowhood rites among the Luo, widowers are not” (Gunga, 2009, p. 171). There is obvious imbalance or inequality between Luo widows and widowers, and this inequality is extended and exercised by male in-laws of widows. This is why I am convinced that effective response to levirate unions among the Luo calls for the development of a practical feminist liberation theology, which we shall discuss in chapter seven. Apart from taboo applications, widows also suffer immense social pressure to observe levirate custom.

This study confirmed that many widows entered levirate unions due to social pressure from their families and relatives. Perry et al (2014) found out that widows capitulate to levirate unions because they are forced and also due to fear of being ridiculed by family members and friends. The social costs of rejecting the custom are simply too much for widows. A widow who has no *levir* is not part of the social group. Evidence from participants in the study was that a widow who had not entered levirate union was considered dirty and tabooed. She could not visit her own parents, serve food to her own children or carry small babies in the home. My own experience with widows in my village is that during social functions, contact with other members is minimal. Widows are served their food and drinks away from other members of the village. They sit alone under the village granary and get their provisions there, like lepers, while the rest sing and dance in the houses. This social exclusion and shame makes the widow to look forward to its end in a levirate union.

In Africa, “the goal of life is not to possess things, but to form relationships” (Bujo, 2010, p. 86). Instead of direct vertical relationship with God and personal freedom and peace, the African “stresses horizontal approach-relationship with God through the community of persons” (Magesa, 2010, p. 70). A truly moral and spiritual African is one who has drowned herself or himself into every aspect of community living. This means that there is some theology that entrenches levirate custom in the very core of Luo life. I call this Luo theology of death.

Chapter one (1.8) has already introduced us to the Luo concept of death. Male theologians who participated in this study pointed out in chapter four, that levirate

custom has persisted because of the firm belief that death does not dissolve a Luo marriage. This belief has also been confirmed by Kirwen (1979; 1987), Nyarwath (2012) and Ojore (2014). The widow cannot remarry due to her commitment to her deceased husband because she is his wife forever. Kirwen (1987, p. 177) explains that the *levir* “is not his own person in this relationship: he is ritually and legally the dead brother”. “The widow is intending to have sex with her deceased husband and the *levir* is intending to be the deceased husband (Kirwen, 1979, p. 206).” This is why the children born out of levirate union do not belong to the *levir* (their biological father). Her intention is not to have sex with any other except her dead husband. The most important thing in levirate union is not sex but the care for the widow and the orphans. In a strict traditional union, the *levir* has no rights to demand sex from the widow. He only visits when invited. We have seen in chapter one how Luo girls are socialised to remain *chi liel* (the wife of the grave).

Evidence from the participants was that widows cannot dare reject the levirate state for this would invite the wrath of her deceased husband on herself. “The overpowering belief in the ability of the ghost of the dead person to come back to disturb and haunt...relatives has enforced and perpetuated the age-old practices of widowhood in western Kenya (Miruka, Nathan, and Obong’o, 2015, p. 241).” The uniqueness of levirate relationship is what has convinced theologians that levirate union is neither a form of marriage nor is it adultery. A widow can only end this relationship via divorce. Wilson (1961, 1968; Oruka, 1990) stressed that marriage for the Luo is only dissolved through divorce, which is not a matter solely for the husband, but for their lineages as well. As long as a Luo widow remains a wife, she cannot re-marry. If divorce is not performed, the family of the original husband will collect the body of the widow from her second husband and bury it next to her husband. For the Luo, the living, the dead and the future members of the family are tied together by a mysterious bond that is unbreakable.

The Luo, like other Africans, believe that “human community has three dimensions: the living, the dead and the yet-to-be born” (Bujo, 2010, p. 79-80). Ethical and moral behavior of an individual has to be seen in relation to the larger community. Individual human reason takes second place. One gender cannot live independent of the other. Whenever there is only one gender, the other is also implied. In other words, the “human

being is whole, only as man and woman summoned by the unborn child,” who comes in the name of the ancestors (Bujo, 2010, p. 81). Mombo (2012, p. 158) explains that African traditional societies “had no role for single mothers and so they were denied social identity, thus pushing them into an increasingly marginal position.” In this kind of set up a widow cannot be considered a full person if she cannot and does not participate fully in interpersonal relations of community members. One has a clear conscience only when she is acting in unison with the rest of the community. The good is not that which is in my interest but in the interest of communal life. In Africa:

Everything is perceived with reference to life.... Africans quickly draw ethical conclusions about thoughts, words, and actions of human beings... by asking questions such as: Does the particular happening promote life? If so, it is good, just, ethical, desirable, and divine. Or, does it diminish life in any way? Then it is wrong, bad, unethical, unjust, and detestable. This most basic understanding of morality in African religion is incorporated systematically in the people's way of life. It is expressed in their traditions, ceremonies, and rituals. It constitutes what Africans perceive as the mystique of life (Magesa, 1997, p. 77).

In my view, this reference from Magesa can also be used to call for complete abandonment of levirate unions today. This study has proved that whereas levirate practice supported and promoted life in the traditional Luo society, this is no longer the case. Today it has become a conduit for transmission of a deadly virus that has led to the deaths of millions of people across Africa. A community that loves and cares for its sisters and mothers cannot insist on the observance of a custom that kills them. Phiri and Nadar (2010, p. 98) have rightly warned that “sometimes the needs of the community are promoted at the expense of gender justice”. The justice called for here is the concept of individual rights and freedoms. With such a theology and spirituality, fundamental human rights may be sacrificed at the altar of community wishes, and levirate custom may never be eradicated. This is because “to live for African women, is to live for others, children, husband, in-laws, relatives. Everybody else’s comfort and needs take precedence over their own” (Oduyoye, 1986, p. 41). We can now understand the position of the significant minority of widows who want levirate maintained. They are saying that if, by any chance, it ensures protection of all those they offer to live for, then so be it, even if it leads to their own early deaths. This kind of theology of life and death turns Luo widows into martyrs because they die for their children and the society. They are tragic heroines that need to be supported to understand that refusing levirate will not endanger the lives of their loved ones. But there is a positive point that we should not

lose sight of in the Luo theology of life and death.

One may challenge those who think that widows who fear the spirits of their deceased husbands as merely superstitious. Catholic widows are aware of the Christian patron saints whose feasts we celebrate with pomp and devotion, and we believe that they intervene in our lives. Similarly, a Luo widow believes that her deceased husband still has influence over her life. In my view, this belief in a continuing marriage after death is the argument the missionaries missed to use against Luo levirate custom. If she cannot re-marry because she continues to be a wife, then any other new relationship she contracts is a betrayal of her loyalty to her deceased husband. The Church in Kisumu has failed to acknowledge this basic foundation on which Luo marriage is anchored, and so she has never addressed levirate unions effectively. In Kisumu today, the media is increasingly being used by custodians of levirate law to promote it.

Akoth (2013) and Ojore (2014) found that custodians of Luo customs have resorted to aggressive use of electronic, print and social media to instill fear of breaking Luo death taboos and to ensure compliance. Frightening explanations and examples of calamities that befall people who reject levirate practices are aired on radio very frequently. What the listeners do not know is that participants in these radio discussions are paid and so they insist on perpetuation of levirate for purely economic benefits to themselves. Television shows by women who appeal to fellow women to remain subservient and loyal to men are also common in Kenya. In as much as media freedom has to be protected, the government's first priority is to protect all citizens from harm. It is clear that policy makers within the government have not acted to stop dangerous use of all forms of media in Kenya. In this sense, negative use of technology is the modern means of perpetuating levirate practices among the Luo in Kisumu. Luo widows are being bombarded from all sides to continue submitting to a cultural practice that has changed and lost meaning. In the face of numerous pressures from all fronts, Luo widows see the Church as their only hope.

#### **5.4 Widows Appeal for Sacraments**

Since my study is the first serious theological piece on the levirate custom by an insider, it is my task to expose the complex theological and pastoral challenge related to the practice. It is critical that we appreciate the different positions taken by the widows, theologians and the Church. This understanding will enhance the appreciation of the new

pastoral care for widows this study proposes. In my statement of the problem in chapter one (1.2), we had seen how Catholic widows in levirate unions are excluded from receiving the Sacraments. When they are ill they cannot receive Holy Anointing of the sick and receive *viaticum* (food on the way to heaven) and they are also excluded from the Sacrament of Reconciliation (also called Confession). Evidence from my data has shown that we have Catholic widows and *levirs* living in secret relationships, because they want to avoid excommunication by the Church (4.5).

Consequently, widows in some levirate unions want the Church to allow them to receive the Sacraments based on seven arguments. First, the *levir* cares for the widow and her children out of his love for his deceased brother. Failure to do so would portray him as selfish and uncaring. Second, widows cannot control the reality of death that makes them widows while they are still very young. Third, widows find themselves in a culture that believes that death does not end marriage and so they cannot remarry as the Church expects them to do. Fourth, young widows do not want to abandon the home of the deceased, because they know that their children will not be accepted in the second marriage. Van de Walle (2011), found that widows in Mali could not remarry because the new husband from outside the lineage would not accept children conceived with another man. This is what happens among the Luo. In Luo community such children *nyithindo ma obigo* (children who have been brought) were likely to be killed, to avoid them supplanting the blessings from the children of the new marriage. In such a cultural environment, a widow expresses extraordinary faithfulness and chastity to her deceased husband by staying in his home. Fifth, widows in the study said that they are still active in the Church and in their SCC. The Church accepts their monetary gifts and offertories, but refuses them Sacraments. Sixth, the Luo abhor adultery, which the Catholic Church is ready to forgive in the Sacrament of Reconciliation, while the Church on her part abhors levirate, which the Luo have sanctioned. Seventh, many Catholic widows have been forced into the levirate unions by their relatives against their own wills and conscience. Such widows have not chosen freely to live in sin. Consequently, widows who are in levirate unions feel that they need to be pitied and not punished or pushed into cheating the Church as some Catholic *levirs* and widows are already doing. They argue that the fact that the wives of *levirs* feel jealous to share their husbands does not make levirate unions immoral.

Feeling jealous is a normal human emotion, which is neither good nor bad in itself. Those with children know that they quarrel and fight over many things but they still love each other. Husbands and wives too disagree viciously and may not talk to each other for days, months or years. In other words, there is no perfect human relationship on earth. It is perfectly normal for the wife of the *levir* to feel betrayed and unhappy. But she also knows that her husband still has the moral obligation to care for his brother's widow and children. She even supports him to provide material needs such as money clothing and food. However, she may not want to imagine that her husband also provides sexual company to the widow. But she knows this is not excluded as it is part of the socialisation of Luo girls as explained in Chapter One (1.9.2) of this research. Kirwen (1979, p. 204) stresses that the levirate custom in Africa "is a respectable social institution for the care of widows and is not to be equated with fornication or adultery".

### **5.5 The Catholic Church Response**

Evidence from Church participants in this study is that the Church refuses to accept the widows' plea. During the 2014 synod on the family in Rome, some Catholic moral theologians insisted that:

Sexual acts can only be acts of true love only if they are conjugal acts, that is, if they are accomplished by a man and a woman who have publicly committed their lives to each other, who have promised fidelity and sexual exclusivity, and who are open to the generation of new life (Perez, Jose and Kampowski, 2014, p. 33).

The Church definition of marriage is based on the teaching in Genesis 2:24: "Therefore a man leaves his father and mother and cleaves to his wife, and they become one flesh." The text expresses exclusivity in marriage. During the 2014 Synod in Rome, orthodox Catholic theologians stressed that "the Church must forever insist on indissolubility of marriage...and the possibility of a chaste abstinence if this is what love requires in specific life situations" (Perez, Jose and Kampowski, 2014, p. 58). The Church allows widows in levirate unions to receive only spiritual communion with their various communities but denies them Sacramental Communion. This denial is not seen as punishment by the Church, but as an invitation to abandon living contrary to the Gospel teachings.

A young Luo widow may observe temporary abstinence for as long as she is still looking for a suitable partner, or total abstinence for those unable to find any. Such widows may

embrace permanent chastity like religious nuns. The ideal is that this state of life is possible and many saintly people have managed it. But the reality is that it is not strictly kept even by those who have vowed to do so, because although “perfection is asked of us, it is not given to us” (Magesa, 1990, p. 7). Consequently, single widows who indulge in sexual relations due to human weakness are urged to go to Confession and thereafter hope to live pure lives. It does not matter how often this happens, they are welcome to the Sacrament of reconciliation as often as they like. This seems to me to be the silent teaching of the Church to widows.

One way of interpreting the Church position is that as long as young Catholic widows solve their sexual problems secretly and go to Confession thereafter, they can continue to receive Communion. At Confession they are told to say a few prayers or the rosary and then they can receive the Sacraments. The following month they are back to the Confessional box with the same sin. The Church responds that “in the case of sin, God tolerates the fact that it is committed in view of the future repentance of the sinner whom he loves” (Perez, Jose and Kampowski, 2014, p. 82). However, young widows feel that this amounts to deliberate abuse of the Sacrament because they know they will fall into sexual sin frequently. In the modern world, “insistence on the importance of Confession in this case is not a sufficient answer to the challenges the Church faces in the area of sexual morality. A more fundamental change of mindset is required (Pepinster, 2015, p. 2).” Refusal by the Church to listen to issues on human sexuality led to numerous sexual abuses and scandals that will take her many years to repair. Some theologians have argued in favour of the widows.

### **5.6 Theologians Respond to the Church**

All the six theologians who participated in this study urged the Church to welcome some widows in levirate unions into the Sacraments. However, they did not provide very sound theological support for their call. Consequently, I set out to evaluate more literature to find out if there could be any theological backing to the request by the significant minority of widows (20.7%), who want the levirate unions recognised by the Church. I found several arguments in support of the widows’ plea. These theologians argue that the levirate unions should be looked at alongside modern debates regarding the understanding of marriage. Ntagali and Hodgetts (2011, p. 23), have noted that “throughout the world, attempts are being made to redefine the institution of marriage”.

In their view, the traditional “Christian understanding that marriage shall be a union of one man and one woman for life has been challenged” (Ntagali and Hodgetts, 2011, pp. 23-24). By 2014, more than 14 countries had passed laws legalising same sex marriages. Some of these countries include Australia, Canada, USA, France, United Kingdom and many other European and Latin American countries. Ireland, a largely Catholic country, voted overwhelmingly to make additions to Article 41 of their Constitution to read: “Marriage may be contracted in accordance with and by law, by two persons without distinction as to their sex” (Gallagher, 2015, p. 34). These countries have modified their laws to include and recognise gay and lesbian relations as new forms of marriage and family. The world has shifted from looking at marriage from an exclusivity perspective to seeing it as a process, which may be expressed in different forms.

These theologians explain that the cry from those in gay, lesbian and levirate unions is not “born out of the desire to destroy marriage but, rather, in a cry for acceptance” (Gallagher, 2015, p. 36). As a married man in the Catholic Church with children, I agree with Gallagher (2015, p. 42) that the Church may teach and insist that “marriage between a man and a woman is the best general context for the rearing of children and may, therefore, receive preferential treatment”. However, it may not be the only one. In this world, human beings find themselves in situations created by circumstances of biology, death and accidents that alter radically the way they would like to live. This is why Pope Francis insists that “mercy may be characteristic of everything the Church does” (Pepinster, 2015, p. 2). Insisting on exclusivity in Christian marriage complicates pastoral issues that are already difficult to address.

In my view, the problem with exclusivity is that it is based on the idea of Yahweh uniting himself with the people of Israel as a bridegroom to his bride. In this union, there is no other. But God cannot be exclusively owned, because he has also united himself to all other peoples of the world in a similar manner. There seems to be no exclusivity in the way God relates to human beings. Taking a relationship between God and one people (Israel), built out of their own biases against other people does not seem very attractive ideal to be applied to all marriages of different peoples in the world. The world is already telling the Church that the model of the relationship between Israel and Yahweh does not suit the modern world. In any case Israel has never recognised Christ as the Messiah of Yahweh. It is strange that we use a failed relationship as the ideal for our Church

marriages. The Church needs to explain exclusivity properly, or has to re-think her definition and understanding of marriage today. In the absence of this, the levirate practice will remain a pastoral challenge in Kisumu.

One big concern with the Church's position on levirate custom is her insistence that it is sexually immoral. Evidence from participants proves that Luo widows cannot remarry as expected by the Church at the moment. The only option for them is to get a married man within the clan of her dead husband to take care of all her needs. Besides, the sexual union between her and the *levir* is properly sanctioned by the elders, and (in some cases) accepted by the wife of the *levir*. The Church rejects this as adultery and recommends that a widow looks for a widower or an unmarried man to wed her in Church.

Some theologians point out that given the Luo theology of death that we have already seen, this is not possible. Besides, when a young Luo man or a widower goes to Church to wed a widow, the couple and the community know very well that such a union will not last. The man is simply going to raise children for the dead and must one day marry his own wife. Such a marriage goes against Canons 1056, 1057 & 1096. These Canons state that a validly celebrated Christian marriage is supposed to be permanent. Even divorce cannot be granted readily. A Church marriage between a Luo widow and any other man is considered a levirate union by the Luo congregation attending the Church service. Why then should the Church bless a union that people are sure will not last? Is this not deception and ridicule of the Sacrament of marriage? In my view, it is prudent that such marriages are not encouraged because temporality is already an impediment to their validity. “The widow in such a relationship does not and cannot make a new marital commitment to her inheritor because her marriage to her deceased husband is still continuing (Kirwen, 1979, p. 165).” The Luo agree with the Church when she teaches that marriage is indissoluble and therefore permanent, but when the same Church teaches again that death ends marriage then the Luo reject this.

The Luo believe that at “the moment of our earthly demise, we and our beloved ones

enter into a new life beyond death” (Maloney, 1984, p. 8). Death does not separate them but instead, it re-unites them. When we bury our dead relatives and friends, we assure them and ourselves that we wish them a temporary goodbye until we meet again after our own deaths. It is death that will create the occasion of re-unification. A Catholic document perfectly captures the Luo view of marriage when it says:

A conviction carried out in life is that far from destroying the bonds of human and supernatural love contracted in marriage, death can perfect and re-enforce them.... Considered on a purely conjugal plane, death ends marriage as a physical union, but what constituted its soul, what gave vigour and beauty, conjugal love with all its splendour and its eternal vows subsists...” (Benedictine Monks, 1963, p. 499).

The Bible says in Matthew 19: 6 that: “What therefore God has joined together, let no man put asunder.” Christ has defeated death by his resurrection. The Christian is believed to share in this conquest of death. Consequently, if the Christian who is superior to death cannot put asunder what God has united, how can the inferior death end marriage which God has united? Is it not theologically sound to argue and even believe that death does not end a marriage the way the Luo do? On this note, the marriage vow/promise among the Luo may read: I will love you forever, and death does not separate us. Many Luo widows see themselves married for life. If they have to remarry, they have to do it within their husband’s family. The *levirs* available for them are already married, but the widows want the Church to accept that they can still be *one flesh* with them. The Church rejects this but some theologians think it is possible for a man to be one flesh with more than one woman. For example:

Children in relation to their mother can be "one flesh" with her, by reasons of their unity in general and in maternal love. The relationship between the mother and each child, respectively, may even be regarded as a union of "two" in "one flesh" without hereby excluding the other children from the same relationship with their mother (Hillman, 1975, p. 168).

Regarding levirate unions, therefore, Hillman (1975) would argue that a married Luo Catholic who takes his brother's widow has added a second woman to his fold. Since this is a socially valid union in the Luo society, he can be united with each of the two women, "respectively, as "two" in one flesh" - both in a carnal sense and in terms of kinship. St. Paul has shown that it is possible to be "one flesh" with several prostitutes in

a successive way in 1 Corinthians 6:16-17. Therefore, is it really correct to take the "one flesh" of Genesis 2:24 to mean monogamy? The argument that the unity between Christ and his Church can only be represented in monogamy is just one way of looking at marriage. But couldn't it also be possible that "the union between Christ and the Church can be symbolised simultaneously in polygamous marriage? Christ standing for the husband, is one; and the Church, as his wife is plural. For, in actual historical fact, God's people believed in the plurality of person" (Hillman, 1975, p. 168). Ecclesiologists speak of domestic, local, national, regional, continental and universal Churches. These are collectively and individually wives of Christ. In Post Vatican II Church, there is unity in diversity and pluriformity in singularity.

Lwaminda (1986, p. 179) explains that marriage is a secular reality and it "has always existed in many forms and at many levels and its dynamic reality has included divine and human laws...." Levirate marriage among the Luo is one way of looking after women which has been found useful for thousands of years before Christ. It is interesting to note that many African bishops, priests and religious people come from polygamous families. Is this not an indication that God's love can be realised in the purely traditional African marriage types? Why then does the Catholic Church declare invalid that which the whole society considers valid? Donovan (1989) warned missionaries and the Church, that the grace of God was always ahead of them and present in the cultures of the peoples in mission territories long before they arrived.

Theologians in my study argued that the levirate custom was designed to save widows from village prostitution and single parenthood. The Catholic Church is yet to explain to young widows who cannot find unmarried men to live with, how to solve their sexual needs. Other theologians explain that:

Levirate duty was enjoined by the law even in cases where the brother-in-law of the widow was already married. Must the missionary obey the moralist and deny the Sacraments to a Christian married man who with considerable sacrifices fulfils his levirate duty towards the widow of his brother, and to the widow who adheres to this order demanded by tribal custom in order that she may not be robbed of her children and lose her place in the tribe? (Haring, 1970, p. 147;

Kisembo, 1977, p. 92).

Faced with such a protracted theological issue as the levirate practice, it may be better to surrender all arguments to the Divine mercy as suggested by Pope Francis in his Encyclical *Amoris Laetitia* (2015). The Pope suggests that marriage is a process and that those who have fallen may be shown mercy, love and forgiveness. He calls for patience and understanding on the part of pastors. On the basis of this exhortation, Canadian and Brazilian Catholic bishops have received divorced and civilly married people back to the Sacraments. The patience called for by Pope Francis is in line with the principle of graduality.

### **5.7 The Law of Graduality and the Levirate**

The law of graduality states that the “Christian is...subject to the normal law of slow but sure growth in moral perfection, that is to the Divine patience and mercy” (Kariuki, 1987, p. 150). It is “the notion that people come closer to the ideals of Church teaching over time” (Lam, 2015, p. 28). At his incarnation, Christ put aside his heavenly “culture” and stepped into the messy human history, while embracing the Jewish (human) nature. During his ministry, he loved and patiently helped sinners to grow gradually into his heavenly culture. He even left them before they grasped it as we see in Peter denying him. When Jesus was called Good Master, he retorted, “Why do you call me good? No one is good but God alone” (Mark 10: 17 & 17). But it is the same Jesus who also tells us, “You therefore, must be perfect, as your heavenly father is perfect” (Matthew 5:48). The ideal is set so high for the believers, but the reality is that we are *perfectly imperfect*, and Jesus who knows the frailty of human beings in his pilgrim Church warns against the pharisaic extremism among his followers. Jesus helped sinners to grow gradually into the knowledge of the Truth.

We have already seen in chapter four that customs and traditions of a people die hard. Onyango (2010, p. 28) confirms this when he says, “Cultural development is a long-term process that undergoes slow evolution...” It will take some time before levirate custom is eliminated from the Luo society. In the meantime, the Catholic Church in Kisumu has to find effective ways of addressing it. The law or principle of graduality is one possible way of slowly addressing the levirate custom. The principle may be applied where it is obvious that the principle of reception is very low or does not exist at all. Magesa (2013)

explains that the principle of reception refers to the proposition of Church teaching on the one hand and assent to that teaching on the other. For example, since the release of the encyclical *Humanae Vitae* in 1968, the Catholic Church has instructed Catholics to avoid using contraceptives in their family planning methods. The reality is that millions of Catholics do not obey.

It has been more than 115 years since Catholicism came to the Luo in Kisumu. During all this time, the Church has condemned the levirate custom but it has refused to die. Appendix 2 presents priests in Kisumu stating that Luo death taboos are more powerful than the Ten Commandments. It is clear that it will take the Catholic Church a long time to educate the Luo before they eventually abandon the levirate practice. The principle of graduality is based on the belief that God is patient with sinners. It took God, for example, a very long time to educate the Jews on various moral issues. If one considers the difference in time between the story of Onan in Genesis 38 and that of Jesus Christ and the Sadducees in Matthew 22:23f, we notice a long span of time lasting many centuries. It seems that at the time of Jesus, levirate custom still existed or else the Sadducees could not have brought it up as an issue tied up to their question on the resurrection of the body.

Divine patience is manifested in how Jesus handles the Samaritan woman at the well. This is one of the longest stories in the New Testament. This woman had been married to five men and was in a sixth union when she met Jesus. Jesus does not dwell on her sinful relations but concentrates on slowly educating her and finally winning her over as a missionary to her own people (John 4:7- 42). The principle of graduality demands that “pastors and the lay faithful who accompany their brothers and sisters in faith,...need to accompany them with mercy and patience to the eventual stages of personal growth as these progressively occur” (Pope Francis, 2013, No. 44, pp. 27-28). Application of the principle of graduality has been seen in history when the Church tolerated actions we would consider sinful today. It is clear that “no Christian would argue today that slavery is good, but for 19 centuries the Church accepted it and defended it” (Lam, 2016, p. 28). Even apostle Paul respected the institution of slavery as seen over Onesimus (Philemon 1:1-25). However, we should not commit the anachronistic mistake by applying understanding of our time to judge people of another generation. It is rare that the Church faces her sinful past and admits that she is not perfect.

It is also rare that a group of people may come out and talk about difficulties in their sexual lives the way Luo widows have done in this study. If there is anything the Catholic Church may have learned from the numerous sex scandals and abuses, it is that many good people struggle with the gift of human sexuality. Since we have all fallen short of God's glory, (Romans 3:23), it follows that all human beings shall stand before God, not as saints but as sinners. Luo widows need a pastoral attitude of patience, kindness, sympathy, forgiveness, love and mercy, rather than that of condemnation, exclusion and threats of eternal damnation.

When Archbishop Justin Welby of Canterbury wrote to the African Anglican bishops about acceptance of gays and lesbians, he received resistance that is threatening to tear the Anglican Communion. Cardinals Schonborn of Vienna, Ruben of Colombia, Dolan of New York, McCarrick of Washington and Bergoglio of Buenos Aires (Now Pope Francis) have been quoted as having affirmed that "there can be same-sex partnerships and they need respect and even civil law protection. But that these unions may not be equated with marriage (Lam (2013, p. 26)." While Christians in the developed world seem to be open to gay and lesbian relationships, Christians in Africa reject them in *toto* as grossly evil and immoral. On the same note, Western Christians would find the idea of levirate union in which a widow is accepted into an existing marriage revolting and even disgusting. It would appear that a type of marriage that is acceptable in one corner of the world would be considered unacceptable in another. Whose model ought to be the norm or should we be open to surprises? Recently, Pope Francis has made it crystal clear that, in his view, there are circumstances when divorced and remarried Catholics can receive Communion (Lam, 2016, p. 27). People who were initially thought to be living in sin are now welcome to Communion. In this regard, Cardinal Napier of Durban asked: "If Westerners in irregular [marital] situations can receive Communion, are we to tell our polygamists and other 'misfits' that they too are allowed?"<sup>14</sup> The Church should appreciate that there are marriages in the world that are radically different from what she teaches, and that levirate union is just one of them.

Kanyandago (1991, p. 32) observes "that the Church has no viable ready-made answers to marriage problems in Africa". Evidence from my first survey in appendix 2 and data from chapter four of this study, show that the Catholic Church in Kisumu does not have a

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<sup>14</sup> "An African Cardinal asks a good question." In Catholic Herald, 6<sup>th</sup> January 2017.

pastoral alternative for widows. In the absence of a comprehensive pastoral care for widows, the Church has to find ways of addressing the levirate challenge. It seems to me that theologians who are calling for recognition of some levirate unions are not asking the Church to be less demanding, but that she could be understanding like a true mother and teacher (*mater et magistra*). They stress that “the Church is a hospital for souls. It is not a holy club for Angels, but it is a congregation of sinful men and women who want to know and worship Jesus Christ” (Ntangali and Hodgetts, 2011, p. 126). In his interview with Antonio Sparado on September 30<sup>th</sup> 2013, Pope Francis is quoted to have said: “I see the Church as a field hospital after battle. It is useless to ask a seriously injured person if he has high cholesterol and about the level of his blood sugars! You have to heal his wounds.”<sup>15</sup>

## 5.8 Conclusion

In this chapter, I have discussed why the majority of Luo widows want levirate custom abolished. I have argued forcefully that all the significant others in the levirate debate need to collaborate to end the culture of death brought upon widows by the adulterated levirate practice. I have explained why the levirate custom persists despite the dangers it poses to Luo widows and society. Widows have to be protected and so it is critical that “all the bad elements in our cultural situations have either to be corrected or abolished” (Sarpong, 2013, p. 37). Respected politicians and Council of Elders and others have to be included in this call for change. Such respected “persons will provide assurance that the need for change is timely, and that it is for the benefit of the community itself” (Gunga, 2009, p. 175).

The chapter also presented the request of the significant minority of widows (20.7%), petitioning the Church for inclusion into her Sacramental life. We saw that the Catholic Church does not have room for widows in levirate unions, because the Church upholds that they are illicit unions and therefore sinful. Furthermore, the Church stresses that “Christ's Gospel transcends all cultures” (*Ad Gentes* Art. 8). Believers have to change to live in accordance with the Gospels and not vice versa. In response to this Church position, the chapter also presented arguments advanced by sympathetic theologians, who argued that the Christian message has to first meet the Luo in their historical, cultural and social context. Thereafter, it can then guide them slowly to abandon

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<sup>15</sup> [www.americamagazine.org/pope-interview](http://www.americamagazine.org/pope-interview)

practices that contradict the Christian faith. They suggested that the Catholic Church might consider the principles of reception and graduality, which Jesus seems to have applied in all cases of those considered sinful and misfits. In that spirit of Jesus:

Everyone can share in some way in the life of the Church; everyone can be part of the community, nor may the doors of the Sacraments be closed for simply any reason.... The Church is not a tollhouse; it is the house of the Father, where there is a place for everyone, with all their problems (Pope Francis, 2013, No. 47).

In appendix 3, I followed the six theological models of Bevans (2008) arguing that, when a Church insists on *transcendental*, *translation* and *countercultural* theological approaches and ignores *anthropological*, *praxis* and *synthetic* ones, she is bound to apply the same cold dogmatic responses to pastoral issues everywhere. This has not helped in the levirate case. Instead, it has led to an exclusivist Church that has sustained a Eucharistic famine on millions of Catholics in unions that do not fit into Church definitions of marriage and family. In the next chapter, I present models of widow care in Judeo-Christian traditions. I believe that these models can enrich the new model of pastoral care this study proposes.

## CHAPTER SIX: MODELS OF WIDOW CARE IN JUDEO-CHRISTIAN TRADITIONS

### 6.1 Introduction

This project is a search for a new model of pastoral care for Luo widows in the Catholic Archdiocese of Kisumu. In this chapter, I present six models of care for widows, which have been applied by the Judeo-Christian traditions. Developing a new model implies the presence of old ones. We have already seen that the old models applied in Kisumu for over 115 years have not removed the levirate practice. A model assists us to understand a complex reality. Trokan (2013, p. 146) defines it as “a kind of a working map that helps us to do contextual theology”. If we have to address the complex Luo levirate practice, and the widows’ context, it is mandatory that we consider models that have been used. In this chapter, therefore, I present the six models as follows: Jewish, Messianic, Jerusalem, Pauline, Apostolic Fathers and the Beguine models. It is my conviction that these models will, not only inform the new model this study proposes, but they will also act as the foundations on which I anchor mine.

I argue that the Jewish model changed over time and can, therefore, inform the Luo levirate that has been rather static, refusing to adjust to changing times. Change has occurred in Luo levirate practice but it has brought more suffering to widows than support. On the Gospels or the Messianic model, my argument is that the care for widows in the Church is an order by Christ given from the Cross. The chapter then moves to the Jerusalem, Pauline and Apostolic Fathers’ models. I see these models as obedient implementation of the Messianic call for the care of widows by the followers of Christ. The last model presented is the Beguine movement. I argue that this movement by women in the Late and High Middle Ages, has much to offer the new model of care this study suggests. Throughout the chapter, I present each model and then explain how it informs the new model for Luo widows in Kisumu. The chapter ends with a short conclusion and introduces the subject of the next chapter. One of the oldest institutions for the care of widows ever known was developed by the Jews of the OT.

### 6.2 The Jewish Model

The “Hebrew word for a widow is *almana* from the root *alem*, which means unable to speak or the silent one” (Thurston, 1989, p. 9). At the time of Jesus, Jewish women were forbidden to speak up in public and could only speak via a male relative, usually her

husband or a grown up son. “Consequently, the death of a husband meant not only personal grief, but also radical social upheaval and economic uncertainty” (Kaveny, 2005, p. 4). A widow without a son was not only a total *alem* but also seen as forsaken and helpless. This explains why the OT prophets appealed for justice for the widow and the orphan (Isiah 1:17, 23, 10:2, Jeremiah. 7:6, 22:3, Ezekiel. 22:7). Widows and orphans in Israel were even entitled to receive part of the tithe as explained in Deuteronomy 14:29, 26: 12-13. Among the Jews, the very first level of support for widows and orphans was the levirate institution.

Hebrews, like the Luo, have a custom “that when an Israelite died without leaving a male issue, his brother or nearest relative shall marry the widow and continue the family of his deceased brother through the first born son of their union, he becoming the heir of the former husband” (Unger, 1988, p. 770). The Hebrew equivalent of the Latin word *levir* is *yabam*, meaning a husband's brother. In Genesis 38:8-11, Onan the *yabam* to Tamar his *yebamot* (Hebrew for sister-in-law), was required by the Jewish levirate custom to inherit Er's widow. Onan failed to care for his brother's widow as he was expected to do. For his egoistic behaviour, Yahweh slew him. In my view, the Genesis writer is telling us that caring for a widow was a sacred duty. Failure to do so was equal to disobedience to God, an act punishable by death. Consequently, Onan's death may act as deterrence for those who would be tempted to ignore the levirate duty in the future. The theme of levirate responsibility is continued in Deuteronomy 25: 5-10, which stresses that the care for a widow falls on the brother of the deceased. But levirate custom also enabled widows to inherit and protect family land as narrated in Ruth 4: 1-22. Boaz takes Ruth to restore her husband's inheritance to her. Among the Jews, levirate practice “not only continued the line of the deceased, but it also reaffirmed the young widow's place in the home of the husband's family in Israel” (Freedman, 1992, p. 297). The relative who married the widow did not benefit materially by taking over his brother's wife. Instead, he made sacrifices to ensure her security and prosperity. A Jewish *yabam* who did not want to observe the levirate responsibility had to undergo a ritual called *halitzah*.

*Halitzah*, the Hebrew word for “drawing off” was a ceremony organised during which a *levir* renounced his right to take his brother's wife before the Jewish elders. It was performed to stop a future act and not terminate an already existing relationship. The impediment was symbolized by the drawing off of the *levir's* shoes (hence *halitzah*) by the

sister-in-law. It is stated:

And if the man does not wish to take his brother's wife, then his brother's wife shall go up to the gate to the elders, and say, "my husband's brother refuses to perpetuate his brother's name in Israel; He will not perform the duty of a husband's brother to me. Then the elders of his city shall call him, and speak to him: and if he persists, saying, 'I do not wish to take her, then his brother's wife shall go up to him in the presence of the elders, and pull his sandals off his foot, and spit in his face, and shall answer and say "so shall it be done to the man who does not build up his brother's house. And the name of his house shall be called in Israel, the house of him that had his sandal pulled off (Deuteronomy 25:5-10).

A *levir* who had preferred *halitzah* ceremony had given up a privilege and was held in contempt similar to those in Numbers 12:14, Isaiah 50: 6 & Job.30:10. Having gone through the rite, "neither the *levir* who performed it nor any of his other brothers may marry the widow..." (Werblowsky, 1986, p. 238). She was free to marry any man of her choice and her *levir*, who had chosen to suffer the indignities of *halitzah* had no obligation to maintain the widow. For the Jews, it was either *halitzah* ceremony or a levirate marriage. Only a widow incapable of having children was "freed entirely from both alternatives (Werblowsky et al., 1986, p. 238). It seems that, whereas in Genesis the levirate law is absolute and failure to observe it leads to death, in Deuteronomy "the brother-in-law can, however decline this obligation...but it is a dishonourable action" (Roland de Vaux, 1968, p. 37; Genesis 38; Deuteronomy 25: 7-10). It is important to note that levirate law has undergone a transformation in Israel. Today, the "rabbinic law has established that in the state of Israel, the obligation of *halitzah* takes precedence over that of levirate marriage; and a brother-in-law who refuses to give *halitzah* to his deceased brother's widow is liable to imprisonment" (Werblowsky et al (eds), 1986, p. 238-239). He is also expected to provide financial support to the widow for the delay in granting her freedom. This pecuniary punishment is meant to facilitate *halitzah* ceremony.

The Jewish law of inheritance of a dead man's property in Numbers 27:8-11, leaves out his widow! "This omission is usually explained by the supposition that it was incumbent on the eldest son, who receives a preferential share of the estate, to provide for his mother and the unmarried female members of the family (Marcus, 1987, p.475; Deuteronomy 21: 15-17). Because of this law, the widow (*chera*) was seen as the embodiment of poverty in Israel. Her peculiar situation called for a relationship of pity to her, the orphan and the stranger. These three are the object of special protection by the law. It is written: "You shall not afflict any widow or orphan. If you do afflict them and they cry out to me, I will surely hear

their cry and my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children fatherless (Exodus 22:22-24). Yahweh had made preferential option for widows and orphans.

Numerous biblical passages show that Yahweh is the one who protects the widow and her orphans. He executes justice on their behalf (Deuteronomy 10:8, 24:17-21, Proverbs 15:25) and any person who perverts justice due to her is cursed, for the widow and the orphan are a favourite of Yahweh (Deuteronomy 27:19; Psalms 68:5, 146:9). First, the Jewish widow has Yahweh on her side. Second, the people of Israel have to protect her. It was forbidden in Israel for anyone to take a widow's garment as a pledge for a debt or any assistance offered her (Deuteronomy 24:17). After every three years, Jews were bound to make contributions to their towns. The money and the food collected was for the care of widows and orphans (Deuteronomy 14:29, 26:12-13). During harvest time, farmers were expected to leave a bit of whatever crop being harvested on the farm. This was meant to relieve the widows, orphans and travellers (Deuteronomy 24:19-21). It was a sin to send widows and orphans away empty-handed, if they had asked for something (Job 22:9) and her property must not be touched (Job 24:3).

Practically all Jewish prophets warned that Yahweh hated any oppression of the widow. Such a sin, in fact, was a sign of great wickedness (Isiah 1:23). Oppression of widows was bound to bring suffering upon Israel (Isiah 1:17, Zechariah. 7:10). But good treatment of a widow was a sign of conversion and goodness (Jeremiah 7:6, 22:3). Yahweh made an option for the widow because she is lonely, abandoned, and miserable (Isiah 47:9, 54: 4). Due to this miserable state of a widow, Yahweh's anger burns hot and his punishment swift on the oppressors of widows (Malachi 3:5). It may be noted that one reason for which Israel went into exile was because she had oppressed the widows and the orphans (Ezekiel. 22:25). Very often, widows without children to support them were in a piteous condition (1 Kings.17:8-15, 4:1-7). In Israel therefore, widows, orphans and aliens who no longer had anybody to support them were commended to the charity of the people.

The OT model of care has much to offer to the model this study proposes for the care of Luo widows. Just like the Jews (the old people of God) cared for widows via tithes, part of the annual harvest and swift justice, so also the Church in Kisumu (the new people of God), may do the same for Luo widows. In Israel the levirate laws were intended to ensure that the levirs did not benefit from the misfortunes of widows, but supported them fully. Luo

widows in this study have complained about how those who should care for them only move in to loot their property and abuse them. The Church and the state, in Kenya, need to come up with alternative choices that offer widows personal freedom like the Israeli government and religious leaders have done via *halitzah* ceremony. This means that the liberation of Luo widows calls for policy makers to join hands with both Church and society, to bring about the change desired by the widows. This calls upon Church and state to become *organic intellectuals* for the liberation of Luo widows. The principal of organic intellectuals was developed by the Italian Marxist thinker, Antonio Gramsci. He stressed that “pastors seeking social and political amelioration for those for whom they care must, therefore, be prepared to work closely with other groups and organisations, for example, pressure groups, political parties, to obtain fundamental social changes” (Pattison, 1997, p. 228). One of the pressure groups that would have to be involved in the levirate issue is the Circle of Concerned African Women Theologians. Critical reflection on the custom applied by these feminist theologians will have a great impact as suggested in appendix 3. Care for widows in Israel was continued in the Messianic times as stated in the Four Gospels.

### **6.3 Messianic Model**

In the Gospels, there are instances in which levirate marriage is referred to either explicitly or implicitly. The well-known case of a widow in the NT is that of Anna the daughter of Phanuel in Luke 2:36-38. Anna had been married for only seven years when her husband died. At the time she received the child Jesus in the Temple, she was already eighty four years old. For many years, she had remained a widow praying constantly in the Temple. Luke writes that "she did not depart from the Temple, worshipping with fasting and prayer night and day (Luke 2:37)". For her faithfulness, she was rewarded with the sight of the Lord (deliverance of Israel) before she died. Anna's story is of interest to us because she was not involved in levirate marriage after her husband's death. She was, probably one of those widows who opted for a vow to the Lord in Israel as suggested in Numbers 30: 9. Anna's continual presence in the Temple implies a faithful vow made to God. Luo widows want to participate in dedicated service to God in Kisumu, but still do not know how. Anna provides a possible model and could even act as a patron for Luo widows in the new model of care this study proposes.

The first clear instance of levirate marriage in the NT is that of the widow married by seven brothers (Mathew 22:23-33; Mark 12:18-27; Luke 20:27-38). The main question raised is

not on levirate, but an attempt to ridicule the belief in the doctrine of the resurrection of the body as taught and held by the Pharisees, traditional theological “antagonists” of the Sadducees. However, the levirate obligation is presupposed in the question and in the answer Jesus gives. From the story it can be argued that “the levirate law was still observed at the time of Christ, and, moreover, that it was so interpreted that all the surviving brothers of the deceased men were bound in order, and hence that the obligation was not restricted simply to the oldest serving brother” (Devine, 1942, p. 330). It is possible that levirate custom was still in practice or else the Sadducees would not have raised a question based on it. It is interesting to note that Jesus merely answers the question posed to him, but does not condemn the levirate unions. In his public ministry, Jesus had great compassion for widows. This story confirms that the model of care for a widow in NT times was still the *levir*.

In Luke 7: 11-15, we are told of the poor widow of a town called Nain who had lost her only son. When Jesus saw her weeping, he had compassion on her and told her not to weep. He then raised the dead man back to life and handed him to his mother. In his teachings, Jesus condemned the Scribes and the Pharisees for their failure to assist widows and devouring their houses (Mark 12:40). After this condemnation, Jesus praises the generosity of the poor widow who drops in her two copper coins in the collection box (Mark 12: 42). At the end of his own ministry, Jesus paid attention to the care of his own widowed mother. “When Jesus saw his mother and the disciple whom he loved standing near, he said to his mother, “woman, behold your son. Then he said to the disciple, “Behold your mother” (John. 19: 26 & 27). Jesus knew that his mother was about to become a total *alem* soon after his death. He leaves the Church what I call a *Messianic model* for the care of Christian widows.

In my view, by asking the Apostle to care for his widowed mother, Jesus was inviting all his new brothers and sisters to care for Christian widows represented by his own mother. Consequently, this was not a request to John but an order from the Cross. The Church has no choice but to obey and implement this order. It has been a long time since the order was given. The Church in Kisumu has to obey this order by implementing this *Messianic model* of care for Luo widows. We have to also note that the bishops and priests are in the place of the Scribes, the Pharisees and the Sadducees who were chastised by Jesus for failing to support widows. The absence of a clear policy for the

support of widows in Kisumu, is a failure that is not in keeping with what Christ expects of Christian leaders and his Church. Support for the model suggested by this study would be a good start. The clue on how we might start doing this is given to us by Luke the evangelist in the *The Acts of the Apostles*. This book shows us how the Church in Jerusalem cared for widows, orphans and strangers.

#### **6.4 Jerusalem Church Model**

We are told that in the Jerusalem Church, the early believers sold all they had and put their money in a common pool. None of them was in want (Acts 4:32-37). There is strong indication that money and food was distributed among the widows (Acts 6:1). It is also possible that widows who had no homes were given shelter as well. When the Hellenistic widows complained about poor care, the Apostles called a meeting and a new diaconate ministry was created to improve services (Acts 6: 2-6). The first bishop of Jerusalem, Apostle James, was convinced that “true religion consisted in visiting orphans and widows in their affliction (James. 1:27). In Jerusalem, care for widows and orphans was institutionalised and handed over to the deacons as their full time ministry. They were convinced that Christ willed that widows be cared for in the manner they did. Although the Greek word *diakonia* means service, diaconate in the Catholic Church in Africa has been reduced to a temporary phase towards ordination to the priesthood. In the absence of the ministry of permanent deacons, the new model this research suggests, will provide the needed care for widows and orphans in Kisumu. The Pauline Churches developed a more vibrant model than the Jerusalem one.

#### **6.5 The Pauline Model**

In his first letter to the Corinthians Paul writes: "To the unmarried and the widows I say that it is well for them to remain single as I do. But if they cannot exercise self-control, they may marry. For it is better to marry than to be aflame with passion" (1 Corinthians 7:8 & 9). Paul is stressing that marriage is an institution by God and that it is good. It is better for widows to remarry than to avoid it and be found to live in sin. Remaining celibate is the best for Paul, but it may not be forced on oneself at the expense of the claims of nature, for that would be acting contrary to the very nature of good. Gerhard Kittel (1991, p. 652) writes: "Paul has no use for ascetic experiments ... resolute marriage for him is the lesser evil. A widow is free to remarry." For Paul, a widow who rejects marriage after her husband's death is happier, because she has chosen

to be free from the marital burdens, in order to take up spiritual obligations. The element of licentious life at Corinth City may not be forgotten while looking at Paul's teaching on marriage. Remaining a widow was one of the steps out of the messy life in the city of Corinth. But knowing that young widows would be vulnerable to the temptation of the flesh, the Apostle proposes that such widows remarry.

The theme of widows' remarriage is picked up by Paul again in 1 Corinthians. The text reads: "A wife is bound to her husband as long as he lives. If the husband dies, she is free to be married to whom she wishes, only in the Lord. But in my judgement she is happier if she remains as she is. And I think I have the spirit of the Lord" (1Corinthians 7:39 & 40). There are three distinct affirmations provided by Paul. First, death of a partner terminates the marriage bond. Second, a widow is free to remarry a man of her choice. Third, a Christian widow may not remarry a non-believer. Paul seems to have based his teaching on Deuteronomy 24:3. Therein, the rabbinic law states that marriage is legally terminated either by divorce or by the death of a partner. In saying that a widow is free to marry anyone of her choice, Paul seems to suggest that "the law of levirate marriage does not hold among Christians" (Barrett, 1983, p. 186). When a husband dies and his widow remarries, she is contracting a new marriage all together, and is not carrying on in the name of her dead husband. Therefore, in 1 Corinthians 7:39, Paul is adding to the freedom and the dignity of the Christian woman. Christianity frees her from traditional marriage customs. In my view, the apostle is arguing that just as much as a man is free to marry any woman in the event of his wife's death, so also may the woman be in the event of her husband's death. Consequently, the Luo insistence that a widow cannot remarry is unjust to young widows who want to marry someone else outside the home of her deceased husband. Paul's views on widows and their roles in the Church are found in his letters to some of his companions.

Paul instructs Timothy:

But refuse to enroll your younger widows; for when they grow wanton against Christ they desire to marry, and so they incur condemnation for having violated their first pledge. Besides that, they learn to be idlers, gadding around from house to house, and not only idlers but gossips and busybodies, saying what they should not. So I would have younger widows remarry, bear children, rule their households, and give the enemy no occasion to revile us. For some have already strayed after Satan (1Timothy 5:3-16).

The letter reveals to us that Timothy's Church had a well-established Order of Widows. Timothy, on Paul's advice, must not include younger widows into the honourable Order. Younger widows may find chaste life difficult and resort to marriage after a vow to remain single. This would be a bad example. Paul's advice is that they remarry. In this married state, they would be free from temptations. I believe that Paul is not condemning all widows to marriage. He is only warning of a situation where:

A young husband dies, and the widow, in the first bitterness of sorrow and on the impulse of the moment, decides to remain a widow all her life to dedicate her life to the Church; but later she changes her mind and remarries. Besides, Paul's world had little or no trade or profession open to a woman who depended on her husband entirely. In the event of his death, "she was almost driven to prostitution in order to live. The Christian woman, therefore, had either to remarry or to dedicate her life...to the service of the Church" (Barclay, 1992, p. 114).

Having received guidelines from his spiritual father, Timothy developed a detailed ministry and care for widows not known in other Churches of the time (1Timothy 5: 3-10). He stresses that the first responsibility for a widow falls on her own children or her grandchildren. It is their religious duty to do so (Timothy 5: 3 & 4). But a total *almana* who has set her hope on God and continues in supplications and prayers night and day may be supported by the Church (Luke 2:36-38; 1Timothy 5:5). Such a widow can be enrolled into the widowhood order. In 1Timothy 5: 9 & 10, Paul outlines the qualities a widow ought to have before she is enrolled into the widowhood order, and hence qualified for Church support.

First, the widows must be those above sixty years of age. It would seem that in the Pauline model, sixty years was the normal age at which faithful service could be rendered to God without the interference of the carnal nature of human beings. Second, the widow must, also, have been the wife of one husband. Remarried widows and widows from polygamous marriages were disqualified. Third, the the widow has to be doing outstanding works in the community. Those who do not show their Christianity in daily life only discredit the faith and are unworthy of Church support. Fourth, the widow must have brought up her children well in the faith. Children from broken homes were collected by rich people and "if girls, brought up to stock the public brothels, and if boys, trained to be slaves or gladiators for public games it would be a Christian's duty to look after such children and bring them up in a Christian home," (Barclay, 1992, p. 110).

Before a widow was admitted by Timothy, therefore, she had to prove that she had not neglected her children and left them to the mercy of unscrupulous rich people. Many widows registered by Timothy would end up looking after such abandoned children. In short, these widows had to be outstanding in all they did. It is clear that as early as the apostolic period in the Church, "there was an official order of widows, an order of elderly women who were set apart for special duties" (Barclay, 1992, p.109).

Widows who had shown hospitality to strangers were also enlisted for Church service. Travelling missionaries often needed shelter from their fellow Christians. A widow who had provided lodging for the brethren was good enough, because they had washed the feet of the saints (1Timothy 5: 10). In other words, widows who were willing to do humble work such as those performed by slaves of those days, had proved their goodness and therefore qualified to join the Order. Widows who had assisted those in trouble were also welcome. In times of persecution, there were many Christian refugees. Only the very daring Christians gave accommodation to such people because if found out, the host risked a heavy and painful punishment, which could include death. Paul in 1Timothy 5: 3, expresses the mind of the Church that chastity of widows gave them a particular place and honour in the Church. "Thus the ideal put before widows in the last stages of their lives can be summed up as service, prayer and chastity" (Dufour, 1973, p. 652). The importance of widows in the early Church was manifested in the widowhood ministry created for them. They served the Church in various ways.

Many widows became so exemplary that they were made deaconesses. For example, 1Timothy 3:17 refers to deaconesses with much the same duties as their male counterparts. Their work was designed to support that of the bishops or presbyters. It was not certainly limited to charitable endeavour but consisted, rather, in organisational or even in pastoral work among women. All their needs were met by the Church. Kittel (1991, p.788; Titus 2:3) tell us that "If they were too old for physical work... they might well be reverent, avoid slander and drinking. The institution of widows pointed to a semi-clerical direction." Some widows who served with distinction as ministers and deacons included; Phoebe, Lydia, Evodia and Juniah (Acts 16: 14, 18:18; Philippians 4:2; Romans 16:1, 2, 7). The Order of widows in the Church of Timothy has much to contribute to my model.

The Church of Timothy teaches us that widows cared for fellow widows, orphans,

missionaries and also supported the ministries of bishops and presbyters. However, Timothy left out widows below sixty years, because of the belief in his time that young widows were unable to control their sexuality. Today, this would be considered unacceptable and misogynistic. Some of the widows who participated in this study were as young as twenty four. In the model I propose, young widows may not be locked out from ministry on the basis of their age. Widows need time to mourn, grieve and overcome their loss and sorrow before they can freely decide the next step in their lives. They need a safe and secure place to do this. Institutions run by widows qualified in counselling and spiritual direction would be the first ideal home. I am convinced that it is incorrect for the Church or anybody to imagine that a young widow cannot take the vow of chastity and remain faithful to it. We have thousands of young religious girls in convents who prove that it is possible. Besides, millions of women who are committed to some humanitarian work or demanding professions, have also freely chosen not to marry. In the new model of care for Luo widows, nobody may be barred on the basis of age. A young widow without a profession needs to have one that guarantees her a reasonable living standard. Such a widow will be in a position either to choose to remarry or take her vow to serve the Church in a ministry of her choice and training. The ministry of widows continued to grow in the Churches of the Apostolic Fathers.

## **6.6 Apostolic Fathers' Models**

Miller (2012, p. 49) informs us that “by the beginning of the second century, there was an order of widows in the Church.... This order not only provided financial assistance and social support for older women but also assigned them the duties of charitable works.” Apostolic Church fathers like Ignatius of Antioch, Polycarp of Smyrna, Hippolytus of Rome, Jerome and Tertullian of Carthage all had a special place for widows in their Churches (Thurston, 1989). Because widows were seen to be wedded to God, they belonged to clerical order in the Church of Tertullian in Carthage. Lysaught (2005, p. 58) stresses that in the early Church, widows made pastoral “contributions which were not identical to but on par with those of bishop, priest and deacon.” Ignatius of Antioch and Polycarp of Smyrna urged widows “to be discreet in their faith pledged to the Lord, praying unceasingly on behalf of all...knowing that they are God’s alter...” (Miller, 2012, p. 50). The welfare of widows and orphans was a major responsibility of presbyters in the Church of Apostolic Fathers. The writings of Hippolytus of Rome in his *Apostolic Tradition* 11.25.27 and *Didascalia Apostolorum* (Teachings of the Apostles

3.1 – 11; 4.5 -8), reveal that “by the early third century, the office of widows was well established and ...its duties were clearly spelled out” (Miller, 2012, p. 51). The Apostolic Constitution of the fourth century also shows that the age of acceptance and registration of widows had been reduced from sixty years set by Paul down to fifty years and above. The idea was to be sure that a consecrated widow would not abandon the ministry in search of a second husband. The widows were encouraged to work collaboratively with deacons and to be obedient to the bishop (Miller, 2012). Apostolic Constitution 4. 5 addressed the bishops and deacons as follows:

You must be constant in the ministry of the altar of Christ – we mean the widows and orphans, so that with all care, and with all diligence you make it your endeavor to investigate concerning the things that are given...for the nourishment – we say again of the altar (Miller, 2012, p. 60).

The fact that widows are called God’s altar means that widowhood ministry was considered a sacred one. It is interesting to note that the regulations for the enrolment of widows resembled those of bishops and deacons as given in 1Timothy 3:1-3, 8-13, and 1Timothy 5:9f. In “more than one point, for example, the stipulation is that the enrolled widow has been the wife of one husband just as the bishop and deacon must be the husband of one wife” (Price, 1997). It is clear that Apostolic Fathers “not only supported needy widows but by the second century it elevated them to the status of a clerical order. That order was the most prominent group of women in the first three centuries of the Church” (Thurston, 1989, p. 7-8).

Although the care for widows and orphans was considered a core ministry of the bishop, all the faithful were also reminded: "If anyone receives any service to carry to a widow or a poor woman...let him give it the same day” (Barclay, 1992, p. 106). Here we see a clear preferential option for the widows, which was in keeping with the OT. Widows on their part had their own ministries cut out for them. Their ministries were outlined in the Apostolic Constitution as follows:

Three widows shall be appointed, two to persevere in prayer for those who are in temptation, and for the reception of revelation, when such are necessary, but one to assist women who were visited with sickness; she must be ready for service, discreet, telling the elders what is necessary, not avaricious, not given to much love of wine, so that she may be sober and able to perform the mighty service, and other loving duties (Barclay, 1992, p. 109).

In addition, the Apostolic Constitution advised that admitted widows should be:

Meek, quiet, gentle, sincere, and free from anger, not talkative or too clamorous and glamorous. Every widow should see herself as the altar of God. Consequently, she needs to sit in her own house, for the altar of God never runs about. Widows in the service of the Church should not be greedy and murmuring at the deaconess who distributed the charity. As much as possible, widows must be self-supporting (Barclay, 1992, p. 112-113, Connolly, 1969, pp. 130-145, pp. 156-160).

The models of care for widows in all the Churches we have seen so far, indicate that widows played important roles in various pastoral ministries. The Churches cared for them and the widows rendered a variety of services. They cared for orphans, other widows, sick people, strangers, supported missionaries, deacons, bishops and prayed unceasingly for the Church. Their exemplary lives enriched the Church, especially in times of persecution. The model of care we shall see in the next chapter calls for the re-introduction of widowhood ministry. In chapters four and five, we saw widows declaring interest in serving the Church in their villages, caring for the sick, teaching children, doing charity work and being involved in prayer. A full time prayer life was a ministry carried out by specific groups of widows. In Kisumu Archdiocese, we have thousands of orphans and widows who need help. Widows dedicated to such people will promote the image of the Church and give hope to many who are currently hopeless. Such widows will have to be well-trained for their ministries. But exemplary life, charity, community service rendered in love, will still rank as the primary qualities they have to have. Practically all models suggest that widows need to be self-supporting as they render service to the Church. The able widows have to avoid dependency and being a burden on the Church. One group of women who lived and served one another and the Church in this manner were the Beguines.

### **6.7 The Beguine Model**

Beguines were lay Christian religious orders found in Northern Europe, mainly in the lowland countries of Belgium, the Netherlands, Germany and Northern France. The founder of the movement is not known, but Mary d'Oignies (1177-1213) is mentioned as the first woman Beguine. She was a Catholic living in the diocese of Liege in Belgium, which became the birthplace of the Beguine movement. It arose towards the end of the 12<sup>th</sup> century and declined drastically in the 17<sup>th</sup> and 18<sup>th</sup> centuries. This study is

interested in the Beguines because of the factors that brought them together, how they lived and served their communities, and how they were perceived and treated by the Catholic Church of their time. I am convinced that the Beguine experience can inform and enrich the new model of care the Luo widows are asking for. It may also help Luo widows' associations to avoid the issues that led to its eventual death. Different factors are known to be responsible for the rise of the Beguines in Europe.

The Beguines “have been called the first well known women’s movement in Christian history”.<sup>16</sup> At the time of their foundation Church rule regarding women was that you were either a cloistered nun under a Superior General answerable to the diocesan bishop or you were a housewife obedient to your husband at home. Rich people who had grown daughters who had no men to marry them had to pay dowry to convents to accept them as nuns. “Even women who felt called to religious life had to pay to enter a convent. As a result, such a life was primarily reserved for aristocratic women whose families could afford such a dowry” (Tine, 2014, p. 6). The Beguines did not only come together to avoid forced marriage or avoid the convent, but rather to have the possibility of choosing a life of a single woman within a safe environment (Tine, 2014). Many rich women whose parents could have paid to enter a convent took their inheritance and joined the Beguines. They did not want to become nuns just because there were no men to marry them. Tine (2014, p. 6) informs us that a “substantial number of men had departed for the Crusades, and many others had entered the priesthood or male religious orders”. The movement arose at a time when there was an acute shortage of men to marry, and the culture did not tolerate single women. The Beguine movement, therefore, offered women who could not join a convent or get married an opportunity to move to a safe community with family or as individuals without societal interference. Thousands of widows whose husbands died in the Crusades also found a good support group in the Beguine movement.

The communities they founded were called beguinages, usually located near rivers and next to a town or a city. This was crucial for their trade in cloth industry, access to manual work, employment as house maids, and to sell livestock and poultry products. “Beguines had vows but only temporary ones; they lived a simple life, but some had considerable property...” Tine (2014, p. 4). In the beguinages, women of all status lived

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<sup>16</sup> <http://www2.kenyon.edu/projects/margin/beguines>. Downloaded on 20/10/16

together. However, more affluent members formed their own communities living with servants to care for their households. Some of them were so well educated that they wrote books and composed spiritual poems. Beguines did not renounce the world or take the vow of poverty, they were not religious nuns but promised obedience to the Grand Mistress of each community. They “stayed in touch with the world often providing public services such as schooling and health care....” (Tine, 2014, p. 4). Generally, they were free to move back to their rural homes and get married and were welcome back to their convents at will. Each community lived independently of the other and developed their own rules and spirituality. They formed colonies of thousands of women living together.

Some beguinages were motivated by the spirituality of a Cistercian monk called Bernard of Clairvaux (1090 – 1153). He preached that Christians needed to be brides of Christ the heavenly Bridegroom. This nuptial spirituality of seeing Jesus as a heavenly husband was attractive to women living in a world in which earthly bridegrooms were chosen for women by their parents. The Beguines were further encouraged by *vita apostolica* (apostolic life) called for by St. Francis of Assisi. The call by Franciscans and Dominicans (1215), for spiritual perfection among the rural and urban laity, gave the women hope that they could live fulfilled lives outside the convents. The Beguines who followed the mendicant orders, followed strict rules and lived very much like monks in walled communities. These religious Beguines became so outstanding that they were referred to as the “holy women” *mulieres sanctae*. Some of them lived austere lives and became mystics. They stopped working to support themselves because much time was spent in prayer and meditation. Mary d’Oignies, for example, renounced her wealth and practiced severe asceticism and was the first woman to receive *stigmata* (wounds of Christ).

The Beguines lived in freedom without external constraints of male authority, written rules or recognised superiors answerable to priests or bishops. Their claim to communicate with God directly without clerics as intermediaries annoyed Church authorities of the time. These ascetic Beguines saw themselves as God’s vessels who did not need authority from any Church leaders to be able to preach and even prophesy. “For medieval women, who were excluded from the male dominated Catholic Church, their emphasis on prophecy and evangelism, opened a theologically permissive “space”

wherein they had liberty to develop their spirituality.”<sup>17</sup> The “ambiguity of their place as women in the Church proved ultimately too unsettling for the male authorities to tolerate”.<sup>18</sup> This was a new style of life unknown to the Europe of the 12<sup>th</sup> Century. Living in an era of strong misogyny (deep fear and hatred for women or girls), the Beguines attracted deep scorn from male clerics who demanded that action be taken against them. Eventually, Mary was evicted, and Hadewijch and Mechthil were condemned as heretics and forced to live in repentance. Marguerite Poeret was condemned a heretic and burned at stake.

During the Fourth Lateran Council in 1215, Pope Honorius III prohibited the establishment of new religious orders. The Beguines, who were in their thousands, were targeted. In 1233, Pope Gregory IX issued a Bull, *Gloriam Virginalem* (Glorious Virgins) in which he brought all religious women movements under his control. But the Council of Vienna (1312), condemned the free spirituality of the Beguines and their way of life. Later, Pope Clement V (1305–1314) declared them condemned women, who were misleading simple women into error. They were allowed to live on in penance. After a public outcry from sympathisers and supporters, Pope John XXII (1316-1334) allowed the Beguines to practice their spirituality in the privacy of their houses but not to preach or hold any debates on theological issues. They declined in the 16<sup>th</sup> Century with the return of rigid patriarchy prompted by the response to the Reformation. They experienced some revival in the 17<sup>th</sup> Century during the Enlightenment Period, but declined after the French Revolution in 1789. This trend continued into the 19<sup>th</sup> century. It is possible “that in a society where staying single was increasingly accepted...women no longer sought the security and community spirit of the Beguines to help them in their plans to remain single” (Time, 2014, p. 14). A few of them persisted into the 20<sup>th</sup> century. The very last Beguine called Marcella Pattyn is reported to have died on 14<sup>th</sup> April 2013, taking with her 800 years of beguinage life.

Thousands of young fighters never returned from the Crusades leaving behind thousands of widows, who found company, prayer and training for self-support in the Beguine communities. In the movement they found a group that helped them to recover from their losses and to mourn, grieve and eventually return to normal life back in society. The Beguines and Luo widows share some common characteristics: First, they lived at a time

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<sup>17</sup> <http://www2.kenyon.edu/projects/margin/beguine>. Downloaded on 20/10/16

<sup>18</sup> <http://www2.kenyon.edu/projects/margin/beguine>. Downloaded on 20/10/16

when parents and males decided the fate of women in society. Second, the Church of the time did not have a place for women just like Luo widows feel they have no place in their Church in Kisumu. Third, they moved off from their home places to settle near towns to have freedom. I found out that some Luo widows have moved to nearby market centres to escape pressures from the relatives of their deceased husbands. Most importantly, the freedom for all women to come, stay and leave when they wished can help Kisumu widows to assist young widows who may need help for a short while and then move back to their families and communities. The prayer life of the Beguines may also assist Luo widows to develop a spirituality for their own association. In chapter four of this study, widows and theologians warned that the new model of care to be developed should not be controlled by clerics. Luo widows could learn from the Beguine experience that it is better to work in collaboration with Church authorities. This would prevent unfounded suspicions and avoid conflicts that led to the persecution and eventual demise of a movement that would be so cherished in the modern world.

## **6.8 Conclusion**

In this chapter, I have presented six models of care for widows from which my model can draw lessons. The chapter has shown how the Jewish model has evolved giving the widows all the rights and freedoms via *alitzah* ceremony. My argument was that the Kenya Government and the Christian Churches, can go the Jewish way to protect the interests of Luo widows. On the Messianic model, I have argued that Jesus ordered from the Cross, that the care for widows may be one of the ministries to be cherished by his followers. The chapter also presented the Jerusalem, Pauline and Apostolic Church models, arguing that all these were in obedience to the order of Christ from the Cross. On the Beguine model, I have argued that this unique movement of women in the Church has much to offer Luo widows. Just as the Beguines saw themselves as brides of Christ, the Heavenly Bridegroom, Luo widows have declared that they see Jesus Christ as the husband of widows and the father of their orphans. In the next chapter, I present a new model of pastoral care emerging from the widows' own resources, and from the models we have seen in this chapter.

## CHAPTER SEVEN: A NEW MODEL OF PASTORAL CARE FOR LUO WIDOWS

### 7.1 Introduction

In this chapter, I develop a new model of pastoral care based on the resources from Luo widows in chapter four, discussions of findings in chapter five, and the care of widows from the Judeo-Christian tradition in chapter six. Luo Catholic widows have called for a diocesan association in Kisumu. They anticipate that the widowhood ministries they have suggested shall be coordinated by their new body. This chapter justifies that this new ministry is grounded on inculturation theology and that it is contextual and feminist. Contextual because it arises from the widows' experience of pain and exclusion, and feminist because the widows take the lead in its formation and direction of all its activities within the Church.

Luo widows gave Jesus the new title of husband. I have defended the analogous application of this title to Christ with evidence from existing Christologies and from Scripture. The Catholic Church is presented as open to new ministries and therefore the new association has a place in the Church. I suggest how the members of the new group may be composed and how the Church may receive and commission them to various ministries. I explain that the association of widows is not a religious group living in communities, but a group of lay women doing their ministries while living in their homes and villages. This is why I have chosen to avoid the word *Order*, which is preferred by Catholic religious congregations. Suggestion is made that members wear a special garment as a sign of their consecration and respect. The relationship between them and the Church authorities is envisaged as one of mutual trust, respect and collaboration.

I argue that the Church in Kisumu is impoverished without women's participation because they form the majority of its members. The chapter stresses that it will be entirely upon the widows to give themselves the name they prefer and organise themselves as they wish. Throughout the chapter, I argue that an effective pastoral model that the Catholic Church in Kisumu needs is one which embraces widows in ministry. In this way the Church will eventually eradicate the levirate practice and Catholic widows will live authentic Luo and Christian lives. The chapter ends with a brief conclusion and introduces the new chapter

## 7.2 New Widowhood Association

Considering all the contents of the previous six chapters and what the widows have said, so far, I conclude that they want to establish a Widowhood Association. Under their association, all the widowhood ministries mentioned in chapter four shall be coordinated. Through the various ministries assigned to them by the Church, the widows will serve their communities and find fulfilment as they journey towards Christ their heavenly husband. The new group may call themselves whatever they wish, but Anna of Luke's Gospel is a possible patron. Anna the daughter of Phanuel who remained a widow for over 80 years worshipping, fasting and praying in the Jerusalem Temple, is a better model and patron than St. Monica emulated by the existing daughters of Monica (joka Monika) group in Kisumu. Anna was a prototype of a pre-Christian widow. Luo widows can read about her in Luke 2:36-38 during the SCC meetings in the villages. It is my contention that a dignified group of widows in the Church may attract many members to it. Eventually, it may become an honourable alternative to levirate custom. In Jesus Christ, the widows see an ideal husband who cares for them and returns their lost dignity. Their new widowhood status grounded on Jesus Christ will draw respect from their communities. Any ecclesial pastoral model has to be grounded on a sound theological basis.

In appendix 3, I have stated that a theological model that may address a deeply entrenched African cultural practice, like levirate, has to be one that is *anthropocentric* (human-centered), and *Christo-centric* (Christ-centered). It has to be anthropological because it has to take into account, Luo widows' context of suffering, marginalisation and exclusion. It has to be a theology which gives back Luo widows their lost dignity and humanity. It gives them a voice to speak up and reject patriarchal structures, which inhibit human flourishing and perpetuate the culture of death. Such a theology has to be *contextual and feminist* as illustrated in appendix 3. "Context is to faith what soil is to a seed" (Orobator, 2010, p. 5). A sound contextual theology in Africa has to rely on inculturation model.

Consequently, I rely on the inculturation model provided by Magesa (2004) to develop such a theology. Inculturation model which attempts to make the Christian message feel at home in every human culture, is the best approach to controversial and complex cultural practices in Africa. The model is meant to transform, purify, animate, change

lives and remake culture so that people become new creations. It “is the process of making the Christian faith our own” (Sarpong, 2013, p. 34). However, “the aim of inculturation is to purify the society, to animate the society, to get rid of the obnoxious things in the society so that there is a new creation” (Sarpong, 2013, p. 22). I have explained how inculturation links with contextual theology in appendix 3.

Bevans (2008), proposes six models to consider while developing a contextual theology. These are: *translation, anthropological, praxis, synthetic, transcendental and counter-cultural*. Appendix 3 explains how this work benefits from Bevans insights. I am convinced that by combining Magesa’s and Bevans’ theological models with feminist theology, I have provided a solid basis for an empowering Widowhood Association, which is also Christo-centric. Luo widows see Jesus Christ as their role model and liberator. A brief but succinct explanation of Jesus Christ as the true liberator of women, in general and Luo widows in particular, can be found in appendix 3. Apart from viewing Christ as liberator, Luo widows have to state clearly who Jesus Christ is for them. In the ethnographic data of chapters four, five and six, we have seen Luo widows calling Jesus Christ their ideal husband. The question arises as to whether this claim has any solid theological basis.

### **7.3 Jesus Christ the Ideal Husband to Luo Widows**

At Caesarea Philippi, Jesus put two questions to his followers. First, who do the people say I am (Luke 9:18-20)? Second, who do you say that I am (Mathew 16:13-16)? Down the centuries, generations of Christians have answered these two questions in different ways. In Africa, Jesus has been called; “the master of Initiation, the Chief, Ancestor, Proto-Ancestor, Elder Brother, Healer, and Liberator,” (Schreiter, 1991, pp 85-162; Stinton, 2004). Nyamiti, (1991) stresses that in attempting to answer these two questions, Christians of every period have found their own endearing term for Jesus Christ. Luo widows have given their resounding answer saying you are Jesus Christ our ideal husband. One may wonder whether Luo widows are justified to call Jesus an ideal husband. In order to respond convincingly, we need to retrace our steps back to the relationship between Yahweh and Israel.

In the OT, it is clear that the covenant ceremony between Israel and Yahweh in Exodus 24 was like a marriage relationship. The two parties promised faithfulness, commitment and love to each other. "God's love for his people is explained in terms of a covenant - a

pact; a bond of love. This very special relationship between God and his people is often described as that of a husband and wife" (McGrath and Nicole, 1977, p. 182). After the Babylonian exile, Yahweh promises to bind all the remnants (returnees) onto himself as a bride does. Prophet Isaiah 54:5 says, "for your maker is your husband, the Lord of hosts is his name; and the Holy One of Israel is your Redeemer..." The whole of Ezekiel 16, portrays Yahweh as a loving husband who cares for his wife Israel. Isaiah 54:9-10 depicts Yahweh as a faithful husband and Israel his unfaithful wife. The husband-wife imagery reaches its climax in prophet Hosea and his wife Gomer seen in Hosea 1-14. Hosea is the ever-faithful Yahweh, while Gomer, the prostitute, is the ever unfaithful Israel, (Hosea 2:2, 16, 3:1-5, 9:1,). This image of Yahweh as a faithful husband can be applied to Jesus as well.

In the New Testament, Jesus is called the bridegroom several times. For example, the wedding guests do not fast as long as the bridegroom is with them (Matthew 9:15). Later in Matthew 25:1-13, Jesus is indeed the bridegroom expected by the five wise and five foolish maidens. The faithfulness of a wife and husband to each other, is compared to the faithfulness of the Church to Christ her divine husband (Ephesians 5:21-33). It is clear that "throughout the history of salvation, the marriage covenant has been understood and explained in the light of the covenant between God... and the people of Israel and of the covenant between Christ and the Church" (USCC, 1997, p. 17). It is crucial to explain how Luo widows can see Jesus as a husband.

My first task is to name the qualities of an ideal Luo husband and then identify them in Jesus Christ. Ideal Luo husbands: head their households, are self-giving to their wives and to their children and other dependents, protect their family from all dangers even unto death, love all family members, comfort all in times of sorrows, they are companions, faithful to each other and play complementary roles. They are co-creators with God and are good shepherds of their families. They provide all material needs of their families, forgive each other when they go wrong, and are exemplars of goodness to each other and to their children.

Jesus Christ as true human (John1:14) has all the above qualities. Being son of God and God himself, these qualities are present in him in a more sublime manner, than in Luo husbands. Jesus as the head of his body the Church, is self-giving and obedient unto

death (Philippians 2:5-11), protects his beloved from harm (Mark 4:37-40), is saviour (Luke 2:11, John 4:42, Ephesians 5:23), and loves perfectly (John 15:12-15). Jesus suffers with the suffering (John 11:20-33) but comforts the Church through the Holy Spirit (John 14:15-17). Like the ideal Luo husband Jesus is a companion and a friend to those who love him (John 15:14). It is Jesus who is the epitome of faithfulness (John 14). He and his father have created all the things that exist (John 1:3) and he is the good shepherd (John 10:11). Jesus forgives sins (Mathew 9:2) and seeks and finds the lost sheep (Luke 15:4-7). At the end of time, he shall come and take his beloved with him to where they shall dwell, perfectly, with him forever (John 14:1-4). A Luo widow who has lost her husband is a wounded person. She can only turn to Christ the wounded servant of Yahweh (Isiah 53:5; John. 19:37). Goussikindey (2016, p. 170) says that “when a life is broken, suffering is unbearable, and death looms-the image of Christ that could illuminate a human journey is that of a God who is companion on the road.” Jesus is not only an ideal husband for widows, but also an ideal person for both men and women who are rightly parts of his body. Luo widows can see their ideal model in a Christ who was brutalised culturally, physically, psychologically and spiritually and finally died but rose again. The widow sees Jesus as “that person who enables her to combine authentic inner experience of the divine with her effort to harmonise her life with this divine” (Nasimiyu, 1989, p. 125). It is gratifying to note that the Catholic Magisterium has called for and supported this way of doing inculturation theology fully. Evidence abounds in documents such as: *Ad Gentes* art. 22, *Lumen Gentium* art.13, *Catechesi Tradendae* art. 53, *Africae Terrarum* 1967, *Ecclesia in Africa* 1995, and *Africae Munus* 2011. Although the Catholic Church excludes women from ministerial priesthood, the kind of widowhood ministry I am proposing is highly encouraged.

#### **7.4 Women in Mission in the Catholic Church**

In chapters four and five, widows expressed their desire to be included in various ministries in the Church. Over the last decades, numerous documents on the role of women in the Church have been forthcoming both from Rome and the various Episcopal Conferences. The Church stresses that women have to be engaged in ministry and mission because Jesus the Lord engaged them (John Paul II, 1988, Arts. 12, 13, 15 & 23). His disciples even marvelled that he talked to women in public (John 4:27; Luke 7:39). In *Christifideles Laici (CFL)*, St. Pope John Paul II (1988) stated that the lay faithful are all called to share in the mission of Christ and of the Church. The lay faithful

share in the threefold mission of Christ as priest, prophet and shepherd. The Church proposes that lay peoples' ordinary service in the Church be exercised in the place where they live, that is in their local community, whether in SCC, a movement, an association within the parish or diocese. **Canons 211** and **225** state that all the faithful have the obligation and right to strive so that the divine message of salvation may more and more reach all people of all times and all places. Therefore, the laity have to first be given a chance for proper formation before they play their roles effectively (**Canon - 231 & CFL No 45-46 & No 90**). They may study God's Word at all levels (**Canon 226 par 1**), participate in the care of the parish and the needs of the whole Church (**Cans 222 & 216**), assist pastors and those found suitable can be admitted into certain ecclesiastical offices in accordance with the law (**Canon 228 Par. 2**), preach and lead prayer services, confer baptism and distribute Holy Communion (**Canon. 230**), and to engage in works of charity at the village, parish, diocesan and national level.

Pope Francis has called for the formation of “*movements*, and forms of *association* as sources of enrichment for the Church, raised up by the Spirit for evangelising different areas and sectors” (Pope Francis, 2013, No. 29, p. 20). He has urged his brother bishops to be supportive to groups and “above all allowing the flock to strike out on new paths” (Pope Francis, 2013, No. 31, p. 21). He also stresses that “we need to create still broader opportunities for a more incisive female presence in the Church” (Pope Francis, 2013, No. 103, p. 55)”. The Pope is aware of the untapped potential of Catholic women. Having addressed possible doubts regarding the new model this study proposes, I now present what the Widowhood Association by Luo widows might look like. What the widows will actually end up with may be different. Among the Luo, signs and symbols of identity and roles are very significant. The first identity I propose for the members of the new group is their clothing.

### **7.5 A Special Garment for Consecrated Widows**

In chapter one, we saw that a Luo widow put on a special garment (okola) to help identify her as the chief mourner. The sight of her evoked in the people feelings of pity, sympathy and the desire to reach out, care and support her in every way possible. The garment was also a symbol that she was tabooed and dangerous. Bodily contact with her was forbidden and her sacred space was respected for the entire mourning period. A special garment for widows seems to be a wide spread practice all over the world.

Among the Jews, a widow wore a special mourning dress (Genesis 38:14; 2Samuel 14:2). "How long the period of mourning lasted is not known. However, Judith did wear her mourning garment for three years" (Roland, 1968, p. 40). During the mourning period, the Jewish widow was in a state of *ziga* (taboo). She was strictly "forbidden to have body contacts with people, especially sexual relations..." (Freedman et al, 1992, p. 296). In South Africa, Rosenblatt and Nkosi ((2007, p. 69) inform us that a Zulu widow "must typically wear special mourning garment ... for a year following the death of her husband." The same applied to widows in Mali and Nigeria (Jemphrey, 2011; Idialu, 2012). These garments of mourning, grief, sorrow and fear, turned off men from making sexual overtures towards the widows. In my view, the Church could provide new garments that would, not only enhance the traditional avoidance attitude towards widows, but also become a symbol of protection and freedom. The garment may be designed and paid for by the widows' association. Like the Beguines, these consecrated lay widows are henceforth perceived as betrothed to Christ their heavenly bridegroom. They have dedicated their lives to the service of the Church, and would not want to be approached for marriage. However, widows who find suitable partners and marry after years of widowhood, may not be seen to have broken their promise. Like the Beguines, they may marry them in Church and continue supporting widows and orphans in their new capacity. The call to serve in the Church in other roles is the work of the Holy Spirit.

### **7.6 New Widowhood Ministry**

Catholic widows in the study expressed their intention to form a group known as Kisumu Catholic Widows' Association. Such an association can organise, start and help run self-help projects to make widows self-supporting and independent. Each parish could have a branch of the bigger diocesan association. The association may be open to all Catholic widows without any conditions. However, those widows who reject the levirate unions and take up ministries in the Church, may have to live in accordance with their guiding rules approved by their association and Church authorities. I believe that widows can employ their own resources to come up with their own guidelines.

However, from the research findings, I envisage three distinct groups within the new association, which work together harmoniously for social, economic and spiritual support. The first group is composed of the widows who have rejected the levirate practice. They are commissioned and are committed to Church service entirely. The

second group may be those who are not in levirate unions but are still bringing up their own children and caring for other dependents. They are commissioned but only partially involved in ministry suitable to their circumstances. The third group are young widows who are not commissioned, either because they are still in the levirate relationships or are still discerning what to do with their lives. They are fully registered with the association but their fate is in the hands of the Church authorities. These are the widows who want the Church to let them receive the Sacraments in their condition.

Widows intending to take up various ministries in the Church will need training. Upon completion of their courses, the widows may be anointed and commissioned in a colorful ceremony presided over by the bishop and witnessed by the priests, religious women and men, government officials, Luo Council of Elders and Christians of the diocese. The widows promise publicly to remain faithful spouses of Christ having rejected levirate custom.

The bishop prays over the garments and blesses them before he hands them to each widow, as a sign of their commitment to Christ. In this way it will be clear to all that the widows have been claimed by Christ and are not subject to the levirate custom. After their consecration and commissioning, the widows return to their homes. I am not suggesting a quasi-clerical status, but a lay movement meant to assert the dignity of Luo widows in the society and in the Church. I am convinced that marriage is respected because of the promises couples exchange in public during the Sacrament of Matrimony. Similarly, celibate priests, and consecrated nuns and religious brothers are not asked to marry, because ordination and consecration are seen to have freed them from this compulsory Luo cultural expectation. Similarly, widows who are anointed, admitted into the widowhood ministry and commissioned, will be seen to have been claimed by Christ and freed from the levirate law.

Back home, the widows may be fully involved in the secular life running their income generating projects. However, on specified days assigned to them by their association and the parish, they could be available for ministries. Widowhood ministries may include: catechesis for adults and children, leading the services in the absence of priests, preparing couples for marriage, visiting the sick and bringing communion to them. They may run homes for total orphans, the old, and counselling centers for widows who are mourning and grieving. Other responsibilities might include cleaning the Church,

vestments, preparing liturgical dances, animating the choir and decorating their Churches for worship. These roles are important today when nuns have gone professional and are not available to care for our Churches. Some widows can also serve as chaplains in various institutions. Widows in the study said that they were ready to provide a team of highly motivated and committed women ready to serve their communities in any capacity.

It is important to point out that in the Church, there is no ministry that is more important than the other. There are varieties of ministries, gifts and roles but for the same Lord (1Corinthians 12:4-31). We are reminded that:

Christian existence is a sharing in the diakonia or service which God himself fulfilled in favour of humankind....Baptism confers the diakonein, power of service, on every Christian....This diakonia done to others by Christians can take the form of different expressions of fraternal charity, service to the physically or spiritually sick, to the needy, to prisoners...or different kinds of assistance given to apostles, as can be seen in the case of men and women collaborators of St. Paul (International Theological Commission, 2003, pp. 3-4; Romans, 16:3-5; Philippians 4:3).

Widows want to be involved in caring for fellow widows and orphans. There are thousands of widows who cared for their husbands and their children but who have no one to help them in their old age. In 1998, the Vatican called upon each Catholic bishop to do all in their power to care for the old in their ecclesiastical jurisdictions. It was suggested that each “diocese could set up their own diocesan offices for the ministry to older people; and parishes may be encouraged to develop spiritual, community and recreational activities for this age group” (Cardinal James Francis, 1999, p. 42). Lysaught (2005, p. 53) argues that “if re-instated, the Order of Widows may help the Church to address devaluation of the old women and men, marginalisation, loss of voice, impoverishment, debilitation, loneliness, and isolation”. A widowhood ministry in Kisumu will not only be a response to this invitation to bishops, but it will also provide a pool of women dedicated to the care of senior citizens, who may be supported to live the last days of their lives in love and accompanied to die with dignity. The model of widowhood ministry this study proposes is therefore timely.

A feminist from the Western world might feel that I am proposing very peripheral responsibilities for Luo widows in the Church. It is important to understand that in an African environment, a group of women perceived to be calling for radical changes and

demanding “excessive” roles would be fought and killed at birth. It is prudent and safer to start humbly as the association builds its own capacity. It will take time and patience to teach Catholic Luo men to accept and support women’s efforts and participation. Acceptance of widowhood ministry is the first key step and not whether they are playing key roles. Initially, the Widows’ Association may have to be adopted by an established Catholic religious congregation as its lay associate. A lay movement under the supervision of the clergy is likely to get support and trust from Catholic Church authorities. After training personnel in different disciplines, the association gradually begins to take more responsible roles in the Church. At that point, they begin to enjoy autonomy in planning and executing their plans and activities within the Church. In the meantime, theological education, training in counselling, management, and economic empowerment may be the primary project of the group. A new pastoral model requires effective ecclesial leadership and power structures.

### **7.7 Leadership in Kisumu Catholic Widows’ Model**

In the Jerusalem, Pauline and Apostolic fathers’ widowhood models, the widows worked closely with the deacons but were answerable to presbyters and bishops. The new Kisumu Widows’ Association may be managed by widows themselves but in collaboration with priests and the bishop. However, in chapter four of this study, theologians insisted that the new model of care for Luo widows, should not be directly under authority of priests or the bishop of the diocese. Their concern was based on historical evidence that “the more successful a Catholic initiative becomes, the more the hierarchy frets about its independence” (Allen, 2009, p. 200). In chapter six, we saw how the Beguines were suppressed and eventually killed off by Church authorities.

The Catholic Church has reservations and even fears feminisation of ministries (King, 1998). Women’s numerical strength and their unmatched dedication to tasks may spell doom to some priests. My experience in the Catholic Church in Kenya has been that, all parish activities and ministries are strictly under the control of the ordained ministers and their subservient catechists. Accepting women in ministry will not be easy. This is why I propose in appendix 3, that a practical feminist liberation theology needs to be part of the widowhood ministry. Such a theology liberates women “from suffering ecclesiastical exclusion, and men from ignorance and prejudice against women” (Akiiki, 1994, p. 46). I am convinced that priests and the bishop need to work closely with the new movement,

to realise an “ordered union between the various responsibilities and functions involved... for the building up of the Church” (Pope John Paul II, 1990, Arts. 71-75). All in ministry need to see one another as collaborators and not as competitors. “Women are the mainstay of the Church in Africa. At gatherings of prayer and Eucharistic celebrations women are heavily represented” (Akossi-Mvongo, 2015, p. 215). They should be trusted to run groups they have responsibilities over without male supervision.

In my view, the Catholic Church is in the business of selling the Kingdom of God to the world. She is, therefore, a Gospel entrepreneur. However, this entrepreneur has persistently and consistently excluded the majority of her customers from service and decision making. It seems to me that the Church is either a very poor entrepreneur, in this regard, or she is bent on closing her business sooner than later. Pope Francis reminds Catholics that “the Church is female because she is a wife and mother. The Church cannot be understood without women that serve it...” (Roberts, 2013, p. 32). The call for a widowhood ministry in the Archdiocese of Kisumu responds to the Pope’s reflection on the role of women in the Church. Beattie (2016, p. 177) stresses that the Church will not be “capable of informing pastoral practice and doctrinal development, when women ... are excluded from the conversation”. The Catholic Church needs to accept women as equal partners of men in building and promoting the Kingdom of God to humankind. Challenges facing the modern world and the Church require the love of mothers to address them humanely.

The new pool of ministers from the Widows’ Association can care for the thousands of orphans, fellow elderly widows and widowers and the sick. Such ministers would give the Church new vitality and show Christ’s love and care in a world that is indifferent to human pain and suffering. Human societies have undervalued the work done by women down the centuries. The Church has to show that she is different by involving women into various ministries. Widows offering such ministries will need effective support systems.

### **7.8 Material Support for Widows**

We have already seen that in an ideal Luo marriage, the husband provides all the material needs of the family. By calling Christ their husband, are Luo widows implying that they want the institutional Church, the earthly body and representative of Christ (Ephesians 5:23), to care for them? If this is the case, their expectation would be in keeping with

traditional exercise of charity in the Church. The Judeo-Christian models we have seen, supported widows who could not provide for themselves. The Catholic Church in Kisumu, has become insistent on monthly payment of tithe by all the faithful. This collection translates into substantial amounts of money. Part of this collection could be used as seed money to assist widows to start some projects, or pay tuition for orphans in school or college.

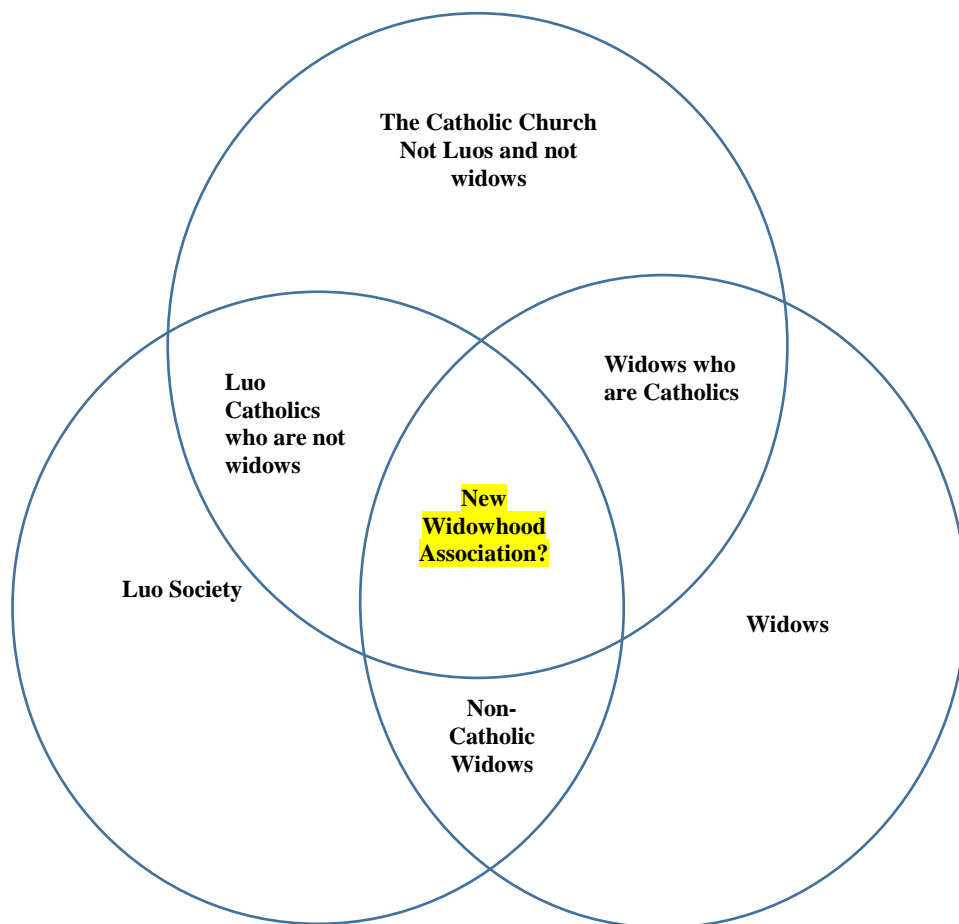
It is the responsibility of the Christians to apply the virtue of charity to those who need it. The parishes and the diocese could have a department that addresses this need. In chapter four, widows were asking for special protection and assistance from the Church. By declaring themselves wives of Christ, the widows are saying that the Church may take the lead in finding the best ways of supporting them. However, charity has to be an emergency response to an emergency situation. It would be dehumanising for the Church to reduce widows into permanent objects of charity and pity. Like the Beguines, widows without skills could be helped to become self-supporting as soon as possible. Evidence from widows in this study is that they want to be empowered by both the Church and the state, to become protagonists of their own change and destiny. They also stressed that economic freedom is the first big step towards eradication of levirate custom.

## **7.9 Conclusion**

In this chapter, I have developed a new model of care for Luo widows. The members are expected to engage in various ministries in the Catholic Church in Kisumu after pastoral training, anointing and commissioning. I have also developed a contextual feminist liberation theology of widowhood, based on Jesus Christ as the ideal husband and liberator of Luo widows. The chapter illustrated the legitimacy of doing and developing such a theology. I gave evidence that the Catholic Church is willing to involve women in various ministries proper to the laity. We also saw that for members of the group to succeed, there will be need for collaboration and mutual support between them and the Church leaders. The Church on her part may have to assist the new movement with seed money to become self-supporting.

In the history of the Church, there is evidence that widows founded groups that developed into religious orders and congregations. One example was Marie of the Incarnation born on October 28th 1599. She was "wife, mother, then Ursuline nun, and first woman missionary to Canada..." (Harvey, 1991, p. 488). If included in Church

ministries, Luo Catholic widows will give the Catholic Church a new image of a truly loving, caring and an inclusive Church. I believe that the widowhood ministry will move the currently ostracized widows from the periphery, into the core of life both within the Catholic Church and the Luo society as illustrated in Figure 11. In so doing, they will eventually land the last death blows to the levirate custom. I present my conclusions and recommendations in the next chapter.



**Figure 11: Venn diagram on the new model**

## **CHAPTER EIGHT: CONCLUSIONS AND RECOMMENDATIONS**

### **8.1 Introduction**

The research problem that I identified was that on the one hand Catholic widows in levirate unions are excommunicated by the Catholic Church in Kisumu. On the other hand, those Luo widows who reject levirate to be in the Church are ostracized by the Luo community. No study available to me ever attempted to develop a pastoral response that addressed this dilemma. In this study, I have developed a new model of pastoral care that responds to the dilemma. In as much work still remains to be done on the levirate practice, I am convinced that my study has made a significant contribution to knowledge about the custom. I have also proposed an effective pastoral approach to the levirate challenge in the Catholic Archdiocese of Kisumu.

This chapter wraps up the study by presenting the various conclusions I have arrived at. The conclusions are presented following the research objectives as set in chapter one (1.4). I demonstrate that I have answered the main research question and objectives. My research contributions are presented next followed by the study recommendations. The chapter closes with possible areas of research related to the levirate issue emanating from my study. I argue that the best way forward lies in the dialogue involving all stakeholders in the levirate debate, and in a Catholic Church that is open to inclusivity. Here are the objectives my study has accomplished:

### **8.2 Perceptions of Widows on Luo Levirate Customs**

One of the objectives of this study was to present the perceptions of widows on Luo levirate custom today. In chapters one, four and five, we saw how Luo widows remain chained in their husbands' homes due to the fear that the spirit of the dead would unleash untold suffering on them, their children and the relatives if they rejected the levirate unions and remarried elsewhere. The widows revealed that the complex influence of the spirit world on them, the numerous Luo taboos, and death rituals involving sexual intercourse are responsible for the persistence of Luo levirate custom. In addition, Luo patriarchal structures makes it very difficult for the widows to decide on the kind of life they want to lead. Compliance with the levirate is considered a virtue while refusal of the levirate is considered an abomination with all the dreadful consequences.

This study confirmed that the levirate custom was initially established to protect and give

security to widows and orphans. However, due to changes in the social, economic and health spheres of life among the Luo, the practice has been adulterated and has become a tool of oppression and death. Consequently, 79.3% of widows perceive it as retrogressive and want it abolished. The negative perception of the practice by widows were clearly exposed in chapters four and five. My research has also confirmed that the levirate custom persists because widows have no means of income. The widows suggested in chapter four that they need support to start projects of human development to give them independence. They request the Church and state to provided seed capital.

### **8.3 Methods used by the Catholic Church to address Levirate Unions**

Another objective I set out to realise was to examine the methods the Catholic Church has been using in Kisumu to address levirate unions and establish whether the widows were aware of them. In the first survey labeled appendix 2, I found out that the pastoral methods used included creating homes for widows in mission compounds, seminars, instructions on the importance of Sacraments in the life of Catholics, retreats, penance, economic support and health education linking levirate with HIV/AIDS. Methods differed from parish to parish, were incoherent and ineffective. Widows were not sure where they fitted in the diocesan pastoral activities. This study has confirmed in chapter four how fragmented and irrelevant the methods have become. Different parishes still give widows who had been in levirate unions penance to do for a period of time before they are received back into the Church. These methods introduced 115 years ago, are still applied today. Data also confirmed that there was no organised pastoral program for the care of widows in Kisumu. The diocese has not responded adequately to changes that have taken place among the Luo over the last century. Urbanisation, higher education and economic shifts from peasant farming to industrial life in cities and towns, demand new responses by the Church. Luo women have moved from their communities to the urban centres and would like to be treated differently by men. The Church needs to take the lead and prepare the people for new demands in all aspects of life. Unfortunately, this has not happened. My study suggests a shift in methodology and attempts to show how we might do this with regards to the the levirate custom.

### **8.4 Roles Luo widows want to play in the Catholic Church**

This study also set out to articulate the roles Luo widows in Kisumu wanted to play in the Catholic Church. The objective was answered in chapters four and five. When

widows in the levirate unions call upon the Church to let them receive the Sacraments and the Church rejects them, one cannot help thinking that the Church has something to be sorry for, especially in the education of the people in faith. It is true that the Catholic Church has been leading in promoting formal education in Kenya and elsewhere. However, proper formation of the laity in the faith has been wanting. In this sense the Church has to share the blame for the persistence of levirate custom. Pope Francis (2013, No. 28, p. 20) urges that “in all its activities the parish encourages and trains its members to be evangelisers”. Akiiki (1994) argues that the Catholic Church has to admit that she has been part of the problem in the growing moral crises in Africa and that she has to empower African Christians to establish what they consider to be the genuine, relevant and acceptable moral living standards for them. The Church has to avoid the moral policy of one-fits-all as deficient and impractical in the modern world. She has to go out to the people and educate before condemning. My experience has been that many lay adult Catholics I have met in Kenya, rely on the catechesis they received as children to make serious moral decisions as adults. Such juvenile catechesis and faith cannot suffice in the modern world. This is why the call that widows may “be properly catechised, prudently coordinated in harmony with ecclesial devotional networking groups is long overdue” (Wachege, 2003, p. 330).

Theologians have called upon the Church to welcome all. One conclusion we can draw is that “Jesus was known for the people with whom he associated and dined.... Most shocking of all, however (even to his disciples) was that many tax collectors and sinners ate with him (Matthew 9:10; Kessler, 2016, pp. 28-29).” Why should the Church slap Eucharistic famine on the very people that Jesus would invite to his table if he were here today? Unless the Church comes up with convincing reasons why widows in stable levirate relationships cannot receive Sacraments, she will be seen as vindictive, merciless and exclusive. Widows expressed that it is not their mistake that their husbands died. They want to be part of Church life. The Church needs to be forward-looking to identify and tap the gigantic potential of Catholic widows who are asking to be made part of Church ministry.

Widows want the Church to adopt a model of pastoral care that involves them in various ministries in Kisumu Archdiocese as we saw in chapters 4, 5 and 7. In the Church, they suggested a range of ministries to do in their villages and their parishes. Through their

association, the widows want to take part in ministries assigned to them by the local bishop. We saw in chapter six that in the early Church, widows were called *altars of God*. The Catholic Church in Kisumu may re-discover and re-instate this positive perception and engagement of widows. The theology of widowhood this study suggests, moves widows from the periphery as sinners, to the centre where they become beloved friends of Christ and full members of the Church and Luo society.

However, I am aware of the likely resistance by the laity to women's participation in ministry in Kisumu. My experience in Kenya is that, whereas a tiny minority of lay Catholics have read Vatican II documents, Papal Encyclicals and Exhortations, a huge majority have never even heard of them. They only know and accept the ministry of celibate men and catechists who are under the directives of the priests. Consequently, resistance to women's participation is usually based on feelings arising from patriarchal structures that keep women away from the Public Square. Many Catholics in Africa believe that Church matters are exclusive domains of priests, religious nuns, sisters and brothers. The laity see themselves as "spiritual clients and pastoral beneficiaries of the pastoral ministries of the clergy and the hierarchy" (Ilo, 2016, p. 15). Implementation of the widowhood ministry will be a turning point in the understanding of the roles of Catholic laity in Kisumu Archdiocese. I hold that feminisation of ministry in Kisumu will bring both social and a spiritual tsunami never seen before.

### **8.5 Research Contributions**

In this research, I have made a number of contributions to human flourishing and to pastoral practice. In my view, the greatest contribution I have made is giving Luo Catholic widows a voice. The widows have told the Luo community, the Catholic Church in Kisumu, and the government how they suffer, what they suffer, what they want done and how they want to live. I have shown that "those who have been denied their primordial right to speak their word must first reclaim this right and prevent the continuation of this dehumanising aggression" (Freire, 1993, p. 69). This study has given the widows a chance to break the silence. As Mercy Amba Oduyoye (1995, p. 82) warns: "Silence and anonymity of the African woman are her greatest handicap." It is a handicap because imposed silence "leads to stigmatisation and exclusion, while allowing ruling authorities to control the lives of the others by way of rigid rules and harsh condemnation" (Beattie, 2016, p. 178).

Widows who participated in the study also learned many other important facts about personal rights and protection. In the focus group discussions, for example, widows learned from one another what the current Kenyan Constitution (2010) says about inheritance rights. They learned about the importance of forming strong associations and networks, which will give them bargaining power, and a strong standing in their male dominated society. As widows in Kisumu benefit from this study, so does the Church.

The main research objective of my study was to search for and propose a model of pastoral care for Luo widows in Kisumu emerging out of their experiences and resources. I have presented a pastoral model that the Archdiocese of Kisumu may use to address the levirate challenge in an effective manner. Apart from Kenya, appendix 3 mentions fourteen other African countries with the levirate custom. If successfully implemented in Kisumu, all these other countries can replicate the new pastoral model this study proposes. In Kenya itself, more than eight other Catholic Dioceses with the levirate challenge will also benefit. Instead of condemning widows living in levirate unions as sinful and hence excluded from Church life, the study recommends that “death rituals among the Luo could be incorporated into Church liturgy and worship...” (Ojore, 2014, p. 108). This may happen if the Church embraces the proposed widowhood ministry, based on a *contextual feminist liberation theology*. I have urged the Church in Kisumu to accept women in ministry because “the divine cannot be contained by any one group whoever they may be and however blessed and sanctified they believe themselves to be...” (Althaus-Reid and Isherwood, 2007, p.1). By embracing the new widowhood ministry, the Catholic Church in Kisumu may begin to eradicate negative cultural practices that inhibit flourishing of life among Luo women.

Two groups of theologians have much to benefit from my study. First, practical theologians and other practitioners in the pastoral field, who use the pastoral cycle. My work has shown that the pastoral cycle is a way of doing theological reflection in an inclusive manner. I have improved the initial cycle by Holland and Henriot (1983), and suggested an improved version we saw in chapter two and in appendix 1. By improving the pastoral cycle paradigm, this study has made contributions to methodology and theory. My Institute (ISMM) can now apply the paradigm at both MA and PhD levels. The study has shown that epistemology of consensus, which the use of the pastoral cycle allows, is effective in resolving controversial cultural practices like the levirate custom.

Second, feminist theologians may benefit from this study. The study proposes a *contextual feminist liberation theology of widowhood*. This theology is a product of intense listening to widows' voices, and to their contexts of pain and suffering.

From my study, African Christologists and theologians have another inculturation theology added to the existing ones. In response to the question posed by Jesus; *who do men say the son of man is* (Matthew 16: 13), many African Christologists have answered the question in various ways as we saw in chapter seven (7.3). Luo widows have answered the question by giving Jesus a new title. In so doing, the widows have developed a new *Christology of Widowhood* by adding the title; *you are Jesus the Ideal husband of Luo Widows, the Levir per Excellence*. This Christology proposed by my research, does not only benefit theologians and academics globally, but will also prompt other scholars to raise new questions related to this research. In this way, my research meets one major requirement of a doctoral thesis, namely to stimulate other researchers to carry out other related studies in the future. A fruitful research also helps to influence public policy.

We will recall that the majority of widows in the survey (79.3%) wanted the levirate custom abolished. Many *levirs* are not willing to care for widows. The call to return to the traditional model by 20.7% of the respondents is no longer feasible or realistic. The time has come for the Luo to change. *Levirs* cannot hand over their responsibilities to professional inheritors who are killing widows. The point is that widows are not chattels to be inherited like objects or properties. I have explained in chapter six how the Israeli government has passed laws that protect widows and criminalises actions that delay justice to them. The government of Kenya should ensure that the 2010 Constitution, which protects the rights of all Kenyans is enforced to protect Luo widows. Parliament can pass a bill which criminalises those who force widows into the levirate unions against their wills. Regarding health policies, some respondents proposed that the Kenya Government could instruct doctors to reveal the actual cause of death to relatives. This would help to remove the stigma that is still attached to HIV/AIDS. This may reduce the number of unsuspecting widows or *levirs* who enter unions that end in infection and eventual death. But the Luo have to accept that the levirate custom is no longer sustainable.

However, a group of sociologists known as functionalists argue that everything a society

does has important functions that the external observer has to understand and appreciate. They stress that if you stop a practice “because it has a religious function which you do not approve of, then you have destroyed a lot in the society” (Sarpong, 2013, p. 60). Consequently, they recommend that one has to look at the functions of a cultural practice on two levels. There is the intended purpose and the unintended one. The *intended purpose and function* of levirate is to keep the widow within the family of the deceased husband and to raise up children for him. The *unintended function* is to provide the widow with a legitimate sexual partner, who also provides a father figure to her children and shields her from other societal predators. If you change this then you have to replace it with a new function that is equally forceful and acceptable to the people. Unfortunately, in the levirate case, other unintended functions that have come with modern levirate practice are sorrows, instability, injustice, abuse of widows’ rights and ill-health via HIV/AIDS. This is why I propose a new pastoral care, which replaces the negative unintended functions of levirate. The new widowhood ministry gives widows new roles that call for commitment on their part and adds meaning to their lives. This study has also led to my own social transformation.

In social research, there is a sense in which the researcher influences a study and the study influences the researcher as well. This is what is known as *reflexivity*, in which the practical theologian demonstrates how s/he has experienced personal transformation. As a researcher, and practitioner, this study has introduced me to Luo cultural practices not known to me before. The study has challenged me to link theory in the classroom with practical life of widows in the Archdiocese of Kisumu. I have been transformed from a mere sympathiser into an active participant in the struggle to dismantle the unjust cultural structures that oppress Luo widows. The study has helped me to embrace new life-changing practices with regards to women in ministry. As a practical theologian, I am now convinced that my daily practice has to be “both the origin and end of theological reflection, and *talk about God* cannot take place independent of commitment to struggle for human emancipation” (Graham, Walton and Ward, 2005, p.170). The research has compelled me to put the liberation of Luo widows first. I have made a leap from orthodoxy (correct doctrines) to orthopraxis (correct actions). The opinion shaper in the study has been shaped. All these have come from keen listening to the dreadful experience of widows. In this sense, this study has made a contribution to the art of productive listening. However, despite my findings, contributions and suggestions, there

are practical actions that need to be taken.

## **8.6 Recommendations**

The following may be considered for action in the future: First, the Catholic Church authorities in Kisumu may consider organising a diocesan synod at which critical issues facing the Christians, parishes and the diocese are presented and discussed. Vatican Council II (1962-1965) encouraged synods but bishops have been reluctant to call them. The Council said: “This Sacred Ecumenical Synod, earnestly desires that the venerable institution of synods and councils flourish with new vigour” (Abbot, 1966, p. 424). Synods help to address urgent pastoral and doctrinal issues as was done frequently by St. Augustine of Hippo (Present Algeria, 354 – 430 AD/CE). When the Church is not in touch with the context of the people, irrelevant pastoral methods persist. In my view, solutions to levirate custom have been elusive because ecclesial debates have been missing.

Second, the government needs to be seen to take clear actions in specific cases. The first responsibility of any government is to ensure the security and happiness of its people. Apart from ensuring that widows are not violated by enforcing laws that protect them, the government can use dialogue to facilitate cultural changes the people desire. The government can encourage and organise symposia of scholars, leaders from all religious communities in Kenya, politicians, the Council of Elders and NGOs working among the Luo. Such gatherings could work out political, legal, cultural, declarations, and inter-denominational ceremonies meant to uplift or abrogate oppressive cultural practices. On an agreed day various groups would offer their rituals according to their beliefs and declare to their followers that specific practices are no longer mandatory. However, it is not helpful for a lone-government officer to come up with personal declarations as was done recently in Kenya. It was reported in December 2016 that: “Siaya Governor Cornel Rasanga burned wife inheritance in his Siaya County.”<sup>19</sup> How the good governor would police every widow’s house in his county at night is not clear.

Third, there is need for aggressive education of the people regarding dangerous cultural practices. Due to ignorance people resist urgently needed change, and so aggressive

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<sup>19</sup> [http://www.the-star.co.ke/news/2016/12/12/wife-inheritance-banned-in-siaya-to-reduce-spread-of-hiv\\_c1471460](http://www.the-star.co.ke/news/2016/12/12/wife-inheritance-banned-in-siaya-to-reduce-spread-of-hiv_c1471460)

education is needed to help change attitudes. I agree that since it is clear that:

The levirate practice is still deeply rooted... community based Aids education targeting the elders, women and the youth should be started and intensified. The Luo should understand that where a widow is infected with the HIV, they have to discard the levirate form involving sex but provide social support, medication and food the widow needs (Okeyo and Allen, 1994, p. 20).

Education should include the use of electronic, print and social media to impress upon the Luo the need to respect personal freedoms and choices. Members of the widowhood association can take part in such a process. There will also be need to organise seminars and workshops to be guided by cultural experts to address the relationship between HIV/AIDS and the levirate practice and death taboos. Shisanya (2007) found out that many young men in Luo Nyanza, entered levirate unions even after they had been informed of the HIV status of a widow.

Fourth, widows need to have strong associations or movements through which they can bargain with individuals, government and even the Church. The proposed Kisumu Widows Association is a good move in this direction. Widows in the study suggested that they be given permanent seats at the Parish Council Committees, County and National Government Assemblies. In this way, widows can be sure that their issues will be addressed at all levels. Apart from coordinating various ministries, the associations can also help widows to start and run their own individual projects at home. Widows said repeatedly that economic empowerment unleashes the death blows to the levirate custom.

Fifth, my study has confirmed that the Catholic Church does not have room for widows in levirate unions because their unions are illicit and therefore sinful. They are invited to heed the Gospel demands to carry their Crosses daily and follow the Lord. We also remember that some theologians raised objections to the Church's position on exclusivity of marriage. They advanced the principles of reception and graduality asking for mercy and forgiveness rather than condemnation. In the face of such disagreements on critical doctrinal issues, I suggest that the diocese sets up study committees. Such committees would look into various cultural issues that clash with Christian living, and advise the bishop on possible pastoral responses. Due to the complex nature of the levirate challenge, my study did not answer all pertinent questions. There are possible areas of

study in the future.

### **8.7 Possible Areas of Research**

My findings point to four possible areas of research in the future. First, study involving elite Luo widows living in cities and towns in Kenya needs to be done. This study focused mainly on Luo widows in the villages of Kisumu, Siaya and Nyando deaneries. The biographical data of participants found in chapter four, showed that the majority of my respondents were not well educated. It will be interesting to carry out a study of how the levirate custom affects elite widows wherever they are. Second, since my investigation focused on Catholic widows, I recommend another research targeting non-Catholic widows to gather their perceptions of the levirate custom, and to find out how they are treated by their Churches. Third, the impact of the levirate on *levirs* and their families is another possible area of interest. My research did not bring out how they are affected. Some widows in my study said that some wives of *levirs* did not mind sharing their husbands. A study that includes *levirs*' wives would be interesting. Lastly, a project on how the Catholic clergy in Kisumu perceive lay ministries involving women would be useful. Such a study would strengthen collaboration between widows in ministry and the clergy. It may also help to avoid conflicts in ministry that has led to eventual demise of movements like the Beguines.

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## APPENDICES

### Appendix 1: Stage one Paper One

ANGLIA RUSKIN UNIVERSITY

FACULTY OF ARTS, LAW AND SOCIAL SCIENCES

PROFESSIONAL DOCTORATE IN PRACTICAL THEOLOGY

SOCIAL MINISTRY IN MISSION AND PRACTICAL THEOLOGY

Aloys O. Ojore

Submitted: June 2012

#### Abstract

In this study, I have sought for an effective pastoral methodology that would address the practice of wife/widow inheritance among the Luo of Kenya. The custom is called *Levirate Unions* in this study, because it is not a marriage. However, the practice is similar to *Levirate marriage* found in Deut. 25: 5-10. The search led us to the presentation and critical study of the Institute Social Ministry in Mission (ISMM) and Practical theology (PT). Rigorous dialogue with Practical theologians, Pastoral Cycle Theologians and with the Church was pursued. It is my conviction, that the answer to our search lies in the Pastoral Cycle Methodology (PCM), which is preferred by both Social Ministers and Practical Theologians. Our conclusion is that the methodology can respond to the problem raised. However, it has certain pitfalls that must be addressed, if it has to be used effectively. Consequently, I have suggested some modifications to the PCM and introduced a dialectical process into it.

**Key Words:** *Levirate Unions, Levirate Marriage, Social Ministry in Mission, Practical Theology, Pastoral Cycle Methodology, Dialectical Process*

## Introduction

The Mission of the Church is universal, social, controversial and practical. “The Mission of preaching the Gospel dictates at the present time, that we may dedicate ourselves to the liberation of men and women even in their present existence in this world. For unless the Christian message of love and justice shows its effectiveness through action in the cause of justice in the world it will, only with difficulty, gain credibility with men and women of our time”, (Gremillion, 1976, p. 521; The Synod of Bishops, 1971, No. 35; Pope Paul VI, 1971, No. 51).

Levirate Unions among the Luo of Kenya, has persisted despite the 110 years of evangelization and western education. This study hopes to search for a pastoral methodology, which will facilitate the liberation of Luo widows, and the improvement of pastoral ministry among them, in particular, and other African widows, in general.

In this paper, I first spell out the main objectives of the study followed by the context of my daily practice back in Kenya that is the Institute of Social Ministry in Mission (ISMM). Under the meaning of ISMM, we situate the activities of the Institute within the overall mission of the Christian Church. The Pastoral Cycle Methodology (PCM) is exposed next. I argue that the PCM is one of the most appropriate methods for Practical Theology (PT). Despite my trust in PCM, I have provided a critique of it. Attempt is also made to show that activities of ISMM are compatible with those of Practical Theologians. In fact, I am convinced that *Social Ministry is Practical Theology*. In this paper, therefore, the words *social minister* and *practical theologian*, *Social Ministry* and *Practical Theology* are used synonymously/interchangeably.

Three main voices are then introduced into the dialogue showing how they are linked to Social Ministry (SM), its methodology and to PT. The paper closes with the introduction of the dialectical process into ISMM’s methodology and ends with a brief conclusion.

### Objectives of the Study

This study hopes to:

1. Introduce my personal context within the study;
2. Define Social Ministry and show how it fits into the wider mission of the Church;
3. Trace the evolution of the Pastoral Cycle;
4. Present the methodology and explain how I intend to use it in this study;
5. Define Practical Theology and show the link between it and Social Ministry in Mission;
6. Mention and discuss some weaknesses of the methodology;
7. Introduce theologians with whom the researcher intends to dialogue and show how their work is connected with the study.

### My Personal Context in relation to the Topic

In my practice at the Catholic University of Eastern Africa (CUEA), and its Constituent College, Tagaza, I have met widows who were facing constant harassment over their failure to fulfil the levirate custom. For a period of time (1995-2000), my interest in problems facing widows waned. I moved from CUEA to Tangaza on full time basis in 2001. Currently, Tangaza has eight Institutes specializing in different aspects of human life an education. One of those Institutes is ISMM, my employer.

In ISMM, I have been teaching a course on Human Rights. Whenever the course was on

offer, several Luo female students would write their term papers on; *The Violations of the Rights of Widows among the Luo*. The Luo are a Nilotic people who are found on the western part of Kenya around Lake Victoria. In 2010, ISMM introduced a BA programme for working adults. Two widows registered for the course. During the interview with them before the commencement of their studies, the widows gave graphic details of their woes. They mentioned economic, religious, social and deep psychological problems related to the levirate custom. My interest in issues facing widows was rekindled. Last year, 2011, I resolved to make a special in-depth study into the Luo levirate custom, which I am working on currently at Cambridge. I am curious to find out if the PCM used in ISMM could hold the solution to the Luo levirate custom. For over 110 years of evangelization, the missionaries, both foreign and local, have failed to offer a lasting solution. More information on ISMM may help to clarify my context further.

### **Background and History of ISMM**

The historical background leading to the establishment of ISMM could be divided into remote and immediate.

#### **i) Remote**

The conception of ISMM and its eventual establishment is closely tied to the experiences of Fr. Francesco Pierli. He was in the General Government of the Comboni Missionaries based in Rome from 1979 to 1991. From 1979 to 1985, he was Assistant General Superior for Africa and also responsible for Academic development of his confreres globally. He was elected Superior General in 1985 and served to 1991. During the 12 years in leadership, Pierli visited the following Latin American Countries: Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico and Peru.

In his letter to me from Nairobi on 27<sup>th</sup> June 2012 Pierli states; “The Theology of Liberation and the experiences of Latin American Churches did influence my conception and the development of ISMM in three ways. First, linking faith and social analysis as found in the works of Gustavo Gutierrez, Luis Segundo and Sobrino Jon. Second, contribution to the methodology of social transformation in Paulo Freire’s *Pedagogy of the Oppressed* and the methodology of SEE - JUDGE - ACT. Third, the two Latin American Conferences of Bishops held in Medellin, 1968 and Puebla, 1979. The Documents of the two conferences deeply inspired me as well.

He adds that Medellin and Puebla were heavily influenced by Vatican Council II held in Rome from 1962 to 1965. Coincidentally, the original inspiration for the establishment of ISMM was the same Council that inspired Latin American Liberation Theologians. It is no surprise, therefore, that ISMM is deeply inspired by liberation theology with its methodology.

#### **ii) Immediate**

ISMM was started at a time when the world was experiencing dramatic political changes. The fall of the Berlin Wall in 1989 and the collapse of the Soviet Union marked the shift from a bi-polar to a uni-polar system with the United States of America (USA) as the only Super Power. This shift left African dictators with no alternative but to give in to the US demands for multi-party politics in Africa. The 1990s marked a period of great hope for the African people regarding good governance. With the holding of the first democratic elections in South Africa in 1994, there was talk of an *African Renaissance*.

But 1994 also marked the year of the Rwandan genocide in which nearly a million people perished. When the Catholic bishops gathered in Rome that same year for the first African Synod, they lamented poverty, bad governance, corruption and ethnocentrism leading to violence and the need for reconciliation. Fr. Pierli, was in Rome as advisor to the African bishops. He returned to Kenya determined to make his modest contribution. In August 1994, ISMM was inaugurated to offer Diploma Certificates. I was privileged to be among the first people who joined Fr. Pierli in 1996. ISMM exists to support the Catholic Bishop's efforts to promote the Catholic Social Teachings, eradicate social injustices and support the efforts of the Kenya government in its attempts to solve unemployment problem.

Many Universities and Middle Level Colleges in Kenya, and indeed in entire Africa, produce thousands of graduates every year. Most of these graduates hope to find jobs both in the public and private sectors. But there are not enough jobs to absorb all of them. The ISMM Diploma Program prepared adult students who would return home after their studies to be job-creators and not job-seekers. They were also prepared as lay ministers who would have competent knowledge of; African Cultures and Society, Management of Resources, African History, Social Transformation, Social Doctrine of the Church, Human Rights, Hermeneutical Approaches to the study of the Bible, and Ministerial Methodology using the PC. Paulo Freire's *Pedagogy of the Oppressed* (1970), was used to facilitate transformative learning. Back in their communities, ISMM graduates are expected to assist people to become protagonists of their own change. This means that students are trained to help people find local solutions to their own local problems. They are encouraged to use local resources and they are taught that human beings are the best resource they can have, not money.

### **Meaning of Social Ministry**

According to Hessel (1982, p. 7), "All Church members share one common ministry, which is social in all of its aspects". Christ's ministry as stated in Luke 4: 16-32, was, in fact, a social ministry of liberation of all human beings from oppressive sinful social structures. This is further stressed by Jesus in the Beatitudes as given in Matthew 5, 6 & 7. The story of the last judgement given in Matthew 25: 31- 46 seems to teach us that failure to do social ministry will lead to eternal damnation.

Dieter (1982, p. 13) opens his book *Social Ministry* with the call to social ministry given in Psalm 146: 5-10. It states, "Happy the man whose help is in the Lord...who executes justice for the oppressed...he upholds the widow and the fatherless..." James 1:27 adds, "True religion that is pure and undefiled before God is to visit the orphans and widows in their affliction and to keep oneself unstained from the world". It is interesting to note that one of the sins for which Israel was taken to exile was that against the widow, the orphan and the stranger. Christians are all called to serve the least, to live for near and distant neighbours, "to do justice, to love mercy, and walk humbly with God" (1Peter 2:24). For Hessel (1982, p. 16), "social ministry uncovers the public significance of all aspects of congregational life". The God of Jesus Christ as preached by him is radically social! This is why Hessel (1982, p. 17), argues that "social ministry cannot remain peripheral, optional, or episodic; rather it is central, necessary, and eventful to the life of the Church."

We can now define Social Ministry as, "a comprehensive and qualitative endeavour that encompasses the whole life of the Church. Social ministry includes responses to issues

and methods of action, but this ministry is more than the sum of the issue parts, and it cannot be reduced to a set of action methods” (Hessel, 1982, p. 22). In my view, Hessel is saying that social ministry may not be viewed like pastoral theology, which was done only by a special group of skilled ministers (*subjects*) and received by clients (*objects of ministry*). Social ministry invites all followers of Christ to act. In his life time, Jesus attacked spirituality that was divorced from actions of mercy, because he came to serve, not to be served (Matthew 20:28).

Social ministers want to know why basic human needs are not met. They want access to all human rights stated in the United Nation’s International Documents. They dream and work for a world free from violence and harm. We can conclude with Hessel (1982, p. 77) that “the ministry of the Church is social ministry; social ministry involves all the functions of the Church”. ISMM is, therefore, at the core of the Church’s business on earth.

### **Why Social ministry in Mission?**

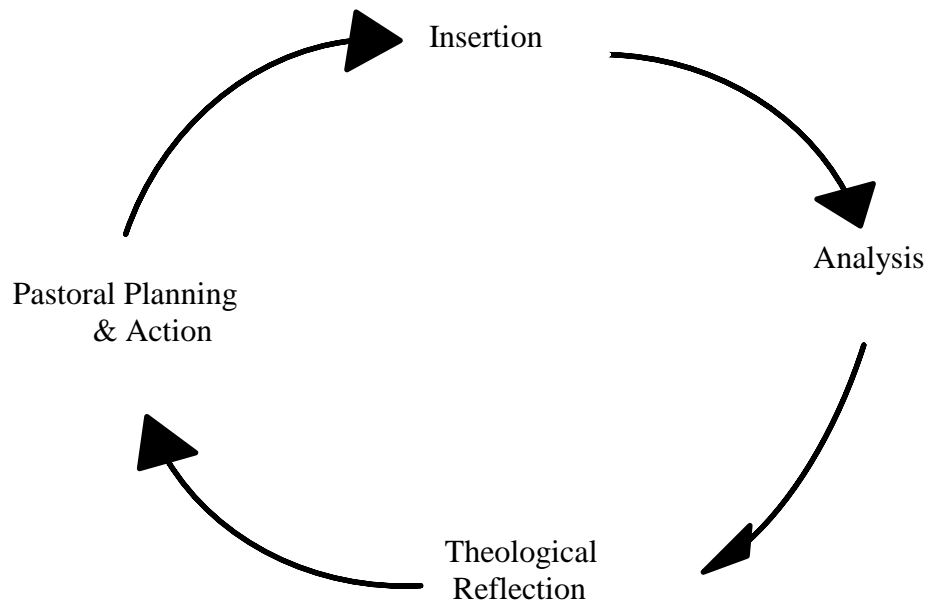
In the post-modern world, there “seems to be awareness that it is not that we carry out mission, but rather that we participate in what is first and foremost God’s work” (Bevans & Shroeder, 2004, p. 293). Elsewhere the two authors stress that “Mission precedes the Church: Mission is first of all God’s” (Bevans & Shroeder, 2011, p. 15). Jesus Christ, God’s Son and Messenger “came not to preach Himself or establish the Church, but to preach, serve, and witness to the reign of God” (Bevans & Schroeder, 2011, p. 103). Consequently, the Church only participates in God’s mission and has no mission of her own. God’s Mission (*Missio Dei*), is the establishment of the Kingdom of God on earth. “If mission precedes the Church, and constitutes it as such then there will be no “passive” Christians” (Bevans & Schroeder, 2011, p. 16). The Church is the People of God (*Lumen Gentium* No.9).

ISMM believes that all the baptized “are called in their own way to ministry and mission” (Bevans & Shroeder 2004, p. 299). We cannot leave mission to the ordained elite or specialists alone. The pleasant truth is that the One Mission of God becomes operational only through many ministries. Ministries are set up to serve human needs in different historical circumstances. One ministry may disappear as others are constituted. SM, for example, is a post Vatican II creation. It is one of the many ministries in the One and Only Mission of the Church.

Because the harvest is great and the labourers are few (Matthew 9: 37 & 38), more hands are needed in the mission of gathering the harvest into One Barn. ISMM opts to harvest the fruits of social justice as its mission within the wider global mission of God and the Church. In promoting social justice, *as its mission in mission*, our Institute is helping to hasten the realization of a new heaven and a new earth (Isiah 66:22 & Revelation 21:1).

### **Methodology of Social Ministry**

ISMM encourages social ministers to use the PCM as shown in figure 1.



**Figure 1: Pastoral Cycle as Presented by Joe Holland and Peter Henriot**

It is important to note the different spellings of the word *circle*. In ISMM we prefer to use the word *cycle*. According to Wijzen, Henriot and Mejia (2006, p. 21), the term “*pastoral circle* is widely used in the United States of America, Canada and Africa; *pastoral cycle* is a more popular term in the United Kingdom, Australia, and Asia; and *pastoral spiral* seems an exclusively Asian term”. Theologians who are not comfortable with the term *circle* argue that it gives the false impression of something complete, finished and impenetrable. They prefer “the term *cycle* to stress the openness of the process” (Wijzen, Henriot and Mejia, 2006, p. 21). Those who want to remain faithful to Paulo Freire’s *circle of praxis* and Juan Luis Segundo’s *hermeneutic circle* prefer to keep the term *circle*.

Those who opt for the term *spiral*, want to emphasize the on-going character of the process of reflection and action in Christian ministry. Hug (2006, p. 220) explains that the term *spiral* is appropriate because; “the process of experience or insertion, social analysis, theological reflection, and pastoral planning is aimed at change, the end point is, ideally, not the same as the beginning point. The “circle” does not close; it gives rise to a new experience that then must be analysed, reflected on theologically, and then gives rise to further action. Hence, *spiral* seems a more apt symbol” (Holland & Henriot, 1983, p. 9).

In this paper, I use the term *cycle* throughout except while quoting a source that prefers *circle*. This is because ISMM prefers the term *cycle* and my practice is in ISMM. As indicated, above, the term *cycle* is preferred in Britain where this paper is being written. It is important that students follow the academic culture and tradition of their host country. But most importantly, I have chosen the term because “pastoral cycle seems more popular in pastoral care, pastoral theology, retreat programmes and religious education” (Frans Wijzen et al, 2006, p. 21).

### **Why Pastoral Cycle Methodology?**

Both students and staff of ISMM are expected to follow the PCM in their learning, teaching and daily practice in the field. This is our way of working to bring about liberation from oppressive structures. Bennett (2007, p. 39) observes that “the commitment and practice of liberation theology requires three moments: the moment of praxis, the moment of reflection on praxis, and the moment of return to a renewed praxis”. This explains why ISMM chose the PCM because it calls for practice and reflection. We use the PC, “as a way of becoming involved in the social mission of the Church, putting into action the Social Teaching of the Church” (O’Leary & Zukile, 2003, p. 32). Besides, the “Pastoral Circle is a process of growth”, (Ibid, 32). While looking at oppression in their community, those involved in the process may, for example, discover at the moment of analysis that they, themselves, have been oppressive to members of their own communities. Real change starts with self-transformation.

Parise & Ndegwa (2011, p. 15) say that PC is “used in social ministry for responding to social issues and for influencing social transformation”. For O’Leary & Zukile, (2003, p. 32), “Use of the pastoral cycle ensures that our social action is deeply rooted in our Christian tradition, faith and scriptures”. In its broader sense, “the pastoral cycle...can also help individuals and groups make sense out of their lives and respond to the world better” (Hug, 2006, 236). This is what Bennett (2007, p. 39) implies when she says that, “epistemological significance of practice is a question raised by the extensive contemporary use of the pastoral cycle, a model of doing theology which begins in concrete experience and practice.” The experiences of practical theologians who have used the PC in Latin America indicate that its usage leads to “a society and a world reconciled in justice and love. Its focus is on suffering people and the community of life...whose humanity and dignity is denied, and who are relegated to the margins, impoverished and deprived even of their own identity” (Parise & Ndegwa, 2011, p. 20). The PCM is designed to equip the victims of oppression with tools that assist them to identify and name the root causes of their suffering. This is also the mission of ISMM. Steidl-Meyer (1984, p. 71) confirms this when he says, “Social ministry seeks to promote change in social relations towards greater justice for all”. We choose the PCM because “following the process is a way of deepening our own spiritual lives” (O’Leary & Zukile, 2003, p. 32). While in dialogue with Scripture, Tradition and practice in mission, those following the process emerge deeply affected and changed in the manner they perceive their faith, and how they relate with others. Since human growth to maturity is an on-going process, the PC is the best paradigm we can use as it is, in itself, “a process of growth”, (O’Leary & Zukile, p. 32).

### **Practical Theology and Social Ministry in Mission**

Both PT and SM are transformative in nature and content. “By transformative learning here we refer to a quality of education that helps students to discover new paradigms of assumptions, value attitudes, professional and social practices, and the theories underpinning them, which are more consistent and effective in influencing social transformation toward greater social justice, human dignity and the common good” (Parise, 2011, p. 11).

In my opinion, ISMM is ahead of the Catholic Church in making a preferential option for PT. In her various teachings on social issues, the Catholic Church has been talking about and calling for PT but in a rather implicit manner. Scientific study is yet to be developed. This fact is found in the ground-breaking work of Sweeney, Gemma & Lonsdale (2010).

In the same text, Cahalan (2010, p. 99), stresses that, “Practical theology needs to be considered a new in Catholic theological education, not for legitimacy in academy, but because practical theology is a creative theological enterprise that is ambitiously exploring issues related to the lived Christian faith and practice of ministry”. She adds that “Practical Theologians attend to the immediate realities of the Christian life as it is being lived, particular social and historical contexts and examines the normative claim of how to live faithfully in the near distant future... Practical theologians pay close attention to the particular, local, contextual, existential, actual and specific dimensions of lived Christian faith”, (Cahalan, p. 107).

Wherever they work, social ministers call for access and “right to food, shelter, education, health, adequate incomes and tax equity for hourly workers, pensions and health benefits for older persons, equal opportunity in employment and education for disadvantaged groups, a fair balance between wage and price controls” (Hessel, 1982, p. 51). PT also addresses all these concerns of modern women and men. It is a theory of crisis that is “viewed from the perspective of Church and faith, it reflects the crisis of our modern times, usually referred to by the single term modernity” (Heitink, 1999, p. 16).

It is interesting to note that the starting point of PT is also the starting point and goal of ISMM’s methodology. PT starts “in the experience of human beings and in the current state of Church and society...” (Heitink, 1999, p. 7). It places primacy on *orthopraxis* (right/correct action) rather than on *orthodoxy* (right/correct belief). This is why practical theology is called *theology-in-action* because “practice is both the origin and end of theological reflection, and *talk about God* cannot take place independent of commitment to struggle for human emancipation” (Elaine et al, 2005, p. 170).

Perhaps my assertion in the introduction that SM is, in fact, PT is now clear. Consequently, I want to suggest that ISMM’s methodology is one of the most relevant methodologies available to practical theologians. O’Leary and Zukile (2003, p. 31) state that the “Pastoral Circle is theology in practice... It is a method that helps us to respond skilfully and effectively to the world around us in accordance with God’s Word. The ... methodology helps us to really understand the problem before we can choose the most effective way to work with the problem”. In other words, the “pastoral cycle embodies a synthesis of practice and theory, and offers what has become a much-used methodology for engagement with context that has been applied beyond its original roots in twentieth century Roman Catholic Social activism” (Elaine et al, 2005, p. 171). In its own merit, “Practical theology is contextual and situationally related in both diagnosis (*theory-parenthesis mine*) and prescription” (*practice-parenthesis mine*), (Lartey, 2006, p. 19). According to Parise (2011), “The longing and urgency of combining together theory and action, reflection and practice in Social Ministry first and then in Tangaza College found concrete expression in Launching of Tangaza Occasional Papers.”

Theological Reflection is part and parcel of PT. In ISMM’s methodology, theological reflection is critical because Christians often begin “social analysis with certain theological pre-suppositions. That is, we have *values* and *biases*, which come from our faith, from the traditions of the Christian community and from the social teaching of the Church” (Holland & Henriot, 1983, p. 103). Besides, “theory emerges out of disciplined reflection on observed experience” (Lartey, 2006, p. 79). Theological reflection is, therefore, the heart of the PCM. It is here that the social minister admits that scientific knowledge and approaches cannot respond sufficiently to all human problems. Theological reflection facilitates “discernment, making a wise and informed decision

about what to do in order to facilitate social transformation”, (Parise & Ndegwa, 2011, p. 31). It is now appropriate to introduce theologians behind the PCM.

### **In Dialogue with Pastoral Cycle Theologians**

Our dialogue will be with a group of theologians who have written two sets of texts on the same theme namely; *The Pastoral Cycle*. The first set of theologians we dialogue with are Holland and Henriot. While working together at The Centre of Concern in Washington DC USA, the two wrote a book entitled; *Social Analysis: Linking Faith and Justice (1980, 1983 & 2000)*. In this book, the two authors present the PC and how to use it in different circumstances. It proved a huge success and so in 2005, the two, in collaboration with Frans Wijzen of Radbound University Nijmegen, the Netherlands and Rodrigo Mejia, then a Jesuit Director of the Galilee Centre, Debre Zeit Ethiopia, decided to organize another text to mark 25 years of *Social Analysis*. They invited theologians who had been using the PCM in their daily practice to contribute articles on their own practices, satisfactions, dissatisfactions and to comment on the future of the methodology.

Articles were received from citizens of; Colombia, India, Indonesia, Mexico, Philippines, Switzerland and USA. Although there were none from Africa, some articles were based on experience and practice in Africa. In 2004, most of the contributors met at Nijmegen to present and critique their papers. In 2006, *The Pastoral Circle Revisited: A Critical Quest for Truth and Transformation* was published. It is the authors of these two texts in–one with whom I would like to dialogue in this section of my study.

Holland and Henriot’s *Social Analysis* (1983) is particularly relevant for *socio-cultural analysis*, the second moment of our PCM. However, the theologians provide insights on all the four moments of the PC. The two theologians relied heavily on Paulo Freire’s (1970) *Pedagogy of the Oppressed*. Freire was an educationist who proposed a transformative type of education (*pedagogy*), which followed the constantly repeated method of *problem–posing, reflection followed by action*. Such a method, he believed, would liberate students from being mere objects (*inactive receptors*) of knowledge to subjects (*active participants*) in the formation and implementation of ideas. But the process must be with others in a spirit of dialogue. He writes; “because dialogue is an encounter among men and women, who name the world, it must not be a situation where some name on behalf of others” (Freire, 1993, p. 70). This kind of dialogue calls upon all involved to think critically about their situation.

“I cannot think for others or without others, nor can others think for me” (Freire, 1993, p. 89). It occurs to me that, for the last 110 years of evangelization in Kisumu, missionaries and the local clergy have made the mistake of thinking, and trying to act, for widows. Widows have never been involved in liberating dialogue proposed by Freire. Since there has never been anything to act upon, there has never been any evaluation of this cultural practice and hence its persistence. There has been the false notion that those who have not received formal education cannot learn technical things. Freire’s popular education of the masses following; *problem posing, reflection and action* proved very successful in Brazil. Since many widows in the rural areas of Kenya have not been to school, many of their activities have been organized *for them* all along. Freire stresses that “even if the people’s thinking is superstitious and naïve, it is only as they re-think their assumptions in action that they can change” (Freire, 1993, p. 89).

“Human activity is theory and practice; it is reflection and action. It cannot ... be reduced to either verbalism or activism”, (Freire, 1993, p. 106). But he also warns that “if action is emphasized exclusively, to the detriment of reflection, the word is converted into activism” (Freire, 1993, p. 69). In my opinion, this explains why theologians and NGOs working with women in Kenya, have made no significant impact since they became active in the 1980s. All have ended up as gender activists receiving money from donors but have had very little to show for all their activities. The fact is that “those who have been denied their primordial right to speak their word must first reclaim this right and prevent the continuation of this dehumanizing aggression” (Freire, 1993, p. 69). It follows that Luo widows will only gain their liberation and assert their dignity by, first, looking critically at their praxis, reflecting together, taking collective and personal action and reflecting again for further action. It is this process developed by Freire that was called the *circle of praxis*.

In *Social Analysis*, Holland and Henriot (2000, p. 8) tell us that the “circle is frequently referred to as the “circle of praxis,” because it emphasizes the on-going relationship between reflection and action”, as has already been shown in our presentation of Freire’s method above. Henriot and Holland admit that, apart from relying on the *circle of praxis* from Freire, their PCM also has roots in Juan Luis Segundo’s *hermeneutic circle* (Henriot & Holland, 2000, p. 8). Segundo (1977, p. 8) defines the hermeneutic circle as; “the continuing change of our interpretation of the Bible, which is dictated by the continuing changes in our present-day reality, both individual and societal... And the circular nature of this interpretation stems from the fact that each new reality obliges us to interpret the word of God afresh, to change reality accordingly, and then to go back and re-interpret the Word of God again and so on”. Segundo himself borrowed the method from Rudolf Bultmann, who, in turn had relied on *Schleiermacher*.

*Social Analysis* (2000), introduces pastoral agents to methods of social analysis that spark a life of faith leading to the dismantling of sinful social structures and to the establishment of social justice. Consequently, social analysis is a tool for pastoral action. For Holland and Henriot (2007, p. 7), “the pastoral approach... looks at reality from an involved, historically committed stance, discerning the situation for the purpose of action”. PC is, “therefore, a method of how to use the tool; *social analysis* fruitfully”, (Wijsen et al, 2006, pp. 9-13).

“Social analysis can be defined as; the effort to obtain a more complete picture of a social situation by exploring its historical and structural relationships” (Holland & Henriot, 2000, p. 14). It renders the reality we are dealing with intelligible. “Social analysis unfolds the context within which a program for social change can be outlined, but does not provide a blue-print for action,” (Holland & Henriot, 2000, p. 15).

In doing social analysis, the social minister is always conscious of the sacredness of human life. During the process, the following questions must be asked; “what is happening to people? In particular we ask; what is happening to the poor” (Holland & Henriot, 2000, p. 96). In the Old Testament, God always takes sides with the widow and the orphan (Psalm 146:9). This is the more reason why the Christian Church has to make preferential option for the poor, in all her pastoral plans. I agree with Holland and Henriot (2000, p. 6) “that the type of social analysis needed for pastoral action today...may be heavily value-laden”. Value-laden in this context means; judged by its impact on the individual and society. This is critical because the pastoral questions

facing the practical theologian include gender issues, gay and lesbian rights, poverty, violence, racism, human trafficking, corruption, polygamy, divorce among others. The two theologians believe that the PC could be used to arrive at acceptable solutions to these moral challenges facing post-modern women and men.

Graham et al (2005, p. 188) explain that “the pastoral cycle assumes that each new reality or problem is calling people of faith to re-interpret the Word of God a new, and that theology, in the form of received tradition (doctrine, Bible, Church traditions) needs to be re-interpreted in the light of contemporary faith and tested against insights from other cultures and disciplines.”

The next text I engage with is *The Pastoral Circle Revisited* by Wijssen, Henriot & Mejia (2006). This text is meant for “a professional group interested in theological reflection and social transformation” (Wijssen et al 2006, p. 20. It is made up of 15 articles, on various aspects of the PC confirming the effectiveness of the methodology, as already given by *Social Analysis* (2000). Since our methodology in this study is the PC, this text and authors become partners in dialogue. However, we shall focus mainly on the critique of the Methodology.

### **Criticism of the Current PCM**

Practitioners using the PCM ought to be aware of the pitfalls inherent in it in order to reduce error in their work. Since the PCM has been in use for over 34 years, some limitations have emerged that are worth noting. I follow closely the observations made by Josef Elsener (2006, pp. 61-75). But I present his views with my own reflections on the same. Elsener identifies four weaknesses in the original PC by Holland and Henriot.

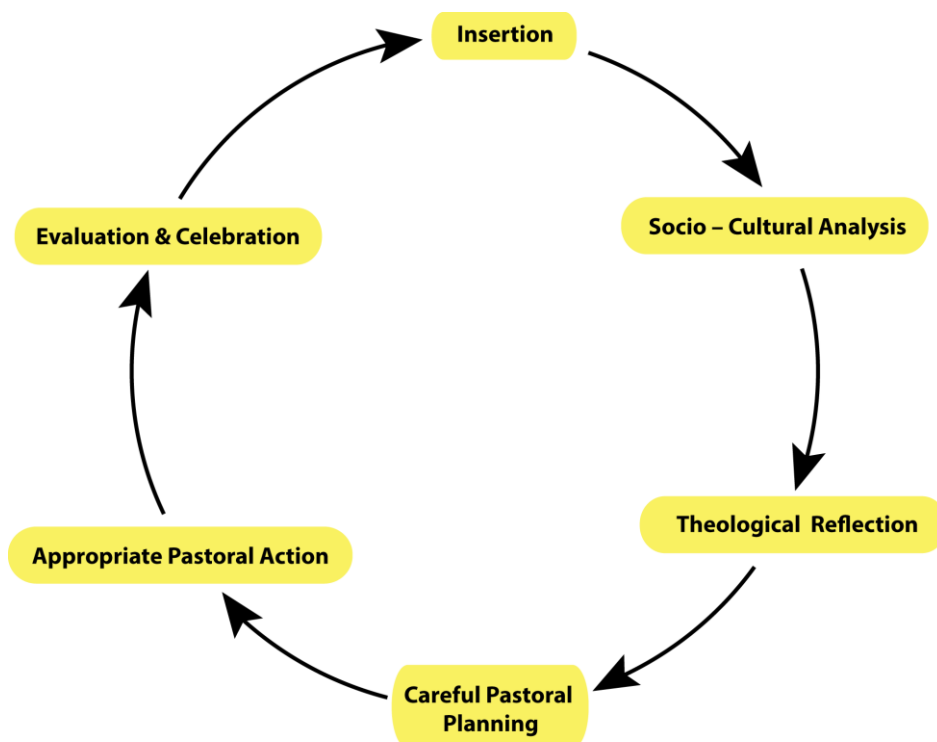
First, the starting point, *insertion* gives the impression that those involved in the process of social analysis are *starting from nothing*. However, each person comes to a dialogue process with personal experiences or knowledge of the subject for discussion. In other words, people are already inserted in any one given reality; their given context. Whilst they must acknowledge their context, it is advisable that those involved in dialogue do not come with positions already defined. Each party may come with openness to desirable change.

Second, there seems to be *a missing link* between Social analysis (*second moment*) and theological reflection (*third moment*). In Elsener’s opinion, the two appear “to be beset and bedevilled by two different but related departure or observations from the accepted path or circle” (2006, p. 69). In my view, Elsener is making an unnecessary academic hair-splitting distinction uncalled for in the pastoral arena. One has to stress that all the four moments of the PC are part of each other. Put in another way, *all the four moments occur at each moment* as we saw in in figure 9. This happens thanks to the dialectical process that takes place during each moment as explained later. It is therefore superfluous to attempt to make each moment stand on its own, separated from the rest.

Third, the fourth moment of the methodology is always a combination of pastoral planning and action. The pitfall here is the *absence of detailed pastoral planning*. I concur with Elsener completely. I have been involved in the use of the PCM in ISMM since 2001 and this has been my concern as well. There is always the danger of failure to identify priority of priorities. The consequence has been what Elsener (2006, p. 73) refers to as; “getting lost in the generalities such as, “something ought to be done about...” I have resolved that in my future practice, fifth and sixth moments will be

added to the original PC for the sake of clarity and proper planning. The fourth moment for me will be called; *Careful Pastoral Planning* followed by *Appropriate Pastoral Action* as shown in figure 10. The sixth moment will be created to address the fourth pitfall.

The fourth pitfall identified by Elsener is the obvious *lack of evaluation*. Anyone who has acted may find time to evaluate ones actions. This is critical in pastoral practice because; “Right practice reflects sound theory; sound theory explores right practice” (Hessel, 1982, p. 22). How can one tell that theory has been translated into appropriate action if there is no evaluation? My view is that avoidance of evaluation in our Catholic circles has been *our best kept weapon* for slaying implementation of our numerous conference resolutions. Elsener (2006, p. 74) seems to agree with me on this. But he also quips that “Church meetings are particularly ineffective and are mere “talk shops”, (Elsener, 2006, p. 75). I suggest that in evaluation moment, we may rely on skills from the fields of management and entrepreneurship. We are *Gospel managers* and *entrepreneurs* and a good entrepreneur carries out careful monitoring and evaluation. We must be able to gauge the level of satisfaction among our ecclesial customers regarding the *divine products* we sell to them. Then there are our pastoral methods to look at also. All these need to be known. Thereafter, only critical evaluation of the whole process can provide us with the real needs and impressions of the people we serve. In response to Elsener’s criticisms, I have modified the PC as Figure 2.



**Figure 2: The Pastoral Cycle Modified**

It is now appropriate to bring the voice of the Church into our discussion.

## **Gaudium et Spes (GS)**

Since the research and study on Levirate Unions shall be carried out in a Catholic diocese, and the implementation of the outcome done within a Catholic college, it would be reasonable to dialogue with the Church via one of her own documents that is relevant to my study. The document I have selected is called *The Pastoral Constitution on the Church in the Modern World*, also known by its Latin title; *Gaudium et Spes* (GS), translated as *Joy and Hope*. GS was one of the products of Vatican II Council. The Council was announced by Pope John XXIII in 1959, convoked in 1962 and closed in 1965. The preface to GS tells us that the document was promulgated towards the end of the Council on 7<sup>th</sup> Dec, 1965.

## **Why Gaudium et Spes?**

GS interests practical theologians because for the first time in many centuries, the Catholic Church finally addressed the “joy and hope, the grief and anguish of the people of our time, especially those who are poor or afflicted in any way” and acknowledged them to be “the joy and hope, the grief and anguish of the followers of Christ” (GS, no.1). But despite anxieties and tragedies that face humanity, there is hope in Jesus Christ; who makes everything new (GS no. 2, 39; Romans 8:37-39).

I choose GS because, “one of its successes has been to put in place an overarching framework for practical theological enquiry, one that is both ecclesiological and societal”, (Sweeney et al, 2010, p. 5). This is seen in the manner in which GS invites pastoral theologians to make use of other disciplines. It says; “In pastoral care, sufficient use may be made not only of theological principles but also of secular sciences, especially psychology and sociology” (GS, no.62 *also in Optatam Totius, Vatican II document on Seminary Formation no. 20*). In this sense, GS lends itself to the PC methodology, which this study uses. In the socio - cultural analysis moment of the PC, we require tools from “human sciences, among which sociology plays ... exclusive role. Anthropology, psychology, history, science, and economics also play crucial role”, (Mejia, 2006, p. 153). ISMM also relies on social science and other human sciences, because they hold the key to truths as perceived and practiced by a people.

In GS, the Church puts human beings at the apex of God’s creation (Psalm 8:5-7). Every human person has a dignity that arises from *Imago Dei* (Image of God in us Genesis 1:27; GS no. 12). Aware of their dignity, people are demanding proper political, social and economic order that affirm this. Consequently, people demand justice, freedom, equality, eradication of hunger and better pay (GS, nos. 9 & 17). These are also some of the basic individual rights that ISMM stands for and promotes.

Created by our heavenly parents (Genesis 1:26-28) in their image and likeness and redeemed by Jesus to enjoy the same destiny, the Church stresses that we must believe in the equality of all human beings. It is interesting that such a statement with its radical gender implications was made in 1965 and yet to date, women still have minimal voice in the direction in which the Church is led. The divine parenthood of all implies one global human family based on love of neighbour (GS, nos. 23 & 24). In GS, the Church stresses that she must, first of all, be seen to practice mutual esteem for all her members (GS, no. 92.). Many Catholic women do not think that the Church is true to her words as the debate about ordination of women still rages on in a Church that has officially closed all discussions on the subject, courtesy of the St. Pope John Paul II. My study calls for the liberation of widows from an oppressive cultural practice and their hope of

emancipation lies with the Church. It is therefore critical for us to involve the Church in serious dialogue. Since GS has influenced the development of liberation theology in Latin America, we can conclude that it is a document whose value has been tested.

### **Church and Culture**

In GS, the Church also addresses human culture, which helps her to use effective methods of evangelization. According to Holland and Henriot (2000, p. 90), “Culture is the medium through which the spiritual visions and energies of a society are expressed”. Consequently, the Church has to listen to the world of men and women, in order to see how culture affects her ministry (GS, no.44).

The Church says that she is concerned about the preservation of the cultures of various communities. Consequently, she invites us to question our beliefs in a critical way to see if they are indeed useful for the contemporary wo/man. If it remains static, then such a culture dies off (GS no.55 & 56). The message of salvation is tied to human culture because God speaks to us through it. The Church has to use the riches of cultures to preach the Good News and feel at home in all cultures. But the Gospel message may purify elements of culture that are oppressive (GS, no.58). But is the Church genuine about openness to culture? Many people doubt.

### **GS on Marriage and Family**

In GS, the Church states that the well-being of individuals and society are intimately linked with healthy families. Today, the document says; “practices of polygamy, divorce, separation and excessive pleasure threaten families. In the modern world, trial marriages, successive polygamy and pre-marital unions also threaten the stability of this crucial human institution. Since marriage has been established by God, conjugal covenant must be kept irrevocable” (GS, no. 47 & 48). Marriage and conjugal love are by their nature ordained towards begetting and educating children. Children are the supreme gift of marriage and it is the responsibility of married people to transmit life. Presence of both parents is crucial for healthy growth of children (GS, nos. 50, 51 & 52).

From what GS teaches, it is clear that Levirate custom among the Luo of Kenya immediately raises the polygamy question, which the Catholic Church has been reluctant to engage in fruitful dialogue. On the one hand the mood in GS seems to be open and embracing different cultures while on the other hand it is rigid leaving little room for discussion on marital issues.

Ideas of GS on marriage and family have led some theologians to ignore the document claiming it has out-dated views of marriage and family based on natural law. Homosexuals and lesbians certainly have serious issues with GS because views on family and sex are changing in some societies. Consequently, they reject the idea of immutable values as expressed in GS. Apart from the document’s rigidity on marriage and the family, critics also claim that the document is “naïve and therefore in some way pastorally deficient... GS is overly optimistic about social progress couched in terms of development rather than liberation, reflects European–American mind set, relaxes the necessary tension between the Church and the world, and underplays the reality of sin and the tragic in human history and the dimension of the cross in Christian life”, (Sweeney, 2010, p. 16). In response to the naivety reference with regards to GS, (Holland & Henriot, 2006, p. 30) argue that “naïve optimism does not invalidate the

mission of seeking fundamental systemic transformation; indeed, the need for fundamental transformation seems now more urgent than ever before”.

### **My Contribution to the Pastoral Cycle Methodology**

My own contribution to the PCM is the introduction of the careful pastoral planning and evaluation moments as shown on figure 10. Another contribution is the application of the dialectical process first used by Socrates and Plato. This is why it is also called the Socratic Method. Application of the Socratic Method to history, politics and economics has been carried out in a rather complex manner by the German philosopher; Friedrich Hegel and his student Karl Marx. The two philosophers put forward a theory that development and change must pass through three distinct phases; *thesis*, *anti-thesis* and finally *synthesis*. *Synthesis* eventually becomes a new thesis and the cycle (*process*) starts again.

“Broadly speaking, dialectic is an exchange of propositions (*theses*) and counter-propositions (*antitheses*) resulting in a disagreement. The aim of the dialectical method is to try to resolve the disagreement through rational discussion.”<sup>20</sup> Dialectic method is “a means of inquiry into the truth by rational reflection and argument...”<sup>21</sup> Socrates developed this method as a tool for critical thinking leading those engaged in dialogue to arrive at the ultimate truth. The ultimate truth would, in fact, be a new level of thinking different from the starting point of the initial dialogue. For Boff (1987, p. 206), “Dialectic is the perpetual motion of reason: It is a style of thinking marked by the will to shatter all static rigidity, to bust the conceptual frames that imprison the mind, that the mind may assert itself as a force of negation and creation.” Parties in dialogue ought to be aware of this dialectic process.

Lartey (2006, p. 86) tells us that “dialogue within a group in which each participant speaks their truth openly, being careful and honest in confronting each other and the action under scrutiny, is the way in which the dialectic method operates.” The main objective is to assist protagonists within the dialogue/dialectic process “to learn the truth, gain knowledge and wisdom.”<sup>22</sup> Openness to the dialectical process enables people to drop their previous hard-line positions and embrace that which promotes the common good.

While analysing a social problem, we may never forget that “there are always people who benefit from the status quo and will always resist change” (Hug, 2006, p. 221). These are the *hindering forces* as opposed to *helping forces*. They create and cling to the *thesis*. My contention is that such people are needed in the PC process. This is because they force the reflective group to provide an *antithesis* situation that sustains the dialogue and eventually leads to a truth that is to be owned by both the *hinderers* and the *helpers* alike. Freire and Faundez (1989, p. 61) confirm this when they say that the “vision of the future may be structured on the basis of an in-depth analysis of the negative (*hinderers – parenthesis mine*) and positive (*helpers – parenthesis mine*) elements that exist in a society as a whole”. If this is ignored the very *hinderers* will make the implementation of the pastoral action impossible to realize.

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<sup>20</sup> <http://www.wordiq.com/definition/Dialectic>

<sup>21</sup> <http://www.carroll.edu/msmillie/perspectives/socraticmethod.htm>

<sup>22</sup> <http://www.carroll.edu/msmillie/perspectives/socraticmethod.htm>

## **Conclusion**

In this paper, I have presented my personal context, which is ISMM. We have also seen the history of ISMM, the meaning of Social Ministry, and the methodology followed in ISMM in its pastoral practice. The paper has argued that Practical Theologians and Social Ministers are involved in the same apostolate namely; making the world a better place for all. Assertion has also been made that Social Ministry is indeed Practical Theology. Texts and theologians behind the PCM were also engaged in dialogue after which a critique of the methodology was presented leading to the modification of the PC. The paper concluded with application of the dialectical process within the PCM. In Paper Two, I present a research survey carried out in 2012 on: "Luo Levirate Custom: Perceptions of Priests and Catechists of Kisumu Archdiocese." The study was meant to confirm the existence of research problem for my main thesis for the Professional Doctorate in Practical Theology.

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## **Appendix 2: Stage One Paper Two**

ANGLIA RUSKIN UNIVERSITY

FACULTY OF ARTS, LAW AND SOCIAL SCIENCES

PROFESSIONAL DOCTORATE IN PRACTICAL THEOLOGY

### **LUO LEVIRATE CUSTOM: PERCEPTIONS OF PRIESTS AND CATECHISTS OF KISUMU ARCHDIOCESE**

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Submitted: March 2013

#### **Abstract**

This paper presents the findings of a survey carried out in western Kenya on Luo levirate custom. The study was done on 13 priests and 12 catechists in August 2012. It is part of a larger doctoral research study. The findings show that Luo levirate custom still persists today after 115 years of Christian evangelization. Priests and catechists want it abolished because, in their opinion, the custom poses serious health, social, spiritual and economic problems to widows. The custom also presents serious pastoral challenges in the diocese. The study points to a need to develop a comprehensive diocesan pastoral policy on widows and the levirate custom. Such a policy, the study recommends, may be informed by a *contextual theology* of widowhood, which takes into consideration Luo marriage values and involves widows at its conception, development and application.

**Key words:** *Levir, Levirate Unions, Levirate Custom, the Practice, the Custom, Pastoral Challenge, Practical Theological Model, Contextualization, and Practical Feminist Theology of Widowhood.*

## Introduction

The English word levirate comes from the Latin "*Levir*" which means; *a husband's brother* (Unger, 1988, p. 770). According to Kirwen (1979; 1993), "levirate custom stipulates that the widow is taken in by one of her husband's brothers who cares for her just the way her husband would have cared for her by providing food, clothing, shelter, children, love and affection... Any children born of the union are legally the children of the deceased brother." This is what the Luo of Western Kenya practise. A Luo widow remains, for the rest of her life, *chi liel*, (wife of the 'grave'- deceased) even if she accepts another man into her life (Kirwen, 1979; Potash, 1986; Cattel, 2003). Therefore, "although the inheriting man usually has his own wife or wives, traditionally the widow is not seen as entering into a polygamous marriage" (Mutongi, 2007, p. 66) because the relationship is neither a marriage nor wife inheritance but merely a union of convenience. In this paper we use the term *Levirate Union(s)* (LUs), which reflects what the Luo practise as opposed to widow inheritance. However, it is important for the reader to note that some of the literature and respondents quoted in this survey tend to equate *widow inheritance* with LUs.

This research took place after considerable reflection on the continued practise of the levirate custom, as opposed to its resistance by both the early missionaries and the local clergy in Kisumu Catholic Diocese. Mutongi (2007, p. 66) noted that to "the missionaries, widow inheritance was uncouth behaviour." The first Western Missionaries among the Luo were of the Order of St. Joseph, popularly known as the Mill Hill Missionaries (Burgman, 1990; Baur, 1990). Both missionaries and local agents of Christian evangelization serving among the Luo have condemned the levirate custom as another form of polygamy. Those involved in it have had Sacramental sanctions imposed upon them, thus excluding them from the mainstream life of their parish communities. However, the Luo still contract LUs after more than 115 years of Christian evangelization and western education begging the questions: Why is this custom persistent? How do the agents of evangelization in Kisumu perceive it? What pastoral methods have they used to address the custom? How effective have those methods been?

In order to address the above questions I set out to establish the views of missionary priests, local clergy and catechists in Kisumu. Widows were not part of this survey. The views of local Church authorities are important if changes in pastoral approaches have to be proposed, developed and implemented. I believe that a good understanding of current pastoral models and policies applied by priests and catechists in Kisumu, will inform any attempts to suggest a new pastoral care and policies for widows in the diocese. It is my contention that in the absence of a well-defined and structured pastoral policy on the levirate custom, the practice will not only persist but the fate of Catholic widows will also be perpetually decided for them by agents of evangelization without their participation.

The paper is organised as follows: the first part situates the study by discussing the custom among the Luo of Kenya. This is followed by the methodology of the survey. Presentation of the findings and discussions is given next followed by limitations of the study. Recommendations from the study are given next followed by suggestions for further research. The survey ends with a conclusion. References and appendices are placed at the end.

### **Levirate Unions in Kenya**

The Luo people are not the only Kenyan community that observe the levirate custom. Potash (1986) noted that the Maasai, Kalenjin, Teso and the Abaluhia are among the other Kenyan communities that keep the practice as well. The Luo are called Nilotic due to their proximity to the Great River Nile. They moved from Sudan southwards following the River Nile and eventually settled around Lake Victoria. The area they occupy is today called Nyanza Province, located on the western part of Kenya. They also spread into Uganda, Southern Sudan, Tanzania, Democratic Republic of Congo (DRC), and Central Africa. The Luo are a patrilineal society and therefore descent, inheritance or succession is exclusively or preferentially through males (Kalanda, 1975, p. 119). In Kenya, as is the case in the rest of Africa, Catholic widows face a type of exclusion due to the practice of Levirate Custom that needs a special attention (Kirwen, 1979; Ojore, 2012).

Past and recent studies on the custom have been mainly anthropological, social or health-oriented (Kisembo, Magesa and Shorter, 1977, Shorter, 1978; Potash, 1986; Mutongi, 2007; Kawango, 2010). I hasten to note that while Hillman (1975) and Kirwen (1979; 1993) have done some serious theological reflections on LUs, their studies do not focus on the evangelization methods or perceptions of the agents of evangelization on the custom. The current study is an attempt to fill this gap. Besides, all the anthropological and theological works cited above have left several questions unanswered: How do the agents of Christian evangelization, namely the priests and the catechists, perceive LUs among the Luo? Why has the levirate custom persisted despite Christian evangelization and western education? Have agents of evangelization employed pastoral policies that respond adequately to the needs of widows and the Luo practice? How can we develop a pastoral approach that addresses this complex pastoral issue? This study was carried out to provide some insights to the above issues.

### **Methodology**

The survey was carried out between 14<sup>th</sup> August and 2<sup>nd</sup> September 2012 in the Archdiocese of Kisumu covering two deaneries, namely Kisumu and Nyando as shown in table 1. The Archdiocese of Kisumu is made up of three deaneries of Kisumu, Nyando and Siaya. At the time of the survey, the two deaneries had a total of 27 priests and 27 catechists. A total of thirteen priests (48.1%) and twelve catechists (44.4%) were interviewed.

Data was collected using questionnaire which was self-administered and two focus group discussions involving priests and catechists. The questionnaire was structured and contained both closed and open-ended questions. The focus group discussions employed the technique of story-telling and narrative of personal experiences. Each focus group discussion lasted 2 hours and was facilitated by the researcher. Data collection period lasted two weeks. Collected data was tabulated manually since the number of respondents was not big. The results were presented using tables and percentages found in tables 2, 3 and 4. The final survey outcome has been presented using narrative description method.

### **Findings and Discussions**

#### **Education Level of the Respondents**

Education level is critical for effective engagement in dialogue and contextualization of

the Christian faith in every context. Education also determines one's ability to retain and disseminate sound doctrines of the Church. Consequently respondents were asked to state their education backgrounds given in table 2. All the priests interviewed (100%), were first degree holders, a basic requirement for the Catholic priesthood. The majority of the catechists 58.3% had secondary level of education, 16.7% were college graduates, while 25% had primary level of education. All the catechists were trained. One may safely conclude that generally the priests and catechists in Kisumu are well prepared to handle both doctrinal and cultural issues.

### **Missionaries and Local Priests on Luo Levirate Custom**

All the respondents had lived and worked with foreign missionaries in the different parishes. They were, therefore, in a position to state how the missionaries viewed the custom and how they had addressed the practice. The only missionary priest interviewed confirmed the veracity of what was reported to the researcher by the local priests and the catechists. The respondents reported that the missionaries considered LUs as mere sexual relationships widows entered into after their husbands' death. The relationship amounted to polygamy since the widow was normally taken in by a married man. Consequently, the levirate practice contradicted the Christian teaching on monogamy. The missionaries also considered the custom as unjust to women because it did not give them room for a fresh marriage after their husband's death. They, therefore, rejected and dismissed levirate custom as evil and sinful (*see table 3*). They condemned it in their sermons and called upon the people to abandon it. One Catechist gave a detailed narrative:

All Catholic men and women who entered into levirate unions were immediately suspended from all the Sacraments and from Church ministries. Their children could not be baptised or be allowed to make their first holy communion. Some missionaries encouraged young Catholic widows to find willing Catholic widowers or single young men to wed them in Church. They encouraged Catholic men who had economic means to support widows but never to have sex with them. Elderly widows were encouraged to remain single. Those widows who rejected inheritance were helped with shelter, clothing, food and their children were sent to school. Such widows even became catechists living in the mission compounds instructing catechumens and often pointed out as examples of true devotion to Catholicism for other widows to emulate.

A priest explained:

Some missionaries encouraged young widows to undergo the ritual and then return to Church later. Such widows would remain in levirate unions for ten or even fifteen years, before returning to the Church. But they were only accepted back to the Sacraments after a period of penance lasting from one to two years.

It is clear from the above that missionaries, whilst condemning the practice, sought ways to mitigate the negative effects of a complete ban on the practice. Having provided the missionary solutions to the levirate custom, it was necessary to solicit the respondents' critical views on the same issue. This would help me carry out a comparative analysis of the methods used by both the missionaries and the local priests and catechists.

The respondents explained that the missionaries held the Western and Biblical notion that death ends marriage (Luke 20: 27- 36; Matthew, 22: 23 - 30). The Luo however, believe that marriage continues after death and that the widow remains (chi liel) wife of the grave. Another priest stressed:

The Luo culture does not allow a fresh marriage for a widow because she is a wife of the clan and as such, the clan makes decision on who looks after her. Re-marriage is not accepted. In the eyes of the missionaries, this was sheer enslavement of women by Luo men.

The same priest explained that his pastoral experience was that women, paradoxically, still favoured the custom more than men. The respondents were also of the view that Western missionaries failed to appreciate the fact that in traditional economies, without formal employment, widows had to rely on men for agricultural activities and security. In their opinion, the missionaries had the mistaken notion that levirate custom involved sexual intercourse all the time and hence their condemnation of it. But the missionaries learned that the people were fanatical in following the tradition so they softened their stand against it. One priest noted:

During the initial moments of evangelization of Luo Nyanza, people were so keen on their customs that missionaries could not dare preach against them without being rejected or even attacked. It was pragmatic on their part to advise widows to keep the custom first and then return to the Sacraments afterwards. They could not have done it any other way.

It is interesting to note that 66.7% of the catechists supported the missionaries who advised widows to fulfil the custom first. However, they criticized those missionaries who welcomed widows to stay in the parishes because in so doing they disinherited the orphans, as their fathers' land was often grabbed by their uncles and other relatives. The move also uprooted the children from their culture and extended family environment. The catechists who supported the missionaries, who advised widows to fulfil the custom first before coming back to Church, were asked why they did so. One of them explained:

Unlike the priests, we live with widows in the villages and we know the struggles they have to undergo each day. The social and economic pressures on widows are so forceful that they have no choice but to surrender to the cultural demands. Those who dare resist become outcasts.

It was, therefore, instructive to ask the respondents whether the custom was still common among Catholic Christians they served. Ninety two per cent (92.3%) of priests responded in the affirmative. Only one priest, a missionary, explained that it depended on the circumstances. However, even this priest admitted that that some members of his parish were living in LUs. However, he stressed that many educated widows in towns and cities no longer observed the custom. Over eighty per cent (83.3%) of the catechists explained that the practice was still common in their parishes. Only one catechist (8.4%) said no. His explanation was that many people are scared of HIV/AIDS and that constant campaigns against the custom by civil society groups seem to be bearing fruit. Besides, western education has changed attitudes towards the custom. Shisanya (2007, p. 612) found that educated Luo women are reluctant to observe the custom.

The priests and catechists who perceived that the custom was still common in their

parishes explained that the practice is still deeply embedded in the lives of the people. Many devout Catholic widows and widowers relapse, all citing death taboos as the main motivation behind compliance with the custom. One priest stated, “*Nearly every month I have a levirate case to deal with.*” The oldest African priest interviewed explained:

The Luo believe that when a close family member dies, there is a sense in which each one is either directly or indirectly responsible. Each person is guilty of either the sin of commission or omission and hence the death taboos that are only removed by numerous rituals of cleansing. Following the death of a husband, the surviving partner has to observe sex rituals through which new life is brought forth to replace the lost one. Failure to do this would lead to more deaths within the family of the deceased.

All the catechists interviewed agreed with the priests that death taboos are still very strong among the people. The Luo would rather break any of the Ten Commandments than the death taboos. They added that there are many Luo rituals that involve sexual intercourse and so widows must look for men to perform the rituals. A study carried out by Kawango (2010) in Bondo District, which falls within Siaya Deanery confirmed that “it is a societal requirement for women who are or have been married to observe sexual rituals to mark the beginning of social events, specifically food production seasons, rites of passage associated with birth, marriage, establishment of homes and death of a close family member.” Listening to the divergent perceptions of the levirate custom by both missionary and local clergy, it was intriguing to try to understand the role of the practice in the modern life of a Luo.

### **The Purpose of Luo Levirate Custom**

In order to understand a contemporary phenomenon, the study of its past is critical. Consequently, the researcher asked the respondents to explain the functions of the levirate custom in traditional Luo society. Both priests and catechists were unanimous:

The cultural practice was meant, first and foremost, to raise children for the deceased man, especially if he died young. The first child was named after the man to secure immortality for the deceased. The levir also provided a friendly and supportive companion to the widow, a recognized sexual partner whenever she needed emotional fulfilment and a father figure for the orphans as they grew up.

In this way, the custom solved the problem of loneliness and insecurity, which widows and orphans face. A brother or a close relative of the dead man was therefore best qualified for the position of the *levir*. In so doing, the widows endeared themselves to the family and clan of the dead husband.

Regarding the role of the custom today both catechists and priests stated that the original purpose of the custom has been lost. Twelve (92.3%) of the priests and the nine (75%) catechists declared that the custom serves no purpose today. However, one priest explained:

Today, those who play the role of levirs simply come to loot and impoverish widows and orphans. This happens because the majority of them are foreigners

who are hired to fulfil the custom and then they are kicked out by the widows. Today, poor widows are the ones supporting the destitute men who cannot even support themselves. Many of them live with more than one widow and are likely to infect healthy widows with HIV. Besides, many modern widows are educated and are employed and can take good care of their children and themselves. They do not need anybody to care for them as was the case in the past. The government is also there to provide security for all.

About 23% of the catechists remarked that *“the modern purpose of the practice is not very clear, but we must admit that there is still something in it, or else there would not be so many of our widows still observing it.”*

With over 92.3% of the priests and 83.3% of the catechists confirming that the practice is still common among Catholic Christians, it is clear that the custom is not about to die soon. The question that remains unanswered is, if the custom no longer serves any purpose in modern Kenya and is associated with death via HIV/AIDS, why would a people still cling to it? Perhaps the answer may come from the widows during the next phase of our research. However, it is interesting to try to unravel this apparent paradox.

### **Why Levirate Custom Persists**

The respondents were asked to explain why in their view the levirate custom has persisted despite western education, Christian evangelization and even when faced with the danger of Sexually Transmitted Infections (STIs). They cited a number of factors namely poor commitment to the Christian faith, paganism, deeply entrenched fear of taboos that lead to death if not observed, illiteracy and ignorance, gender imbalance, and glorification of African cultures in post-independent Africa. They also mentioned that both radio and television programmes in Kenya encourage people to observe their cultures. Other reasons included fear of ancestors who are likely to punish the living for abandoning traditional practices. However, one priest dismissed the fear of ancestors arguing:

The ancestors always want life and good health for the living. They love us and bless us always because we perpetuate them. They would never want us to observe customs that kill us off lest they be forgotten in the process. Since levirate custom brings STIs which lead to death, our ancestors want us to abandon it now.

Another priest explained:

The custom persists because we have failed to address the plight of widows adequately and others have moved in to fill the gap. Widows want to be part of the Church but we think they are living in sin and have therefore excluded themselves from Christ's fold. Such widows accuse the Church of imposing Eucharistic famine on them. The result has been that many Catholic widows have left the Church to join African Instituted Churches (AICs), where African traditions are respected and promoted.

The two prominent such AICs are Maria Legio Church of Africa and Nomiya Luo Mission. Yet another priest observed:

Widow inheritance is a strong tradition that still lasts and one which I have had to

address in all the parishes I have worked in. At the moment, we have Catholics who believe that Luo taboos are more powerful than the Commandments or Church doctrines. One of my most respected catechists inherited a widow and stopped coming to Mass, and yet this man has his own young wife.

Faced with such a rigid tradition some missionaries, and even current priests and catechists, have occasionally encouraged young widows to keep the custom to avoid conflicts with the local people. This tolerance eventually has led some Catholics to think that it is fine to undergo the ritual. In the face of such a persistent custom, it is crucial to evaluate its impact on Church and society.

### **Impact of the Levirate Custom on the Luo and the Church**

Respondents were asked to rate their assessment of the claim that levirate custom has facilitated the quick spread of HIV/AIDS among the Luo. Table 4 displays their responses. All the respondents either strongly agreed (92.3% of priests and 75% of the catechists) or agreed (7.7% of priests and 25% of the catechists) that the Luo levirate custom facilitates quick spread of HIV/AIDS. The link between HIV/AIDS and levirate custom has been confirmed by scientific researches (Shisanya, 2007; Gunga, 2009; Kawango, 2010). A Demographic and Health Survey carried out in 2008/9 by Kenya National Bureau of Statistics found out that “within Nyanza Province, the HIV prevalence among those identifying themselves as belonging to the Luo ethnic community was 20.2% (17.1% in men and 28.8% in women...” (Amornkul, 2009, p. 3; Kawango, 2010, p. 3). One catechist lamented:

Professional inheritors (those paid to free widows from death taboos) are known to inherit and live with more than one widow, apart from their own wife, thus increasing chances of infection. Many levirs never bother to find out what it was that killed the widow’s husband.

Shisanya (2007) found out that many *professional inheritors* with less formal education agreed to inherit widows even after they had been told the HIV status of the widow. However 25% of the catechists and 7.7% of the priests cautioned:

A false impression should not be created that all Luo men die of AIDS and that all Luo widows were HIV positive. Thousands of Luo men die of other causes such as tragic road accidents, malaria and typhoid and they leave behind healthy widows who may want to be cared for by healthy men.

All the respondents were also unanimous that widows suffer many other social injustices. One serious injustice connected with the levirate custom is the imposition of taboos on widows only, while widowers do not have many taboos to observe. One catechist explained: “*a widow, for example, cannot visit parents or even attend their funerals, carry small babies, visit neighbours, join in community feasts or even work on the farms before cleansing rituals have been performed.*” Several social injustices imposed on widows have been identified in extant literature. For example, a Luo widow who rejects levirate custom cannot have a new house built for her (Cherono and Otieno, 2012a; 2012b). Many widows have been defrauded of their properties by family members or by the greedy levirs. They are often subjected to fear thus violating their right to peace of mind. Some have been beaten up by relatives for rejecting the practice. The research by Ewelukwa (2002) revealed the unimaginable injustices widows endure right across Africa such as accusation of murder, isolation from family during mourning, loss of her

children, forced eviction from matrimonial home, and physical violence among others. Widows are also excluded from both community and ecclesial life. One catechist gave a graphic description of what happens to widows when he stated:

On the one hand, any widow who enters into levirate union is excommunicated by the Church. On the other hand, the communities ostracise widows when they reject the custom. This translates to double exclusion. Thus Luo widows are victims of the Church, their own families and local communities. Therefore, widows have to choose between remaining loyal to the community and becoming ecclesiastical outcasts. Since widows (and all other people for that matter) only go to Church on Sundays but are with their families and communities throughout the week, they inevitably choose to fulfil local traditions.

From the above description, the challenge seems to be how to make the Catholic faith a living faith and not one which is practised only on Sunday and then put off for the rest of the week.

It is worth noting that no catechist or priest considered the exclusion of widows from Sacramental life of the Church as injustice. One priest stressed that “*wife inheritance is a public sin because all in the community can see the levir and the widow living together against the teachings of the Church. This is why those involved must perform public penance before they are re-admitted into the Christian community.*” These views contradict those of Weren (1997). In reference to the four biblical women, *Tamar, Rahab, Ruth and Bathsheba*, mentioned in the Gospel of Matthew 1:3-7, Weren reminds us that these four women were sinners who indulged in dubious sexual activities and yet they appear in the family tree of Jesus. Is Matthew inviting us to wonder how God could have brought about our salvation history via persons we consider sinful? My next task was to find out how priests and catechists in Kisumu responded to LUs in their various parishes. This may give me clues about different models of pastoral care employed by various pastoral agents in the diocese.

### **How Local Priests and Catechists respond to Levirate Unions Today**

Respondents were asked to explain how they addressed the widow’s needs in particular and their response to LUs in general. Various activities of the parishes regarding levirate custom and widows could be grouped into four main categories namely: *theological, cultural, economic and medical.*

Theological responses include instructions on the importance of Sacraments in Christian life, moral education to assist widows develop correct conscience to enable them make informed choices and decisions, seminars, workshops, recollections, retreats, and deepening of catechetical knowledge. A priest explained that “*those who have been living in LUs are invited to these spiritual activities. Thereafter, they are asked to choose between the Church and the traditional customs.*” The whole process is considered as a period of penance for widows before they go to the Sacrament of reconciliation and eventually are received back into the Church and into parish devotion groups.

Some parishes organize cultural and education days for widows to help them know the cultural changes that have taken place regarding the levirate custom. One priest explained that “*on such occasions widows are helped to understand that the custom as practised today, is immoral and contrary to Luo culture.*”

Other parishes work in partnership with civil society groups who come to the parish to

stress to widows that their rights and freedoms are guaranteed and protected by the new constitution promulgated in August 2010. They are also advised to look for legal protection when they feel harassed, abused and violated because they are widows.

The respondents noted that poverty was one major issue that drove widows into levirate unions. In response, some parishes help widows to start small income generating projects such as horticulture, poultry, and rabbit-keeping, running a guest house and managing grinding mills. However, only two parishes (15.4%) had well organized widow projects. In one parish a priest explained; *“widows in our parish who are not inherited are considered among the poor of the parish. They are given monthly provisions such as cooking oil, flour, soap, rice and beans”* begging the question for how long would a parish sustain such a solution. Besides, this reduces widows to objects of charity and pity. Furthermore, it is embarrassing to be branded *the poor of the parish*. This calls for a way to empower widows to manage their own lives and be freed from dependency syndrome.

Some parishes provide medical treatment for the widows and their families. Health officers are invited to instruct widows to know the disadvantages of keeping the custom. For example, they warn widows that they are likely to contract HIV/AIDS. Those who want to know their HIV status are counselled and tested. Those found with the virus are given treatment.

The aforementioned do not really provide us with what one would call a comprehensive pastoral plan for widows. A succinct summary of the reality in parishes was given by a catechist when he said:

Each parish has its own pastoral tradition of handling widows that has often led to confusion. Some priests are a bit relaxed while others are so rigid. This brings confusion among Christians because when a priest is transferred, the new one may come with a new demand on widows that the people were not used to. Sometimes this has led to an exodus of widows from the Church.

It was surprising to me that not a single parish ever thought about involving women in ministering to the widows. It is worth noting that table 1 shows that all the trained Catechists interviewed were men. This may suggest that catechetical training is currently gender insensitive, thus excluding women. The survey revealed that the male catechists were more tolerant and accommodating towards widows than the majority of the priests interviewed. One would expect that women catechists would even be more receptive to widows' needs than their male counterparts. In Africa, “without catechists, there would be no Church” Hodgson (2005, p. 199). This is why it would be important to have trained women catechists who would be part of the search for the solution to the levirate custom in Kisumu. However, one has to realize that gender parity in ministry will be very difficult to realize in a Church that excludes women from ministerial priesthood. In my opinion, the exclusion of women from ministry is probably why Luo widows have never been part of the pastoral solution to the levirate custom. Consequently, the custom has ‘refused’ to die.

Having learned how pastoral activities in different parishes attempt to address widows' needs, it was important to assess those activities against the diocesan pastoral policy. Clear diocesan pastoral policy would enable us understand how the pastoral practice of each parish fitted into the bigger pastoral care of widows in the diocese.

All the respondents stated that there was no clear pastoral policy regarding widows and the levirate custom. What exists is a pamphlet containing guidelines for members of St. Monica's Movement. This is a widows' solidarity movement which takes its name from Monica, the mother of St. Augustine of Hippo. Members commit themselves to Christ and publicly renounce re-marriage after their husbands' death. However, when I asked for guidelines on the group, no document was available to me in any of the parishes I visited. My finding was that St. Monica's Movement has not arisen as a result of a pastoral policy of the Archdiocese. Priests who co-ordinate and promote its activities, do it because they are personally interested in promoting the spirituality of widows. In the absence of a well-defined and structured pastoral policy, the fate of widows lies squarely in the hands of priests and catechists. One big persistent question that has been in the background so far is; why do priests and catechists in Kisumu address the levirate custom the way they have done?

### **Conceptualizing Perceptions of Priests and Catechists towards Levirate Custom**

In my attempts to conceptualize why priests and catechists in Kisumu respond to LUs in the way we have seen so far, three distinct possible explanations emerged. These were: *personal characteristics* of the respondents, their *work background* and the *Church teaching or doctrine* on Christian marriage. *Personal characteristics* of the respondents would include; level of education, age, race, that is, whether African or European, family background, that is, whether one has parents or relatives who are widows or widowers, whether one is from monogamous or polygamous family, and whether one is a priest or a catechist. All these act as variables that influence one's belief systems and perceptions of the problem at hand. *Work background* would include the number of years in the ministry, and where the respondent had worked, whether one had come into contact with widows and whether one had practically been involved in the widow projects. Human beings are heavily influenced by what happens around them. Those who have worked closely with widows are likely to be more sympathetic to them than those who have not.

The *Catholic Church teaches that monogamy is the ideal form of marriage* for all its members. "A custom which introduces a new impediment... is rejected" (Canon Law, 1983, Canon 1057 par. 2, 1061 par. 1 and 1076 par. 1). Calling for development of local marriage laws, which are relevant to varying cultural circumstances may be perceived as rebellious and intolerable. Consequently, due to fear of sanctions, pastoral agents have to support Church teaching even when they may doubt its viability in certain cultural contexts. Personal experiences and background must also be cast aside in favour of Church doctrines and position on marriage.

I suspect that fear of sanctions from Church authorities led to the contradicting views our respondents gave on levirate practice. For example, the priests and catechists interviewed were not in unison regarding missionary treatment of widows. While some felt that the missionaries mistreated widows without due understanding of the practice, some of them appeared to be more rigid than the missionaries. On the one hand the respondents noted that the levirate custom was still widely practised but on the other hand they termed it out-dated and should be brought to an end. Interestingly, the majority of the priests supported the way the custom was practiced in the past. One priest explained; "*Originally the custom was good. My condemnation of the practice is based on the negative changes that have affected the levirate custom over time.*" Does this mean that if the Luo were to revert to the original traditional practice then some priests would have no moral concerns with it? While this may be a logical question to ask, one

must be cautious because people can choose to be vague on critical issues. Sometimes people may say one thing but hold other opinions and hence the apparent contradictions. In other words people do not have fixed opinions. They may merely be expressing shifting perceptions of the same phenomenon. Opinions are usually in constant flux in contrast with Church teachings and doctrines that tend to remain static for generations.

### **Limitations of the study**

There are three issues that one needs to take cognizance of about this survey report. The first one is to do with catechists. During the interviews there were moments when they tended to parrot back responses that were very similar to those of the priests. It was my impression that they were deliberately trying to sound orthodox regarding Church teaching on marriage. Perhaps they were not sure if I would not share some information they gave me with their parish priests despite my assurances of confidentiality. This study has shown that catechists were more sympathetic to widows living in LUs more than priests. Why would they be sympathetic one moment and then orthodox and rigid the next moment? Were they giving accurate information or merely being cautious? One has to be aware that in Kenya, catechists work directly under the supervision of the parish priests who are also their direct employers. They know they could jeopardize their jobs by expressing views that are contrary to what is expected of them by the Church. But it is possible they were genuine because pastoral planning is often done by both the priest and the catechist, who also execute the same plan. While working together they exchange ideas and consult on different issues and so may share similar views on important issues.

The second challenge emerged during the focus group discussions with three priests who tended to agree with each other on all issues I raised on the levirate custom. Upon reflection later, it occurred to me that we Africans, tend to seek consensus when faced with critical issues. Europeans however, flourish on controversial debates and naturally accept opposing views. Our preference for consensus over dissenting views can compromise the outcome of a social research project.

The last limitation to the study was the apparent inconsistencies and contradictions in the responses from some priests interviewed. On the one hand there were those who defended the Catholic position on levirate law and condemned the practice outrightly. On the other hand there were those who seemed to be tolerant and sympathetic, accommodating and even condoning to the widows and their situation. The study has shown that many priests and catechists supported the way the custom was practiced in the past. Their condemnations were based on the negative changes that have set in with time. It is difficult to know the actual position of the respondents on this matter. I suspect that these contradictions and inconsistencies can be attributed to deep seated fear priests have of sanctions that are likely to be imposed on them by either their own bishop or Rome, may their doctrinal orthodoxy be put to question. The important point here seems to be that both priests and catechists in Kisumu are calling for dialogue or a compromise of some sort between Church teaching on marriage and Luo levirate custom.

### **Recommendations from the Survey**

First, I recommend that widows be encouraged to form and register their own association that will promote and protect their interests and, initiate income-generating projects that will give them economic empowerment and freedom from dependency on charity.

Second, the existing widow groups and movements may be open to all widows who

would like to join. Currently, St. Monica's Movement excludes widows who have lived in LUs. A strong and inclusive widows' movement would also influence policies at both government and Church levels to champion women's rights. I am convinced that once widows feel secure, then the next step would be to deepen their Catholic faith.

Third, the diocese needs to improve catechesis process, because the current one does not assist Catholics to make informed moral choices. Many Catholics in Kisumu only rely on their catechetical instructions given in their youth to guide them in adult life. The study has revealed that currently, many Catholics in Kisumu would rather observe Luo death taboos and break the Commandments of God and the Church. Introduction of on-going theological education to help Catholics deepen their faith and to understand Church teachings would go a long way to help.

Fourth, there is need to study how death rituals among the Luo could be incorporated into Church liturgy and worship. For example, a priest can very well play the role of a Luo *levir* on certain occasions when widows are stuck with taboos. However, this may be part of a wider pastoral policy of the Archdiocese to protect priests, give them confidence and to avoid scandals. Kirwen (1979, p.13) warned that "efforts must be made to avoid widows being called the pastor's wife..." Hippolytus of Rome had also warned Presbyters of similar dangers (Grayson, 1980). Catechists and respected Catholic elders can also help free widows from taboos without sexual contacts with them.

Fifth, the survey has revealed that some respondents would like the diocese to develop spirituality for widows and a special ministry for them. I suggest that the diocese considers re-introduction of *Widowhood Ministry* into the Church. Widows had a very clear ministry in the early Church as seen in ITimothy 5:9-15. These recommendations call for further studies on the levirate custom before effective pastoral care for widows is provided.

### **Suggestions for Further Research**

I suggest that further research may be conducted with the view of developing: *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu Archdiocese*. Some of the critical questions to be addressed while developing such a model are: Since a levirate union is neither polygamy nor marriage, is it possible to accommodate it within the local Church practice? How can the Church engage widows who do not want to observe the custom in her ministry and mission? What may be the content of a pastoral policy for the care of widows in Kisumu? It is my conviction that if done properly, one may end up with a new *Practical Feminist Theology of Widowhood*. The tool kits for the development of such a contextual theology have been provided by Bevans (2008) in his *Models of Contextual Theology* and Magesa (2004) in his *Anatomy of Inculturation*. In their schema, the two theologians stress that a sound contextual theology may be *anthropocentric* (human-centred) and embracing *inculturation* as a method in its development. Inculturation has been defined as "the process whereby the faith already embodied in one culture encounters another culture. In this encounter, the faith becomes part and parcel of this new culture. It fuses with the new culture and, simultaneously, transforms it into a novel religious-cultural reality" (Magesa, 2004, p. 5; Waliggo, 1986, p. 12). But they also insist that such a model needs to be *Christo-centric* (Christ-centred or Gospel-centred). Jesus Christ *theanthropos* (*God-human*) is the model of perfection for all Christians. Luo widows need to see Jesus in a new light that gives meaning to their own lives.

## **Conclusion**

This study has shown that Luo levirate custom is still a pastoral challenge in Kisumu. It has also revealed that the phenomenon has never been given a relevant response in over 115 years of evangelization of Kisumu. Mere condemnation of the custom has not removed it. The study has informed us that one major pastoral mistake has been the exclusion of women from ministry in Kisumu. Consequently, the study has called for a new Diocesan Pastoral Policy on widows that involves them. The absence of a clear pastoral policy has exposed widows to all manner of frustration, shame and exclusion. A clear pastoral policy ensures continuity and consistency in pastoral decisions. It shields the faithful from harmful decisions by pastoral agents. Data from the respondents have shown that there is desire for a new model of *contextual theology* that will address the issue with finality. It will be *contextual* because widows will be behind it, at the centre, and at the head of it. The potential such a theology holds for women in other African communities with similar cultural practice is tremendous. During our Professional Doctorate day at Wesley House in Cambridge, Babatunde (2012) observed that “this study has broader application than mere perceptions in terms of structural inequalities and liberation theology, in particular, for my country Nigeria and, in general, for Africa.” I may confidently conclude that if the project succeeds, it will be able to inform pastoral theology in all the African Countries that face the levirate challenge. In Paper Three, I shall develop a research methodology that may help me propose the new model of pastoral care for Luo widows, which will enable the Catholic Church to address levirate unions in Kisumu.

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**Table 1: Distribution of Parishes and Respondents**

No	Parish and Date Founded	Deanery	No. of Priests	No. of Catechists	Gender
1	St. Teresa's Cathedral 1926	Kisumu	1	1	Male
2	St. Paul's Kanyakwar 1974	Kisumu	1	0	Male
3	St. Joseph Milimani 1903	Kisumu	1	1	Male
4	St. Peter Nanga 2003	Kisumu	1	1	Male
5	St. Aloysius Ojolla 1906	Kisumu	1	1	Male
6	Koru Catholic Church 1958	Nyando	1	1	Male
7	Awasi Catholic Church 1982	Nyando	1	1	Male
8	St. Joseph Nyabondo 1934	Nyando	0	1	Male
9	Our Lady of Lourdes Bolo 1985	Nyando	1	1	Male
10	Christ the King Katito 2004	Nyando	1	1	Male
11	Ahero Catholic Church 1960	Nyando	1	1	Male
12	St. Boniface Masogo 2005	Nyando	1	1	Male
13	Holy Rosary Nduru 2010	Nyando	1	1	Male
14	St. Mary's Chiga 1990	Nyando	1	0	Male
Total	14	3	13	12	14
%	93.3	-	86.7	80	93.3

**Table 2: Education Levels of Respondents**

RESPONDENTS	PRIMARY	SECONDARY	COLLEGE	UNIVERSITY
PRIESTS	0	0	0	13
CATECHISTS	3	7	2	0

**Table 3: Did the Missionaries Reject Luo Levirate Custom?**

Responses	Priests	Catechists	Total
Yes	13	12	25
No	0	0	0
Total	13	12	25

**Table 4: Does Levirate Custom Spread HIV/AIDS?**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>May be</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>Priests</b>	12 (92.3%)	1 (7.69%)	0	0	0
<b>Catechists</b>	9 (75%)	3 (25%)	0	0	0

### Appendix 3: Stage One Paper Three

ANGLIA RUSKIN UNIVERSITY

FACULTY OF ARTS, LAW AND SOCIAL SCIENCES

PROFESSIONAL DOCTORATE IN PRACTICAL THEOLOGY

TOWARDS A NEW MODEL OF PASTORAL CARE FOR LUO WIDOWS IN  
KISUMU ARCHDIOCESE: A PROPOSAL AND A POSSIBLE METHODOLOGY

Aloys O. Ojore

Submitted: June 2014

#### ABSTRACT

This paper is a proposal for my Professional Doctorate research on the topic: *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu*. It states that *Luo Levirate Custom* (LLC) poses serious pastoral challenges in Kisumu diocese. This is due to the conflicts between the Luo understanding of marriage and the Christian teachings on the same. The researcher, therefore, proposes that a *theological model* that may address a deeply entrenched African cultural practice, like LLC, has to be one that is *anthropocentric* and *Christo-centric*. The proposal argues that in order to make this model effective in the apostolate involving women; it ought to be augmented with feminist approaches to contextual theology. In so doing, an effective *Contextual Feminist liberation Theology and a New Model of Pastoral Care for Luo Widows* may emerge. The new pastoral model, the study proposes, may lead to the establishment of *Widowhood Ministry* in Kisumu. I argue that if the religious leaders in Kisumu offer widows a more honourable status in the Church, then they will be on the way to resolving LLC. The study also suggests that those reflecting on the custom may apply *Socratic/dialectic* process to the *Pastoral Cycle Methodology (PCM)*. This would enable them arrive at *common actions* needed to address *Luo death taboos* and the *levirate custom* conclusively.

**Key words:** *Levir, Luo Levirate Custom, Anthropocentric, Christocentric, Synthetic, Inculturation, Contextual Feminist Liberation Theology, and Widowhood Ministry.*

## Introduction

Amidst the debates among Christians on different forms of marriage (Brolly, Heneghan and Mickens, 2012; Heneghan, 2013a; 2013b; Curti, 2013; Lamb, 2013; Sum, 2014), it is rather surprising that polygamy in Africa has received little publicity and yet from the Western Christian perspective, it is no less controversial than gay marriage. Some Christian theologians have even advocated for polygamy (Hillman, 1975; Blum, 1989). Africans enter into polygamous marriages and unions due to political and economic reasons, childlessness, illness or death of a husband. Today, there are high rates of male deaths in Africa due to conflicts, diseases and poverty. Consequently, a large number of women are widowed every year. By 2007, “nearly 30% of adult women in Africa were widows” (Mutongi, 2007, p. 4). The study by Potash (1986) revealed that majority of African widows contracted *levirate* unions also called *widow/wife inheritance*, in which a widow is given shelter, food, clothing, love, care and children by the brother of her deceased husband (*levir*).

Levirate custom and widow inheritance are widely practiced in many African Countries such as Senegal, Cameroon, Nigeria, Mali, Ghana, Corte d’Voire, Sudan, Democratic Republic of Congo, Uganda, Kenya, Tanzania, Zambia, Zimbabwe, and Malawi (Potash, 1986). In Kenya, apart from the Luo, the custom is also practiced by “the Maasai, Kalenjin, Teso, and the Abaluhia” (Ojore, 2013, p. 2). This study and proposal is based on the levirate custom as practiced by the Luo of western Kenya.

This proposal is organised as follows: the first part introduces the reader to LLC before the main Research Proposal is presented. The reader is then shown how selected theological models may be applied to the research. Thereafter, the researcher explains that feminist theology is needed to augment these models. Jesus Christ is presented next as the liberator of women, followed by the explanation that *contextual feminist liberation theology* can address LLC using the PCM. A brief conclusion is placed at the end followed by References and appendices. In order to have a systematic approach to this proposal, it is now my task to present the study problem.

### Statement of the Research Problem

When a Luo man dies, it is customary for his surviving male brother, a cousin or a distant relative to take the widow and raise children for the dead brother. The *levir*, (Latin for husband’s brother), is never considered a husband to the widow even though he is expected to care for her as a husband (Kirwen, 1993). Among Luo, the *levir* cannot be called husband because the widow continues to be wife of her deceased husband (*chi liel*). Thus only married Luo men are normally allowed to enter into a levirate union with a widow. If the *levir* is not yet married, the union with his brother's widow does not prevent him from marrying his own wife. The problem this study addresses is that in contemporary Kenya, many Luo Catholic widows resent levirate unions and would like to refuse them. However, they find themselves in a dilemma, because either they are excommunicated by the Church for contracting the unions, or they are ostracized by the community for rejecting it. Whereas Catholic widows are doubly excluded and suffer immensely, non-Christian Luo widows in levirate unions are also subjected to all forms of violence, loss of inheritance rights and abuse of personal dignity by their relatives. The gap in knowledge that I have identified is that since the arrival of the Catholic faith in Luo Nyanza in the late 19<sup>th</sup> Century, the Church has not cared to develop a model of care for widows, which combines Luo death rituals with Catholic teachings. Consequently, levirate custom has persisted with negative consequences on widows.

This study sets out to involve Luo widows in dialogue with the aim of finding ways of addressing the levirate custom in ways that are more acceptable to them and to the Catholic Church. I believe that this study is timely.

### **Rationale and Justification of the Study**

I grew up seeing many widows suffer various abuses and injustices after the death of their husbands. In my professional life as a lecturer in an institute that taught and promoted social justice, I came across some students who were widows who had suffered similar injustices after the death of their husbands. These experiences raised my interest in the levirate practice.

Anecdotal evidence shows that the Catholic Archdiocese of Kisumu is doing something to address the levirate unions. I did an exploratory study in 2012 to establish the extent of the pastoral challenge posed by the practice in the diocese and how the Church was addressing it. The survey constituted Paper Two of my PrD studies. The survey confirmed that widows in levirate unions were excluded from Sacramental life of the Church. The survey further established that there was no pastoral program for the care of widows or pastoral policy guiding parishes on the matter. Each parish handled the widows in an ad hoc manner usually determined by the parish priest. There was a widow group in almost all the 13 parishes known as Daughters of St. Monica whose members are widows who never contracted levirate. However, there was no documentation on how the daughters of St. Monica recruit members and what ministries they performed in their respective parishes. The study further established that the levirate custom was a big pastoral challenge in the diocese posing great health, social, economic and spiritual problems to the widows.

It was against this backdrop that it became apparent to me that a deep study into the Luo levirate practices needed to be done. A study that would expose the pastoral methods used to address the custom and also involving widows' own voices was needed. It was also important to let the widows say how they wanted to be treated both by the Church and society, and suggest the kind of roles they would like to play in an inclusive Church. It was clear to me that a second survey involving Catholic widows was needed and hence my study. Such a study would benefit the following:

First, the widows will have a chance to raise their voices to tell the Catholic Church and Luo society how they want to determine their own lives. Second, the study will explain to the Luo how their insistence on levirate practice kills widows and *levirs*, and also perpetuates abuses of widows' rights to life and to inheritance of property. Third, my study will assist policy makers in the government to understand the complexities in the levirate customs, and propose ways in which they can step in to support and protect Luo widows. Fourth, this study will apply the pastoral cycle paradigm in a way that interests practical theologians who use it their practice. Finally, the widows may introduce a new pastoral approach to their situation. Such a theology will be contextual as it will emerge from the widows' experiences of suffering and exclusion.

### **Aims and Objectives of the Study**

The general objective of the study is to find out the kind of Pastoral Model and Care needed by the Catholic Church in Kisumu to address the Luo levirate custom effectively. The specific objectives of the research will be to:

1. Present the perceptions of widows on Luo Levirate Customs today.

2. Examine the methods the Catholic Church is using in Kisumu to address levirate unions and establish whether the widows are aware of them.
3. Discuss the roles Luo widows in Kisumu want to play in the Catholic Church.
4. Propose a model of pastoral care for Luo widows in Kisumu emerging out their experiences and resources.

### **The Research Questions**

The main question of this study is; what kind of Pastoral Model and Care is needed by the Catholic Church in Kisumu to address Luo levirate custom effectively? The specific research questions are:

1. How do the Luo widows in Kisumu perceive the Luo Levirate Custom?
2. Why has the levirate custom persisted?
3. What methods does the Catholic Church in Kisumu use to address the Levirate custom and are widows aware of them?
4. What roles do Luo widows in Kisumu want to play in the Catholic Church?
5. What model of pastoral care for Luo widows is needed to respond effectively to the levirate custom?

### **Study Assumptions**

This study is based on four assumptions. First, there are strong cultural taboos which may make it difficult for some Luo Catholic widows to ignore the levirate custom. Second, since the current Catholic position does not allow levirate union, widows who strongly believe in the cultural practice may not find it acceptable hence the persistence of the practice. Third, widows who want to be good members of the community and good members of the Church find themselves in dilemma. Fourth, offering a more honourable status in the Church points to “a new model of pastoral care” for the widows to effectively deal with the issue of levirate custom.

### **Location of the Study**

This research will be carried out in the Catholic Archdiocese of Kisumu located on the western part of Kenya, around Lake Victoria. Three deaneries of; Kisumu, Siaya and Nyando make up the Archdiocese.

### **Research Participants**

Our main research participants will be Luo Christian widows with Catholics forming the majority. The widows will be young, middle-age and elderly. Other participants will be elders who are the custodians of culture, Government officials in the persons of District/Division Officers (DOs) and Village Chiefs who supervise and implement Government policies at the local levels. Due to the links between the levirate custom and HIV/AIDS, we shall interview selected health and social workers. Priests and catechists, male theologians from pastoral, canon law, moral and ecclesiology fields, and feminist theologians will take part as well.

### **Sample Size and Techniques**

I intend to involve 150 people distributed as follows: 100 Widows, 15 Elders, 9 Health Workers, 9 Social Workers and 5 Priests and 5 Catechists, 4 female 4 male theologians. I will employ purposive and snowball sampling techniques. Four feminist theologians will be selected from the members of the *Circle of Concerned African Women Theologians* who are also members of the Ecumenical Association of Third World Theologians (EATWOT), Kenya Chapter. The criterion of selection will be the interest they have

shown in women via their publications. Male theologians shall be selected from the Catholic University, other Universities and Theological Institutes in Kenya, based on their theological expertise and publications and links to the Luo people.

### **Research Methodology**

I have opted for qualitative research methodology because it “allows researchers to get at the inner experience of participants...” (Corbin and Strauss, 2008, p.12). Cultural phenomena like levirate custom are usually socially constructed. Consequently, qualitative research methodology is the best since “qualitative researchers stress the socially constructed nature of reality...” (Denzin and Lincoln, 2013, p.17). “Meaning does not exist in its own right; it is constructed by human beings as they interact and engage in interpretation” (Robson, 2013, p. 24, Gray, 2014, p. 20). My experience as a Luo person is that what is considered reliable and true knowledge is constructed via *consensus* by all stakeholders.

### **Research Methods**

Consensus as an *epistemological* approach is particularly sought by the Luo on an issue that is highly controversial and deeply entrenched. Ojore (2013) confirmed that Luo levirate custom is deeply contentious and both culturally and ecclesiastically emotive. In order to arrive at a consensus on the levirate issue, there is need that I cast my net wider by applying a whole range of research methods. This will enable me to engage all interested parties and bring their views on board. This is why Delphi method has been selected as one way of gathering rich data from theologians. “The Delphi method is an interactive process used to collect and distil anonymous judgments of experts using a series of data collection and analysis techniques interspersed with feedback. The method is well suited as a research instrument when there is incomplete knowledge about a problem or phenomenon...” (Skulmoski, Hartman and Kran, 2007, p.1). The survey is usually carried out in two or more rounds. The outcome will enable me to do in- depth reflections on the positions taken by both widows and the theologians.

Another research method that facilitates consensus is focus group discussion. I intend to use this method “because... it is an efficient way of generating substantial amounts of data and easy to carry out” (Robson, 2013, pp.193-194). “Focus groups are a form of strategy in qualitative research in which attitudes, opinions or perceptions towards an issue, ... are explored through a free and open discussion between members of a group and the researcher” (Kumar, 2014, p. 156). Gibbs (1997) stresses that focus group is particularly suited for obtaining several perspectives, reveals shared understanding and shows how views can be influenced in a group setting.

I have also chosen to apply inductive technique to the levirate study. Induction as an epistemological process involves “using evidence as the genesis of a conclusion. Evidence is collected first, and knowledge and theories built from this” (Ritchie, 2014, p.6). In other words, I plan to carry out “data collection, after which the data will be analyzed to see if any patterns emerge...However, the researcher “moves towards discovering a binding principle, taking care not to jump to hasty inferences or conclusions on the basis of data” (Gray, 2014, pp.17-18). The use of narrative technique becomes a useful tool in inductive research.

Narrative research method “is a family of approaches which focus on stories that people use to understand and describe aspects of their lives” (Robson, 2013, p. 374). My experience as a Luo is that our research participants are more comfortable sharing their

personal experiences using narratives. This is because narrative method helps to “stimulate dialogue about complex matters and about social change” (Chase, 2013, p. 71). It also makes respondents comfortable because they are able to talk about themselves indirectly. Besides, Teddlie and Abbas (2013, p.137) stress that “narratives are intrinsically more interesting ... than numbers. However, Chase (2013, p. 71) stresses that “when survivors or marginalized or oppressed groups tell their stories,...they may demand that people who hold legal, cultural, or other forms of power take action to bring about justice.”

In my attempt to develop a new model of pastoral care for Luo widows, it is clear that my unit of analysis will be what the widows themselves say on the levirate custom. Consequently, all the data gathered via Questionnaires, scheduled method interviews, focus group discussions, Delphi method, and social media will be given hermeneutical interpretation in the light of the positions taken by the widows. The *Catholic theology of widowhood* to be developed has to emerge from the widows’ own resources. In this research, therefore, the various voices of; theologians, Luo professionals, elders, priests, catechists, social workers, and government officials, will be secondary. The main authoritative voice will be that of Catholic Luo widows heard in the light of Scripture, Catholic Teachings and Tradition.

### **Data Collection Methods**

Data will be collected using self-administered structured questionnaires with closed and open-ended questions. I have chosen to use questionnaire to collect data because it can be completed and returned with strict “anonymity” (Kumar, 2014, p. 181). Scheduled method where questionnaires will be administered either by the researcher himself or by research assistants will be followed. The study will also use focus group discussions, Delphi method, story-telling and narrative of personal experiences by respondents. Voice recorders will also be used with permission from participants. Some questionnaires will be sent, filled in and sent back to the researcher online. All focus groups shall use a questionnaire schedule with five main questions that will follow the five moments of the pastoral cycle.

### **Data Analysis Techniques**

Data collected using recorders will be trans-scripted, coded, analyzed and interpreted. Data from structured questions will be analysed using quantitative methods or coded using simple statistic. Results from focus group discussions will be grouped according to themes and presented verbatim. Analysed results will be tabulated and displayed on tables, bar graphs, and pie charts for easy interpretation. The final write up shall be compiled and presented using narrative description method.

### **Limitations of the Study**

Kisumu Archdiocese is huge and therefore the researcher will not visit all parishes. However, the researcher has a car at his disposal to use during the whole research period. Widows will be interviewed in their parishes on Sundays to avoid walking long distances to attend our interviews. Initially, funding was a challenge but Tangaza College and Porticus Stiftung have generously provided sufficient funds.

This study will leave out the Catholic Diocese of Homa Bay, which has a huge population of Luo people in it. However, it is hoped that the findings in Kisumu will reflect the realities in Homa Bay and that the proposed pastoral actions will apply to them as well.

Then there is the fact that the Catholic Church is not willing to involve women in many areas of pastoral ministry. Possible resistance on the part of some clergy is anticipated. The researcher will visit the targeted parishes ahead of time to bond with the priests and to let them see the questionnaires beforehand. The priests are expected to collaborate because His Grace the Archbishop of Kisumu has permitted this research and written a letter to all the parishes. Ethical limitations have been addressed below.

### **Ethical Considerations**

In keeping with Anglia Ruskin University Policy and Code of Practice for the Conduct of Research with Human Participants, this study received the required approvals from; the Faculty Research Ethics Panel, the Kenya Government through the National Council for Science and Technology and authority from the Archbishop to carry out research in Kisumu. Before any interview is carried out, all participants in the research will be presented with *Participant Information Sheet* to read and helped to understand the main objectives of the research before they sign the *Participant Consent Form*.

Levirate Custom involves discussions on death and one's sex life, hence it is likely to cause pain and hesitation to discuss or disclose important facts. Consequently, the researcher will engage two women research assistants to interview widows. In order to avoid hurting widows, the research assistants will be cautioned not to ask any questions outside the questionnaire or the interview schedule. The assistants will also be trained and instructed to avoid probing respondents where they notice reluctance to give details on a question. Besides, the two women assistants are married and are therefore potential widows culturally speaking. This awareness shall raise the level of trust and openness while embarrassment shall be reduced to the minimum or eradicated altogether.

Participants shall also be informed that they do not have to answer any questions they feel uncomfortable with. Furthermore, given the fact that the two research assistants are women teaching at the Catholic University, widows will feel that for the first time, their plight is being addressed by the Highest Catholic Institution in the country thus motivating them to share their experiences without much inhibition. In the very unlikely event that a participant feels very upset about something during the interview session, the lead researcher will be available to come and respond to the needs of the participant, which may include access to counselling support at the researcher's own cost.

### **Research Outcome**

The researcher hopes to develop and propose *a new model of pastoral care for Luo widows* in the Archdiocese of Kisumu. It is expected that a widowhood ministry shall emerge, and for the first time widows will be engaged in pastoral ministry. If implemented, the new pastoral model will not only begin to address the LLC effectively, but it will also challenge Luo widows to take charge of their lives. For the first time, pastoral agents in the diocese will address Luo death taboos affecting widows in ways that will portray them as loving, caring, gender sensitive, and respecting the local culture. We need solid stepping stones towards such a *pastoral model*.

### **Toward a Theological Model for the Pastoral Care of Luo Widows**

A theological model that may address a deeply entrenched African cultural practice, like the LLC, has to be one that is *anthropocentric* (human-centred) and *Christo-centric* (Christ-centred or Gospel-centred). The theological schema that may lend itself to such a model has been provided by Magesa (2004) and Bevans (2008,). By following and applying their models; I intend to end up with a new model of pastoral care for Luo widows in the Archdiocese of Kisumu.

Bevans (2008) proposes six models of contextual theology namely *translation*, *anthropological*, *praxis*, *synthetic*, *transcendental*, and *counter-cultural*. A model is a paradigm that assists us to understand a complex reality. It “does not capture the reality, but it does yield true knowledge of it...” (Bevans, 2008, p. 31). I believe that all the models proposed by Bevans are equally important, but *synthetic* model of doing contextual theology seems to be the most appropriate one for our levirate project. The *synthetic* model is preferred because it balances the insights of the *translation*, *anthropological* and *praxis* models, which I will rely on for the development of *Contextual Feminist Liberation Theology for the pastoral care of Luo widows*. It also “tries to preserve the importance of the Gospel message...while at the same time acknowledging the vital role a new context has played...” (Bevans, 2008, p. 89). Besides, it also gives room for the consideration of issues raised by the *counter-cultural model*. The *Counterercultural Model* insists that “If the gospel is to truly take root within a people’s context; it needs to challenge and purify that context” (Bevans, 2008, p. 117). The danger with this model is that it is likely to deny and even reject context. This is also the problem with the *redemption model* of contextual theology.

The *Synthetic Model* we have opted for is also dialogical, conversational and analogical. It promotes the uniqueness of a context while stressing the importance of cultural complementarities. Contextual theologians need to be aware of the fact that “each cultural context has something to offer and something it needs to be exorcised from” (Bevans, 2008, p. 91). The *Synthetic Model* rejects a monolithic view of a Christian theology, which is eternally true for all ages and cultures. In a world of plural cultural contexts, there is need for cross-cultural pollination of values among different contexts when they meet. This approach is helpful because it avoids condemnation of a new context and instead engages it in intense dialogue. This is why I propose to have it applied to the *translation*, *anthropological* and *praxis models while doing and developing Contextual Feminist Liberation Theology of Widowhood*.

*The Translation Model* invites evangelists to make the Christian message relevant to all generations in their ever-changing contexts. In the process, it insists, the unchanging message of the Gospel must be observed. Translators of the message to the local culture ought to remember that there is “something that must be put into other terms and something from the outside which must be put inside or something given that must be received” (Bevans, 2008, p. 39). The model accepts that the Christian message is both *supra-* and *trans-contextual* and yet God is known within human history and situation. Consequently, theology and anthropology must go together. This is why I intend to combine *translation* model with *anthropological* one in my study.

Whereas the *Translation Model* insists on preserving Gospel values, the *Anthropological Model* calls for the preservation of cultural identity. It holds that the Christian faith must put human beings at the very centre of everything. It listens to the Gospel but views it with suspicion that what is called Christian may very well be some western culture. Donovan (1989) warned missionaries to preach a contextual Jesus and not the Jesus as understood by the Americans, Romans, Germans, the French, the British, and the Dutch to “pagans”. The missionary only needs to preach the Gospel and then leave the interpretation to the locals, as they deem fit. *Anthropological* and *contextual* theologians, like Donovan, believe that God manifests his divine presence among all peoples of all cultures and that human nature is sacred. This is why *Contextual* theologians start with human experience to develop a synthesis between the Gospel message and the cultural reality of the people. Inevitably, *anthropological* contextual theologians use

*inculturation* as a method of reconciling culture and the Gospel message. Magesa (2004) has done this very effectively.

In his *Anatomy of Inculturation: Transforming the Church in Africa*, Magesa (2004) provides us with *Inculturation Model of doing theology*, which I will rely on to attempt to develop *Contextual Feminist Theology for the Pastoral Care of Luo Widows*. *Inculturation* has been defined as:

The honest and serious attempt to make Christ and his message of salvation evermore understood by peoples of every culture, locality and time. It means the reformulation of Christian life and doctrine into the very thought patterns of each people. It is the conviction that Christ and his good news are ever dynamic and challenging to all times and cultures as they become better understood and lived by each people. It is the continuous endeavour to make Christianity truly "feel at home" in the cultures of each people. (Waliggo, 1986, p.12; Magesa, 2004, p. 5; Magesa, 2006, pp. 35-36).

*Inculturation* is a slow process that calls for patience. Magesa (2004, p. 2) states, that change or conversion expected by evangelizers "occurs in its own way and at its own pace, not necessarily in the way or at the pace desired by evangelizers". It is critical to accept the fact that "human beings, whom the Church is called to serve, are always in flux in their environment" (Magesa, 2004, p. 4). But this flux can be slow, confusing, frustrating and even painful some times. Who then is best qualified to nurture this slow growth of the Christian faith in *mission lands*?

The principle agents of *inculturation* are usually local people who belong to the context. They have to "speak out and have confidence in themselves and in their own understanding of their culture and/or social context, and to risk ways of encounter between the Gospel and the context" (Bevans and Schroeder, 2004, p. 388). The risk referred to here, in my opinion, is the openness to conversion following a successful process of genuine dialogue. In other words, they may be ready to drop those cultural values that have proved to be incompatible with the Gospel message. The Church on her part may also listen respectfully to local contributions and embrace them. But this has not been the case.

For example, from the Council of Trent in 1545 to the Second Vatican Council (1962-1965), the Catholic Church taught one perennial and universal scholastic philosophy and theology to all her faithful everywhere. In the so called *mission lands*, local cultures and values were given less attention or ignored altogether. This may explain why both missionaries and indigenous priests in Kisumu hold that LLC is not only "repugnant to morality but also uncouth behaviour" (Mutongi, 2007, p. 66; Ojore, 2013, p. 4 & p. 8).

This static, exclusivist, and judgemental view of theology of mission, occurs when outsiders take over the role of indigenous Christians. Magesa (2004, p. 138) stresses that evangelizers "can only do mission with the people and because of the people. The Church cannot evangelize in spite of the various cultures of humanity but because of, through, with, and by means of them". Since what Africans hold as values have never mattered to the Church, the result has been that "an integrated life of faith has for a long time eluded African Christians" (Magesa, 2004, p. 144). It is not surprising that LLC still persists despite over a century of Christian presence and teaching against it. Consequently, this proposal stresses the urgent need for intense dialogue between the

Church and LLC.

It is clear that there can be no true and authentic *inculturation* without genuine dialogue, because “Christian mission is participation in the mission of God; and God’s being and action is dialogical,” (Bevans and Schroeder, 2004, p.379). From Magesa and Bevans, we may safely develop a slogan: *no dialogue no mission* and by extension *no inculturation, no mission*. But I must hasten to warn that the selected models of Bevans and Magesa are not perfect but simply working tools. It is my hope that these tools will assist us to develop an effective *contextual feminist liberation theology and a new model of pastoral care for Luo widows*.

In my view, in order to make Magesa’s and Bevan’s models effective in the apostolate involving women, they ought to be augmented with feminist approaches to contextual theology. I am convinced that LLC cannot be addressed effectively *without hearing women’s voices* and having a sound grasp of *feminist issues*.

### **Feminist Theology**

Feminist theology involves women’s expression of faith arising from their experience of pain in androcentric societies and institutions. Like the Jews under the Egyptian bondage, feminists are concerned women who see and present women as an exodus community on “a journey into individualization and participation, leaving behind the false self and sexist society...They are breaking the dam of sex stereotyping that stops the flow of being, that stops women and men from being integrated, androgynous personalities” (Daly, 1985, p.158; Gross, 1996, p.16). Feminism is, therefore, a movement that is calling for a new manner of relationship between men and women. Feminists explain:

The model of human relationship that we are looking for is one of ‘reciprocity’...This means that in a healthy relationship each person actualizes himself or herself by the same process through which each also supports the dignity and self-actualization of the other. This means that they divide roles in a new way that permits reciprocity. (Ruether, 1979, p. 67).

Concerned women want to end division of society into “male” and “female” spheres. Their “goal of liberation is not only to destroy men’s dominance over them, but also to teach man the right way to be human” (Musopole, 1992, p. 201). Feminists want to eradicate oppressive social structures and cultural practices and beliefs that impede women from realizing their full potentials as human beings. They know that “women in many parts of the world have internalised their state of “subordination”, and are living uncomplainingly with low self-esteem, and in silence, apathy, and with servile attitude to men and to the structures of Church and society” (Oduyoye, 1990, p. 64). Exclusion of women from the core of Church life is what links feminism with theology. Feminism ultimately wells up “from a conviction that a theology of relationships might contribute to bring us closer to human life as God desires it” (Oduyoye, 1983, p. 254). Feminist theologians simply want to promote the full humanity of women. In order to achieve this goal, they have to reject some teachings and beliefs which they feel have perpetuated women’s suffering.

For example, feminist biblical scholars reject the patriarchal Jewish and Christian Church view that women, represented by Eve in the story of the fall in Genesis 3: 1-19,

are responsible for evil in the world and that it is God's will to keep women out of Church leadership. They reject the myth of creation in Genesis 2: 21-23 that Eve was created from Adam's rib as an insult, because this myth has been used by Christians to insist that women can only be understood in relation to men and that women find their being and authenticity via men. They hold that the bible "is man-made because it is written by men and is the expression of a patriarchal culture" (Fiorenza, 1983, p. 13). Feminists also believe that "the Church as we have it today is a creation of male persons and women feel like strangers in it" (Ramodibe, 1988, p. 19).

Keen application of hermeneutics of suspicion to both the Old and New Testaments, and close observation of the Christian Church and the Western world by feminist theologians reveal that "maleness is the norm while femaleness constitutes a deviation from the norm" (Fiorenza, 1983, p. 42). This "naming of males as norms of authentic humanity has caused women to be scapegoated for sin and marginalized in both origin and redeemed humanity" (Ruether, 1983, p. 19). Therefore, feminists demand that "male dominated patterns of culture and social organization that oppress women in society and manifest themselves in the life and theology of the Church have to be examined" (Oduyoye, 1983, p. 250).

Feminist theologians remind all Christians "that we belong together, that as the Church we are one body and when one part suffers all suffer and the gift of each is the asset of the whole" (Oduyoye, 1990, p. 9). In this spirit, Feminist theologians wish "to remind women that their role in the Church is not that of slaves, but of partners with God" (Ramodibe, 1988, p. 18).

Feminist theologians state that when "the word Father is taken literally to mean that God is male and not female, represented by males and not females, then this word becomes idolatrous" to women (Ruether, 1983, p. 66). Idolatrous because it excludes women from God's image and turns men into "God." Women have no choice but to reject it. Feminist theologians want the people of God to grow in their faith and know, believe, and teach that "God is both male and female and neither male nor female" (Ruether, 1983, p. 67; Edet and Ekeya, 1988, p. 8; Exodus 3:14).

Since God created them male and female in His Image and likeness, "humanity will keep its image and the likeness of God if both male and female work as a body" (Edet and Ekeya, 1988, p. 9). For women, it is as ironical as it is cynical that "the Church is customarily referred to as female [mother] while the whole structure and hierarchy are predominantly male" (Edet and Ekeya, 1988, p.8).

In my view, feminist theology enables us to justify the need for the full participation of women in the new pastoral model this study intends to propose for the Church in Kisumu. This is because feminist theologians simply want to make the Church what Jesus wanted it to be namely; the Church of both women and men. This explains why serious feminist theologians see Jesus Christ as their *role model and liberator per excellence for women*.

### **Jesus Christ the Liberator of Women**

Magesa (1991, p. 158) explains that by the term Jesus the liberator "we refer to Jesus' life example in cultivating a better person and a better world. We refer to his commitment to reforming the rule of God by refusing to accept as right sinful structures of religious or civil domination, corruption, and tribalism.

The Gospels indicate that Jesus treated women in a remarkable way. He “shows a great deal of interest in women and they are very interested in Jesus” (Souga, 1988, p. 28; Matthew 9: 18-22, 15: 21-28, 23: 37; Luke 1: 26-56, 10:48; Mark, 7: 24-30, 15: 40, 47-16: 1; John 19: 25-27, 20: 11-18). For the Church to be truly an organic body (*a body with many different parts working harmoniously*), men and women who are members of that body have to come together. In the Synoptic Gospels it is indicated that the core mission of Christ was that of liberation of the oppressed of his time as seen in Luke 4: 16-42 and all the miracles in Mathew and Mark. Feminist theologians believe that women are among the oppressed that Jesus came to change their lot. “For women, Jesus is attractive because he is a fighter for justice, a healer, and a teacher” (Edet and Ekeya, 1988, p. 10).

Feminists note that Mary Magdalene “was not only the first to see the risen Lord; she was also the first to be commissioned by him to proclaim the Easter message concerning the new status of believers, that they are children of God and brothers and sisters to one another” (John 20: 11-18; Okure, 2003, p. 321). Having studied New Testament epistles such as; Romans 16:1-12, 1Corinthians 9:5, 16:16, 19 1Thesalonians 5:12, Philippians 4:2ff, Colossians 4:15, Fiorenza (2003, p. 213) concludes that “Paul’s letters indicate that women were among the most prominent missionaries and leaders of the early Christian communities.”

Feminist theologians want Christians to see Christ as the one who renews the relationship between male and female. In Christ “there is neither Jew nor Greek, neither slave nor free, and neither male nor female...” (Galatians 3: 28). “In God’s world women and men no longer relate to each other in terms of patriarchal dominance and dependence, but as persons who live in the presence of the living God” (Fiorenza, 1983, p. 145).

Jesus had warned his disciples against authoritarian leadership styles in Matthew 20: 25-27. He broke down the gender barriers which had been erected between men and women of the Greco-Roman and the Jewish worlds as shown by his reception of women who approached him for help as recorded in Luke 7: 37-50, 8: 43-48 and in John 4: 7- 42, 8: 3-11. It appears that the Jesus of the Synoptic Gospels is yet to be preached. In other words, there is need to liberate the Jesus of the Synoptic Gospels from his bondage by a patriarchal Church, which flourishes on inferiors versus superiors, clergy versus laity, and male versus female.

It seems justifiable to me that all concerned women have a duty to be *apathetic* in relation to all activities and gatherings that exclude them or are presided over by males only as the norm. Oduyoye and Musembi (1992, p. 5) suggest that “forty out of every hundred people who come together to consult on Church matters may be women.” This is a sensible suggestion considering the fact that a “majority of worshipers in the Churches in Africa are women” (Oduyoye and Musembi, 1992, p. 5). It is my contention that the Catholic Church in Kisumu will address LLC with finality only when widows are involved actively in ministry. This is why I propose the development of *contextual feminist liberation theology and a ministry of widowhood*.

### **Contextual Feminist Liberation Theology and Luo Levirate Custom**

The final word on the link between feminist liberation theology and LLC will come after the research is carried out. However, there is evidence that African feminist theologians consider LLC as one that lowers the dignity of African widows and may be addressed by

concerned men and women. Edet, (1992, p. 31) tells us that “among most African communities, the death of a husband heralds a period of imprisonment and hostility to the wife or wives.” Ojore (2013, pp. 8-12) found out that the custom still persists and that it has serious negative health, social, psychological and spiritual impacts on Luo widows. Feminist theologians in Africa seem to have the duty to assist oppressed women to raise their voices to reject all forms of oppression. Oduyoye (1995, p. 82) is right when she laments that the “silence and anonymity of the African woman are her greatest handicap.” This is true of Luo widows.

Consequently, there is urgent need for *a new model of pastoral care for Luo widows*. This proposal is a preparation for such a contextual theology that will encourage widows to have a voice. It will be contextual because widows will be at the centre it in their own context. Nwachukwu (1992, p. 64) stresses that “African Christian Theology, while seeking to contextualize Christianity within the Africa milieu, must seek to minister effectively to the widow as a “total person” and her children. In my view:

New realities and circumstances facing Luo widows are calling for a new *cultural and attitudinal exodus*. The new exodus this study proposes will lead the widows from the slavery of dehumanizing cultural and Church practices, into the new Christian family free from patriarchal controls. The reality of HIV/AIDS, respect for human rights, equality of all human beings, and more so our Christian responsibility towards others demand that we experience a complete *metanoia* (conversion) with regards to the custom (*Reflections from my Personal Journal of 9/6/2013*).

For this type of *metanoia* to occur, the study proposes that the Luo widow will have to embrace Jesus Christ as her *liberator*. The Luo widow “needs a Christ who affects the whole of her life, whose presence is felt in every corner of the village and who participates in everything and everybody’s daily life” (Nasimiyu, 1991, p. 77). For the Luo widow, “Christ is the liberator from the burden of disease and the ostracism of a society riddled with blood-taboos...” (Amoah and Oduyoye, 1988, p. 43). He is the one who “becomes true friend and companion, liberating her from assumptions of patriarchal societies, honouring, accepting, and sanctifying the single life as well as the married life, parenthood as well as the absence of progeny” (Amoah and Oduyoye, 1988, p. 45). Luo widows will meet this Jesus only when the Church involves them in active ministry. “The Church’s concern about the welfare of women can stop harmful traditional rituals and replace them with the Church’s rites instead of allowing them to operate on parallel levels” (Edet, 1992, p. 36).

However, I set out to search for a new pastoral care for Catholic widows aware that Church suspicion and even resistance to active women participation is real. Church history has taught us “that the possibilities of transforming the Church are limited” (Althaus-Reid and Isherwood, 2007, p. 61). But the African Church “needs to empower women not only to speak for themselves and manage their “women’s affairs,” but also to be fully present in decisions and operations that affect the whole Church, including the forming of its theology” (Oduyoye, 1995, p. 181). For this to happen, equality and partnership between men and women will have to be accepted first.

But Ramodibe (1988, p. 14) asks: “Is it possible for women and men together to build the Church in Africa where there is no exploitation, oppression, and domination of women by men? Is working together possible when there is no equality between men and

women? Althaus-Reid and Isherwood (2007, p. 1) have warned that “the divine cannot be contained by any one group whoever they may be and however blessed and sanctified they believe themselves to be....” I believe that a *new model of pastoral ministry and care that involves women* is the best way forward for the Church.

In my context, the use of the *Pastoral Cycle* as a method of doing theological reflection is encouraged. This is because the “pastoral cycle is a model of doing theology which begins in concrete experience and practice” (Bennett, 2007, p. 39). It has also been proven to promote collaboration. I am convinced that its proper use may assist in addressing LLC effectively.

### **Applying the Pastoral Cycle Methodology to Luo Levirate Custom**

The PCM presupposes the existence of a reflection group, which could be a Small Christian Community (SCC) or a research focus group. During our field research one reflection group shall be composed of; one priest, one catechist, two elders (*man and woman*), one social worker, one health officer, one young and one old widow. It is expected that the *dialectical* process explained by Ojore (2012, pp. 25 – 26) will be followed. The priest and the catechist representing the Church, on the one hand, are likely to take *anti-levirate* stance, while elders on the other hand as custodians of cultures and traditions, are expected to be *pro-levirate*. The widows young and old may go either way, while the health workers due to the link between LLC and HIV/AIDS are likely to promote healthy living that may have moral implications rejected by the Church. In a situation where the group tends to be unanimous on an issue, the research assistants may raise questions or issues that will create the needed *dialectical situation* for objective debate and reflection.

The said reflection is meant to follow the Pastoral Cycle as modified by Ojore (2012, p. 21). The reflecting group starts at the *insertion point (first moment)*, where a widow tells her story of suffering to a listening reflection group. During the *second moment* of the Pastoral Cycle also called *socio-cultural analysis*, the group attempts to know all about LLC. They may ask why this injustice is happening among them, how long this has been going on, who is responsible for widows’ suffering and why, what is the history behind the practice, what is the purpose of this culture, must this situation continue this way or it can be changed? The reflection group then moves to the *third moment* namely; *theological reflection*. They now ask what the widows’ suffering means to them in the light of the Scriptures and religious traditions. What would Jesus do if he were here? During the *fourth moment, careful pastoral planning* is done on how to respond to LLC. At the *fifth moment*, members discuss *appropriate actions to be taken* in line with the plans. Actions may be grouped into short-term and long-term ones. Group members involve all interested parties in the actions to be taken. Finally the group carries out evaluation at the *sixth moment* to celebrate failures and success.

### **Conclusion**

This proposal assumes that the global quest for peace, justice equity, and human dignity will be hastened when men and women work together as equal partners. Any *pastoral policy* that leaves out women or men anywhere is untenable. One gender is destined to fail whenever and wherever it sets off on a mission alone. In Africa, obstacles to women’s liberation are too many and too heavy to be tackled by women on their own. Consequently, LLC has to be tackled by both men and women involved in reflections that end in *common action*. This proposal embraces this approach as a good starting point towards a search for acceptable pastoral solution to *Luo levirate custom*.

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## Appendix 4: Questionnaire for Luo widows

### Information on the Researcher:

My name is Aloys Otieno Ojore. I am a Lecturer at Tangaza College of the Catholic University of Eastern Africa (CUEA). Currently I am doing a Professional Doctorate in Practical Theology (PrD) with Anglia Ruskin University (ARU) and Cambridge Theological Federation, United Kingdom (UK). I am back to Kenya to carry out a research on; *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu*. You are being invited to participate in this research by filling in the questionnaire bellow. The results of this study shall be used to address the complex Luo cultural practice of levirate custom and to improve the pastoral care of widows in the Archdiocese of Kisumu. It will also be used strictly for academic purposes only. On my part, I promise you strict confidentiality on any information you share with me. No information shall be released to a third party without your permission. Consequently, the results of this survey shall be released to all those participants who would like to inspect it before the material is published and used. Please read and sign both the *Participant Information* and *Consent* sheets attached below.

**NB.** *In this questionnaire, the terms Levirate Union, Luo Levirate Custom or simply the Custom are used instead of the usual Wife/Widow Inheritance.*

**Fill in the following questionnaire by writing your responses in the spaces provided or by "ticking" your choice.**

### SECTION A: BIOGRAPHICAL DATA

1. Kindly fill in your personal details in the spaces provided below:

Age \_\_\_\_\_  
Sex: Male \_\_\_\_\_ Female \_\_\_\_\_  
Nationality \_\_\_\_\_  
District \_\_\_\_\_  
Deanery \_\_\_\_\_  
Name of Parish \_\_\_\_\_  
Designation \_\_\_\_\_  
Level of Education: Basic \_\_\_\_\_ Secondary \_\_\_\_\_ College \_\_\_\_\_ University \_\_\_\_\_  
Place on Interview \_\_\_\_\_  
Date of Interview \_\_\_\_\_

### SECTION B: Widows and Luo Levirate Custom

2. You have been a widow for? \_\_\_\_\_ Months \_\_\_\_\_ Years.
3. How would you rate your treatment by your husband's relatives and community:  
Very Good **1**  
Good **2**  
Fair **3**  
Bad **4**  
Very Bad **5**

Explain your rating \_\_\_\_\_

4. "After losing her husband, a Luo widow has to observe so many taboos". Do you agree?

(i) Yes **1** \_\_\_\_\_ No **2** \_\_\_\_\_

(ii) What is taboo in your understanding?

(iii) How are Luo death taboos uplifted?

(iv) How would you rate Luo death taboos:

Very Good **1**

Good **2**

Fair **3**

Bad **4**

Very Bad **5**

Explain your response \_\_\_\_\_

5. I entered into levirate union:

(i) Willingly **1** \_\_\_\_\_ Forcefully **2** \_\_\_\_\_

(ii) Explain what happened \_\_\_\_\_

6. How would you rate your experience with the man/men you have lived with:

Very good **1**

Good **2**

Fair **3**

Bad **4**

Very bad **5**

Explain what you mean \_\_\_\_\_

7. "There are lots of injustices involved in leviratic unions". How would you rate this statement?

I agree strongly **1**

I agree **2**

I don't know **3**

I disagree **4**

I disagree strongly **5**

If you *agree strongly* (1) or just *agree* (2) kindly list the injustices:

---

8. It is said that Luo levirate custom has led to rapid spread of HIV/AIDS in Kisumu.

How would you rate your response?

I agree strongly **1**

I agree **2**

May be **3**

I disagree **4**

I disagree strongly **5**

Explain your response \_\_\_\_\_

9. Would you say that the levirate Custom is still strongly kept where you live?

(i) Yes **1** \_\_\_\_\_ No **2** \_\_\_\_\_

(ii) If yes explain \_\_\_\_\_

(iii) In your opinion, what purpose is the custom serving today?

10. Why do you think the custom has persisted for over 110 years that Christianity and Western education have been among the Luo?
11. As a widow, would you like the custom to:
  - (i) End? **1**\_\_\_\_\_ Continue? **2**\_\_\_\_\_
  - (ii) Explain your position\_\_\_\_\_
12. Did your husband leave you with children?
  - (i) Yes **1**\_\_\_\_\_ No **2** \_\_\_\_\_
  - (ii) If yes, how have you managed to care for them?
  - (iii) Are there individuals or organizations that have been very helpful to you and your family? Yes **1**\_\_\_\_\_ No **2** \_\_\_\_\_
  - (iv) Explain\_\_\_\_\_

**SECTION C: The Church, State and Widows**

13. Are you a member of any association of widows in your Church?
  - (i) Yes **1** \_\_\_\_\_ No **2** \_\_\_\_\_
  - (ii) Explain what you do \_\_\_\_\_
14. Is your Church trying to end the custom?
  - Yes **1** \_\_\_\_\_ No **2** \_\_\_\_\_
  - (ii) If yes, explain what it is doing\_\_\_\_\_
  - (iii) What is your reaction to what your Church is doing?
15. What does your parish or diocese do with Catholic widows who observe the levirate custom?
16. Is there a pastoral policy regarding widows in your parish or in the Archdiocese of Kisumu?
  - (i) Yes **1**\_\_\_\_\_ No **2** \_\_\_\_\_
  - (ii) If yes, state the policy \_\_\_\_\_
  - (iii) Explain whether the policy is working or not\_\_\_\_\_
17. Do you think the Church may involve widows in Church ministries?
  - (i) Yes **1** \_\_\_\_\_ No **2** \_\_\_\_\_
  - (ii) If yes mention some ministries/roles widows could perform in the Church.
  - (iii) What kind of association/authority would you suggest to oversee such ministries?
18. “Some aspects of Luo Levirate custom could be incorporated in Church liturgy and practice.” Rate this statement:
  - I agree strongly **1**
  - I agree **2**
  - May be **3**
  - I disagree **4**
  - I disagree strongly **5**

Explain your view \_\_\_\_\_

19. (i) Has the Government got a role to play in ending the custom?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
(ii) If yes, explain how it can do this \_\_\_\_\_
20. List a number of actions you think the Government, the Church and Council of Elders can take together regarding the levirate custom: \_\_\_\_\_
21. Are there some political decisions which the Government can make in favour of the widows?  
(i) Yes **1** \_\_\_\_\_ No **2** \_\_\_\_\_  
(ii) Explain: \_\_\_\_\_
22. If you are widow who has lived in levirate union/s:  
(i) Express your total feeling about the custom \_\_\_\_\_  
(ii) How can the Luo make widows' lives better?  
(iii) How can the Church make widows' lives better?  
(iv) What advice would you give to future Luo widows?
23. Any additional suggestions/thoughts? \_\_\_\_\_

***Thank you for taking your precious time to respond to these questions.***

**NB.** My contacts are: Cell phone 0724 411 948 or email: [aloysojore@gmail.com](mailto:aloysojore@gmail.com)

## Appendix 5: Interview Schedule for Focus Group Discussions

### General Information

The group moderator ensures that the discussions follow the *Pastoral Cycle Methodology*, which is used in the Institute of Social Ministry in Mission (ISMM) where the researcher works in Kenya. The researcher believes that the new model of pastoral care for the Luo widows he intends to propose shall find this method effective in addressing Luo levirate custom.

**NB.** *In this guideline, the terms Levirate Union, Luo Levirate Custom or simply the Custom are used instead of the usual Wife/Widow Inheritance.*

The discussions follow the phases of my improved version of the Pastoral Cycle namely:

1. Insertion
2. Socio-cultural analysis
3. Theological reflection
4. Careful pastoral planning
5. Appropriate actions to be taken
6. Evaluation and celebration.

### **Discussion1:** *Insertion into levirate experiences*

**Q1.** What is Luo levirate custom and how has it affected you? The moderator:

- Invites all to define Luo levirate custom
- Encourages widows present to share their own stories or talk about experiences of other widows without mentioning names.
- Urges men participants to share their own experiences with widows they have known, met or lived with.
- This is a story-telling session using narrative skills to immerse all participants in the world of widows.

**NB.** *Participants will be encouraged to use third person to avoid personalizing issues. Sessions One and Two may be combined if there are not many narratives in Session One.*

### **Discussion 2:** *Socio-cultural analysis*

**Q2.** Explain the origin, history and application of the levirate custom by the Luo. Participants

discuss the following:

- Origin of Luo levirate custom and circumstances that led to its' creation (historical, religious, cultural, economic reasons etc)?
- How has it developed (Evolution)?
- How is levirate custom performed by widows and *levirs*?
- Why is this culture still being practiced?
- Are there injustices linked to the levirate custom and how are they handled?

- Who is the violator and who is violated?
- What is the purpose of this culture,
- May this situation continue or it can be changed?

***NB. Another break of two weeks is taken with members going to find out facts that were not clear during the discussion.***

**Discussion 3: Theological reflection:**

**Q3.** How does God expect us to care for widows both in our traditional settings and in the Christian Church?

- What was essentially good about the practice in the past?
- Are there good aspects of the custom still?
- Are there evil or immoral aspects of the custom?
- Why are they immoral?
- What are the traditional religious practices and rituals surrounding the cultural practice thus ensuring its persistence?
- What is God asking Christians through Jesus Christ to do for the widows?
- What is God telling us about widows in the both Old and New Testaments?
- How are Christian widows expected to live?
- What can we do about the injustices widows suffer from us?

***NB. Another break of a week or two before the next session is held.***

**Discussion 4: Careful pastoral planning:**

**Q4.** What are the *immediate* and *long-term* actions that can be taken to address the plight of Luo widows? Participants are prompted to look at:

1. Government declarations that could bring immediate change in the lives of widows.
2. Activities by political and civic leaders in collaboration with the people *conscientize the people on levirate custom.*
3. Activities by those in the Health and social sectors.
4. What does our Constitution promulgated in August 2010 saying about rights and protection of vulnerable groups?
5. Possible actions by Village elders who are the custodians of traditions?
6. Actions by relatives and family members of widows
7. What actions can be taken by widows who are victims of abuses?
8. Pastoral actions by the Catholic Church

***NB. Immediate and long term actions are planned in that order.***

**Discussion 5: Appropriate actions to be taken:**

**Q5.** Mention immediate actions in order of priority and state how they will/can be carried out

and by who. The moderator uses the points below to lead the discussions:

- What can the Government declare illegal on Luo levirate custom?
- How can the Government ensure compliance?
- What kind of rallies could politicians convene to discuss Luo levirate custom with the people?
- Can Luo Council of Elders hold a public religious ceremony at which Luo death taboos regarding widows are declared uplifted?
- Can civic, health and social workers combine forces in public campaigns to show the people the links between levirate custom and HIV/AIDS?
- How can families and relatives of widows be assisted to respect decisions made by widows?
- How can widows be supported to reject the practice if they so decide?
- Can the Church inculturate some Luo death rituals in order to avoid abuses?

*NB. Several years elapse before the last phase is carried out.*

#### **Discussion 6: Evaluation**

**Q6.** Which activities were carried out successfully and which ones were not?

All the activities by different institutions are evaluated to find out what worked and what failed. Both failures and successes are celebrated. Failures are celebrated because they have been moments of learning to do things differently next time. The process starts all over again until the cultural practice is eventually transformed into a culture of life rather than one of death.

*NB. This phase was not expected to be arrived at during the research, but after the study is completed and implementation phases start in different parishes. However, the researcher suggested to the Focus Group members to consider transforming themselves into reflections groups. Their task would be to continue discussing levirate issue and to start finding ways of assisting the widows among them. The idea was received enthusiastically.*

*Thanks for your time and participation.*

**NB.** My contacts are: Cell phone 0724 411 948 or email: [aloysojore@gmail.com](mailto:aloysojore@gmail.com)

## Appendix 6: Focus Group Discussion Report on CD-ROM

### Appendix 7: Questionnaire for Theologians

#### Information on the Researcher:

My name is Aloys Otieno Ojore. I am a Lecturer at Tangaza College of the Catholic University of Eastern Africa (CUEA). Currently I am doing a Professional Doctorate in Practical Theology (PrD) with Anglia Ruskin University (ARU) and Cambridge Theological Federation, United Kingdom (UK). I am back to Kenya to carry out a research on; *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu*. You are being invited to participate in this research by filling in the questionnaire bellow. The results of this study shall be used to address the complex Luo cultural practice of levirate custom and to improve the pastoral care of widows in the Archdiocese of Kisumu. It will also be used strictly for academic purposes only. On my part, I promise you strict confidentiality on any information you share with me. No information shall be released to a third party without your permission. Consequently, the results of this survey shall be released to all those participants who would like to inspect it before the material is published and used. Please read and sign both the *Participant Information* and *Consent* sheets attached below.

**NB.** *In this questionnaire, the terms Levirate Union, Luo Levirate Custom or simply the Custom are used instead of the usual Wife/Widow Inheritance.*

#### Discussion Questions:

1. What is the traditional African theology behind the levirate custom in Africa?
2. Why has the levirate custom persisted among Africans despite the presence of the Gospel of Christ and Western education?
3. In your view, has the reality of HIV/AIDS had an impact on the levirate custom and how?
4. What are some of the ethical issues surrounding this controversial custom?
5. If Jesus Christ were here today:
  - (i) What would he tell the Christians about widows living in levirate unions?
  - (ii) What would he tell widows living in levirate unions?
6. How can Luo widows see Jesus Christ as their liberator?
7. (i) Are there some widow cleansing rituals which the Christian Church could adopt?  
Yes **1**\_\_\_\_\_ No **2**\_\_\_\_\_
- (iii) If Yes which ones would those?

8. Widowhood ministry was well-developed in the early Church. How would the Church engage widows if the ministry were to be re-established in Kisumu?
9. Suggest a model of pastoral care for widows which the Church could adopt:
10. Additional information?

*Thank you very much for your precious time.*

**NB.** *My contacts are: Cell phone 0724 411 948 or email: aloysojore@gmail.com*

**Appendix 8: Views of Female Theologians with Comments by Male Theologians  
Report on CD-ROM**

**Appendix 9: Views of Male Theologians with Comments by Female Theologians  
Report on CD-ROM**

## Appendix 10: Consent Release Forms

### Consent Release Form


**Thesis Title:** *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu*

During the Focus Group Discussions (FGDs), your group were recorded on audio so that the information may be transcribed as accurately as possible. Upon completion of the FGDs, the researcher compiled the recording into a written transcript.

Having read the transcript of the interview, I want to confirm that the researcher has captured the views of SIAYA WIDOWS Focus Group. I do hereby authorize the researcher to use the materials (audiotape(s), and/or transcript(s) for research purpose. I have been made aware that the materials will be analyzed by the researcher and that the information will be used to complete the research study. I have also been informed that the information will be reported in a way that does not identify any member of the group. I JANE ATIENO NYAMBARI on behalf of the SIAYA Focus Group, hereby release the audiotape(s), and/or transcript(s) to be used for research only and give the researcher permission to use the materials as part of the research study.

**Participant:** Signature:   
*Focus Group Coordinator*

Date: 2-4-2016

**Researcher:** Signature: 

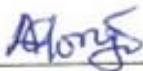
Date: 2/4/2016

## Consent Release Form

**Thesis Title:** *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu*

During the Focus Group Discussions (FGDs), your group were recorded on audio so that the information may be transcribed as accurately as possible. Upon completion of the FGDs, the researcher compiled the recording into a written transcript.

Having read the transcript of the interview, I want to confirm that the researcher has captured the views of **OMBEBEYI** Focus Group. I do hereby authorize the researcher to use the materials (audiotape(s), and/or transcript(s) for research purpose. I have been made aware that the materials will be analyzed by the researcher and that the information will be used to complete the research study. I have also been informed that the information will be reported in a way that does not identify any member of the group. I **JOSEPHINE LUCY ADENGO** on behalf of the **OMBEBEYI** Focus Group, hereby release the audiotape(s), and/or transcript(s) to be used for research only and give the researcher permission to use the materials as part of the research study.

**Participant:** Signature:   
*Focus Group Coordinator*

Date: 23-4-2016

**Researcher:** Signature: 

Date: 23-4-2016

**Consent Release Form**


**Thesis Title:** *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu*

During the Focus Group Discussions (FGDs), your group were recorded on audio so that the information may be transcribed as accurately as possible. Upon completion of the FGDs, the researcher compiled the recording into a written transcript.

Having read the transcript of the interview, I want to confirm that the researcher has captured the views of **AWASI WIDOWS'** Focus Group. I do hereby authorize the researcher to use the materials (audiotape(s), and/or transcript(s) for research purpose. I have been made aware that the materials will be analyzed by the researcher and that the information will be used to complete the research study. I have also been informed that the information will be reported in a way that does not identify any member of the group. I **IRENE OKEMBA** on behalf of the **AWASI** Focus Group, hereby release the audiotape(s), and/or transcript(s) to be used for research only and give the researcher permission to use the materials as part of the research study.

**Participant:** Signature:  \_\_\_\_\_  
*Focus Group Coordinator*

Date: 9-6-2016

**Researcher:** Signature:  \_\_\_\_\_

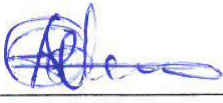
Date: 9/6/2016

## Consent Release Form


**Thesis Title:** *A New Model of Pastoral Care: Resources from Luo Widows in Kisumu*

During the Focus Group Discussions (FGDs), your group were recorded on audio so that the information may be transcribed as accurately as possible. Upon completion of the FGDs, the researcher compiled the recording into a written transcript.

Having read the transcript of the interview, I want to confirm that the researcher has captured the views of **ST. PETER'S NANGA** Focus Group. I do hereby authorize the researcher to use the materials (audiotape(s), and/or transcript(s) for research purpose. I have been made aware that the materials will be analyzed by the researcher and that the information will be used to complete the research study. I have also been informed that the information will be reported in a way that does not identify any member of the group. I **ROSE ATIENSO ODERO** on behalf of the **ST. PETERS NANGA WIDOWS** Focus Group, hereby release the audiotape(s), and/or transcript(s) to be used for research only and give the researcher permission to use the materials as part of the research study.

**Participant:** Signature:   
*Focus Group Coordinator*

Date: 14-5-2016

**Researcher:** Signature: 

Date: 14-5-2016