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### Colonial Legacies and Their Implication to Marriage Relations among the Gusii of Kenya (1895-1960)

Nahashon Orera<sup>1\*</sup>

<sup>1</sup> Kenyatta University, P. O. Box 43844-00100 Nairobi, Kenya.

\* Author for Correspondence ORCID ID: <https://orcid.org/0000-0001-9475-074X>; Email: [oreranahashon@gmail.com](mailto:oreranahashon@gmail.com)

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This paper examines the legacies of colonialism using Abagusii, a community in western Kenya, as a case study. Firstly, the paper briefly summarizes the key aspects of Abagusii marriage relations in pre-colonial society. It then defines colonialism in the context of Gusii and examines the effects of invasion, the spread of western ideals, the influence of western education, and missionary interactions in the highlands. The research also looks at how colonial economic and social policies affected marriage relationships. The main contention made in this essay is that pre-colonial and colonial social-political and economic dynamics, in combination, have shaped and continued marriage ties across time.

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## INTRODUCTION

Marriage relations among the Gusii attributed to many basic social and personal functions for which marriage provided structure. This includes desires for sexual fulfilment and control, gender-based labour divisions in the workplace, economic production, and consumption, as well as individual requirements for affection, prestige, and friendship. Marriage was subject to severe regulations, expectations, and norms in traditional Abagusii culture, some of which were ingrained in their customs. These exacting standards have been identified as characteristics that set Abagusii apart from other cultures. Any of these laws and customs that were broken or disobeyed showed disrespect for the ancestors, shattering the foundation of the entire Egesaku (Mwamogusii). Marriage was a global institution that gave adult males and females access to a relationship that satisfied and sustained their needs on a sexual, emotional, and material level throughout the course of their marriage.

### Pre-Colonial Situation in Gusii

Abagusii's pre-colonial marriage relations were interwoven around important aspects such as marriage transactions and relationships. Indigenous Gusii customs regarded marriage as an alliance between two kinship groups and not only two persons. Marriage relations, their nature, and stability could be related to the perception that marriage bound two families together forming an integral part of the kinship system as a whole. Hence, marriage relations were interwoven with marriage transactions which gave rise to reciprocal rights and obligations that bind this system (Silberschmidt, 1999). This principle of a continuing relationship connects many aspects including that of bride wealth, aspects of levirate marriages, sororate conditions that largely brought significance to the marriage

Traditional Abagusii thoughts towards marriage were the link of the eternal chain of existence that

stretched all along from a known past to an unknown future (Ochieng, 1974). It was by divine stipulation that no party should wilfully break this chain for it was a chain that linked the living and the dead. Abagusii community considered the inhumane treatment of wives as immaturity (Silberschmidt, 1999). It was even immature to victimize a wife by a way of divorce. Polygamy was the kindest solution in case a man wanted to control marital relations that were worsening in his homestead. Instead of taking drastic and inhumane actions to an extent of divorce, Abagusii traditional society thought it was wise to marry a second wife, a move that is seen as rehabilitation or a lesson to the first wife or even the third ostensibly to save the image and reputation of the married wives that could be occasioned by divorce.

Marriage relations in the traditional Abagusii society were purposely seen as one which fostered love, peace, harmony, and unity in the family. Wives were not to be rude (disobedient) to the husband. Rudeness was met by the marriage of the second wife. Social justice was guaranteed through the man of the family. The husband ensured his family stayed in peace and harmony and his children received blessings equally and without discrimination (Okebiro & Nyakundi, 2017). Social justice was witnessed and maintained. In this sense, respect was key and people feared the consequences. Abagusii marriage relations believed in the hierarchy based on gender, age, and status. It is through this that Abagusii traditional society had many laws, customs, set of behaviours, regulations, rules, observances, and taboos, constituting the moral code of behaviour around marriage. Some of these were regarded as sacred and promoted justice among the Abagusii (Okebiro & Nyakundi, 2017).

From birth to death Abagusii belonged in a literal sense, to his family, clan, and tribe (Ochieng, 1974). Apart from this, he could not live. All communal activities were collectively performed harmoniously in a spirit of togetherness. It was a collective responsibility to ensure that the

community had enough security, understanding, and fellowship. Without this, there seemed to lay ahead of them danger and misfortunes. Many were the devices which bound the community together and amidst them was marriage relations. The life and essence of Abagusii community solely rested in marriage with its day-to-day experience and expectations of its members. According to professor Ogot, "the dominating realities of traditional life lie first in the security of familial succession and second in the tight relationships of all patterns of conduct," which has evolved over time as a way of life meant to secure the group's survival (Ogot, 1999).

For the cohesiveness and sustainability of their community, Abagusii relied heavily on ideals drawn from their religious beliefs. They created a well-formed thinking system of good and wrong as a result of these, which was delicately cultivated and passed on to future generations. Religion was a significant integrating force in Gusii society. Every member of society was required to follow the *Chisoni*, or social ideals, as they were termed. The activities and relationships in marriage were protected by these moral, social, and legal principles. Respect for these principles has mainly kept marriages intact for a long period (Were & Nyamwaya, 1986). Within marriage, there was a universally socially acceptable behaviour, according to them. Gusii marital connections developed along these lines, which were critical for the stability and survival of their civilization. In marriage, they shared common and institutionalized patterns of cooperation and interdependence (Hakansson, 1988). There were well defined lines of authority along the familial line. With the aid of the clearly defined authority, all conflicts and rule breaches were amicably resolved within the family tree. Homestead head wielded enormous power over his wives, sons, and daughters. His directions for a variety of activities on his property were mandates that had to be followed (Ochieng, 1974). The father wielded magical power over his

wayward sons and daughters, including the ability to discipline his wife, publicly disgrace them, and sexually reject them.

Polygamy witnessed among the Abagusii brought about social justice that made peaceful coexistence in the highlands. It was a means of taking care of the less privileged in the society. Women married to one man were supposed to live peacefully in the same compound. The husband ensured equitable distribution of his responsibilities to all wives and this neutralized the envy that could otherwise arise from polygamous unions. The husband built a Gesarate (small roundhouse) where he slept and the wives brought food into the house and he ate with all his children from all wives (Akama, 2017). If any wife demanded sex from him she then placed a three-legged stool in front of their hut to communicate to the husband of her desire. The husband treated all her children without discrimination and ensured all his children received his blessings in equal measure. Men ensured in their households there was love, peace, and unity and they were the key promoters of social justice. Gesarate served as the court where disputes between children and wives could be settled (Shadle, 2003). It is where children were taught riddles, legends, customs, manners, and traditions of the Gusii community. Kinship played much more role in the sustenance of polygamous families and enhancing social justice because it governs marital relationships, customs, and regulations, it determined the behaviour of one individual (wife) and children towards another wife and her children.

Women were expected to be submissive to their husbands. They were also required to be deferential to them, accept their allocations of land, and consult their husbands before taking any action (Hakansson, 1988). They were required to prioritize husband's demands and be always hospitable to his friends and guests. Though this was the condition, women were also given chance to contribute on family matters. They were consulted and were given chance to give opinions

In a nutshell, marriage relations provided the foundation for Gusii society. It was through this those men and women gained status in society. Men's success was attached to that of women. Just like men, women were defined in terms of success through their menfolk. Women were defined and clearly identified in terms of their relationship with males (daughter, sister, wife, and mother). Men were also characterized by their relationships with women (son, brother, spouse, father). Men, unlike women, were also characterized by their duties or statuses, such as head of the family, cattle-keeper, chief, elder, and many more (Silberschmidt, 1999).

### THE COLONIAL INTERLUDE

Colonialism and its legacies continue to pique academic interest (Kitching, 1980). According to a number of scholars, colonialism had a profound and long-lasting impact on Africa. "In some areas, the imprint of colonization was deep and undoubtedly destined to affect the future direction of events, but in others, it was not," stated Adu Boahen, a notable Ghanaian academic (Akurang-Parry, 2006). Did the colonial experience just erase the preceding pre-colonial situation? The remainder of the paper covers this important subject.

Gusiiland was declared a native reserve by the British government in 1894. The colonial power's invasion undermined Kisii's pre-colonial structure and cultural development. To start, colonial government in Gusii focused on keeping the people under control. After that, the focus shifted to the marital institution, while administrative authority was strengthened and a new judicial system was instituted. This shift was not imposed directly, but through maintaining colonial law and order and implementing other rules, the marital institution underwent numerous modifications (White, 1990). Major social changes brought about by the arrival of the Europeans in Africa affected the demography of marital culture, with the first marriage age rising, fewer people getting married, and more couples opting to cohabit. Beginning on the eve of the

1920s, marriage as it related to conventional marriage relations underwent a catastrophic upheaval. There have been examples of wives leaving their husbands, some of whom eloped, fathers forcing their daughters into marriage, an increase in wife-to-wife unions, and a group of desperate men who had been left by their wives. Although there have been significant long-term continuities and changes that go counter to what many people believe, the changes in marriage relations during the colonial period have been profound.

From 1920 to the 1960s, marriage in Gusiiland had a turbulent and emotionally draining history. Around this periods, Philip and Iona Mayer recorded examples of how difficult it was to live out an ideal, peaceful, and stable family marriage just as it was in the pre-colonial times (Mayer, 1950). Some of their informants such as Gisemba (KNA: KSI/32), informed that marriage disputes played out in many ways depending on the character of both men and women involved. Parents forced their daughters into marriages with more well-off men. Parents intimidated their daughters into settling with their husbands even if they disliked them. Some men resorted to abduct women when the situation worsened (Shadle, 2003).

The marriage disputes attracted the attention of colonial government by late 1930s, with a concern of increasing number of girl cases. As early as 1930s, the number of marriage disputes had shot up drastically. Extant registers of criminal cases show that adultery, elopement, and abduction cases were common. Women and girls expressed their concerns in Native local councils more during war years. As marriage disputes became distressingly common, particularly in Gusiiland, African elites scrambled to restore husbands and fathers' flagging control over women and junior men. Facing an increasing number of runaway wives, the south Kavirondo Local Native Council in 1945 encouraged the tribunals to hand down harsher punishments in these cases. Two years later the growing number of men

leaving the district with married or unmarried women spurred the LNC again to request pass laws for women exiting the highlands, a plan rejected by the DC (Shadle, 2003).

The number of Gusii marriage disputes continued a pace in the war years. Mayer reported on their rising numbers, including distressingly common instances of abduction of girls. Elders during these periods spent a number of their time discussing abductions which seemed prevalent in the hills. Records from LNCs substantiate contemporary accounts of the multiplying numbers of marriage disputes. Extant registers from South Kavirondo locational courts provide information for twenty-four of the thirty months between January 1, 1925 and June 30, 1927. During these months, 1001 criminal cases were heard. These involved illicit sex, cohabiting with a married woman, rape, and many others (Mayer, 1950)

### **THE IMPACT OF COLONIAL EDUCATION**

Colonialism and its concomitant western values and ideas greatly influenced Abagusii marriage institution and family relations through interactions with western and missionary education. Effects of Christianity and western education would appear to have been more revolutionary than any other even though the two were for the most part intimately linked. In the colonial District, missionaries taught western education to the Abagusii. They saw schools not only as a good thing, but also as a tool of evangelizing and planting the church in the highlands. The church and the school would complement one another. For example, Catholic missionaries believed that "without schools, there would be no missions, no African attendance, no adherents, no success..." (Bogonko, 1977). CATHUMENS and converts were referred to as pupils. On the other hand, SDA missionaries saw literary education as a significant tool for weakening the impacts of indigenous religion, superstition, and witchcraft on Abagusii society and hastening the embrace of Christianity.

When mission stations were first opened in Nyanchwa and Nyabururu, the synagogues were converted to classrooms. Young men and women were skilfully instructed on liturgy and basic skills in class. They were trained to become future husbands and wives and were indoctrinated on the poor marriage relations witnessed on the highlands. This emphasis laid upon this preparation made the young men and women develop a counteracting influence on the already existing marriage customs and practices. Some of them wished to be married through church weddings officiated by the missionaries. After completion of their studies, some were retained to work in mission stations while some were sent to work in villages to spread the gospel. This attracted many young people in the hills, many were ready to denounce their cultural stand and embrace Christianity (Bogonko, 1977). This brought bitter resentments from parents especially fathers. Fathers were unwilling to give their daughters to get education thus could plan for their marriages. Many Girls were unwilling to get married at young ages. Those who were eager to learn eloped from their husbands to reside in mission stations to receive education.

The number of marriage disputes began to rise in an era when Christian missionaries and especially Adventist faith was speedily spreading in the highlands. There were a number of reasons for this behaviour. First, Abagusii Adventist Christians who had married under customary law and never denounced their young wives were suspended from holy communions or excommunicated from holy church services. This carried social stigma within Christian congregation (Parr, 1947). Secondly, parents who were not married through church ordinance were not allowed to baptize their infants. This aroused a strong debate among women and men. Men were unwilling to surrender polygamy. Women yearned to be part of the Christian faith together with their children. Some of the women began to be dissatisfied with their marriages and

desired to elope to more desirable men who could solemnize their unions in church.

Colonial rule had an impact on several elements of Abagusii women' life in marriage with their male counterparts. Marriage, unlike in the pre-colonial period, became a private institution rather than a community event. It evolved into a method of gaining social prestige, power, and riches. Colonialism produced complicated disparities in marriage, resulting in gender contestations and negotiations, and the consequences between couples, children, and families were heightened court proceedings in an attempt to settle the arguing women, young men, and elders in order to handle the issue (Were & Nyamwaya, 1986). Colonial interference in customary marriage rules resulted in a legally unclear marriage system, leading to an increase in quasi and violent marriages. However, these flexible colonial regulations gave resourceful women opportunity for manipulation and articulation of contestations during marital dispute trials, something they would not have had under more strict laws.

### **Economic and Social Legacies and Their Impact to Marriage Relations**

Before the British took over the Abagusii in 1914, gender identities were quite clearly defined, and both sexes' functions were well recognized. Women gave birth, reared children, and cared for the farms in order to produce food for the family. The introduction of colonial power altered pre-colonial social and economic institutions (Silberschmidt, 1999). The invasion had a remarkable effect on the pre-colonial structures of the Gusii and their economy. British administration endeavoured to maintain order in the highlands in order to fully control and exploit their resources. While strengthening their authority, they initiated a judicial system known as Local Native Council which largely dealt with the rising dissatisfaction of women and young men. LNC dealt with marriage disputes within the district. Cultural and economic

changes brought forth by the colonial economy caused Abagusii women to change their tradition, particularly the abolition of female circumcision. Women were not any longer following their cultural group's norms as a result of colonial schooling, missionary activity, and a changing economy. Many people intended to change their ways, including forsaking female circumcision, citing it as an old way of life or traditional traditions. This century's socioeconomic shift has deep and varied repercussions for Abagusii marriage. Traditional social institutions appeared to be disintegrating, and many previous customs that were critical to the establishment of cultural identities in the long run were dying away. This genuine argument provides insights into a comprehension of critical information in Abagusii's social organization and socialization (Shadle, 2003).

Scholars have shown that colonial years, especially after World War 1, were particularly difficult ones in adapting a pure African marriage. While in the earliest years of colonial rule, some women found European officials sympathetic to their marriage. In the 1920s and 1930s, this would no longer be the case. Indirect rule was imposed on the hills which was to preserve social stability and keep colonial rule on budget. Colonial officers appointed loyal chief men to cooperate with them in controlling and managing men and women in marriage. Colonial states established African courts for intra-African disputes (Silberschmidt, 1999). In contrast to the prevailing historiography, Gusii marriage was subjected to ebbs and flows.

Traditional social and economic structures had started to take new shape and were being reshaped after the similitude of the British. Male and female economic and social roles changed rapidly. Institutions were re-organized as beliefs and values were being transformed. Among the Gusii men and women was seen competition to survive economically. This could be attributed to the growing population in the highland, increasingly tiny plots and unemployment which was on the rise

(Akama, 2017). It was through this that there were reports of elopements and hiking of bride wealth. Men could no longer afford to accommodate more than one wife. Polygamy became slowly abandoned and being replaced with unofficial relations of a man with many women. While bride wealth increased because of the demand of the colonial economy, the payment of bride wealth decreased. The coming of the colonial Europeans underscored and undermined the Abagusii pre-colonial economy. They undervalued the systems and re-organized them to achieve and maintain order. They initiated a money-oriented economy that was not experienced in time past in the history of Abagusii. They arranged Abagusii into administrative units and introduced forms of taxations and a new judicial system that punished those who evaded their responsibilities. They intensified many forms of trading activities including the commercial sale of their livestock, animal hides, and agricultural produce (White, 1990).

The complementarities of agricultural and pastoral sectors were put under serious colonial capitalism. The effect of colonial policies on Abagusii economy can be easily related to the enormous hiking of bride wealth that left many young people unmarried or pushed age of marriage. The economy made bride wealth be pushed to unheralded levels. It is clear that colonialism played a significant and yet central role in drastically restructuring the patterns of social life including that of marriage that drew its trajectory path from the economy of the community. Abagusii adopted new forms of trade to sustain life and meet the colonial expectations of paying taxes. The incorporation and subordination of Abagusii peasants was affected by economic and political means making them adjust to new ways of life. Apart from labour exploitation, other policies of the colonial district in Kisii that marginalized Abagusii included; Land alienation, taxation, Kipande system, squatterdom, and the institution of chiefs among others. This observation clearly shows what really happened in the Kisii district under

colonialism and explains the change and continuity of marriage relations under colonial economy (Berman, 1979).

In the highlands, the division of labour was slowly being dislocated and as a consequence the area became a site of gender struggles, negotiations, and expression of various features of gender relations. Men migrated to find sources of income outside Gusiiland because of the harsh economic conditions in the highlands. Many of them found themselves in Nairobi, Kericho plantation farms, and other areas of the colonial Kenya. Data from population census pyramids (1969) indicate that Gusii men moved in large numbers away from their homes in early twenties. Tea picking in Kericho offered Abagusii employment opportunities. Abagusii were well known for their loyalty and hard work in these plantation farming.

This major migration was due to the abolition of Ebisarate by the colonial administrators which rendered most men idle and jobless. Chiefs were advised and encouraged to enforce the law and oblige men to pay both hut and poll tax and this meant that wage labour was becoming a necessity for any Kisii man who could not afford these taxes. By 1940s Abagusii population in rural Kisii were largely dominated by women, children, and old men. Women were heavily burdened in providing for their families and these subjected gender roles and relations to be altered and subjected to change. Money, sex, and children were increasingly becoming the sole areas of common interest between husband and wife (Levine & Levine, 1979).

## CONCLUSION

It is logical to conclude with Crawford Young (1986, p. 25) that “The character of the contemporary African state has been determined by various colonial elements”. Marriage relations wound its way through a tumultuous and emotional wrenching history. As have argued in this paper, the

imposition of colonial social and legal policies, colonial administration ideas, colonial economy, missionary education, and activities influenced Gusii history. The eventual contact with colonizers, missionaries, and western education reflects the diffusion of colonial orientations and ideologies. The socio-economic changes, colonialism, religion, and education all brought by the British ushered in a drastic change in the Gusii marriage relations, norms, and values. The several changes in men and women relations imply that Abagusii might have been significantly affected by colonial policies, missionary persuasions, and cultures that brought forth western knowledge. Lastly, the eventual situation was an amalgamation of both traditional and colonial ideology in marriage forming a quasi-marriage relation that were not purely African nor western.

## REFERENCES

- Akama, J. S. (2017). *The Gusii of Kenya: Social, economic, cultural, political & judicial perspectives*. Nairobi
- Akurang-Parry\*, K. O. (2006). African agency and cultural initiatives in the British Imperial military and labor recruitment drives in the Gold Coast (colonial Ghana) during the First World War. *African identities*, 4(2), 213-234.
- Bogonko, S. N. (1977). *Christian missionary education and its impact on the Abagusii of Western Kenya 1909-1963* (Doctoral dissertation).
- Hakansson, T. (1988). *Bridewealth women and land: Social change among the Gusii*
- Kitching, G. N. (1980). *Class and economic change in Kenya: The making of an African petite bourgeoisie 1905-1970*. Yale University Press
- Levine, S., & Levine, R.A. (1979). *Mothers and wives: Gusii Women of East Africa*. Chicago: University of Chicago press
- Ochieng, W. R. (1974). *A Pre-colonial History of the Gusii of Western Kenya from CAD 1500 to 1914*. East African Literature Bureau.
- Ogot, B. A. (1999). *Building on the indigenous: Selected essays, 1981-1998*. Anyange Press.
- Okebiro, G., & ENyakundi, N. (2017). *Traditional Herbs Used To Cure Meningitis And Sustainable Health Among Abagusii*.
- Parr, M. (1947). Marriage ordinances for Africans. *Africa*, 17(1), 1-7.
- Shadle, B. L. (2003). Bridewealth and female consent: Marriage disputes in African courts, Gusiiland, Kenya. *Journal of African History*, 241-262.
- Silberschmidt, M. (1999). "Women forget that men are the masters": gender antagonism and socio-economic change in Kisii District, Kenya. *Nordic Africa Institute*.
- Were, G. S., & Nyamwaya, D. (Eds.). (1986). *Kisii District Socio-Cultural Profile*. Kenya. Ministry of Planning and National Development; University of Nairobi. Institute of African Studies.
- White, L. (1990). Separating the men from the boys: constructions of gender, sexuality, and terrorism in Central Kenya, 1939-1959. *The International Journal of African Historical Studies*, 23(1), 1-25.
- Young, C. (1986). Africa's colonial legacy. *Strategies for African development*, 25-51.