

**WOMEN BIOGRAPHIES AND SOCIO-CULTURAL
TRANSFORMATION: REFLECTIONS ON PHOEBE ASIYO’S LIFE
AND CAREER IN KENYA**

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ABSTRACT

This paper focuses on a historical subject that has not been critically addressed: life writing about an African woman who has served in public office in the past and exercised some sort of political authority. It provides not only a summary of the socio-demographic condition and details about her life but also touches on her life's subjective perceptions and interpretations of facts and events. The knowledge gap that informed this study was that her life history has not been critically analyzed, although interest in Phoebe's political life is significant. What exists is her autobiography that presents her early life and political career without underlining her shortcomings and struggles in political practice. This paper interrogates the strategies she used to grapple with the intricacies of patriarchy in Kenya's socio-political space. Interpretations of findings in this paper were based on the principles of Public Patriarchal Theory by Walby that posits that women are involved in public realms, such as politics and the labor market, but remain segregated from wealth, power, and status. This paper relied on both primary and secondary data and used Biographical Narrative Interpretative design and purposive sampling techniques to select the informants for interviews. This paper underscores that the writing of women biographies even though underdeveloped, is a political act that gives agency to diverse agendas such as anti-fundamentalism, women's participation in politics, and the complexities of negotiating private roles of wifhood and motherhood, among many other subjectivities, for women in public spaces. The paper has established that the inability of most women to venture into elective politics is grounded on the patriarchal nature of society and some cultural norms. The study recommends that the direct participation of women in politics and decision-making should be expanded to mitigate against patriarchal limitations on women in politics.

1.0 BACKGROUND TO THE PROBLEM

While the place of women in African history appears to be underestimated, history has generally been conceived as a product of individual experiences and actions in the world. This argument has been neatly summarized in Thomas Carlyle's 1840 dictum: 'Universal History, the history of what man has accomplished in the world, is at bottom the History of the Great Men who have worked here' (Carlyle, Ranger, & Summerlin, 2008). According to

these scholars, human actors, women and men are the primary subjects of historical study, because they have discerned what is true in their world and their age, and have a positive concept of the future. These assertions make historical biographies of women leaders in Kenya important because their life experiences can be used as a means of explaining events in society and the essence of their times.

The contribution of biographies in historical thoughts has been part of world history since antiquity when Western historical biography was regarded as a branch of history and later developed as an ethical-humanistic scholarship. The Greek Plutarch (45-120 AD) pioneered this process in the western world by publishing the comparative lives of Greek and Roman statesmen (Possing, 2001). These classical Hellenistic biographies built upon the fundamental principles of ethics and the central figures were either commended for having fulfilled their duty or censured for falling into the trap of ambition or arrogance. But since ethics then defined what is acceptable in a male-dominated society, women's contributions in the Greek society were measured differently from men's contributions and ranked below men's. Reflecting on the Luo traditional and cultural system from which Phoebe evolved, it makes an important encounter on how her political personality was nurtured amidst patriarchal structures that appear to define and allocate roles to men and women in Luo society. In this society, patriarchy seems to define what is acceptable in a male-dominated system.

Historical biographies of the ancient Greek-Roman golden age also followed the requirements of the church and the spiritual need of society, as such, central characters were presented as models of Christian propriety and public virtue. On this framework, women were ranked below men in the church, and the majority of men and very few women identified by the church as models of Christian virtues. Based on Christian virtues, the aim of biography was to present the life of individuals as a moral example to others, hence, they did not address the dark side of the characters (Cherry, 1981). Phoebe Asiyo's life is a product of the intersection between traditional customs and Christian principles, hence in the context of Greek-Roman Christian thoughts, her biography provides reflections on how the church (Seventh Day Adventist Church) contributed to her transformation to become a modest woman leader.

Plekhanov (2003) equally underscored the role of individuals in history and established a link between individuals and culture, pointing out that due to particularities of their characters, women can influence society, but the possibility of such an influence is determined by the cultural organization of the society and by the relation of social forces. One of the social forces that informed discussions in this study on Phoebe Asiyo is politics with patriarchy as a cultural force on the structure of national politics. For these reasons, the biography of Phoebe Asiyo is a reflection of how women in leadership in Kenya have been able to navigate the spheres of cultural limitations to cut a niche in the national political space. The biography can be seen as a way through which the nation could understand itself and affectionately contemplate the achievements of its 'notable' women leaders (Rial, 2010). Phoebe Asiyo has been illuminated to show her strengths and challenges in her life and political career so that her biography will not just tell the life of an eminent statesman worthy of biographical studies.

It is universally believed that women are physically and mentally inferior to men, and their activities should be restricted to child-bearing and rearing as well as to domestic chores (Wood, & Eagly, 2002). However, over the years women have proved their capabilities beyond these spheres. Women have participated meaningfully in the political, economic, and social development of their various countries. Since the 1980s women's studies have gained global recognition and their activities are better appreciated in the light of modern reforms and global changes (Afigbo, 1991). It is in this regard that this research appraises Phoebe Asiyo's contribution in politics and development in Nyanza, and puts them in the proper historical perspective alongside her counterparts in other parts of Kenya and the world. What is obvious is that, depending on the level of development of each nation, women have relatively broken the quasi-universal barriers against them even though they are still at a low level of participation. Many historical works of non-African authors portray African women as "chattels" vis-a-vis their male counterparts. But there is ample evidence to the fact that, although most African societies are patriarchal and they uphold the traditional roles of women, some African women did at times attain high status and did play prominent roles in the development of Africa (Sofola, 1992).

Women's history in Kenya has evolved from a background of discrimination since independence and historical biographies have been part of this arrangement. The recent expansion of works on politics in Kenya, for instance, has not encouraged commentary because the majority of political biographies that have concentrated on people are mainly biographies of men in Kenya, with a minority of books published on women. In Kenya, even the events of post-independence transformations have not influenced interest in diversity and the need to capture women's political contributions.

While it is clear that there are some women in political leadership positions today, it is not known how and why some women have been able to break through some of the barriers in Kenya's political environment. There are also few empirical studies on the reasons why women choose to become political leaders, the ways in which women go about getting elected, how leadership affects women, and how to overcome the barriers women encounter on their journeys to become leaders. Kenya's personal records and experiences of some women political leaders such as Phoebe Asiyo, who endured political challenges and managed to stay in parliament and make a career out of politics, are undisclosed. In addition and away from her perspective, the context, strengths, and tactics she used to deal with the intricacies of identity building and patriarchal constraints in Kenya's socio-political space have not been objectively examined. More interestingly, because of unknown data on influences and elements that have shaped and affected her social essence, attempts to inscribe her political past based on the course of her life remain undetermined.

1.1 Early Life and career

In her autobiography, Phoebe explains that her birth came 20 years after the formation of the first Seventh Day Adventists (SDA) church in the area, so it was easy to associate her birth with the arrival of white sisters at Gendia Mission Hospital. She also notes that the strict missionary environment that cultivated loving and human conditions molded her life in India. She went through daily prayer sessions that were a strong part of Gandia's activities (Asiyo, 2018). Her father was firm as a leader of the church, but a caring parent who worked

hard for the mission and would ride far and wide preaching the gospel on his bicycle. Nostalgically, Phoebe recalled the famous Luo of his father saying and recommending that, 'Richo iloyo gi ber'-those bad deeds are defeated only by good. Phoebe clarified that the father's guidance was a call for modesty, healing, and not retribution and that there is still a need for a constructive answer to challenging situations in life. According to her, this advice influenced her political approach to issues, especially when she faced opposition to clan and gender issues and discrimination.

Mr George Okelo (A member of the family, KII, 27/11/2011) noted that the social and political career of Asiyu appears to have been influenced by the role of her mother as a community worker. Miriam Amolo, her mum, was a traditional midwife who doubled as a pediatrician. Phoebe had been with her mother in most cases, so she was a direct beneficiary of her mother's respected care service. She observes in her autobiography that the number of pregnant women who have come to her home for examination, delivery, and care cannot be counted. They will be tagged along with her sister to support patients with domestic tasks such as fetching water and grinding millet on traditional stones (Asiyu, 2018). Mr. Agwanda, former Kanyaluo ward councilor (Politician, KII, 22/11/2011) clarified that Phoebe's mother also knitted and sewed a part of her midwifery, which she learned at Gendia and was able to help many people in the community, particularly school children, to obtain school uniforms.

Between 1939 and 1945, Phoebe attended Gendia Primary School. At a time when educating an African girl was not considered necessary, she went to school. Colonialism relied on policies that were devoted to serving a colonial enterprise dominated by men. The colonial structure did not have a clear policy for women during this period. According to an informant

The challenges faced by African women in education were further exacerbated by the multiple agendas and emphasis on the education of the colonial government and the church. The first mission schools were for boys in Nyanza (Roeslyne Onyuka, Homa Bay, 12/11/2009).

In Luo-land, for instance, Ogot describes that mission schools were originally constructed for the sons of the indigenous elite of society. The Church Missionary Society (C.M.S.) founded a secondary school at Maseno in Nyanza to train young African men as future Christian leaders in their communities, in line with this practice (Ogot, 2009). This was a strategy that promoted the efforts of the colonial government to establish and build offices almost exclusively; male representatives they hoped would be ideal for British policies (Ogot, 2009).

Likewise, secondary schools such as Alliance High School, established in 1926 by an alliance of the country's major Protestant denominations, created a large crop of colonial and post-colonial male African leadership (Anderson, 1970). The actions of colonial rulers thus elided the role women had played in the democratic development process. Via its gender curriculum and its (women's) unequal access to the new education system, education has acted not only as an instrument of socio-cultural indoctrination, but also further marginalized women (Atieno, 2006).

Two years after joining Kamagambo she rose to the position of a head girl, but by virtue of being a girl she was relegated to the position of a deputy's head. She was not happy with this arrangement because the head boy was a student, he had been defeated in elections at Gendia.

According to Phoebe, joining Kamagambo was important because she grew up in a community where early marriage among girls was rampant and there was a lot of social pressure from families to conform to the Luo traditions without which one was subjected to ridicule. Extended family patterns also mounted pressure on the need for early marriages. But her teacher, Mr. James Mukongi had a different view and encouraged girls to work hard in school always emphasizing the value of education. Mr. Mukongi often advised her to avoid boys and instead direct her focus on books. They were also mentored by Zakayo Orata, a teacher at Gendia also encouraged to go beyond primary education (Asiyo, 2018).

According to Asenath Odaga (KII, Kisumu, 17th Nov 2009), from Kamagambo Phoebe then joined Kangaru Teachers Training College in Embu. The letter was brought by Pastor Robinson to their home. From Kangaru, she qualified as a teacher, however, she had the option of joining Alliance High School which had admitted a few girls where she had received admission letters. She taught briefly at Pumwani Primary School in 1951. By then this was an African only school based on the colonial governments' policy of segregation.

1.2 Phoebe Asiyo's contribution to cultural transformation among the Luo of Kenya

Women in Luo society have been victims of several challenges of development as a result of patriarchal and customary traditions. Phoebe raised her concerns over some of these issues with a view to offering long-term solutions in order to improve the status of women and involve them in active development. Particular attention in this chapter is directed at issues relating to education, family institution, adolescent socialization, levirate marriage, and women and land rights.

2.0 WOMEN EDUCATION

The socio-cultural transformation of Luo society, like other societies in Kenya, depends largely on the influence of formal education, according to Phoebe Asiyo. She also claims that, based on how it was planted and obtained by the different regions, education has influenced the degree of socio-cultural change in Luo society in various ways. In this process, however, women in Luo-society were generally disadvantaged because Christian missionaries who introduced formal education in Nyanza seemed to have borrowed heavily from African patriarchal culture to make their missionary work effective. The structure did not treat women in any way other than the powerful patriarchal way at the time. According to Phoebe, the education system found men to be more important to women and further noted that men were often more important to missionaries than women.

Male-led churches and mission societies did not involve women in the 18th -19th-century missionary enterprise, according to Bongmba & Olupona (2018). Therefore, most of these missionaries, who were men in Africa, found African men to be able to continue their work. The missionaries also urge women to take part in household responsibilities and accept them. As they were enrolled first, the profession of these missionaries gave men a starting advantage over women. Therefore, the missionaries added more weight to Phoebe's opinions on how men were deemed too important to women. Men were listed as the focus community at the congress and were the only recipients of formal education.

Phoebe firmly believed that education was primarily influenced by conventional thought to some degree. Therefore, the Europeans considered that women had a position only inside the home, whereas men were a public figures. The missionaries only wanted women to have cooking skills and how to keep their homes clean, so they were considered for marriage. Therefore, women saw formal education as something reserved for men, and in society, any woman who attempted to go to school was not really respected. Phoebe said that some of her close friends laughed at her saying that she would take so long in school that she would end up without a husband, as one woman who defied the odds and went to school. Most women saw education as a waste of time and deferred one's involvement in a role in society that was required of them.

An oral interview with a former education director in Nyanza reveals that Luo women lagged behind because both women and culture were ignorant. However, as many Luo men became conscious of the value of education and attend school in order to obtain an education, the missionaries were encouraged to establish more boy schools compared to girl schools to reciprocate the effort made by male Luo. This resulted in too many Luo men enrolling to pursue education than women. It offered men a chance to advance their education to higher levels. It is also suggested that there would have been no place for them to study if women had been allowed to seek education the same as men. Hearn (2002), noted that missionaries mostly designed boy schools to build many rooms for boys to follow their dream of education. In terms of girl child enrolment in schools, the pattern has shifted and there are remarkable achievements in current society.

Although the number of girls enrolled since independence has risen tremendously, the number continues to decrease as the level of education progresses from primary to university. In this regard, while the percentage of girls in primary schools is almost the same as that of boys, the percentage in secondary and higher education has decreased (Dei, 2004). Without challenging the fact that education at that time provided information, skills, importance, and morality that were conducive to multi-skilled cultural and economic development, adequate discrimination in education toward women in terms of both the nature of what they learned, how they learned, services and registration, Western Christian education displayed strong bias against women (Omwami & Kimberly Foulds, 2015)

This wretched situation, according to Phoebe Asiyo, "is due to retrogressive cultural patterns in which the education of girls was not (perceived) as a priority. She argues that education is an instrument for national growth. It is also a fundamental human right: it is entitled to every child. As individuals and as communities, it is vital to our growth, and it helps pave the way for our development. She helps pave the way for our development."

In the house of her father, a girl "was a guest who will go away one day." Women's stay is for a while waiting for the right time to return to where they belong. It is believed that she will join her husband until a woman has reached the right age to marry, and there she will become part of his family and engage in its continuity. Women were previously just members of their biological family.

Onyuka pointed out that in many Luo families, Phoebe Asiyo advocated a shift in this mindset in order to inspire the society to invest in education in view of its long-term benefits

in relation to its own future as well that of the whole world. The impression here was that male children did not leave their original home, but they married there, formed their families, and engaged in community property management and management. From the cultural context, Phoebe Asiyo made the argument that women's decision about education in Luo society was not based on their intellectual nature or biological or physical make-up, but rather on certain external norms that militated against them.

Even though children in African society were supposed to be responsible for their parents in their old age, their first responsibility was to be to their new family after they were married. This is not only the responsibility of women but the responsibility of men as well. The problem of male children becoming permanent residents and family property managers within their biological families has been short-sighted. This suggested that either man have a responsibility to look after two married families, or that they have relied on their parents and abandoned their own families to work and manage for their wives. This questioned the traditional family setup in which men took responsibility for themselves (Boeting, 2012).

The fact that educated men would prefer to marry women to their educational level is one aspect that seems to be ignored. In return, the same parents would expect their daughters to marry educated men who do not accept educating their female girls. Such standards, both from parents and from male children, leave a challenge for uneducated women. If a woman actually fails to get married, then her situation is even worse in her culture. In such cases, women become victims and losers by being denied both education and a chance to get married. Such a dilemma can be effectively overcome from a philosophical point of view by a counter-dilemma in which men are challenged to either remain single or marry educated women. Whatever option they make, will entail sacrificing their community (Olakulein & Ojo, 2006).

Marriage is not always permanent and eternal, even if a woman ends up getting married. Matrimony is a mutual union between two persons who want to stay together. It may be broken if a contract is not binding. There will be nothing to lose from men who are considered permanent residents in such circumstances, or where marriage can no longer be sustained, while women will lose both marriage and homes. This is another female dilemma (Boyle, 2015). For women with broken marriages, the only safe place to choose is to return home to their biological parents. It suggests that in African culture, women are considered temporary family members, in some cases they have become permanent residents in their parents' homes, and, in addition, they may be considered as parents and community protection because their husbands' places could not sustain them. Moving in with their parents would also suggest that they take on the responsibility of taking care of their parents. This is due to the belief that children close to their parents can perform these activities (Cooper, 2017)

Phoebe argues that even the belief that male children are permanent residents and the safety of their parents on the grounds that they do not move away from a family property can be challenged with regard to women's education, marriage, and property issues in the Luo Culture. The way of living has changed greatly. The transition from traditional African socialism, which emphasizes the collective to modern capitalist society, which emphasizes an individual, has replaced the death of private property with the death of community property.

What used to be common property linking people to their communities and families has vanished, and now each individual is struggling to obtain his or her own property and property.

For her part, Phoebe Nyawalo states that ownership of property is not limited to location or relationships, but, depending on their availability, a person can own property anywhere. There is no longer the communal property for which men were to be trained to safeguard in this regard. The fact that these male children will be there for their parents is not evident in their old age. Experience has shown that some male children have left their parents, and some female children in their older years have taken care of their parents. This implies that the issue of one's duty to his or her parents and property is not dependent on education or any outside influence, but is in the nature of an individual. It is something that a person cultivates and does not teach, and is therefore not special to men as such, but to human nature (Interview in Maseno, 2009).

According to Phoebe Asiyo, education has also influenced women's jobs in society in different ways, and there is a need to improve women's employment opportunities. In Nyanza, she argues, the implementation of formal education also introduced the concepts of job and unemployment. In the colonial government, as instructors, catechists, or clerks, the converts to the Christian faith who were the first recipients of missionary education served. And they were mostly guys. When this type of education expanded, more and more men were hired to provide them with a financial base to help their families. This experience was more significant for male kids than for female kids. It also seemed to agree with patriarchal African culture, which made male children more important than female children. This allowed Luo's parents to concentrate on educating male children with the intention of being compensated after being recruited (Kanyamwa Interview, 2019). George Eshiwani intensified her views on the work of women, claiming that,

"The presumed relationship between education and jobs in an economic environment in which men have a better prospect of wage employment in the formal sector could have offered additional economic considerations for educating children ahead of their daughters' (Gitahi et. al. 2015: 23).

Gita Gopal and Maryam Salim also support this view, arguing that "in a society like Kenya, with deeply rooted cultural values, when families face difficult choices such as who to educate with scarce resources, girls come second" (Gopal & Salim, 1998.p, 23). Phoebe points out from Eshiwani, Gita Gopal, and Maryam Salim that the combination of the two cultural values, that male child are the social security of parents in their old age, and that female child is not permanent members of the Luo families, is used to improve the importance of educating more boys among the Luo families than girls. In pre-colonial, colonial, and even post-colonial times, Luo's parents knew that men were strong and hard-working and that their chances of employment in modern society were high when educated (Asiyo, 1989).

Political activist Oloo Migege in Rachuonyo pointed out that women were considered to be very frail, fragile, and thus, through practice, required the protection of strong men. This was improved for these male informants by the missionaries and colonialists by excluding women

from both formal education and work. It was experienced even after being educated in the post-colonial era that most women did not have access to formal employment but ended up marrying, and in some instances, their education did not favor their parents, but their husbands' families. This discouraged some parents from investing in women's children to some degree, which in turn formed the basis for discrimination against women in Luo society (Oloo Migege, Rachuonyo, 14.11.2009). However, Socrates said that education should not be calculated in terms of material benefits for its own sake, but in the light of intellectual growth (Lindsey & Bulloch, 2013)

An analytical philosopher, Ludwig Wittgenstein, notes that what you gain through education is "not a technique; one learns correct judgments. Education, therefore, cannot be based on jobs, but employment can only come from a correct judgment that seeks to improve women's lives and thus society as a whole" (Biletzki & Matar, 2002). According to Kouame, advances in education are linked to access to formal jobs, noting that his or her chances of accessing wage employment increase as one's education level advances, while the reverse decreases even the chances of self-employment (Kouamé 1999).

In today's world, formal education is becoming a necessity for formal employment and survival. According to the educational standard it has accomplished, education, defined by different stages of training, determines the type of job that is obtained or acquired. Men were the first to receive formal education and thus formal employment, however, and that put them a step ahead of women in their search for better jobs. That's not to suggest that they're better than women. Formal education was established in Kenya (Andrzejewski & Alessio 1999), Wamalwa (1999), on the already existing patriarchal culture which provided fertile ground for the advancement of male children. Find out that formal education increases 32 percent of labor market participation. Males have a higher rate of jobs of 22.2 percent than females. 18.6 percent of career acquisition rates are accounted for by work experience. Therefore, Phoebe Asiyu wonders, if women do not have equal access to formal education as men in the Luo culture, how can they reach the labor market and the work they need? This is one of the crucial questions that regional leaders need to ask themselves and take appropriate steps to empower girls by providing education effectively.

2.1 Women and Bride Wealth

Conflicting reactions have been drawn by the bride-wealth issue and the manner and way in which it was given and received. According to Affirmative Action Nang'oli, the bride price was the act by which the bridegroom and his family gave separate gifts to the family of the bride. It was the way the family of the groom said thanks to the family of the bride for giving us such a beautiful child. The manner in which it was given, and how to obtain it, should be interpreted as an appreciation (Beauregard, 1992). "For Laurenti Magesa, bridewealth was "a kind of thanksgiving to the wife's people for the care of their daughter. It encourages and reinforces relationship bonds that are difficult to sever (Boeting, 2012).

It is said that this act induces a man to take his marriage and his children seriously. Dolphin Abena found that in patrilineal cultures, bride-wealth was generally a bit high. This was meant to compensate for the services given by the girl that her family would lose with her

marriage and that she would have children for the man's family and ensure continuity. In line with her marriage (Nyancham Okemwa, 2000).

"Suzanne Jambo declares that "... Once a man has been able to afford the dowry or bride price of a girl, she is expected to succumb to this and be taken to her new family." The expectation was that they would ease the economic problems of their families once girls were of age, including the payment of their brothers' bridewealth. Jomo Kenyatta says that in African society it is understood that any girl will be married and bring us" (Jambo, 2001).

On these accounts, Phoebe observes that most parents in the early Luo society did not take the education of their female children seriously or only wanted them to have adequate basic education to make them responsible wives. Parents who have educated their female children to some higher levels have done so in the knowledge that they would be paid with dowry. It was seen as a way to educate a girl child (Asiyo, 2018).

Her views are supported by Dolphyne Abena, who also pointed out that what the man gives, or in some cases demanded by the in-laws as a bride-wealth from him, is decided by various factors, including the status of the woman, namely whether or not she has had any formal education, and if she has, what degree she has achieved. In Bukusu culture, for example, the prospective husband or his family must sign (Nyancham Okemwa, 2000).

Phoebe said parents need to educate all their children to enhance their position in society on these issues about the education and marriage of girls. She believes that parents in affluent communities today say lavish marriage gifts because they invest their resources in modern schools to educate their daughters. Because of this perception, the tradition of bridal wealth seems to play an important role (Phoebe interview, 2017, Kanyamwa).

In the light of previous discussions, Phoebe Asiyo generally argues that the discrimination of women in education has had a large effect on Luo society since education is equated with both personal and social development. The social, political, and even spiritual growth of an individual is directly linked to the educational level of that individual. Training includes the creation of a wise human being (Phoebe interview, 2017, Kanyamwa).

The message here for Phoebe is that a culture of misguided women is in a hazardous situation. Ignorance by women indicates their lack of knowledge or understanding of the need for them and the means to motivate them. In culture, ignorant women remain in a state of innocence because there is a lack of the mechanism to catalyze the desire to educate, and therefore ignorance becomes a weakness that makes them incomplete; incomplete in the sense that they are unable to effectively integrate into their society. Such an entity is a danger to himself and to his whole society (Asiyo, 2018). Denying women's education means denying them the opportunity to improve their intellectual capacity, thus interfering with their ability to make decisions and judgments about the cultural, social, political, and even economic issues that occur in their everyday lives. Each correct judgment and decision on such matters stems from the understanding and interpretation of the status of a person and the circumstances surrounding them (Asiyo, 2018).

2.2 Care for Widows (Lako) amidst Contemporary Challenges

Wife Inheritance in Traditional Luo society is a custom that is apparent. The tradition had many important functions and was maintained largely by the principles that the Luo people attached to it. However, the tradition has become a contentious topic today with the changed context, combined with the wake of democratic ideals, the upsurge of HIV/AIDS and other existential challenges. It is arguably weakening the rights of widows and thereby downplaying the movements for women's empowerment and gender equality. It is often said to promote the spread of the scourge of HIV/AIDS, and its importance is, therefore, uncertain today (Abuya, 2002).

Two fundamental presuppositions on which it is based, namely Shared Obligation in Society and Immortality by one's children, must be appreciated to understand the Luo institution of lake. The only person who is dead is one who dies childless, according to the Luo culture. They tell, ng'at ma control ok otho, which means that after physical death, whoever leaves behind children is not dead. In the presence of the children, the physically deceased live on, and indeed perform certain social duties that ensure the protection and prosperity of the children. It is important to note that being alive and gaining social status implies the fulfillment of social obligations in the Luo community. Therefore, one who does not perform such duties is as good as nothing - socially useless (Abuya, 2002).

Such an individual, a human being with no social meaning, is referred to as 'no person.' The Luo will say that 'Ng'ane to ok thank,' which means 'so and so is not a human' in a literal sense. For the Luo, therefore, to live a meaningful life is to have and care for children. This is called everybody's sacred duty (Nyarwath, 2012). But getting kids calls for duties that go beyond physical death. The physically deceased (spirits) also have obligations for their family members who are physically alive. Thus, it can be seen that one is immortalized by marriage and giving birth to and nurturing children. And for the Luo, immortalization has meaning only in the communal environment where responsibilities are issued (Nyarwath, 2012).

The first presupposition is connected to the second, in which the Luo recognizes that members need procreation and collective care for the continuity of society (humanity). Mutual care, for its part, includes affection, which is one of nearly all the institutions of the Luo culture's fundamental principles. In the Luo community, love for one another is so significant that it is expressed in quite a number of rules of behavior. The Luo has 13 laws, according to Nyarwath (2012), two of which are as follows:

Kik ijar ng'ato nikech ikiaye, kata nikech ojadhoot mopogore, kata nikech engi ng'ol moro.

(Do not despise any person because s/he is a stranger, or from a different ethnic/racial group, or because of any infirmity).

Her jadalau kaka in iwuon kendo rit mwandune kod ngimane kaka mari iwuon.

(Love your kin as you would love yourself, and care for his property and life, as you would for your own).

The Luo have 14 rules of behaviour, according to Wenje, et.al,2015) one of which is: "Her owadu kata juogi mopoyi (juogi en wendo)". (Be it a human or a ghost, love your kin or some stranger). The Luo regard human life with the utmost respect and dignity because of this principle of affection. This makes murdering a human being a serious crime that automatically leads to alienation from culture and psychology. The killing of a human being must be ritually cleansed, except in self-defense; and even after that, it is 'very difficult' for one to escape psychological isolation. 'Woe to him whose hands ruin human life' seems to capture the feeling of dread at the thought of ending human life.

Phoebe agrees that despite the constraints of patriarchy, the affection of a fellow human being in the Luo society, but more so of a member of one's family, forms the basis of shared duty that goes beyond physical existence. The sense of shared obligation is based on feelings of empathy and compassion, as the Luo seem to understand that, at various points in their lives, people face challenges, and there is no one who is immune to them. Anyone who struggles needs support from the rest of the group, and, as indicated below, she expressed this awareness in different Luo sayings.

Ero laki tar inyiero! Inyiero! This is said as a mockery to a person who appears to have no concern for others; but no one can avoid the ups and downs of life. (Your teeth are white; you still laugh!) Each dog has its day (Wenje & Muhoma, 2015).

Another expression which reinforces the same feeling is: "Bende kara laki tar!" (Your teeth are so clean, therefore!) (Nyarwath, 2012). This saying clearly means that 'nobody is spared from misfortunes.' To a person who never takes anything seriously, it is a mockery. Perhaps more vivid is the following saying: Ero tinde ileny, mit kachieng' moro ituo! Your skin is shiny these days (you feel good), but you will dry up one day (experience difficulties)! This implies that "wheels of fortune for every person are always turning and changing for better or worse." No good fortune/wealth is guaranteed to last' (Atieno, 2006)

The Luo, therefore, attach considerable importance to the guardianship of widows. The majority appreciated the value of widow inheritance in the Luo society in an interview in Homa-bay area, where the respondents were primarily village elders, widows and the general public. But there were a number of explanations for Phoebe Asiyo, who did not see the need for the practice, bordering on Christianity, Western education, modern lifestyle, laws and the prevalence of HIV/AIDs. For example, according to her, (KII.17th July, 2017), due to the patriarchal nature of the Luo society, the culture was focused on the provision of protection to the widow and her children. Such cultural practice, therefore, has no place in modern society characterized by good laws that protect everyone regardless of their status. Furthermore, she argues that the prevalence of deadly sexually transmitted diseases such as HIV/AIDs does not provide a good atmosphere for this culture to be practiced, which makes the whole profession lose its place in the modern world.

Similarly, in a Key Informant Interview one of the widows (KII, 12 July 2016) felt that because Karachuonyo is inhabited by a community that largely subscribes to Christian religion, since Christianity dictates loyalty to one spouse, such cultural practice has no moral significance. The inheritance of widows has been overtaken by time, thus negligible, for the young working class. Another widow Pamela Achieng (KII.11th July, 2017) also adds that

cultural practice provides a foundation in which men who have lost human compassion robe unsuspecting widows with the little wealth left for them by the departed husbands, apart from being the main propagate of HIV/AIDS.

She pointed out that

“Not only because of the fear of HIV/AIDs, but also because inheritors have lost the sense of humanity today, I declined to be inherited. They take advantage of such opportunities to steal the little material possession left for a widow to look after the children....”

Widow guardianship is of utmost importance to the advocates of the tradition and should not be wished away by modern trends. The importance of the profession varies from psychological to socio-economic dimensions. One of the renowned Kabunde elder, (KII, 2017) in an interview, for instance, states that a spouse's death always leaves the widow with some impurity that cannot allow her to coexist peacefully with other members of society. To him, levirate marriage is the only recognized and best way of cleansing the widow from this impurity. Owiso also claims that the practice is crucial to protecting the widow from various 'Chira' consequences that affect any member of Luo society who disregards well-established land customs such as widow guardianship.

On this, Mboya (2010) argues that living alone without a man was a taboo for a widow. Therefore, she was obliged to look for a kinsman, preferably the younger brother of the deceased husband, or to be compelled to compete with the one that the family members had chosen for her. Furthermore, Mboya states that failure to adhere to this age-old tradition could lead to 'chira' affecting not only the widow, but also members of her family, such as children, grandchildren, daughter-in-law or even co-wives. She was therefore obliged, even if not for her sake, but for the sake of others, to have a man. Likewise, Gunga (2009) acknowledges that a husband's death sometimes leaves the wife in an impure condition and also prohibits her from engaging entirely in the community's activities. Therefore, as the tradition dictates, he proposes a sexual ritual to eradicate the impurity. To him, this can only be done by inheritance from the widow.

Moreover, Ambasa-Shisanya (2007) maintains that the tradition was useful in that it helped to perpetuate the deceased man's lineage, especially where the husband died without siring male children. The children born from the union would be the children of the deceased man and they would address the genitor prior to the union with the appropriate title suitable for him, such as my father's brother. Ambasa-Shisanya (2007), insists that a man must be a kinsman of the deceased to act as a widow's guardian. This view was endorsed by Nyaruath Arwambe, a member of the Luo Council of Elders, who argued that the tradition is necessary to protect widows from people with unknown sexual background who would easily introduce sexually transmitted diseases and sexual activities that would not otherwise have been condoned by the deceased man in his lifetime (Joel & Ziv, 2014).

In an interview, one young widow, argues that often death robs women of their husbands while they are young and sexually active. This is compounded by the fact that small children are often left to take care of them. This leaves her with levirate marriage as the only culturally appropriate way to take care of the children and get sexual needs from such widows.

She testifies that:

First, for two reasons, I decided to be guarded, my husband died when I was barely twenty-two years, which left me with guardianship as the only culturally appropriate institution to support my sexual needs because I could not be allowed to remarry. Secondly, I had to look for a guardian who would help me raise the child with the little kids to take care of without any significant job (KII, 2017)

In response to these changes, Phoebe Asiyu believes that traditional African cultural customs are centered on traditional values that emphasize community, mutual respect, love and care, particularly for vulnerable groups, such as widows, orphans and the marginalized in society. To her, the widow inheritance practice was carried out to provide the widows and their children with a helping hand and a loving heart in order to resonate with the provisions of these traditional values. She adds that they were not specifically designed to dehumanize women or impoverish and exploit women, nor were they part of the so-called male chauvinism, widowhood rituals such as widow inheritance; rather, they were well intended for the common good of the widow and her children. For example, when faced with the economic hardships to which she was subjected by the death of the bread winner, the tradition gave the widow a shoulder to lean on. This was the only way possible for society to offer a helping hand to widows at the time.

The involvement of Phoebe Asiyu with the Luo Council of Elders and her traditional upbringing prepared her to understand and accept the fact that in the life of marriage, the Luo community has different traditional practices that are performed only by the husband and wife in married life and are indispensable. She admits that in the past, female inheritance has historically been synonymous with noble motives, but today the practice has been corrupted and may be irrelevant. It continues to be practiced, particularly among the poor, in most clans in Luo society. According to her, the practice is based on a mistaken belief that, for example, there are traditional conditions that must be adhered to in the event of the death of a partner, to allow the family to lead a normal life in society. The custom is also based on the fact that marriage comprises both individuals and their lineage in the Luo culture, as such marriage includes both a personal and social partnership.

The undoing of the levirate union exercise among the Luo is that it was characterized by widow cleansing rituals. According to Phoebe, this was done either by a levir or by symbolic sex by actual sexual intercourse with the widow. Two key forms of the tradition, namely the normal/sexual levirate, involving actual sex and special/symbolic or asexual levirate, involving symbolic sex, are generated by the dual ways. Such practices have largely dehumanized women and diminished their dignity, as tradition demands that any widow be taken over by the brother of her dead husband. Phoebe explains that.

A breach of the civil rights and freedoms of widows. A crazy man was often brought in and locked in the room with a widow while the in-laws stood outside the door to ensure that the task was accomplished. More frequently, because of his masculinity and his physical dominance, the widow was overwhelmed by the man. This equals rape and sexual assault (Asiyu, 1989: 45).

It was also assumed that whoever had the first sexual interaction with the widow would sever the bond that caused the husband's death and thus ward off the widow and the clan's agent of death, so a mentally deranged man (janeko) was called in most instances to cleanse the widow first before an in-law could take over her. The widow was forced to have sexual intercourse with the Janekoo to avoid bringing tragedy to the clan of her dead husband (lunatic). They searched for anyone outside the group if such a person could not be located nearby (Jamwa) These were compensated for their services, supposedly eliminating the demons causing death (Nyarwath, 2012). Basically, the cleansing ritual followed by the Luo originated from fear of evil spirits who were considered the agents of death, it was assumed that they were already in the crazy man and so no loss was caused.

Against this backdrop, Phoebe observed that a widow was viewed like an outcast by the Luo society who must first be cleansed before she could lead a normal community life. Similar findings have been made (Olupona & Nyang, 2013). He clarifies that: Death triggers ritual impurity according to the conventional way of thought. A widow was thus treated as being ritually unclean because of the death of her husband. But as it would be cleansed and normal life resumed thereafter, this was not a lifelong state. The ceremonies were also carried out with real or symbolic sexual intercourse.

The critical questions that have been raised by Phoebe and other women in this discussion are: how does a woman become unclean only because her husband died? Even if it did, how could crazy men, who are physically dirty in most situations, cleanse somebody? In addition, Phoebe and other cultural change proponents, such as Pheobe Nyawalo, wonder how a woman can be cleansed by sex. It simply defies reason to use a physical act of sex to combat a supernatural power, the agent of death, according to Nyawalo. Nyawalo also claims that, without fear of the assumption that she could transmit the bad omen, the agent of death to others, some widows were forced to embrace this practice to avoid social restriction as tabooed individuals and continue to communicate with other members of society. It was a deadly taboo to ignore the cleansing rite (dhoch), and the perpetrators will die of Chira (Ogutu, 2001). Phoebe Asiyo clarified that the practice has had far-reaching consequences for today's society's prevention, control and management of HIV/AIDS. The in-laws force the crazy man on the widow on several occasions. Ogutu (2001) correctly states that the cleansing of widows today has turned out to be the most neglected and scoffed at ritual.

Phoebe Asiyo firmly believes in the practice's transformation and that the Luo community should participate as widow guardship in the practice. She observes that widow guarding is done in Russia, where a widow is guarded by a sick husband's brother. Similarly, in England, she claims that, as was the case of the Prince of Wales-Athur who married Catherine of Aragon, the culture was practised for dynastic purposes to preserve the marriage alliance and royalty. Unfortunately, the prince died a year later, and to defend the dynasty from outsiders, the widowed princess had to be married to Athur's brother. She also suggested that in Turkey and Hebrew society, widow guardianship was also observed.

Similar developments were noted in Kurdish culture, which stipulated that if the husband dies in terms of age while his children are young, it was the obligation of the brother of the deceased to marry the widow and take care of her and the children. Among the Hebrews, if a man died and had no son and his wife was still of childbearing age, then it was his brother's

obligation to cohabit with the widow to raise children, who would be counted as the dead man's children. Among the Igbo, Yoruba, Hausa and Fulani, the practice was popular in Nigeria. Among the Yoruba, for example, the eldest son will serve his father's youngest widow as a guardian; however, his biological mother must not be the widow. In this situation, the practice would keep the children and income safe and stable within the family (Joel, 2014).

Phoebe believes in a change of practice for the Luo community in Kenya in order to give women their dignity and rights and control the spread of HIV/aids. Phoebe states that a party of 'jokitoko' widow inheritors travel from one funeral to another to hunt for widows to serve as guardians. In other regions populated by Luos, this activity is largely rare (Phoebe Asiyu, KII. 10th, July, 2017). Therefore, media reports ranked the Homa-Bay County as one of Kenya's highest HIV/AIDs prevalence regions, the prevalence of HIV/AIDs in Homa-Bay was attributed to widow inheritance (Joel, 2014).

Phoebe emphasized that widowhood includes emotional loss and change in life style, identity, social status and roles at a Luo Council of Elders meeting in Kendu-Bay on 20 August 2017. Therefore, social-economic and emotional support should be given in this regard by the members of the family, community and society at large in order to enable them to cope with the change in life. In order for the widow to be accepted into such a support structure, she insisted, they need a welcoming community that is easily created by widow guardianship. In order to help the widow, take care of her family, she further stressed that support and empowerment should be both collective and personal. While raising these concerns, she noted that the need for sexual intimacy within the support system is not a required condition for the empowerment of widows in order to guard against sexually transmitted diseases such as HIV/AIDS in Homa Bay, as socio-economic and emotional support for the widow is significant.

Phoebe claims that women's education should be promoted because the majority of widows who support levirate practice are those who lack economic resources and have a low level of education. In fact, she goes on to say that providing general literacy and economic means to widows is the best way to eradicate the practice. Modern education would therefore equip young Luo men and women with a critical mind; before challenging their importance to them, they will no longer easily give in to the dictates of the community. As such, the rationale of old age practices such as the heritage of widows would be criticized (Phoebe Asiyu, KII.10th, and July, 2017). Similarly, Gunga (2009) suggests that an elaborate educational framework that instills young people's moral conduct in order to become responsible individuals in society can affect their attitude towards the inheritance of widows.

In his study of the socio-economic life of the Luo, Luke (2001) also lamented how the tradition of widow inheritance drags the Luo into the corridors of poverty and concluded that the majority of the rural population in Luo Nyanza is poor because of this practice. Commenting on the reasons for the widespread practice of widow inheritance even among the educated class in Luo society, Phoebe states that the Luo have been identified as raha people by other cultures since the colonial era (lovers of sex and women). According to her, it must have played an important role in shaping the group to hold on to its identity if this argument is a true reflection of the Luo.

The shift of attitude towards widows should be affected by Christian teachings. Christian teaching says that widows are to live alone and take as the will of God the death of their husbands. However, young widows are approved to enter into the new sacrament of marriage (C50/CE/24782/2012), and as Bishop Owen called on the D.O. to look for ways to protect widows from their in-laws who refuse to join the guardianship union, Phoebe advised the Luo Elders Council to protect women from strong inheritance because some of these marriages turned disastrous forcing widows to run for him for protection

The so-called widow inheritors are actually economic predators, claims Phoebe Asiyu. Women have no choice because those who claim they give guidance often inherit the husband's immediate property, so in fact, the real property that should have gone to her is the financial help they say they are offering. The legal capacity to own the property is what she lacks. The inheritance of the wife becomes particularly desirable to them when property is involved, according to (Nzomo, 2002), and it is also a way of disinheriting the widow of their brother. Nobody wants to inherit poor people, custom or no custom (Nyarwath, 2012). Concerning the neglect of widows, Phoebe noted.

It is true that most people today are not, and should not be, conscious of the theological and moral values or presuppositions on which Lako's institution was and should be based. This ignorance, combined with our current generation's apparent moral levity, has led to some significant institutional violations. Not because they want to support and care for the family, but to perversely enjoy either the material advantages of the home or the warmth of sparkling wives, some men have joined the institution (Atieno, 2006:14).

Nyarwath (2012) argues in tandem with her observation that these types of men are seen only at meal times or bed times in homes. To this sacred institution, it is a real insult! The absurdity of such actions should be seen in the light of the fact that, in theory, the institution of lako is so tasked that no man of good sense or goodwill will force himself on chi liel (Njue & Sore, 2015).

However, interviews with members of the elders' council suggested that cases of evil brothers-in-law, fathers-in-law and mothers-in-law who have plundered the riches of the immediate family of the deceased have also been recorded, subjecting them to excessive material and psychological distress. On the other hand, in order to have unrestrained sexual intercourse, there were some *mond liete* (widows) who refused the institution. In an evident attempt to explain their objection to the institution, some of them have eloped, taking with them the wealth left to them by their deceased husbands. In certain cases, their children have been abandoned in their marital homes, causing needless family disputes and misery.

2.3 Phoebe's thoughts on the institution of the family and social changes in Luo society

The combined influence of the local and complex phenomenon of globalization has transformed the socio-economic and cultural landscape among the Luo in Kenya, as in other regions of the world, leading to transformations of major social institutions, with the family being the most affected and cultural norms, processes of socialization and values also being affected (Oluoch & Nyongesa, 2013).

Pommerolle, E. (2015). has found that it is at the family level that society experiences the pain of transition more intensely. He further identified the emerging postmodern family in the 1970s as characterized by, among other characteristics, the indifference of the young to the identity of the family. He described the emerging family as a "saturated family" whose members feel that their lives are dispersed in intensified "business." Family members have been embedded in a multitude of relationships, in addition to absorbing exposure to myriad beliefs, behaviors, views, lifestyles, and personalities. The "social saturation" techniques have created turmoil, a sense of division, uncertainty and discontinuity. The family is the fundamental unit among the Luo of Kenya in which norms and traditions, beliefs and practical skills are first imparted to the young members of society as functional adults for their future survival. However, as Phoebe Asiyo put it:

"In today's Luo society, young people grow up in different circumstances to those experienced by previous generations; changes that are sufficiently important to merit a reconceptualization of youth transitions and social reproduction processes" (Maria, 2012)

Phoebe Asiyo explains in her autobiography that the role of her family was very important in her growth as a young girl, using her family history as an example, as it provided the initial arena in which her needs as a person and the requirements of the social system were confronted. For example, the influence of her parents over her was strongest when she was young, but as she grew older the influence diminished and was replaced by other agents such as school, church, and peers. Today, however, television, radio and the internet are the most important sources of information for young people in the world (Maria, 2012).

Families play a vital role and have a primary effect on the growth of children in Luo-Land. Therefore, Phoebe strongly believes in helping parents to promote the growth of early childhood as a key step in enhancing adolescent wellbeing, as health and safe habits strongly correspond from childhood to adolescence and into adulthood. This is because it is during adolescence that young people move from dependent children to young adults in Luo society who work independently, so the primacy of the family continues to play a key role as a predictor of positive results across Luo cultures (Maria, 2012).

In a study studying the significance of the early years in developing positive future trajectories among young people, it was shown that children and adolescents' benefit from having a positive relationship with their parents and being raised in a family where there is good contact and the young person feels protected and nurtured. In reference to Luo Nyanza, however, Phoebe argues that different scenarios have been experienced with the onset of such drastic systemic shifts taking place in African family life over the past five decades. Chief among these include: single-parent families, higher rates of divorce and households headed by women. She suggests that through well thought out family arrangements that do not inherently stigmatize women in society, these social problems can be effectively handled. She claims that the adolescent-parent relationships and well-being in most families in Nyanza have been affected by these changes. For example, there has been more economic investment in children in parent-adolescent relationships and trade, more time investment and emotional support in children, parents have become less authoritarian, and there is more equal care of

the boy and girl child, although decreased parental authority and control and family violence towards children have persisted (Mukabi, 2016).

Be that as it may, among most Luo-Nyanza families, Phoebe attributes the high rates of adolescent sexual behavior, adolescent pregnancy, alcohol, drug and substance abuse to "family inability," frequently citing low levels of parent-adolescent involvement and high levels of family conflict. She also suggests that the primary ties between parents and children are broken by marital separation and reconstitution, creating significant physical, emotional and behavioral issues for children (Mukabi, 2016). Akuma (2015) suggests, in tandem with her findings, that marital disruption affects academic success and contributes to behavioral and emotional issues among young people.

Phoebe adds that the duties of taking care of the household are still generally put in the hands of women, thus connecting marital disruption to behavioral and emotional issues among young people. The family conditions of women as homemakers have therefore certainly affected the well-being of other co-residents, especially young people. The traditional extended family structures that helped single mothers, such as those who never married, are divorced or widowed, are practically disappearing with exposure to Western family norms. This has contributed to the rise of female-headed households, placing women in a more difficult financial position and creating more difficulties in the socialization of children.

Baú (2015), argues that the youth in the Luo culture continue to be influenced by contemporary family transformations and social change. For example, the Luo rural societies had well-structured institutions with "each member of society's position defined by formal rules of conduct with regard to each family member" until experiencing systemic and organizational changes that not only dramatically altered the structures of society but also increased the scale of relationships. Like Nyairo and Kamra, Phoebe argues that the traditional Luo family was essentially self-sufficient and effectively facilitated the socialization process by equipping the young members of society with the requisite knowledge and life skills, especially through initiation from childhood to adulthood. However, due to the effects of modern economic conditions, expanded educational opportunities and the influence of the mass media, the institution of the family has been under tremendous pressure, which has led to changes in its fundamental cultural values.

The above has largely caused the occurrence of competition between those who attribute to traditional Luo family life and modern family patterns respectively, leading to a dichotomy with the majority of older members of society defending the former. On the one side, there has been a race for new practices to abandon conventional practices, while at the same time tending to combine them with modern principles and values (Baker & Inglehart, 2000). Whatever the case, Phoebe suggests that there are issues with both, since the young people of society are at a disadvantage by abandoning the cultural traditions of conventional Luo societies She says:

“Modern educational institutions that have replaced the conventional methods of instilling cultural values in young members of society put a great deal of focus on the accumulation of wealth and upward mobility in today's society at the cost of imparting morals and values (Atieno, 2006).

On the other hand, she observes that it is dangerous to blend the application of modern ideals into traditional Luo culture and has been found to be responsible for the many issues prevalent in society in terms of adolescent socialization. The initiation ceremonies that were carried out in society, for example, were followed by initiation rituals. The ceremonies were arranged for both sexes on the basis of the "mbese"-age set and, though requiring the removal of six lower teeth, consisted of a myriad of ceremonial lessons whose sole purpose was to bring the young initiates into adult life.

The initiation ceremonies underlined self-reliance education for boys and comprehensive sex education in girls' marriage planning. "Her observations are in tandem with Solomon (2019), who also explains that "the rites were of great educational significance as they opened the door to the mysteries of life and allowed young people to learn cooperation, endurance, bravery, community life, tolerance and man-woman sexual relationships' secrets and mysteries (Solomon, 2019). Initiation rites are no longer performed today among the Luo. Thus, its usefulness has been deemed unsuccessful.

Levine and Levine (1959) present a situation of male dominance and female subordination as a cultural norm regulating husband-wife relations in the group in their comprehensive account of the social organization of the Luo community. They write, "Ideally, a woman should always obey her husband and be deferential to him..." Before she makes some important decision, she should consult him. Phoebe, however, clarified in her autobiography that socio-economic and cultural change in Luo Land has had an enormous effect on gender relations in modern family households. Disputing the widely held claim by social scientists that rural women have suffered more seriously than men from the adverse effects of modernization. In Luo Nyanza, with their positions and identities questioned and weakened by those of women improved in certain ways, the changes have affected men more profoundly than women. As a result of the dissolution of the conventional cultural base and the social institutions that sustained it, the dismantling of 'male hegemony' is the result.

Luo men are unable to provide for the much-prized riches of the bride at the family level and cohabitation is now the rule rather than the exception. Men have been reduced to only "figure heads" partly because of the lack of guaranteed right to inherit ancestral property, persistent unemployment and the inability of Luo men to automatically assume the position of the breadwinner. This has resulted in women (being) the primary providers of the household's material need (and) the dignity of men being challenged while their social value, identity and sense of self-esteem is threatened. Antagonism between women and men is common (Kaimenyi, 2013).

For Phoebe, the detrimental effect of male disempowerment has been the inability of local men (fathers) to provide for their families' basic needs. In the words of a female respondent, "most of our husbands (men) do not bother to meet our daily requirements" (food, soap etc). It is we (women) who are left to fight for the needs of the whole family, including those of our husbands, on our own (men). Overall, Phoebe argues that Luo society's changes in family order are also compounded by the expansion of smallholder production, with agricultural tasks left solely in women's hands, thus displacing men from the institutional system of livelihoods, while holding the position of recognised head of household. "These findings resonate well with those obtained by Silberschmidt (2001) in her local study in which women

respondents raised their concerns that "a woman is better off without a husband... a husband is like an extra baby in the house

For their part, the male (men) respondents bitterly complained that it had become difficult for their wives (women) to rule and thus destroyed their homesteads. There have been repeated statements in my interviews with the male respondents (fathers) that: "The women of today have lost respect for their husbands, women of today are always trying to usurp the powers of the head," "women forget that the man is the head since the time of our forefathers, while the woman should be satisfied with her position as the neck" (Gromov, 2009). The above state of affairs was, in Phoebe's view, blamed on the younger men who were suspected by the older men of having let their wives rule their homes. Our informants (both men and women) told us that these people did not willingly give in to support their wives, but did so because of the effect of a local concoction (secretly administered by their wives on them), locally known as "Kababa."

Specifically, it was of great concern to their mothers and such men were the target of ridicule and were withdrawn from the company of their peers in the area in most cases. Phoebe states that during their time as young women, such issues were limited; it was through respect for their husbands and hard work to ensure that they were able to receive respect from their husbands for their families. Such findings are noteworthy as it illustrates how people will go to great lengths to understand social change within the superstition lens, which, as Phoebe argues, is a reaction to modernization and discourses arising primarily from contemporary disparities in Luo society.

Most men in Luo society are unhappy with the prevailing situation this has given rise to the increased scale of domestic occupancy characterized by the loss of power over their households by men. Men have always turned to brutality in revenge, and domestic violence is the rule rather than the exception. But Asiyo argues that men have resorted to extra marital affairs and heavy consumption of local liquor to compensate for the supposed humiliation endured at the hands of their wives. This pattern has also been recorded in the central province of Kenya, where high levels of alcohol consumption have been associated with mental disorders among male households.

When interviewed, Phoebe states that the emotional environment of the family remains adverse for children and adolescents in circumstances of constant disharmony within the home, thus exposing young people to adjustment difficulties. In different parts of Luo society, this has affected the growth of high levels of school dropouts and youth gangs (KII, Homabay, 24th May, 2017). This contradicts Cummings (2016), who emphasizes that the family is an important framework in which emotions are controlled by young people. The smooth acquisition of problem-solving strategies in young people is harmed by regular and violent parental conflict, and conflict within a marriage also leads to aggressive actions among young people.

All in all, whether a harmonious or conflictual marital partnership ends at the household level will depend on the outcome of the socialization experiences of babies, children and adolescents in Luo families. In addition, because of the rapid socio-economic, cultural and demographic cycles, the spontaneous elimination of patriarchy in Luo society has contributed

to the disintegration of the traditional family and marriage structures. As new models of family organization have arisen, this has resulted in more insecurity of women and children. This expresses itself explicitly in rural Luo society in the form of increased elopes and informal unions.

Phoebe sees the female gender's "detachability" from their birth lineage and their consequent connection to the lineage of the husband as only serving to give her an undefined identity. In affluent Luo culture, in which "proper marriage" is imperative for the payment of bride wealth that concedes the status of the woman as a wife, this situation is most critical today. Therefore, in current conditions, the majority of women (mothers) are unable to exercise their rights in their native families. Moreover, in the absence of the above achievement, the social network of women(s) for handling family crises is absolutely absent and can therefore not effectively ensure the well-being of their families.

Monicah (2018), agrees with the observation of Phoebe Asiyo in explaining that in most affluent families in Africa today, the payment of dowry in the form of livestock or money from the husband's family to that of the wife socially distinguishes the "woman" and "man" as "mother" and "father" respectively for a marriage to be approved, generally. My respondents stated that this particular one has been very durable, while many of the social relationships that have historically been governed by customary law and standards have been discarded. The effect on adolescent socialization of the social transition of the family is not only a problem in Luo culture, but is common across all traditional societies in the world. Studies have shown that the rapid socio-economic and cultural changes taking place internationally have been felt locally and have thus had far-reaching effects on the key social institutions.

It is observed in parent-adolescent interaction that no person is able to live in the same kind of world sociologically and intellectually as that occupied by their parents and their grandparents. In the past, however, the customs and cultural values of the societies were passed down through initiation and formed ritualized rituals from one generation to the other. There was a shared body of knowledge and morality in the Luo culture that was passed down from one generation to the other. The current generation of young people have undergone a radical change with rapid modernization and social change.

2.4 Changing customary land rights and gender relations in the context of HIV/AIDS in Luo society

It is clear that the right to property is the most precious and, in some respects, more important of all citizens' rights than freedom itself; either because it is more directly concerned with the security of life; or because goods are easier to usurp and more difficult to protect than persons, what can be taken more easily should be given greater consideration; or, finally, because property is more difficult to protect than people (Pipes, 2007).

Jean Jacques Rousseau defines property in the propagation of his social contract as the foundation on which society and thus the state is formed. He positions property at the heart of human life, explaining that its possession and the need to protect the same causes citizens in a community to come together with the sovereign above them to ensure the necessary security of both property and people. Private property, since it is directly linked to the security of

one's life, guarantees the duty and commitment of human beings to the state and even to each other. Consequently, the dispossession implies interfering with the life of one. Property presumably gives a person the sense of belonging as one is attached to the location of his or her property (Pipes, 2007).

The right to property in Rousseau's creation is sacred and cannot be granted or given by anyone. The fact that one is human gives one the right to property, ipso facto. Potentially, forfeiture of this right means sacrificing life as it is part and parcel of being human. Since this right is not offered in the same spirit, it points out clearly that it cannot be usurped in the same way. John Locke theorizes in this regard that ownership of property is a constitutional right that cannot be denied to any human being. To him, "property must be included as fundamental rights retained from the state of nature along with life and freedom." (Underkuffler & Underkuffler, 2003).

While a human being can, according to Locke, renounce all his other rights from his state of nature and submit to the sovereign's authority, he retains the right to life and property. This means that even the king would not interfere with the right to property of the subject, with all the powers granted upon him by the Commonwealth. "to do injustice to an individual is to take away from him something he has a right to: his life, his liberty or his material possessions, for instance, to do injustice to a person is to take away from him everything to which he has a right: for example, his life, his liberty or his material possessions (Sorell, 2008).

The truth is evident that property and life go hand in hand. It is property which gives meaning to life, and one should live in order to own property. For every citizen in society, land ownership is of utmost importance and is therefore a constitutional right. Safeguarding and protecting legitimately acquired property is essential, and no person should be deprived of an opportunity to acquire property fairly. Notwithstanding the fact that high adult mortality is now the living reality in HIV/AIDS-affected communities, especially in Africa, the effect on survivors of prime-age adult death and its impact on access to land has not been fully explored or incorporated into policy (Underkuffler & Underkuffler, 2003).

Phoebe Asiyo addressed the gender relationships between adult deaths due to HIV/AIDS and changes in land rights for survivors, particularly widows, in the Luo community. In many clans among the Luo in Nyanza African communities, she observed that women have traditionally accessed land through marriage. Marriage longevity and durability have ensured women's continued access to land and other productive resources. Access to land for women is becoming increasingly tenuous with HIV/AIDS, however, and the consequences of high mortality among prime-age adult males. This is due in part to the breakdown of laws and institutions (including, but not limited to, women's inheritance) that have traditionally guaranteed women's rights to land and other forms of access. Phoebe Asiyo argues that through this collapse of laws and institutions, most women in Luo society have been placed at greater risk of contracting HIV/AIDS. This is not just an individual risk, but a social one in which the epidemic continues to perpetuate itself because of blatant gender inequality in ownership and control of land resources (Atieno, 2006).

As elsewhere in sub-Saharan Africa, the vast majority of women in the Luo community depend on men to own or inherit land, housing and other property under both customary and statutory law. Men holding the lion's share of ownership and other rights to it, including rights to inherit and trade, have been particularly skewed along gender lines in the Luo land distribution. Many traditional systems resulting from patriarchy have strictly administered these privileges over time. These institutions continue, to the extent that statutory laws have been revised to ensure equality between men and women, to be the primary means of deciding on access to and ownership of land in most rural areas today (Atieno, 2006).

A number of internal and external factors introducing land tenure reforms and the gender dimension of land issues are due to the prevalence of customary frameworks over statutory laws, according to Phoebe. These include land privatization, land scarcity in some contexts, the autonomy movement, and the social and economic effects of HIV/AIDS, all of which threaten women's already precarious land rights. The findings were reinforced by Kanogo (2005), which established that institutions that regulate land rights are strictly integrated into the economic, political and social environment and, in particular, the gender structure. The assignment of land rights is specifically gendered and is often linked to the institution of marriage. In several parts of sub-Saharan Africa, women's access to land and freedom of use are agreed upon by marriage. By marrying a member of a clan, women can use the clan's property, but when the marriage relation is broken, so are these privileges.

In the same way that women in Luo society are very important and valued and no significant social role is played without consultation (including going to war in the old days), cultural and patriarchal traditions have hindered their access to and ownership of land. For instance, land was cleaned and handled like a human being in the Luo culture. When calamities, such as abnormal deaths, happened, the elders found ways to clean the land, such as by sacrificing a bull or a young animal (Kanogo (2005), Women could not perform such rituals, but in the culture of Luo, a woman gained land by marriage, and once her sons were old enough to marry, she gave part of her piece of land to her daughters-in-law. The husband had no say in this as he also had his own tract of land known as mondo, where he grew his own crops to grow his wealth. The first wife inherited not only the estate, but all the other personal possessions of her husband at the time of her husband's death, including the power he had exercised over the property, his other wives, and his children. A Luo woman could be given land by her father if her marriage did not work out. The piece of land is going to be very far from the principal property (Atieno, 2006).

Phoebe Asiyo argues that the implementation of title deeds came with a change in traditional women's rights over land. Asenath Odaga's equally observes that,

Luo people became aware of the jurisdiction of the title deed. This brought with it uncertainty and confusion. In conjunction with customary law, modern law and traditional and cultural practices have led to legal and social patterns that have largely worked to the detriment of women among the Luo (Asenath Odaga, Kisumu, 23rd March, 2010).

These changes were interfered with by the complications related to the right to possess and inherit land. These include the lack of documentation on the customary position of property

rights, contributing to cultural abuse, land registry systems, increasingly alienating the social and cultural attitudes of women, and the emerging trend of abandoning collective responsibility for the care of vulnerable people in society (KII, Phoebe Asiyo, Kanyamwa, 2017).

The problem of inheritance arises as a result of the emergence of private property and ownership in Luo society, Phoebe Asiyo argues. Under the concept of private property and ownership, a person claims absolute prerogative and control over property that he or she can use and dispose of at will. This phenomenon stimulates and encourages competition for the limited property available, as it is necessary for one's own life. This practice contradicts the traditional Luo way of life in which it was not private but communal ownership of land. In this environment, men who were meant to be the guardians and protectors of the community were also charged with the guardianship of shared property and its allocation for use. By exploiting the community's property, mainly land, women were responsible for maintaining the community, as society was largely agrarian (Phoebe Asiyo, KII, Phoebe Asiyo, Kanyamwa, 2017).

Phoebe states that the interests of both men and women in Luo society were taken care of in this arrangement. Every individual was happier and less stressed about the benefits of owning private property or the disadvantages of owning nothing. Women who regulated the use of property derived their tenure security from this right of use, while men on their side derived their power of allocation from the patriarchal system and hardly interfered with women's right of use. In this context, one argues that the rights of women to property such as land are not equal to the rights of men. In practice, as long as property was available and was not considered to be the property of any individual owner, in keeping with traditional obligations within clans or society, women would usually not be entirely excluded from it, excluding others (Phoebe Asiyo, KII, 2017). Because tenure is now based on an undefeatable title and not on use, there has been a significant shift in tenure security. Registration gave individual title holders the rights and power to deal with their land as they deemed fit. It also suggested that certain members of the family

2.5 Implications of Patriarchy and Matriarchy on Women Property Rights in Luo Society

Historically, a patriarchal society where ancestry is paternally traced is the Luo society. Men are the masters and controllers of Luo society in the patriarchal culture. With this structure, in the patriarchal Luo culture, one may understand the specific position that a male child occupies. The male-child, among others, is valued more than the female child, as in other patriarchal cultures. This is because continuity with the male child is promised to both the family and the society. This saying captures Phoebe Nyawalo, Phoebe Nyawalo captures this saying,

The birth of male children is the priority of the patrilineal society, since without them, no blood can be passed on and no ancestors can return to life, thereby dooming the clan to destruction. Among the Luo, for instance, a man is never happy with a woman who, as in other African cultures, only gives birth to children. If a man dies without a

male child, his family group will come to an end, his family group will come to an end if a man dies without a male child (KII. Phoebe Nyawalo, 2018, Maseno).

With this, polygamy was encouraged in an attempt to bear a male child. In a patriarchal society, inheritance is also patrilineal, which means the derivation of inheritance originates from the father's line. In the form of inheritance, only the male members of the father's line, namely his male children, brothers, male cousins or distant cousins, are entitled to benefit from his possession. According to Asenath Odaga, even women are among the assets to be inherited (KII, Kisumu, May 12th, 2017), and cannot be counted among the inheritors. She clarifies: ancestry in patrilineal cultures followed the line of the father. If a father died, unless there were grown sons who could inherit the property and care for the worker, members of his immediate family would inherit his wife (wives), children and property.

This point is further asserted by Mildred Ndeda, who views it from the perspective of the Luo of Asembo and Alego of Western Kenya. She observes that,

Among the Asembo people, possession of most property is the responsibility of men. And wives are regarded as the property of their husbands. Women will never inherit their husbands' land. In a patriarchal society, women are dependent and not autonomous. The dependents are at the mercy of the provider and have no right to claim a share of those in their hands who care for them. Women in patriarchal society are assets that can be transferred to any society's male members before provision can be guaranteed (KII, Ndeda, 2017).

These views are in harmony with Aristotle's dualists and the scholastic Aristotelians, who see human beings as consisting of the body (matter) and spirit (form). During creation, the soul was seen as superior to matter and its sources were seen as the father who provided it. The body, which is matter, is dead without the soul; the soul is that in which a living body is alive' (Sugimura, 2009). This implies that women won't survive or exist without men. Men also take care of women in society, in addition to being responsible for the survival of the human race by the multiplication of their chromosomes. Therefore, because the future of mankind is inside them, their lives are essential.

Nevertheless, Epicurus' viewpoint on the bond between body and soul seems plausible. "He claims that "body and soul are distinct, but not fully independent; each can exist without the other (Barnes, 2012). Epicurus: meaning and thinking. Here, the main point is that men still need women just as much as men need women. Neither of them can do without the other. The so-called matrilineal inheritance seemed to favour men even in the matriarchal community, where women dominated and governed the whole society (although not practiced in Kenyan societies), while women remained to be supplied by men. For Wanyeki (2003), in matriarchal cultures, land was inherited along the mother's line. If a father dies, his sisters' sons or his own matrilineal uncle will inherit his possessions and his children.

Even here, one notes that women have not inherited land. Women only determined which male relative had to inherit the property of the dead man. Women in both patriarchal and matriarchal societies have not benefited from family land. While patriarchy favored male children even with inheritance, matriarchy on the side of female children would have been predicted to do the same. The whole problem, however, makes it difficult to ascertain the real

basis on which women are excluded from inheritance, because both men with inheritance are preferred. The definition given to a masculine boy, however, does not stand the test of time. To claim that men are responsible for the continuity of the clan is far-fetched (Wanyeki, 2003).

Man, according to the nature of things, alone does not bring forth another human being, even with a woman; it needs the collective effort of both men and women to bring forth another human being, hence the worth of both. This conventional theory, which favors men, depicts egoistic tendencies on the side of men in an attempt to own something, while women own nothing. Patriarchy and matriarchy are mental constructs which have no moral basis, but are only constructed to maintain male control over women (Young, 2005).

2.6 Marriage and Property Rights of Women in the Luo Society

Phoebe Asiyo claims that women in Luo society are considered to belong to their male relationships in appreciation of the importance of marriage in Luo society and that their rights should abound in these male relationships. Women should also be regarded as rightful and lawful owners of the same land, who may purchase, sell, rent and even borrow the property as insurance. However, she argues that one reason that has battled against the inheritance of women was the belief that women were unable to look after their original birth family because of their commitment to the new family after they were married, as it is argued that historically a woman left her parent's home after her marriage and forfeited her inheritance rights as she became part of her marriage.

Traditionally, according to Ndege (KII, 2017), girls do not inherit property from their kin. One day, a girl was born to get married and the dilemma was not debatable. Even though she was at home with her father, she was always handled with a lot of attention, as if she were a guest who might go away one day. The notion of marriage here seems to suggest that women, but only on the part of their husbands, were entitled to own land. Their being viewed as guests in their own family supports the fear that all the property allocated to them will be taken for the benefit of the husband's family once, they were married. Juliet Jagero (KII, 2018, Seme) points out that "women have no rights to property ownership among the Luo of Uyoma because of the belief that anything a woman owns belongs to her husband" (the one who paid bride price).

"In this, Phoebe Asiyo further notes that "giving a girl a share of the property of her father was believed to enrich the people of her husband. Giving out ancestral land to outsiders was a taboo. Such views, however, do not stand the test of time and need to be modified because, due to the advent of formal Western education and the new religious, economic, political and social systems, society today has fundamentally changed both in shape, composition, and function. Considering the problem of immigration, land sub-division, demarcation and population growth that have seen the death of ancestral lands, the belief in ancestral land is no longer viable. Moreover, the same people expected to form a group are distributed among other people of various cultures in different locations, thus being affected differently and even a new culture erupting from the mixture (KII, Phoebe Asiyo, 2017).

The patriarchal trend is increasingly taking a reverse turn as a consequence of the effects of contemporary social factors such as urbanization, education, HIV/AIDS and even the

movement for human rights. The social mechanism by which people obtain material and non-material elements of culture, behaviour and ideas that arise in the city or town or are distinctive is meant by urbanization. The influx of people from diverse cultural backgrounds who come to urban centers in search of new opportunities necessitates this. With this, traditional ideals are gradually washed away or changed, and unique to the modern way of life, a new culture erupts.

This suggests that people are no longer holding to conventional values, but are challenged to accept modern values by urban life. Education in which individuals become critical in their approach to what has been held as conventional cultural values often poses certain challenges. People are seeking new meanings in life for themselves that do not necessarily rely on these principles. In terms of dedication to marriage, the HIV/AIDS scourge that has ravaged families and individuals has also raised a new obstacle. When they struggle with the problem of marriage, the agony of widows and orphans due to the HIV/AIDS pandemic and the insecurity of one's status and fidelity in marriage seem to weigh heavily on the minds of people. This is often lent weight by human rights movements in which people become more conscious of their rights, including divorce rights or the right to remain single.

In view of all these, Phoebe recommends that before they commit themselves to marriage, men and women in the Luo society should become more thoughtful, as they are not sure if it is the right decision in life. Ndeda puts this clearly;

Since marriage is a positive thing, we have behaved as though everybody should be married... marriage is viewed as a remedy for personal deficiencies. We treat single individuals as if they have suffered a moral deficiency and we sometimes exclude them from our company... We live at a time when, however, there are no more convincing reasons that anyone should be married. What is the case now is that some men and women chose to remain single as a result of broken marriages or widowhood, while others become single (KII, Ndeda, 2017)?

From this experience, one question that bothers Phoebe Asiyo is whether women in Luo society should continue to be excluded from family land. She observes, in this respect,

The topic of inheritance and the notion of having basic needs in a marriage should not be misunderstood by people. It may be true that women are provided by the family of their husbands or husbands once they are married in some society. These provisions include food, clothes, lodging, among others, but inheritance means having a share of family property and claiming ownership. This means that in the event of the death of a husband or a father, a share that will privately belong to them should be given to women, either wives or daughters (KII, Phoebe Asiyo, 2017).

This ownership would mean that, since they will have all rights over them, women will use and dispose at will. In patriarchal societies, the general belief was that it was the responsibility of a husband and his family and relatives among the Luo to provide land for a new bride to grow crops required for the household. But this clause only gave women the right, not possession, to carry out agricultural practices. Women only had the mandate to use and not own or inherit their male relations in the event of death. Consequently, Phoebe questions

"If women do not have the right to inherit the property of their parents and are at the same time excluded from the family property of their husbands, where does women's property stand? Does this mean there is no need for property for women? It is unfounded to argue that women inheriting property would favor their husband's family. By selfishness and egoism, it is biased and spurred. Provided that women in other families are going to marry, it logically follows that other woman are going to replace them by having male relatives. In this situation, each family is the "other" considering the fact that a woman marries the "other" family from a conventional viewpoint (KII, Phoebe Asiyo, 2017).

Therefore, as there is the same measure in giving and receiving spouses, there is no loss of any kind by one's daughter marrying into another family. As each family is alternately a wife-giver and wife-receiver, this becomes an exchange of wives. In this case, when women are permitted to inherit and own land, there will be no loss whatsoever in terms of property. What it means is that whatever is taken out by a woman during her marriage into the other family will be replaced in the same way. She argues,

Given the fact that Luo women are exempt from history-based practices, Luo women have the rights over the property of their husbands because, along with men, they are legal-juridical subjects. Just as they can choose their partner freely; they can own land, while once married, the man represents the family... But, in the case of death and even in the case of divorce, women are entitled to property inheritance (KII, Phoebe Asiyo, 2017).

These observations concur with Adamo (2016) in his argument that, that women's inheritance rights should also be seen in the light of other rights in which they make decisions on their behalf as individuals and not social decisions. The suggestions from Phoebe on the topic of women and property inequality based on marriage in the Luo Society are that, if women are to be under parents or husbands and these male relationships are to hold property on their behalf, then these men should also be on their behalf in matters such as punishment for crimes committed by women.

In the traditional Luo society education aims to make an individual a responsible and moral person capable of upholding and sustaining social norms. Men were considered more accountable and more morally upright than women in patriarchal Luo societies. Men were seen to be above and above women and, as such, were required to direct and guide them, charged with the duty of heading the household. As a matter of fact, women were not treated as distinct from children and women were viewed as inferior to men in their "child-like" condition, and their inferiority was both derived from and based on their lack of social responsibility and power (Baker, 2014).

Throughout their lives, women have been considered inexperienced. Although boys have grown into men, women have never grown up. In the Luo culture, one finds several "wise" sayings and proverbs to assert this reality of immaturity, which means that women cannot be relied on. For example, sayings such as pok inyuol (ka inyuolo nyiri lilo) or wuoyi siro, which is translated as "you have not given birth (if you have only girls)" and "a boy is a pillar," respectively, would be found in the Luo culture. These suggested that women were

treated as lesser human beings. A man with only a girl-child was considered to have no child until the "pillar," a "pillar," was born (Baker, 2014).

Nonetheless, a human being is said to be a reasonable being; this definition does not mean that man is rational and a woman is not, but it implies that man is inclusive of both men and women. It follows from this that one is rational by virtue of being human. Therefore, it is not possible to rationalize the being of women. A human being's rationality is not something to be given or ascribed by anyone

In the light of the excluded middle theory of Aristotle, "a being is or is not; there is no third." Either women are human beings in this sense, therefore rational, or they are not human beings and therefore irrational. Since in their "lesser human state" there is no other word that refers to women, it is inferred that women are also human beings and rational like men (Perlovsky, 2007).

Abuya (2002). A woman is considered to have no moral or legal rights to own land in a patrilocal society. "The underlying factor here is that if given such an opportunity, women would not effectively handle societal property in their "childlike" state. Again, with their marriage, they would welcome strangers into the property of the clan, thereby interfering with the societal order. This image portrays women as haphazard, disorderly and reckless individuals who are unable to deal with their affairs in a respectful and peaceful manner. However, daily life experience does not exclude men from the same charges, nor does it portray them as peaceful, dignified and composed. Men in the Luo community were entrusted with the assignment of property and the sale of property

Abuya states that there was a misconception that "if... women were property, it would contribute to unprecedented promiscuity" (Abuya, 2002.; 56). The underlying point from this is that the purpose of regulating and instilling values in them was the start of women disinheriting property. This was seen as a way to disable them in order to stay attached to men and reliant on them. One would, however, be inclined to challenge the degree to which property ownership has been connected to promiscuity.

Phoebe has affirmed, contrary to the above opinions, that promiscuity is caused by poverty, caused by a lack of land. If property makes women attached to their husbands because they have or hold property as it was meant, it follows that women will be more attached to those who own more. However, land was under the community of men as the overall controllers in traditional societies. Women were only allowed to use them and not to own them. Where did society then find that African women would be promiscuous if they were property? Moreover, what can be deduced from the traditional Kenyan societies in which men were the sole owners, if property triggers promiscuity? If this is provided, it follows that males are more promiscuous than females. Perhaps the practice of polygamy, which was very prominent in many traditional societies and showed how rich a man was, may add weight to this reality.

From this, it can be inferred that men were more promiscuous with access to property and could not be happy with one wife. Experience has also shown that in terms of property, there are well-endowed women in Luo society who are morally upright and honorable, whereas rich men also exist but are not promiscuous. Therefore, one should not completely equate

promiscuity with material wealth, since there is no logical or moral link between possession of property and promiscuity, depending on personal education and orientation.

One criterion for consideration in choosing the overall head of the family in Luo families after the death of the father should be, in line with this statement, how best or morally upright the individual is to minister over family members and property management. Such considerations would not disqualify women as inheritors on the grounds that, as was the case before, they do not have moral equity to handle land. This new status would obviously demystify the so-called "wise" statements in Luo society that accounted for most traditional societies' lack of moral confidence in women and could therefore not be involved in societal issues (KII, Phoebe Asiyo, Kanyamwa, 2017)

2.7 Application of Statutory and Customary Laws on Property ownership among the Luo

"Law is said to be "that which is uniform." According to Woodrow Wilson, it is "that portion of the existing thinking and habit that has acquired distinct and formal recognition, backed by government authority and power, in the form of uniform rules (Ikenberry & Slaughter, 2006). This uniformity is derived from the fact that all citizens who come under its jurisdiction are equally subjected to the law. No trace of favoritism is found in the statute. The law of the land is supreme under Kenya's current constitution, and is above what may be termed as tribal laws regulating individual ethnic groups in the region.

Kenya's law is intended to regulate and provide a fair solution to disputes that might occur as a result of these groups' various cultural practices. In relation to this, Section 82 of the same Constitution specifies that "all individuals are equal before the law regardless of their tribe, race, place of origin, political opinion, sex, color and religion." There is equality before the law in this respect, and that it respects the rights of both men and women. "In the spirit of this equality, under the law of the Law of Succession, chapter 160 of the law of Kenya, "all children shall be entitled to inherit equal shares of the deceased land. It does not matter whether they are daughters or sons, married or unmarried." The statutory law acknowledges the presence of the customary law in stipulating this, but because it is supreme, it is supposed to give way or be subordinate to the customary law (Shachar, 2001).

In relation to women's succession, the role of statutory law as expressed in customary law is unequal as it still favours men. While it states that only to the degree that it is not repugnant to justice and morality or inconsistent with any written law can the customary law apply, the Statutory Law tends to contradict this fact. By fair assessment, all the issues or disputes that the law of the land is meant to address, and all the rights that should be safeguarded by it, emanate mainly from society. This is part of all given society's practices and beliefs, which can be skewed as seen on women's issues (Shachar, 2001).

If a part of its subjects' judgment can be overridden by the supreme law of the country, then the law is no longer supreme but is subject to prejudice and can be considered unethical as it is discriminatory. The superiority of the law of the land lies in the truth that it is absolute and cannot afford to be biased. Kant argues that "everyone must admit that a law must imply absolute necessity in order to hold it morally." Here, absolute necessity implies not being subject to corruption or selective implementation to suit individual interests. The law implies

categorical imperative or absolute order in Kant's words. Absolute in the sense that "it holds for all rational beings as such, not just for men" (Guyer, 2000).

If the Kenyan law applies selectively, then either the law is not absolute or that women are not part of rational beings is the logical statement extracted from such a case. Rationality arises from the fact that one "is" and is not open to debate. It follows that females are, and it is not possible to debate their being part of rational beings. It may, therefore, be concluded that the rule is not absolute by virtue of being applied selectively. Hegel notes that it "wanted to exhibit consistency, coherence, and completeness for the system of law to meet the requirements of totality and absolutism." What can be inferred from the Kenyan inheritance situation is that the supreme law is not consistent in that it is not applied equally or harmoniously. On the same basis, it is not coherent and not total in that it does not accept women's full rights as rational beings (Brooks, 2000).

2.8 Implications of Property ownership on men and women in the Luo society

Land ownership in the Luo community has essential moral consequences. Second, property enables the individual person to be liable for his or her own life. A human person's life needs certain material factors to support it. The probability of acquiring these requirements implies an intrinsic moral judgment of the moral being. A human being requires food for sustenance, shelter, clothes, among other needs, which, if opportunities for them are hampered, cannot be possible. In this scenario, if others are denied a chance to own property by the society or individuals in a community, then the person is denied a chance to make moral decisions that decide his or her future (Odenyo, 1973).

Property plays a key role in women's social lives, according to Phoebe Asiyo. It is primarily determined by how much and what they possess that women relate to each other and to men, how they live and where they live and travel. Property, then, is said to decide the social status of women. It is the "ground work of all personal freedom, activity, and independence. If they are not in a position to support themselves, women cannot be said to be free and independent. Property gives women some confidence as social beings and is thus able to shape their lives. Similarly, lack of property will force women to become victims of circumstances and pressure posed by both society and society." (Odenyo, 1973:13).

Wife inheritance is one of the social issues described by Phoebe as perpetuated in the society of Luo and retained partly because of the violation of property and inheritance rights. In most societies in which this practice is maintained, it is said that the purpose is to provide for the widow and her children and take care of them. This means that the widow is unwilling or unable to take care of the widow.

Dolphyne Abena points out that "due to the fact that women have no independent source of livelihood in many of these societies, such remarriage to the husband's family guarantees that she and her children will be taken care of." Human Rights Watch gives strength to these views when it states, "In some areas, widows are forced to engage in risky traditional practices involving unprompted practices." The practices include inheritance of wives and ritual 'cleansing' involving sex with a societal outcast. Property appears to compel women against their desires in unfavorable circumstances. This becomes a social problem as the effects of inheritance of wives influence both individual women and society as a whole.

The spread of HIV/AIDS has also been pointed out by Phoebe as a consequence of the loss or lack of property of women. It has been suggested that this activity is responsible for the spread of this pandemic and other social problems that follow it, such as deaths, widowhood, and orphanage. Wife-inheritance means re-marriage, which includes sexual activities in most cases. In this case, the answer is the practice

The problem of wife-inheritance as a social issue often poses the question of the dignity of women as human beings. Inheritance has to do with possession of land. Properties are things that can be inherited, but that cannot extend to human beings. They are reduced from the level of being human to the level of 'things' by subjecting women to the acts of cleansing and inheritance (Gaafar, 2014).

Prostitution is a social issue that has been connected to different factors, but it is more of a social and economic problem than either biological, psychological or psychological. Abraham Flexner states that "a prostitute is a person who has sexual relations more or less promiscuously for money regularly or intermittently..." What arises clearly from these meanings is that any eccentricity includes prostitution (Okuro, 2010). However, it is assumed by many that prostitution is one of the oldest human occupations. "...sell themselves for food for their children. As to the 'oldest' profession, it is debatable that it is, since it is a by-product of patriarchy and its injunction on virginity for married women and patriarchal property rights."...sell themselves for their children's food. As for the 'oldest' profession, it is debatable that it is since it is a by-product of patriarchy and its injunction on married women's virginity and patriarchal property rights (Okuro, 2010).

Prostitution is a solution, in this sense, for women to meet their basic needs. The point here is that the majority of women would not participate in the practice, given the resources needed to support themselves and even their families. The argument here is not to argue that prostitution will stop once women are considered for inheritance, but the number of women coerced into the profession as a result of cultural sanctions on property rights will be reduced (Okuro, 2010). As other ways of obtaining land, prostitution here is considered by those who endorse it as a means of earning. The driving force behind it, therefore, is property acquisition. Some women opt for what seems to be the readily available option, being exempt from inheritance rights and denial of a chance to own land. In this situation, it can be argued that prostitution is a caring problem in that one is compelled to participate in it by the environment. Practices such as ritual cleansing may lead to prostitution as well. For example, if a woman is coerced into a sexual act with a social outcast, she could create a sense of self-pity, uselessness, and rejection, which could lead to promiscuity in the form of rebellion (Gaafar, 2014).

Women Property is critical to providing women with options by reducing excessive reliance for their survival on marital partners and male relatives. Land allocation to women by inheritance would mean that both daughters and wives will have a say in their lives. Most of the violence in marriages occurs as a result of one person's concentration of power; the man who is the head of the family (Obbo, 1972). Men who are socialized, including their wives, to own everything, would appear to treat them without respect and thus abuse their rights. In such situations, women have no say because they rely on their husband and will suffer many injustices, including abuse in any form, hurled on them. If a situation becomes unfavorable,

the position of property on the women's side is to give them some power to have other choices in life. It follows, therefore, that women's ownership of property would minimize violence against them, as well as foster peace in society. This will follow from the fact that some sort of equality, thus mutual respect, will be created by women's property ownership (Obbo, 1972).

Phoebe claims that, if they do not have an economic foundation, women will not solve issues of poverty, sickness, illiteracy, and other problems that undermine them. In order to solve them, all these problems require a financial solution. Any individual or society's economic growth is dependent on some tangible financial independence. Economic independence or freedom of decision as regards money or other goods, on the individual level, gives an individual the ability to economically develop. This is because ownership of property gives one an ability to take advantage of the broad variety of advantages associated with property ownership and control.

Land and other types of property not only provide subsistence, but may also form the basis for the generation of profits, which is also a social status marker. For example, in Kenya, land is a prerequisite for securing loans and credit that can be used for other projects required for the development of a person. Therefore, discriminating against land, especially in inheritance, implies interfering with one's chances of influencing one's own personal growth (Okuro, 2010). This suggests that the contribution of females to their society's economy is small or absent. If money or power remain only in the hands of men, it cannot be determined whether they can increase the efficiency with which they deal with women's affairs. Each person must appreciate and celebrate his or her own success, as well as receive the blame or criticism for any failure resulting from his or her actions, which is a moral agent's fundamental characteristic (Okuro, 2010).

3.0 CONCLUSION

In conclusion, the continuing cultural and social shifts in modern society have been shown to have a negative effect on the socialization of young people in Kenya's Luo society. Society has been shown to react to the aforementioned transition by either attempting to leave the conventional norms and customs that exist, or replacing them.

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