

Levirate Unions in both the Bible and African Cultures: Convergence and Divergence

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1.0 Introduction

In this paper, the researcher intends to explore the practice of levirate unions amongst both Hebrews and Africans. It aims at highlighting the points of convergence and divergence between the two cultures, the cultural requirements, the importance of the practice and the consequences of non-compliance. Finally the study considers the challenges facing the practice in Africa South of the Sahara and ends with a conclusion.

The term Levirate comes from the Latin 'levir' which means a husband's brother. Levirate unions are those in which a widow is taken by one of her late husband's brothers in order to raise up children for him (New World Encyclopedia). There is another form of union closely related to this called Sororate marriage. This is the practice in which a widower marries a sister to his late wife, in most cases, to take care of the young children left behind.

Ghost marriages are also connected with levirate unions. They are arrangements in which a wife is married in the name of a deceased son who died before marrying, and thus, without children. The children born in this marriage belong to the deceased and not the brother in-law who stands in for him. This marriage is common among the Nuer and Dinka of Sudan. It is also found in China in varied forms.

Posthumous marriages are similar to ghost marriages. They are arrangements in which one of the participating members is deceased. This practice is common in France even today.

Both levirate and sororate unions were common in communities where marriage was majorly endogamous, that is, marriage within the boundaries of one's clan only. That between people from outside one's clan is known as exogamy. Even in this arrangement, levirate unions also existed.

1.1 Background Information

The practice of Levirate unions is found in almost all communities world over. According to the Bible (Deuteronomy 25:5-10), it was a common practice in ancient Israel. A brother took his deceased brother's wife to raise up children for him particularly a son.

Sources from early Zoroastrianism; Mitterauer (1994) and Darmester (1891), reveal that there were next of kin marriages otherwise referred to as nuclear family incest amongst the Sasanian Iran. These were said to be between father and daughter, mother and son or brother and sister in royal or noble families. However later literature refute this and note that the marriages practiced were actually between cousins. Polak (1865), notes that Levirate unions also existed in Persia.

According to Agarwal (1984), Levirate unions were common in Asia. The Punjab and Haryana of India practiced it; in Pakistan and Bangladesh many communities also practiced it. Among the Punjab and Haryana (India), the brother of a deceased man is obliged to marry his brother's widow (Malika Manchanda, 2014)

In Africa, Levirate unions are found amongst almost all communities from West to East Africa and from North to South Africa. The Igbos of Nigeria, the Nandi, Luo and Kambas of Kenya, many communities in Zambia, Uganda and Sudan, the Supyire of Mali, Akan of Ghana and the Yoruba of Nigeria all practiced it.

This study, therefore tries to establish and explain why this union is so wide spread in the world. Literally no continent is left out in this matter. The practice continues up to date in many communities possibly because of this ancient background and the roles it plays.

1.2 Some Misconceptions

Levirate marriage has been wrongly referred to as widow or bride inheritance. The practice, in almost all communities, does not accommodate or appear to include the word inheritance. This is because the word inheritance means to take over property as an heir after the death of the owner or succession of a trait. In African communities it is the widow who looks for the kinsman or brother in law to take care of her. Any children born belong to the late husband and never to the caretaker. The widow remains a widow even when she is living with this other man. She is also in a position to dismiss the caretaker at any time she feels like particularly when offended. This cannot be truly called inheritance.

The terms that can be properly employed to describe the real situation are *widow custody, care for the widow, or management of a deceased brother's home*, the man was a guardian. The widow, as understood in most African communities is never a commodity to be inherited. The terms used for it by ethnic communities in Africa do not also portray the idea of inheritance in their literal meaning. The writer's conclusion therefore is that the word is political, pejorative, and abusive or meant to degrade some African communities. If a person inherits something, it becomes his or hers for keeps. However in Africa, death does not end any marriage. The widow remains the wife of the deceased until her death.

Many NGOs and other bodies working with women today have also claimed that widows are forced to live with inheritors whether they like it or not. According to available literature, what emerges is that widows chose from the deceased's brother in-laws. Some of the widows amongst the Luo had even to plead with the elders to persuade a kinsman to live with them, (Mboya, 1938).

2.0 Levirate unions in Ancient Judaism

Judaism, the religion of the Hebrews/Israelites allowed Levirate marriages. Deuteronomy (25:5-10) states that, "If brothers live together and one of them dies, the dead man's wife must not marry a stranger outside the family. Her husband's brother must come to her and exercising his Levirate, make her his wife to get a son for the deceased and for Israel". This arrangement made sure that there was an heir for the dead man, perpetuation of the family name and the stability of the family property (Jerusalem Bible, 1966).

Genesis 38 gives a story in which Er the first son of Judah died and his brother Onan was asked by his father to take the widow Tamar and do his duty as the brother in-law, to produce a child for the deceased. Onan had to die for refusing to provide a child for his late brother by spilling his seed on the ground.

In Leviticus 18:16 and 20:21, taking your brother's wife when he is still alive or when she has children is forbidden. The penalty is death. This does not contradict the above law in Deuteronomy as the conditions are different.

McKenzie (1965), notes that it was an obligation for a brother-in-law to marry the widow of his deceased brother if the brother died without a male child. It was a disaster for a family line to be extinguished. This arrangement might have included the security of the deceased's property like land and other assets. Such were not to be left to strangers to take over.

2.1 Levirate unions in Africa

Just like any other societies of the world, Africans did not want outsiders to inherit property in a home where they had no links. When a husband died in most communities, a brother in-law was selected by the widow to assist in guarding such property which included bearing children with her to continue the line of the deceased.

Kirwen (1979) observes that Levirate unions in Africa are institutions for the care of widows and never a new marriage. They are a continuation of the original covenant. He clarifies further that the brother in law acts as a stand-in for the deceased husband as proved by the residence and the identity of the children born in such an arrangement. They are never his but the deceased's and live on and inherit the land of the deceased.

Mbiti, (1969), notes that Levirate marriages were fairly common in Africa. The children born, belonged to the deceased and as such, inherited what was legally the property of their late father. Such children continued the genealogy of the deceased, not the biological father, and poured out libations to him even if they may not have known him physically. Literally all African communities had a way of managing or taking care of their widows. The Kamba of Kenya had a man going into the house of a widow late at night to spend a night with her and leave around five in the morning so that the children do not notice him.

It is argued that the children should know of only one man as their father and thus should not notice any other spending on the bed where their late father used to spend. It is as such a sign of respect to the children of the late. The man's role is to get children for the deceased. Other elderly members of the community may know about it but are not obliged to discuss it in open places. (Interview: Josephat Kisilu – 15.9.2014)

Maluleke (2012) in a paper presented in a conference in South Africa reiterated that in Kwa Zulu Natal if a man dies, his widow is asked to choose who to take care of her from the brothers or close relatives of the deceased. She is provided with sticks representing these brothers and relatives to select from and whoever is represented by the stick she chooses is the one to care for her. There are evidently elements of freedom here because the brothers and relatives of a deceased can be so many that the widow must be allowed to select the people to be represented by the sticks. It isn't practical that just two or three elders will gather sticks to represent all brothers and relatives of the deceased man.

Chima (1996), notes that the practice was very alive among the Igbo of Nigeria. This is in line with Immigrations and Refugee Board of Canada (2006) which also gives remarks about the Igbo, the Yoruba and Hausa-Fulani communities in regard to levirate marriages. Amongst the Igbo both texts observe that the widow is allowed to choose a man from the kinship system to take care of her. However, she is not compelled to become involved in a levirate arrangement particularly when she has grown up sons. The widows are free to choose the kind of life to lead with their sons.

The Yoruba traditionally allowed a brother or son of the deceased husband, but not the son of the woman, to take care of the widow. The elder son was allowed to take the youngest wife of his father to bear children for the deceased.

The Hausa-Fulani, though predominantly Muslims, also had some arrangement for widows.

Among the Luo of Kenya, Mboya (1938), notes that the ceremony of Levirate marriage was discussed by the elders. The first wife prepared beer which was taken during the discussion sessions. The widows chose the people to take care of their houses during that small gathering. It is the first wife who announced the names of the guardians, as given to her by the corresponding widows, to the elders. No woman was forced to have a man she never proposed. Sometimes a man could decline and explain the reasons why he could not guard his brother's house. This was a great feast day and all people joined in the eating and drinking.

The account by Mboya gives a true state of affairs. This disapproves what many people narrate that widows were forced into marriage by relatives among the Luo. The researcher has encountered situations where brothers are literally persuaded to take care of the widows in their families. Widows look for guardians and approach the identified ones even up to their homes.

O'boier (1986) wrote that among the Nandi of Kenya, most widows decide to reside in a household headed by a married son and pool resources with him. This is in a situation in which the widow is old and has older sons. Weisberg (2011) on the other hand observes that the woman decides on who to take care of her amongst the Luo, Nandi and Dukawa. However, for the Luo and Nandi the widows have to be taken care of in their husband's home. The Dukawa widow may go back to her natal home to stay.

The Akan of Ghana, the Nuer of Sudan and the Mambila of Cameroon also practice levirate marriages in almost the same ways as those described above.

2.1.1 Reasons for Levirate Marriages

The common idea emerging from the above examples is that levirate marriages existed in all communities world over.

- The main reasons for it were inheritance of the deceased's property by his own sons

This is to say that, it did not matter whether a man died without sons, a brother would still come in to sire for him sons to inherit his land and any other property

- Second, family identity had to be kept to avoid step or outside children. This was done through involving the brothers to the deceased only, in the arrangement.
- Third, poor ladies required support in terms of wealth and farm management which the guardian would do or was categorically supposed to do.
- Fourth, it provided sexual satisfaction to the widow without having to pose as a prostitute

2.2 Convergence and Divergence

This study has just confirmed that levirate marriages were a common phenomenon in all societies of the world and not just in Africa and Israel. The points of convergence in both Israel and Africa regarding the practice include:

The marriage is never a new one but a continuation of the old. In most communities in Africa, it is only a married man who takes care of a brother's home for it is not in order for a man without his own gate to enter into a deceased brother's home to take care of his wife.

The custom is driven by the need for a son to be in the place/shoe of his late father in both cultures. This son is necessary particularly for continuing his late father's lineage, inheriting the land and being the symbol of male authority in the family.

Involvement of the elders or the father of the deceased also seems common in both cultures. Among the Luo, as noted above, the elders had to be present to confirm who the widow had selected from amongst the brothers of her late husband. This appears in the episode of Judah and Tamar in which Onan is asked to get a son for his late brother Er.

The practice does not seem to involve any form of official wedding ceremony since the terms used for the ceremonies done are different from that of the official wedding.

No son ever married his own mother in any culture known.

Divergences could be cited in the following areas:-

Brother in-law in Israel seems to be restricted to blood brother whereas in Africa brothers extend to several other families in the kinship system. Widows in Africa can choose any brother in-law from any close family within the clan.

Secondly, widows in Africa going an extra mile to disguise themselves as prostitutes in order to get children was very rare, though in the contemporary society full of challenges, those widows not given attention at home can resort to it in towns and not with their father in-laws.

In Israel, the practice also seems to be between a brother in-law and a widow left without children. In Africa widows are taken care of even when they already have children with the deceased before death.

3.0 Importance of the Practice

For the custom of Levirate marriages to survive up to today it must have several advantages either to the widow, brother in-law or the family of the deceased as a whole. In Israel the inheritance of a dead person's name was very important. This is why a son had to be born to take his late father's name. This son was only properly fulfilled this only if he came from within the family unit, that is, a brother siring for his own deceased brother a son (Deuteronomy 25:5-10) The practice, therefore, aided the name of the dead to live society.

Secondly, it ensured that land, which was properly the inheritance of males in traditional Israel and Africa, was not lost to foreigners. This land is ancestral land and it should remain so through family links in the form of blood relationships. Mbiti (1969) confirms that this practice, in Africa, ensures continuity in that the 'I' continues in the 'We' even after his death. It gives a deep sense of security in an otherwise insecure world. In the Encyclopedia Britannica (1911), it is affirmed that abandoning a widow together with her children, particularly in nomadic communities, was like death. This practice ensured survival of the family, the clan and the society. Property remained intact under the care of one family.

Third, this practice in Africa ensured sexual satisfaction to the widow, particularly younger ones. In this sense widows do not turn into prostitution or sexual satisfaction through unnatural ways. They access partners known in the society without shame, guilt or fear. This is what Africans made sure had to happen in the society.

This arrangement ensured the presence of a male provider and protector in situations where such was needed most. This fitted most in families where poverty was prevalent and the brother-in-law was in a position to support both the widow and her children

The practice also gives marriage permanence and durability beyond the death of a husband. The widow remains, legally, the owner of the home and a member of her husbands' family Pritchard (1945), notes that the continued presence of a widow in her late husbands' home gives the family stability and durability. This is strengthened when she has a guardian that shares with her any problems and worries that she might face.

3.1 Challenges in the Contemporary Society

The major challenge to this arrangement in the contemporary society is the HIV/AIDS pandemic. In the era of this disease, communities have become very careful not to enter into levirate marriages particularly if it is feared that the deceased had the disease.

Chima (1996) in a research carried out among the Igbo of Nigeria notes that the Igbo widow is fairly free to involve herself in a levirate marriage particularly when she already had grown up sons. However, lack of resources to cater for a widow and her children, who do not legally belong to the guardian, make men to shy away from the practice even if they are approached. This means that poverty is making the arrangement to end in Nigeria among the Igbo.

Second, jealousy from the legal wife makes many widows and men to be reluctant to practice it. This is to say that, many widows would rather stay alone than enter into quarrels with other people's wives.

Third, grown up children discourage their mothers from entering into the arrangement and as such many decline for fear of being reprimanded by their older sons and daughters.

Christianity discourages it and argues that a true Christian should remain with his one wife or with her one husband even in death of the husband. The man is usually allowed to remarry in church and live once again with a wife. The widow, however, is also allowed to remarry in church which is not possibly practical in Africa. The culture in most cases overrides Christian teachings in this case. This is because if a widow does this she will lose everything including her own children to join her new husband.

Another challenge is women empowerment and the resultant awareness of women's rights which highlights the idea of oppression of women and identifies levirate marriages with such. Freedom according to these campaigns or NGOs mean that even after death, both widow and widower should be free to do what they want in terms of marriage.

Education and urbanization are other challenges to the custom. The modern educated lady is empowered, rich and independent. She feels that this arrangement will limit her from exercising her freedom so she can get married any where she likes

These days, there are inter ethnic marriages. Most educated ladies from other communities might value only the men who married them and not their brothers. Such ladies, in the event of the death of their husbands, run into cities to work and thereby forget about their late husband's homes and land.

Influence from 'outside' has been very great. African women observe and copy what their counterparts in Europe and America do and so they claim that in the contemporary world, no widow should enter into levirate arrangements in the traditional way. They get guardians away from home but still remain the wife of the deceased

3.2 Consequences for Non-Compliance

This practice is still valued by many communities particularly in Africa. Most widows still face consequences for non-compliance to date. Mboya (1938) notes that among the Luo, in the older days, a widow who died before getting a guardian would be subjected to a ritual that many people never liked. If this happened, the body of the widow would not be buried until a non Luo, usually some herdsman called "Jakowiny" is brought to perform the ritual. He had to enter, with an elderly woman, into the house where the body of the deceased was put, shake her thigh, then cut the mourning string and skirt that widows used put on. This practice was not liked, particularly by the children of the deceased, to happen to anybody's parents. Many people avoided it by making arrangements early for a person to hang his coat in the widow's house symbolizing the presence of a guardian.

In some communities, like in West Africa according to the Daily Independent (Dec. 3rd, 2005), a widow who decides to live alone faces the risk of being abandoned by her brother in-laws and relatives. Because of this, some ladies resort to prostitution to support themselves and their children. Among the Marakwet of Kenya (Interview: Kemboi 18.9.2014), the widow is never allowed to get involved in levirate marriages. Young widows just return to their natal homes and start life afresh meaning that they lose everything.

Older ladies have to stay in their homes without any support from anywhere. This according to the ladies 'is very hard' In Kwa Zulu Natal, Maluleke (2012) notes that a widow who refuses to be taken care of can be banished from her home and lose everything. This practice points to the fact that the arrangement still has roles to play and cannot be easily dropped.

4.0 Conclusion

This study has confirmed that levirate marriages were common world over. The Israelites, the Hittites, the Persians, the Indians and Africans all practiced it. The overriding reason for it, in all these communities, was to get children for the deceased for reasons of inheritance.

The practice has declined due to several challenges in the contemporary world like HIV/AIDS, urbanization, education and human rights campaigns. However, it must be noted that this form of marriage has not ended. It is still found in many communities.

There are many similarities in the manner it was practiced in both Israel and Africa and anybody looking at the trend may conclude that the origin or roots might have been the same or the goals, aims or purposes are the same.

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