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Traditional Marriages among the Luo in Kisumu County-Kenya from the Islamic Perspective

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Traditional Marriages among the Luo in Kisumu County-Kenya from the Islamic Perspective

Abstract :

This paper examines traditional marriage practices among the Luo community in Kisumu County, Kenya, from an Islamic perspective. The Luo, one of the largest ethnic groups in Kenya, have deeply rooted customs and traditions that shape their marriage practices. Key aspects of these traditions, such as bride price, polygamy, extended family involvement, and rituals, are explored in relation to Islamic marriage principles. The analysis seeks to identify points of convergence and divergence between Luo marriage customs and Islamic teachings on marriage, including monogamy, dowry (mahr), and gender roles. The study employed qualitative methods, using open-ended questions. The researchers reviewed literature, including books, journal articles, reports, conference papers, websites, and dissertations related to Luo traditional marriage. The study concludes that some aspects of Luo traditional marriage align with Sharia law, while others conflict with it. Therefore, the study recommends the importance of intercultural dialogue and mutual respect in addressing differences, and suggests areas for possible integration or adaptation of Islamic principles within Luo marriages. By examining these practices, the paper contributes to a broader understanding of how traditional African cultures and Islamic values interact, particularly in multi-faith and culturally diverse societies like Kenya.

Keywords: Traditional Marriages, Luo Tribe, Kisumu County, Islamic Perspective

1. Introduction:

Marriage is a response to Allah command as stated in the Qur'an, "And one of His signs is that he created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect". (QS, 30: 21) The prophet Mohammad (SAW). "Marriage is part of my Sunnah, and whoever does not follow my Sunnah has nothing to do with me." (Ibn Majah, 2009: 54) Marriage is the primary means of forming a family and building society. It ensures the survival, consolidation, and stability of society and facilitates the transfer of social legacies. Islam places great emphasis on marriage as it preserves offspring, which is one of the purposes of Islamic law, and upholds the social life and moral values of society. The wisdom of God Almighty mandates that marriage be the cause of reproduction, physical and psychological accommodation, and the development of affection and mercy between spouses. In this context, the Messenger (SAW) left nothing unexplained regarding marital life in his purified Sunnah. He provided detailed guidance on every aspect, from looking at the fiancée to marital cohabitation and beyond. He ensured that nothing was left unexplained or ambiguous. It crystallizes around a system of customs and traditions that seek to define the forms and patterns of marriage based on the prevailing beliefs, values, and philosophies in society. Undoubtedly, other factors influence marriage procedures and ceremonies, including economic, political, and cultural aspects. Additionally, many cultural changes have occurred due to the accumulation of civilizations that settled in Luo society before

their migration to Kenya and the introduction of Islamic and Christian religions. Among the prevalent marriage customs: the ceremony involves the payment of a bride price by the groom to the mother of the bride. Once the ceremony takes place, the couple is considered married, and the groom is free to leave with the bride. However, to complete the union, a second bride price known as "Kenya," in the form of cattle, must be paid to the father of the bride at a later date. Among the Luo, polygamy is a permitted practice; a man can have up to five wives if he possesses enough cattle to pay the dowry. The justification for studying Luo marriage customs is to Exploring traditional marriages from an Islamic perspective acknowledges the significant influence of Islam in certain regions of Kenya, including Kisumu County. It allows for an examination of how Islamic principles and values intersect with local customs and traditions. Also contributes to the understanding of religious pluralism and how different faiths interact within a multicultural society. This research, therefore, discusses traditional marriages among the Luo in Kisumu County from an Islamic perspective. The researcher aimed to explain the marriage customs of the Luo tribe in the western region of the Republic of Kenya to facilitate the collection of information from the country's notables. The Luo cities that the researcher focuses on are Kakamega and Kisumu, and the study remains within this framework to fulfill the desired purpose. The purpose of this research is to examine the marriage customs that are permitted and prohibited from an Islamic perspective. This study employs qualitative component, data has been collected through interviews and documentary evidence. Simultaneously, the researchers are utilizing a quantitative research design to gather primary data on Kisumu County. In reviewing numerous studies related to the subject, a specialized scientific study was identified that examines marriage customs in the Luvian community from an Islamic perspective. While there are several studies addressing aspects of the research topic, the most closely related is the article: Marriage Customs among Duruma Muslims in Kenya: An Evaluation in Light of the Quran and Sunnah. This survey aims at examining the traditional marriage among Luo in Kisumu County - Kenya. The findings of this study will benefit the Muslim community in Kenya in general and the Luo community in particular. This paper is, therefore, a continuation of the discussion on traditional marriage among the Luo in Kisumu County. It reviews the Islamic provisions of the marriage customs affecting the Luo community in the Republic of Kenya.

2. Literature Review:

The Luo Nation originally came from Sudan as Nilots. The specific region where they came from is known as Bahr El-Ghazal. Some of the reasons why the Nilotic group migrated from their original cradle land include drought and famine. The group was also overpopulated and also sought for new pasture land as they moved. Their history of migration dates back as far as A.D 1085 and A.D 1112 (Ogot, 1967). From Sudan some of the Nilotic group went to Tekidi, Nile, Pawir and Pakwach. The Anuak group moved to Ethiopia, and settled in the Gambela area. Another group of Luos moved to the southern part of Uganda where they united with the Bunyoro Kingdom. In Uganda, the Luo groups include the Acholi, Langi, Japadhola and the Alur. Another group stayed in the Southern Sudan and they can be found in the Magwi County. Some of the people who came to Tekidi later crossed over to Nyanza province in



Figure 1 Map of Kenya

Kenya to form the Luo Nyanza. Another group proceeded to Tanzania and settled in the Mara region (Ogot, 1967).

The group called Anu came from Abyssinia, which is currently known as Ethiopia. Their invasion of the Nubians led to the rise of the Koch kingdom. They grew in numbers in Egypt, Sumeria and Phoenicia. The Anu authored scripts and books that documented the ancient Egyptian culture. Their Kings and other political leaders came from the priests as early as 3500 BC (Ogot, 1967). Events in the 350 CE led to the end of the Meroe. The development of the Aksumite kingdom was associated with the Nubians, but they were later on overtaken by semites who were in what is called Yemen. Aksumite empire took over the control of Ethiopia, Eritrea and northern Sudan. By 325, It has embraced Christianity by 325. Islam started to rise in the 7th century and led to the decline of this empire. By the 11th century, the Aksum empire had completely collapsed. The people who are light skinned came from this community that was found in Egypt, Kush and Meroe. Their migration pattern was from the northern Khartoum to Wau and Bahr el Ghazal. This is where the encounter with the black skinned people started (Ayot, 1973).

By the time between 990 and 1125, Luo's were in the Wau, Bahr el Ghazal region. They encountered so many challenges ranging from calamities and outbreaks of diseases like anthrax that killed most of their livestock. In evolution to the environmental challenges, the Luo's started fishing in River Nile, and they earned their name because of their economic activity in the River Nile. It was in the South Sudan region where the Luo's were first called, Joluo, in the 10th Century (Ayot, 1973). Dispersion from the Bahr el Ghazal was triggered by conflicts among the three brothers, namely: Nyikang'o, Dimo and Gilo. The trio engaged in feuds in the homestead because of their power struggles. Separation of the community as a nation started from this quarrels. As the members separated and migrated to different regions, they also engaged in intermarriages and led to the establishment of more groups and subclans (Ayot, 1973).

The first immigrants in South Nyanza were the Maasai and Kalenjin then later on the Luo. Some of them also settled in Central Nyanza. Initially, central Nyanza was over-crowded and this resulted in the exodus of the Luo to South Nyanza. The documented genealogy of the Luo claims that Okuku, who was the son of Okal, gave birth to Omel, and this Omel lived with Joka-Jok at the hills in Ramogi. His first sons were Omenya, Arowo, Ondo and Oring'o. The family of Omel migrated to Yimbo, but they had rivalry among the brothers. In Uyoma there were also conflicts between the people and this led to heightened insecurity. For instance, feuds with Bantus made some Luos like Ondo to migrate to an Island in Lake Victoria. The island was later own renamed as Nyaondo and the first settlers on it were called the Waondo. Some of the Luo settled in Mirunda between 1688 and 1711, and formed a stronger unit. The groups that formed the Nyaondo island included the Waondo, Kayanja, kamreri, Karowo and Komenya. These groups did not intermarry, but preferred defending themselves because of the increasing hostility from the Maasai and the Bantus. The first group to arrive at the Mfangano island were the Kakimba- Wiramba people and had ties with the Kanjamwa people. The Lware also arrived on the same Island between 1688 and 1711 (Ayot, 1973).

The Luo performed prayers. Prayer is one of the significant religious practices of the Luo people. Prayer is directed to objects such as the sun or moon, however, they are not viewed as gods. Among the Luo, the existence of God is acknowledged and they believe that God (Nyasaye) is above everything else (Ayot, 1973). The Luo believe that God has attributes of being good and holy and this distinguishes God to make Him superior to ancestors and evil spirits. The goodness and holiness of God are reflected in the connotation of god names. This implies that God is

omnipresent and has the power to combat evil and forces of nature. God is believed to live in the heavens and in the winds and may be worshipped even by the witchdoctors (Ayot, 1973).

The Luos believe that spirits were created by God. This is because God created everything, spirits are subordinate to God and are dependent on him. Spirits have an important role in the social and psychological life of a Luo. Spirits are believed to have been important people in the society including heroes, warriors, leaders of the clan and other people who lived a morally upright life. These personalities are supposed to be respected and honored by the living.

Worship of ancestors involves conducting a ritual service that is directed by a class of his descendants. Ancestral spirits are believed to exist everywhere including heaven, underworld and earth. They are perceived to be present in different forms such as human beings, animals and some living things. This can be seen by the spiritual power they possess over the living (Ayot, 1973).

Ancestral spirits among the Luo are also believed to provide guardianship to the home and generally maintain social order. They are also believed to protect the wealth of the home. For instance, ancestral spirits can send a message to the elders. They also give individuals a sense of belonging when they provide support and protection to everyone (Ogot, 1967).

Good spirits among the Luo are viewed as the spirits of the people who did good for the society. People who made significant contributions were remembered and their spirits continue to be valuable in a home. For instance, the spirit of Gor Mahia is still remembered because he was a good person with a great personality and character. Some people think that the spirit of such a person may be ignored or neglected, but this may come at some peril. Luo's therefore perform rituals for the ancestral good spirits and brew beer and pour libation to ensure that the community continues to win the favor of the spirits (Ogot, 1967).

The ancient Luo's practiced supernatural expression, which means the ability of an individual to shift between nature and form. For instance, an individual human could shift from human to stone at will. There are stories narrated how ancient Luo's practiced such supernatural expressions. Ancient Luos also practiced ancestral veneration. This practice provided a linkage between the living and the spiritual world. According to this practice, the ancestor watch over the lives of their descendants and confer protection. They also give guidance and blessings in their after life. For example, if the descendants wish to accomplish life events like marriage or child birth, they seek for the blessings of the ancestor through conducting prayers, giving offerings and rituals. These amount to acts of veneration and are significant in ensuring that the descendants receive the support and protection needed throughout their journey (Ogot, 1967).

Islam's presence in Luo land reflects the complex cultural exchange and historical dynamics that have shaped the region's religious landscape over centuries. From its inception through trade routes and intermarriages to its contemporary manifestation, Islam's influence on the Luo people has been profound, transforming aspects of their society, culture, and religious practices (Oguda, 2012). Islam's entry into East Africa predates the colonial era, with the Swahili Coast serving as a crucial conduit for trade and cultural exchange between Arab traders and indigenous African societies, including the Luo. This facilitated the early introduction of Islam into Luo land through trade routes and intermarriages. However, the penetration of Islam into the interior regions, of the Luo land, occurred gradually and was influenced by various factors such as trade, migration, and intercultural interactions. Moreover, Islamic festivals, such as Eid al-Fitr and Eid al-Adha, have become integral components of the Luo cultural calendar, alongside indigenous

celebrations and rituals, thereby exemplifying the harmonious coexistence of diverse religious practices within Luo society (Oguda, 2012).

The initial encounters between Islam and the Luo people were characterized by peaceful interactions, as traders and travelers introduced Islamic beliefs and practices to local communities. The adoption of Islam among the Luo was not uniform but varied across different regions and social strata. Some Luo clans embraced Islam more readily due to economic ties or alliances with Muslim communities, while others remained adherents of indigenous belief systems (Oseje, 2020).

The assimilation of Islamic elements into Luo culture led to a process of syncretism, where traditional practices and Islamic rituals coexisted and intermingled. This syncretic approach is evident in various aspects of Luo life, including language, music, and folklore. For example, Swahili, a language heavily influenced by Arabic due to its Islamic connections, became a lingua franca in East Africa, including Luo land, and incorporated into everyday communication (Oguda, 2012).

Islam's influence on Luo society also extended to social norms and customs, particularly regarding family structure, marriage, and gender roles. Islamic teachings on marriage, for instance, introduced the practice of polygamy among some Luo communities, although it coexisted with pre-existing cultural norms. Moreover, the emphasis on education within Islamic tradition contributed to the establishment of Islamic schools and madrasas in Luo land, providing an alternative educational pathway for the youth (Oseje, 2020).

The spread of Islam in Luo land intersected with political dynamics, especially during the colonial and post-colonial periods. Colonial powers, such as the British in Kenya, often exploited religious differences to divide and rule indigenous populations. While Islam provided a unifying force for some Luo communities, it also led to tensions with Christian missionaries and colonial authorities, who viewed Islam as a potential threat to their hegemonic control and cultural hegemony (Oseje, 2020).

In contemporary Luo land, Islam continues to play a significant role in shaping religious and cultural identities. The region is characterized by religious diversity, with Islam coexisting alongside Christianity and indigenous belief systems. Mosques serve as focal points for Muslim communities, providing spaces for worship, education, and social gatherings. Additionally, Islamic holidays and festivals are celebrated alongside traditional Luo festivals, reflecting the syncretic nature of religious practices (Oguda, 2012).

Despite its long history in the region, Islam in Luo land faces challenges, including socio-economic disparities, religious tensions, and political instability. Economic marginalization and lack of access to resources have hindered the development of Muslim communities in some areas, exacerbating social inequalities. Moreover, occasional conflicts between Muslims and Christians highlight underlying religious tensions and the need for interfaith dialogue and cooperation. By harnessing the rich legacy of Islamic ethics, values, and principles, Muslims in Luo land can contribute meaningfully to the promotion of social justice, human rights, and sustainable development, thereby realizing the transformative potential of faith-inspired activism in the pursuit of a more just, equitable, and inclusive society (Oguda, 2012).

The presence of Islam in Luo land is deeply intertwined with the region's history, culture, and social dynamics. From its early introduction through trade and cultural exchange to its contemporary manifestations, Islam has left a lasting imprint on the religious and cultural landscape of the Luo people. While challenges persist, including socio-economic disparities and religious tensions, the syncretic nature of Islam in Luo land reflects the resilience and

adaptability of religious traditions in the face of changing social and political realities. Ultimately, the coexistence of Islam alongside other faiths in Luo land underscores the diversity and richness of East African religious traditions (Oguda, 2012).

The conversion of Luo's to Islam was partly influenced by the issue of death. Luo widows joined Islam because they felt accommodated by Islamic values after the demise of their husbands. The conversion of Luo women to Islam brought positive and negative effects (Oseje, 2020).

The positive side of conversion to Islam is that the widows claim that they found a home away from home. Muslim leaders have made great efforts to provide support to the widows after making the change. They also claim that their children were educated in universities and colleges and this is attributed to their decision to convert to Islam. The presence of Islam has led to more cooperation among the religious leaders in Luo land. For instance, when someone dies, the Muslims and Christians show up to support the affected families to cope with their loss. Joining Islam also made Luo's to gain from the NGO's that work with the local communities. In parts like Kendubay, a study showed how Islam is behind the NGO's that are supporting widows in the community and contributing to social and economic change. For instance, NGO's in Kendubay continue to play a role in educating widows about HIV and AIDS awareness and this helps to reduce the prevalence rate of the disease. Islam has also brought about positive change in the Luo community through their teachings. For example, Muslim leaders have taught the local people about values such as love and hospitality. This aims at preventing the stigma and hostility towards widows (Oseje, 2020).

However, the conversion of Christians to Muslims in Luo land has increased tensions between the two faiths. Christians have accused their Muslim opponents of using witchcraft to lure Luo women into their religion. Such accusations have been countered by Muslim leaders arguing that widows convert to Islam because they have been neglected by Christians (Oseje, 2020).

3. Methodology

This section describes the research methodology used to examine traditional marriages among the Luo in Kisumu County from an Islamic perspective. A qualitative research design is adopted to collect and analyze the data, allowing for a deeper exploration of Luo marriage practices and their comparison with Islamic teachings. The study involves a thorough investigation of Luo traditional marriage customs through interviews and documentary analysis, providing valuable insights into the cultural practices and context of the Luo community. The research focuses on Kisumu County, a region predominantly inhabited by the Luo community. This location is chosen for its rich cultural heritage and the coexistence of traditional practices and Islamic influences, making it an ideal setting for the study. The target population includes: (i) Luo Elders and Cultural Experts: Individuals with extensive knowledge of traditional marriage practices. (ii) Islamic Scholars and Religious Leaders: Experts who can offer an Islamic perspective on marriage customs. (iii) Married Luo Muslims: People who have experienced traditional Luo marriage customs while adhering to Islamic principles. (iv) General Luo Community Members: Men and women, both married and unmarried, to understand their views on marriage practices. To gather detailed data, the study uses several methods: In-Depth Interviews: Semi-structured interviews are held with Luo elders, cultural experts, and Islamic scholars. These aim to explore their perspectives on traditional marriage practices and how they align or differ from Islamic teachings. Documentary Analysis: This involves reviewing historical documents, cultural texts, and religious scriptures (Quran and Sunnah) to better understand both Luo marriage customs and Islamic marriage principles.

4. Discussion:

The Luo people of Kenya have a rich tradition of marriage characterized by various types of arrangements, each with its own rituals, customs, and social significance. Traditional marriage, known as "Wuon Odiero" in the Luo language, is the most common form of marriage among the Luo people. It involves a series of customary practices and rituals that symbolize the union between a man and a woman. In a traditional marriage, the groom's family initiates the marriage process by sending emissaries to the bride's family to express their intentions. Negotiations regarding bride price, known as "Ayie," are conducted between representatives of both families, and once an agreement is reached, the marriage is formalized through traditional ceremonies such as "Okatwa" (engagement ceremony) and "Ayie Pala" (bride price payment ceremony). Traditional marriage among the Luo emphasizes the importance of family, community, and cultural heritage in forming marital unions (Osborn et al., 2021). The process mentioned above in Islamic Sharia is known as *Khitbah* (Engagement), which is permissible as stated in the Qur'an and Sunnah. Allah (SWT) says, "There is no blame on you if you make an offer of betrothal or keep it in your heart. Allah knows that you cherish them in your hearts." (QS 2:235). The Prophet Muhammad (SAW) said, "When one of you becomes engaged to a woman, if he can look at something that will encourage him to marry her, he should do so." (Al-Baghawi, 1983: 17). The purposes of an engagement are as follows: (a) to build a stronger bond between the two families, helping them understand each other better and work together in preparing for the wedding; (b) it serves as a symbolic commitment, establishing an implicit agreement once made; and (c) to negotiate the dower and other related matters. (Interview with Acholi, May/14/2023)

Furthermore, when a couple faces opposition or obstacles from their families, or when they choose to bypass traditional marriage customs, marriage by elopement, known as "Nyako" in the Luo language, becomes an alternative. This less conventional form of marriage involves the couple eloping without formal consent from their families. In a Nyako marriage, the couple may secretly flee to another location to avoid detection or seek refuge with sympathetic relatives or friends. Although elopement is less common than traditional marriage among the Luo, it is still recognized as a valid form of union. However, it may come with social consequences, especially if the families disapprove of the couple's actions. The mere refusal of the father to marry her to the aforementioned man does not justify her elopement. If the father has prevented her from marrying a suitable man, she can take the matter to a Sharia judge to review her case. If it is proven that the father has wrongfully prevented her from marrying, the judge can either marry her off or appoint someone to do so. If a marriage occurs without the presence of a guardian, it is considered invalid and must be annulled, as per the guidance of Prophet Muhammad (SAW): "The marriage of a woman who marries without the consent of her guardians is void." (He repeated this statement three times) (Hanbali, 1998: 165)

The practice of arranged marriages was once deeply rooted within the Luo culture. It was also a reflection of family networks and social relations that were characteristic of the traditional society. Arranged marriages were embraced by the Luo because of concepts such as honor to the family and continuity of lineage. It was also a means of fostering social cohesion. However, with modernization and urbanization, this type of marriage arrangement faded away. While the practice has been eroded among the educated Luo's, its remnants can still be traced within homesteads in the rural areas (Osborn et al., 2021). The role of the family was integral in the process of selecting partners for marriage. Families considered the broader family and social and

economic factors, instead of the preferences of the individual. For example, social status, wealth and family connections were critical factors that people looked at when trying to find potential partners. Families used the concept of arranged marriages as a means of strategically aligning with other families for posterity. When it came to match making, social status was a key factor as families sought to align themselves with other families of the same social standing. People who came from the prominent lineages or had considerable wealth were hot targets as prospective spouses. Marriages among people with similar social status were popular because they helped to reinforce social hierarchies and prevented conflicts due to the wealth gap (Osborn et al., 2021). On the other hand, Islam provides a fundamental guideline for choosing a life partner: she should be religious. Religion helps protect women from transgressions and keeps them away from forbidden things. A religious woman is distant from actions that anger God and maintains the sanctity of her husband's space. The Prophet Muhammad (SAW) advised on the types of qualities to consider when selecting a woman, guiding us to prioritize the right aspect. He said: "A woman may be married for four reasons: her wealth, her status, her beauty, and her religion. So, choose the one who is religious, and you will prosper." (Abdujabar, 2014: 61)

In the old days, before the Europeans took over the government of the Luo country, it seems that men typically married at age 40 or above, while girls typically married at age nineteen or twenty. The idea of delayed marriage, particularly for men, being linked to their roles as warriors is intriguing. In sharia law there was no limit age of marriage. In this regard, the prophet Mohammad (Pbuh) said, "Young man, those of you who can support a wife should marry, for it keeps you from looking at strange women and preserves you from immorality; but those who cannot should devote themselves to fasting, for it is a means of suppressing sexual desire." (Al-Albani, 1405: 140) furthermore, The Qur'an indicates the permissibility of marriage between females and males under the legal age, as follows: "And those of your women who have despaired of menstruation, if you doubt, their waiting period is three months, and those who have not menstruated. And those who are pregnant, their term are until they give birth. And whoever fears Allah - He will make for him of his matter ease". (Surah At-Talaq 65:4) This verse indicates that a young girl who has not yet menstruated has a waiting period of three months, similar to that of an adult woman. When this verse was revealed, it clarified the situations of both pregnant women and those whose menstruation has ceased, whether they are young or old.

Guardianship is a crucial requirement for the validity of marriage. A marriage cannot take place without the presence of a guardian. This stipulation exists because, regardless of a woman's level of maturity, she is not authorized to enter into marriage independently. The Messenger of Allah (S.A.W) said: "The marriage of a woman who marries without the consent of her guardians is void. (He said these words) three times." Guardianship was legislated in the context of marriage contracts due to the belief that men, being more experienced with the circumstances of men, were considered better suited to handle the intricacies of such contracts compared to women. However, in the Luo tribe a man could not marry without his father's permission because The Luo community is parochial in structure and this explains why the father is placed at the center of family power. The father is the guardian to all children in the household and this includes the men in the house. The approval of the father is required when making important decisions such as marriage. The father, by virtue of his age has a good understanding of the values and beliefs of the Luo community. These cultural items were passed from the ancestors and it is vital that the father passes the knowledge to the men in his house, and this is where approval is required.

Seeking permission from the father is also viewed with importance because it is a way of maintaining the unity of the family. The father as a symbol of the family unity understands the interests of the family. The man seeks approval so that his interests can be well aligned with those of the family. This is also important in strengthening the ties and bonds of the family. Marriage in Luo culture is not a one-man's show and this is why a man has to inform the dad in advance for purposes of strategizing for the event. For instance, dowry negotiation is not an easy ceremony that a man can handle alone. The father by virtue of experience should be able to find good uncles who can negotiate dowry well for his son. Being asked for permission to marry is a way of ensuring that the father has approved all the economic aspects of the marriage and the family is ready to handle it. This is also intended to protect the interests of the family.

Family and community involvement in Luo marriage ceremonies is deeply ingrained, reflecting the communal nature of their society. It involved extended family members and the wider community. Elders play a significant role in negotiations, mediation, and approval processes, symbolizing the importance of tradition and communal bonds. The communal aspect extends to weddings themselves, which are elaborate celebrations uniting not just two individuals but their families and communities. This communal ethos is further emphasized by the role of arranged marriages, where parents play a pivotal role in selecting suitable partners, ensuring the harmony and prosperity of both families (Luke, 2012). However, in ceremony there are several violations of sharia law such as traditional music, dancing, and feasting. Allah says in Surah Luqman "And of mankind is he who purchases idle talks (i.e. music, singing) to mislead (men) from the path of Allah..." (Surah Luqman 31:6). The scholar of the ummah, Ibn 'Abbas (may Allah be pleased with him) said: this means singing. Mujahid (may Allah have mercy on him) said: this means playing the drum (tabl). There is no contradiction between the interpretation of "idle talk" as meaning singing and the interpretation of it as meaning stories of the Persians and their kings, and the kings of the Romans, and so on, such as al-Nadr ibn al-Harith used to tell to the people of Makkah to distract them from the Quran. Both of them are idle talk. Hence Ibn 'Abbas said: "Idle talk" is falsehood and singing. Luo music is describing Music in Luo culture is a form of idle talk that scholars identified. This type of talk is incorporated within the daily work activities. The purpose of this idle talk is to convey certain emotions, retell stories and reinforce social bonds.

The elders in the community also played an important role in conveying the cultural values and heritage through idle talk. Events such as gatherings around fire places were mediums for cultural exchange. At the fire place, the elders would tell stories, proverbs and other narratives about the community. They narrated interesting events and personalities like Luanda magere, to help inspire the young men to pursue their goals and ambitions for their families and the community. In such narratives, people learnt about values such as honesty, integrity and hard work. Important family values such as respect, compassion and empathy were taught to those who aspired to get into marriage in future. (Personal Interview, 2024)

In many African cultures, including the Luo community, bride wealth, also known as dowry or bride price, is a customary practice where the groom or his family presents gifts, money, or livestock to the bride's family as part of the marriage arrangement. This practice is deeply rooted in tradition and serves various social, cultural, and economic functions within the community.

Paying gifts is encouraged in Islam as the prophet Mohammad (SAW) "Give gifts to one another and you will love one another." (Abu Al-Faraj, 2004: 35)

In Luo, Dowry is also done in terms of exchange of valuable goods and gifts. These exchanges help in redistributing resources in the community and enhance social cohesion among the Luo clan members. For example, the payment of dowry reflects status and prestige upon the grooms family. Receiving of dowry by the bride's family is symbolic of the value and worth of the girl within the community. (Personal Interview, 2024) Muslim jurists unanimously agreed that the dower is an obligatory element to safeguard the woman's rights, ensuring that her dignity remains respected. Islamic law has established it as a symbol of the marriage contract with her, rather than being treated as payment for her, her beauty, or any form of enjoyment from her. This consensus was substantiated as the following evidence: Allah (SWT) says, "And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. So, for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation" (QS 4:24). Another verse, "And give the women (on marriage) their dower as a free gift" (Suratul Nisaa: 4).

In the Luo marriage ceremony, alcohol—known as kong'o—is traditionally consumed, among other practices. However, drinking alcohol is forbidden in Islam and is considered one of the major sins, often referred to as the "mother of all evils." Numerous prophetic hadiths strongly condemn those who drink, sell, or serve alcohol. The Messenger of Allah, peace and blessings be upon him, said: "Allah has cursed alcohol, its drinker, its server, its seller, its buyer, its presser, the one for whom it is pressed, the one who carries it, the one to whom it is carried, and the one who consumes its price." (Tirmidhy, 1998:580) The Holy Qur'an mentions the harms of alcohol, which include the following: It incites enmity and hatred among Muslims, distracts people from remembering Allah, and prevents them from praying. Sound interests can only be achieved through a clear mind, and alcohol impairs reason, causing the drinker to lose control over important matters. Society is protected from harm and crime—such as murder, theft, and assault—when people abstain from alcohol. The human mind is a source of dignity, distinguishing humans from animals and enabling the selection of prophets and messengers. Alcohol undermines these invaluable traits, leading to a life devoid of purpose. Furthermore, alcohol is impure, has an unpleasant odor, and goes against human nature and sound morals.

The bride usually stayed at the home of her father for a few days before returning to her husband's home often in the company of two girls. One of the identified girls could be one of the former jadong. The bride will often stop at the gate prior to entering the homestead (Duoduo, 2021). She was provided with medicine to drink to reunite her with her new family. Chicken was prepared and its neck was put around the neck of the girl using a string to prevent bad luck. She was permitted to reunite with her new family. Jadong together with the girl that accompanied the bride were allowed to return to their homes (Duoduo, 2021).

A polygamous marriage is a type of arrangement where a man has more than four wives concurrently. In this arrangement each wife has a distinct household with distinct responsibilities. Co-wifery is a central principle that guided polygamy as women who are married to one husband co-existed while leading their separate households. In this arrangement each wife maintained autonomy and authority over their space within the family. In Luo tribe the

polygamy is allowed to marry more than four wives and It was common to have men marrying sisters, especially if the first sister had no children, the second sister came in to bear children for them in a polygamous marriage where a man marries sisters, the issue of gender roles come into play. This violate sharia law to combine two sisters as the same time. Allah (SWT) “Nor two sisters together at the sametime—except what was done previously” (QS 4: 23). Marrying two sisters at the same time is only permissible if there has been a previous divorce or death involving one of the sisters. In the traditional Luo society, women had the responsibility of bearing children, making the home and providing social and emotional support to their husband. Such duties were not treated as merely domestic chores, but carried a lot of significance in the social and economic stability of the clan. Therefore, the inability of a wife to bear children presented a major problem to the husband, and the remedy was to get a sister who could help to fulfill the duties as expected by the society. The co-wives were also expected to live in harmony with each other and cooperate in matters affecting the family (Osborn et al., 2021). Several factors influenced Luo men to enter into polygamy. One of the notable factors was the pursuit of prestige and familial expectational. Having multiple wives brought recognition in the society. Such men were also highly respected because they showed that they were capable of expanding their territories and contributed significantly towards the society through labor and agricultural productivity. Polygamous men were also respected because they had the capability of securing family wealth by forming strategic alliances and kinship networks (Osborn et al., 2021).

Islam permits polygamy if a single wife is not enough to satisfy his spouse needs. Allah (SWT) says, “if you were to marry them, then marry other women of your choice—two, three, or four. But if you are afraid you will fail to maintain justice, and then content yourselves with one” (Qur’an, 4: 3) Polygamy originated in antiquity and still exists today. However, the prior society did not specify the number of wives; some men married ten wives, while others married more. Through polygamy, women experience several issues such as discriminative behaviour of the husbands, unequal treatment with their wives, jealousy, poor marital satisfaction, unhealthy competition, lack of trust, and many other mental health disorders. To solve these difficulties, Islam has specified a number of wives that one can marry and does not permit the exceeded number of four wives. Furthermore, Muslim jurists put some conditions on polygamy as follows: (i) justice or fairness (ii) Ability to finance more than one wife. (Manswabet al., 2024:)

Widow inheritance is another type of marriage arrangement that is practiced among the Luo people. This practice is also deeply rooted in the culture of the people. Widow inheritance was practiced for purposes of family responsibilities and solidarity of kinship. As integral members of the deceased family, widows were expected to remain within the family structure. The act of inheritance was meant to preserve the family continuity and encourage the participation of the widow in family life. They were also expected to safeguard the economic aspect and social standing of the family (Nyambedha, 2004). On the other hand, Almighty Allah has established specific rights for divorced women that must be respected to uphold society's purity and integrity. Among these rights is that women should not be prevented from remarrying, whether they are divorced or widowed. Allah explicitly prohibits restricting women from marriage, as stated in the Qur’an: "And when you divorce women and they have fulfilled their term, do not prevent them from marrying their [former] husbands if they agree among themselves on an acceptable basis" (Al-Baqarah, 2:232). Preventing a woman from marrying a suitable partner is impermissible.

499
9 500 Divorce (Talāq) is among the detested of legal actions permitted by Islam. Moreover, Islam
501 considers divorce as evil. Any means must prevent it, but marital relations become bitter in some
502 situations, and two spouses cannot stay together in an atmosphere of hatred and disaffection.
503 Muslim jurists have pose some restriction for divorce as follows: (i) it must be for a genuine
504 reason that is acceptable under Islamic law, such as the wife's negligence in worship or the use of
505 obscene language. (ii) Must be in a state of ritual purity or pregnant. (iii) Must be issue one at
506 session. Hence, Muslim jurists had differing opinions regarding the issue of triple divorces in one
5 507 pronouncement. (Abdulrahman, 2020) In Luo tribe Childlessness is counted as one of the most
508 serious misfortunes to befall a couple, with women typically taking all the blame. Failure to do
20 509 so can lead to significant challenges, both social and personal. In such cases, the marriage could
510 be dissolved or the husband allowed to take another wife. However, childlessness is seen as part
511 of Allah's will, and couples are encouraged to accept it with patience and faith. In cases where
512 childlessness cannot be resolved medically, Sharia does allow for certain measures: A husband
513 may take another wife if the first wife is unable to bear children. This is permissible in Islam,
514 provided the husband can treat all wives with justice and fairness.
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30 517 Procreation within the Luo community, an ethnic group primarily located in Kenya, holds
518 significant cultural, social, and familial importance. Unlike in many contemporary societies
26 519 where childbearing is often a matter of personal choice, within the Luo community, it is
5 520 considered an obligation that every couple must fulfill. Childlessness is counted as one of the
521 most serious misfortunes to befall a couple, with women typically taking all the blame. Failure to
5 522 do so can lead to significant challenges, both social and personal. In such cases, the marriage
523 could be dissolved or the husband allowed to take another wife.(Abong'o, 2014).Infertility is
49 524 mentioned once in the Holy Qur'an, where Allah attributes it to His divine will, as He says: "To
525 Allah belongs the dominion of the heavens and the earth. He creates what He wills. He gives to
526 whom He wills female [children], and He gives to whom He wills males. Or He pairs them
527 [giving both] males and females, and He renders whom He wills barren. Indeed, He is Knowing
528 and Competent" (Al-Shuraa, 42:49-50). This noble verse teaches us that infertility is a natural
24 529 characteristic assigned by Allah, without any distinction between men and women. Nowhere in
530 the Qur'an does Allah disparage a woman for being infertile; rather, He attributes infertility to
24 531 Himself equally for both men and women.
532

533 It is well known that having children is one of the central objectives of marriage in Islam. If a
534 woman cannot bear children and the man wishes to divorce her, he is permitted to do so without
48 535 committing an injustice. Likewise, a woman has the right to seek divorce if she feels harmed by
536 childlessness, as she also has the right to parenthood. Divorce is not always harmful and can
537 sometimes bring about good for both spouses. A woman may separate from her husband and
538 later marry someone else with whom she can have children, and the same could happen for the
16 539 husband. This is a common occurrence in real life. Allah the Almighty says: "But if they
540 separate, Allah will enrich each [of them] from His abundance. And ever is Allah Encompassing
541 and Wise" (Al-Nisa, 4:130).
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543 Conclusion

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15 The study on traditional marriages among the Luo in Kisumu County, Kenya, from an Islamic perspective provides valuable insights into the intersection of culture, religion, and matrimonial practices. Through a comprehensive analysis, it becomes evident that while traditional Luo marriages are deeply rooted in cultural norms and practices, Islamic teachings offer a unique lens through which to examine and understand these customs. The research sheds light on the dynamics of traditional marriage ceremonies, the roles of various stakeholders, and the significance of rituals within the Luo community, juxtaposed with Islamic principles of marriage and family life. Moreover, it highlights areas of compatibility and divergence between traditional practices and Islamic beliefs, emphasizing the importance of cultural sensitivity and religious understanding in the context of marriage. By bridging these two perspectives, the study contributes to a more nuanced understanding of matrimonial traditions among the Luo people, offering valuable insights for practitioners, scholars, and policymakers alike.

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