

Chapter 1

The dynamics of Agĩkũyũ customary marriage

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1. Introduction

Most African communities have elaborate accounts of their stories of origin and migration. The Agĩkũyũ have several theories/myths regarding their origin, as elaborated by Getonga (2014). Their most popular story states that God created Gĩkũyũ, the ancestor of the Agĩkũyũ. God then took Gĩkũyũ to the top of Mount Kenya (**Kĩrĩnyaga**) and showed him the country below, where He wanted him to live. The country was magnificent, equipped with all manner of foodstuffs. From the top of the mountain of God (**Kĩrĩnyaga**), He directed him to a place where there was a huge **mũkũrwe** tree (*Albizia gummifera*) that had Nyagathanga birds nesting on it. It is from this description that the place got its name, **Mũkũrwe wa Nyagathanga**. At **Mũkũrwe wa Nyagathanga**, **Gĩkũyũ** found a woman (**Mũmbi**), who he made his wife. They established a homestead and reared their ten daughters. In Gĩkũyũ (the language), Mũmbi means creator. The nine eldest Gĩkũyũ daughters were married off to nine young and handsome men, who mysteriously appeared at a sacred **mũgumo** tree (Ficus species) after Gĩkũyũ offered a burnt sacrifice.

Gĩkũyũ was a very religious man. He always prayed and offered sacrifices to God (**Ngai** or **Mweenenyaga**), who lived on **Kĩrĩnyaga**. Over the years, the descendants of **Gĩkũyũ** and **Mũmbi** multiplied and spread out to the areas that neighboured **Mũkũrwe wa Nyagathanga**. Their area of domicile was marked by four sacred mountains. These are: Mount Kenya (**Kĩrĩnyaga**) to the east, the Aberadres (**Nyandarwa**) ranges to the west, Kilimambogo (**Kĩa Njahĩ**) to the south east, and Ngong hills (**Kĩrĩmbĩrũirũ**) to the south west. Gĩkũyũ would mention the four sacred mountains/hills in his prayers. This practice is also popular among the traditional Agĩkũyũ clergy.

Through interactions with their environment and ascertaining agreeable behaviour codes, the Agĩkũyũ developed customs⁽¹⁾ and traditions. However, since societies are dynamic, customs and traditions are also subject to transformation. Traditional marriage has its own rules and regulations. Marriage is an integral communal custom passing down from generation to generation, the rules pertaining to marriage have been tested and refined over time. These traditions are subject to external pressures, such as foreign cultural practices, which erode or

⁽¹⁾ Dr. Winfred Kimani defines customary law as consisting of the unwritten norms and practices of small-scale communities which dates back from pre-colonial times but has undergone transformations due to colonialism and capitalism. It is localized in nature and is as diverse as the communities involved, although there is general consensus on certain fundamental principles. It is unwritten and is characterized by dynamism and flexibility, as it develops and takes on different permutations in response to changing circumstances.

influence them significantly over time. Customary marriage among the Agikūyū has also undergone such change.

2. Agikūyū concept of marriage

In African culture, it is considered preposterous for an adult to have no children. For example, in Uganda and Rwanda, childless individuals are termed “*ekifera*”, which means ‘abnormal’ or ‘ill’ person. Among the Agikūyū, a childless person is referred to as *thaata* (infertile⁽²⁾), which is a derogatory term that no one wants to be associated with. It is expected that every adult should have children, who will eventually be their heirs. People without children are believed to be either bewitched, or subjects of some divine punishment. Marriage in the traditional African context can also be understood as a rite of passage. Every adult is expected to marry during their lifetime. The main purpose of the marital union is to widen the kinship network of the individual through procreation. Additionally, more relatives are also acquired via marriage. Families are comprised of a wide network of members, namely brothers, sisters, parents, grandparents, uncles, aunts, cousins, in-laws, unborn children, and deceased relatives. This network of family members serves as a social unit that is governed by norms and beliefs. It is also an economic safety unit for the survival of its members. The Agikūyū believe that the only way one can pay back their parents for siring and raising them is by marrying and bearing children. This certainty in Gikūyū language is loosely stated as ‘*gūciara nī kūriha thiirī*’ (bearing children is paying back a debt). Secondly, the whole process of conceiving and bringing forth life is encapsulated by the Agikūyū phrase ‘*gūciara ti kūmia*’. This can be loosely translated to mean ‘giving birth is not like going to the toilet, a child is a treasure’.

The family system in Kenya is mainly patriarchal (of paternal lineage or descent) and patrilocal (paternal residence—i.e., newlywed couples settle in the grooms’ parents’ compound/land).⁽³⁾ This system is emphasised by the need for the groom or his family to pay dowry to the bride’s family before marriage. The payment of dowry—also known as bride price—is a cultural practice among many African communities. Traditionally, the dowry was paid in livestock. The payment could be completed before or after marriage, depending on the agreement between the two families. However, this practice has changed in contemporary times. Today, people pay money or even both money and livestock as dowry. It serves as a token of appreciation from the groom’s family to the family of his bride for their acceptance of him as their son in law.

3. Process of dowry payment and its contemporary variations

Traditionally, a girl upon her first menses was considered ready for marriage, but both girls and boys were required to be circumcised in order to be wed. Boys would be circumcised at

⁽²⁾ The author remembers that his mother constantly refers to the fact that all her children have sired and raised children underlining the fact that childlessness is abhorred in the African society. She is proud to be a grandmother and great grandmother.

⁽³⁾ Due to diminishing land resources, this traditional norm is no longer wholly applicable. Newlywed couples may live in rental spaces or purchase land elsewhere.

approximately the age of 18, whereas girls would undergo the rite of circumcision from about the age of 14. Over the period of a few years, both boys and girls were trained for marriage by their parents and other members of the community through various informal training activities. A young man was initially taught to take care of livestock by his father. He and his peers were expected to protect the community against its enemies, in addition to raiding (*gūtaha*) neighbouring communities as warriors/morans. Osamba (2000) argued that, traditionally, rustling cattle was considered a cultural practice among the pastoral communities, and it was sanctioned and controlled by the elders. Though the Agikūyū were semi-pastoralist, they participated in these raids against their closest neighbours, the Maasai. Rituals were conducted before and after the raids, the former to bless and the latter to cleanse the warriors before they reintegrate into the community. In addition to livestock brought back from the raids, young girls would also be captured. They would then be integrated into the families of the raiders and later married off at an appropriate age. The Agikūyū referred to the Maasai as **Ūkabi**, therefore these girls would be given a name such as **Nyokabi** ('from the **Ūkabi**'). The Agikūyū believed that spilling the blood of a fellow human being was taboo and made one unclean. According to one informant, Mr. Manyeki Ng'ang'a, men would marry at approximately the age of 30 years. The girl likewise was simultaneously being trained to behave appropriately as an adult woman by her mother, grandmother, and aunts.

The customary marriage ceremony among the Agikūyū was considered a sacred ceremony and it was carefully conducted with blessings of both parents. This was because they viewed the engagement as lifelong. Animals; farm produce such as bananas, millet, and sorghum to make traditional porridge; and traditional beer were used at appropriate stages to bless the marital process. Marriages were conducted with the thought of avoiding divorce at all costs. Divorces were considered costly and embarrassing. This was because a divorce would signify an unhealthy relationship and the livestock given to the bride's family would need to be returned. Marriage was understood and appreciated as a union between two families.⁽⁴⁾ Several steps were followed in the marital process, as illustrated below:

Dating, engagements, and acceptance

The process of dating or engagement (*kuha mūrītu*) used to take place during traditional dance sessions. A boy would approach a girl and propose friendship in coded language (metaphorically).⁽⁵⁾

⁽⁴⁾ In this context, families refer to the extended family or *mbarī* (sub clan). The *mbarī* refers to several closely related households from one lineage; they were identified by men's names. The Agikūyū are organized into ten clans (*mīhīrīga*, plural) each clan organized into several *mbarī*, and the *mbarī* into *nyūmba* or family proper. The *nyūmba* are divided into several *ithaku* or step families from different co-wives and finally the nuclear family, *mūcī*. The clan, *mūhīrīga* (singular), does not actively participate in marriage ceremonies as this is a family affair.

⁽⁵⁾ Here different approaches would be used. For example, the young man could ask the girl whether he could visit her parent's home for porridge. The girl could respond by telling him that her porridge is not for the likes of him. He will understand that his request has been rejected. If she said: 'You are quite

If the match was acceptable, both the boy and girl would inform their respective fathers. The boy would first visit the girl's homestead, where a sumptuous meal that consisted of traditional porridge would be served. The girl would invite two of her friends to help serve her boyfriend. After the meal and lengthy conversation, the boy would talk to the girl's father and announce his intention to be betrothed to her. The girls' father would enquire about the boy's clan and the name of his father. He would then ask the boy to ask his father to pay a visit. Meanwhile, the girls' father would confirm what he had been told by the boy with his daughter through her mother. The boy would also inform his father, who would ask the boy to let him 'sleep over it'. The act of 'sleeping over it' gives both sets of parents enough time to examine the potential match's family background, to determine whether there were any blood relations between the two families, whether the match was of good conduct, and so on.

If both families were compatible, meaning there were no impediments to the potential marriage, the girl's father would ask the boy to ask his father to visit. This paved the way for the boy's family to present 'beer' to the girl's family, symbolically requesting for her hand in marriage (*njohi ya njūrio*).

In contemporary Agikūyū society, the engagement is not guided by the parents. The couples may meet at their workplace and begin dating. These workplaces may be located in the cities far away from their homes. Hence, thorough family background checks may not be conducted. This relationship thus exposes the boy and girl to the danger of marrying someone who is a close blood relative or from a family that their parents would not approve of. Apart from blood relations, culturally there were other prohibitions which were supposed to be respected. For example, one cannot marry someone who belongs to an incompatible clan. One informant, Lydia Wamaitha Gichumba⁽⁶⁾ (interviewed on 17th August 2019), also mentioned the irreparable hatred that developed during the **Mau Mau** uprising. She stated that there was a lot of hatred between those who supported the **Mau Mau** (*itungati*) and those who supported the colonialists (*kamatimū* and *ngaati*), to the point where marriage or any form of association between the children of those from opposing sides was banned. This deep-seated hatred arose out of the atrocities that the parties committed against each other. (See contemporary prohibitions)

Presentation of traditional beer (*njohi ya njūrio*)

This stage marks the first meeting between both families to make merry. A lot of food is prepared. It is during this occasion that members from the two families will be introduced to

welcome to come and sample it', the young man would know that she has accepted him.

⁽⁶⁾ One of the respondents, Mrs Lydia Wamaitha Gichumba stated that, one day as the *ngaati* or *kamatimū* were arresting **Mau Mau** sympathizers, her husband Gichumba wa Wamweya was arrested at their shop within Mūkūyū market. She was asked to give money to secure the release of her husband. However, before that was done, she was slapped, and her baby accidentally slipped from her back, hit the floor, and died. Her husband was spared death. She asked, 'do you think I can ever forgive the one who did that, do you think any of my daughters can be married into that man's family?'

each other. In fact, in some quarters the event is referred to as *kĩruġo*, derived from the verb *kũruġa*, which means cooking. Fermented porridge, bananas (a variety known as *mũtahato*), and beer made from sugarcane were among the foods that the two families enjoyed at the girl's father's homestead. Cagnolo (1933) noted that upon eating, drinking, and making merry, older women would dance *ġĩtiĩro*⁽⁷⁾ in praise of the bridegroom, to celebrate the provision of an abundance of food and beverages. The family of the boy would bring a young female sheep and a young female goat (*mwatĩ na harika*). The act of bringing these two animals signified that the girl has been taken and that no other man can come to be betrothed to her. Additionally, this consolidated the proposed marriage between the couple and the everlasting union between the two families. This practice is therefore somewhat reminiscent of an oath. This occasion is also known as *kũhanda ithĩġĩ*⁽⁸⁾ (more commonly used in contemporary times), which means 'marking one's territory'. The beer prepared for this occasion is specifically known as *nġohi ya nġũrio* (beer for asking). Before the beer is served to the other family members, the girl will present a full horn of the beer to her father. The father will enquire whether the beer is related to her marriage. If the girl confirms that it is, the father asks his daughter, 'If I drink this beer, will you ever disappoint me?' The girl is expected to reply with 'No'. This practice is akin to the performance of martial vows before the two families. Then, the father sips the beer from the drinking horn and passes it to his brothers (the girl's uncles), so that they may sip it and express their approval.⁽⁹⁾

During this occasion, other gifts required by the family include bananas, goats, sheep, blankets, bed sheets, and clothes, among others are presented. These gifts are known as *maruta* and may vary from one family to the other or from one clan to another. These gifts are still considered an integral part of the dowry payment among the Agĩkũyũ. After this ceremony, the families would agree on the number of dowry animals to be delivered. The groom's side may start accumulating the bride wealth or goats in readiness for the payment of dowry. For example, during this first visit, *kũhanda ithĩġĩ* the groom may give out what he has to the in-laws to be accumulated in the dowry account (*kĩara*). Whenever he brings additional items, they are added to what he had previously deposited, until it adds up to the amount stipulated for the full bride wealth.

⁽⁷⁾ The dance is performed by women during the *rũraacio* ceremony; it is accompanied by ululations as they demonstrate the grinding of porridge. This dance signifies satisfaction, echoing an interviewees' (Joseph Manyeki Ng'ang'a) statement that traditionally, a girl was worth three things: beer, food, and dowry (*nġohi*, *ndia* and *mĩroongo*). This also suits Cagnolo's observation on merry making. An example of such a dance by the Kangema urban group from Mũrang'a County can be found through the link below: <https://www.youtube.com/watch?v=DIXNHge9QfY&feature=youtu.be...>

⁽⁸⁾ *Kũhanda ithĩġĩ* is a symbolic ceremony where the groom's parents visit the bride's family to formerly report that they are interested in the other family's daughter.

⁽⁹⁾ According to two of the elderly female informants, this ceremony made it very difficult for the bride to think of abandoning her marriage, despite any mistreatment she may receive from her husband.

Dowry payment (*kūraacia*)

The dowry payment was a significant occasion which further built the relationship between the two families. It was marked by delivery of several goats, cows, and bulls. According to the informants, the *rūraacio* stood at 30 goats in the 1940s and 1950s.⁽¹⁰⁾ Later, the number of goats was increased to 45, and currently it stands at 90. If one did not have enough goats, they could be substituted with cows. One cow could be exchanged for ten goats, while one bull represented five goats.

All these animals were not delivered at once. Instead, the process entailed several visits from the groom, who would bring a few animals each time. The groom would also carry beer for partying (*maambura*) for each of these visits. The beer bore different names, such as beer for escorting the goats (*njohi ya gūkinyīria mbūri*), beer for making the goats urinate (*njohi ya gūthugūmithiria mbūri*), beer for shepherding (*njohi ya ūrūthī*), and so on. It is important to note that both male and female goats are required to be given as dowry to ensure that they multiply. If a goat or a cow dies, it must be replaced. (Interview with Manyeki Ng'ang'a on 18th August 2019)

Actual wedding ceremony (*ngurario*)

The *ngurario* is the last major ceremony and is conducted at the bride's home. Both families and friends are expected to be present. It is the final part of any Agīkūyū wedding. It is also known as the 'cutting the shoulder blade' ceremony (*gūtinia kīande*), which formalises the wedding as per Agīkūyū traditions. After the *ngurario*, the woman is considered a part of the groom's family and cannot marry another man or be easily divorced. The marriage was considered so final that even if the woman had a child from another man, the groom was expected to raise it as his own biological child. The ceremony begins with the slaughter of a fattened sheep (*ngoima*⁽¹¹⁾) by the bridegroom and his people at the bride's home. The knife used is provided by the bride's mother and she would demand a present in order to release it. Once the sheep is ceremonially slaughtered, its meat is roasted.

Initially, this ceremony was completed before the girl went to the grooms' home, but these days it is generally conducted later. It serves as the official wedding ceremony. Culturally, there is no need for a church or civil wedding after this ceremony. According to Agīkūyū tradition, even if the couple has had a church wedding, they are not considered properly married if the *ngurario* has not been conducted. In 2017, Kenya passed a law (Marriage Act No. 4 of 2014 – Kenya) that mandated that all marriages, including traditional customary ones, need to be registered and certificated.⁽¹²⁾ This is a positive move, because it legally recognises and

⁽¹⁰⁾ This information is collaborated on page 108 of Fr. Cagnolo's book: *The Akikuyu: their customs, traditions and folklores*. He stated that the *rūraacio* would be 30-40 goats and 3-4 goats for slaughter.

⁽¹¹⁾ *Ngoima* is a fattened sheep that traditionally was fed from inside the woman's hut with quality feed such as sweet potato vines.

⁽¹²⁾ The requirements for all marriage unions have been published by the office of the attorney general. (Available at: www.statelaw.go.ke/getting-married-in-Kenya/)

documents traditional African marriages.

Important pieces of meat during the ceremony

The following parts of the slaughtered sheep are considered extremely important and must be displayed (to confirm its wholeness) before being shared and eaten. These are:

- The right forelimb with the shoulder blade attached (*gwoko & kīande*). It is from the shoulder blade that a portion of meat is cut and shared with the groom. Hence the ceremony is called ‘cutting the shoulder blade’ (*gūtīnia kīande*).

- The ribs (*īkeengeto/mbaru/ihaha*).

- A portion of the small intestines with the supporting membranes (*gītuungo kīa mara*).

Other pieces – 5 pieces that a husband gives to his wife are:

- The pelvis (*rūhonge*).

- The liver (*inī*).

- The ears (*matū*). One is eaten by the groom and other by the bride. It symbolises the couple learning to listen to each other.

- The kidneys (*higo*) – represents the functions of breasts. She must eat them both.

- The omasum (*ngerima*) – the 3rd portion of the stomach that is highly folded.

Traditionally, once this ceremony is complete, the bride can move to the groom’s home. However, it was not so easy. In some cases, the groom and his friends would plan to snatch her as she went to the river, fetch firewood, or stepped out for any other errand. If the groom delayed for too long, the bride’s father would metaphorically say, ‘I cannot have your goats and continue keeping your wife’ (*ndingīrūthia njirū igīrī*).

4. Variations of the norm

It is commonly believed that cultures are dynamic and not static, meaning they will change with time as circumstances change. Traditional marriages among the Agikūyū are not immune to such changes either. As the population of the community grows, their farming and grazing areas have shrunk due to occupation and agricultural activities. Consequently, they cannot keep large numbers of livestock or grow various indigenous food crops. This has led to the diversification of the traditional economy and has had a direct effect on production of food items such as millet, indigenous varieties of bananas, sugarcane, and honey. These food items were integral to the various marriage-related ceremonies.

Dowry items

Introduction of a new land tenure system, which favoured the privatisation of land and the issuance of title deeds, adversely affected people’s ability to keep large herds of livestock. This has had a direct effect on dowry payment because livestock and the other requisite items had to be substituted with money. Elders were expected to determine the price of these livestock to ensure uniformity. However, uniform standards, especially pertaining to the pricing of livestock, do not exist at present. This is one major contemporary variation in dowry payment.

Two people may be asked to pay for the same number of goats, but at different rates. Cotran (1996) agreed that it will be sufficient to say that there are allegations that the practice of dowry, which has been deeply significant in African society, is being commercialised. Typically, the dowry for a daughter is required to be equal to what her father had paid for his wife. However, currently, the pricing for the animals is generally inflated. Since the times have changed, one should not be expected to keep the price of a goat at thirty shillings, but nobody would agree to highly inflated rates either. Parties ought to agree on a reasonable pricing because dowry is not a commercial enterprise. In some cases, some items are no longer demanded. These include items like bananas, spears and ornaments. Traditionally, they were among the first items to be taken to the brides' parents.

Sodas and bottled beer have replaced the traditional porridge and *mūratina* beer respectively. In some instances, women from the bride's side will demand sodas and 'payment' because they had cooked for the groom's party. Additionally, they will request to be bought cloths called '*lessos*' to be tied around their waist as they serve the visitors.

Single motherhood and dowry payment (the *kamweretho* approach)

Historically, the *kamweretho* groups seem to have evolved from social groupings among the traditional Agīkūyū women—commonly known as *itati* and *ngwatio*. These groups point to communal efforts⁽¹³⁾ The fundamental organization of the *kamweretho* resembles the popular women's merry-go-round phenomena, which has been crucial to the empowerment of African women. Each member of the group contributes a specified monthly amount of money, which is invested or used as a lump sum by one member at a time. The members normally go as a group and occasionally dress up in a uniform and deliver presents to their parents with a lot of fanfare (Mukuyu, 2014).

Against this background, single motherhood in Kenya is quite common among middle class and young educated women. Even in the past, the institution of marriage was not irresistible to the youth due to a variety of challenges. Owing to their economic stability, some young women have resorted to birthing children and raising them alone. The economic empowerment of women over the years has further facilitated this practice. Previously, women depended on men for their safety and upkeep. However, in the 1970s, there was a lot of emphasis on women and a campaign to champion the rights of the girl child. These campaigns focused on equal educational opportunities, banning female genital mutilation, and other such beneficial outcomes for women. This resulted in the creation of a societal war, which consequently destabilised marriages.

⁽¹³⁾ In the 1970s, there was a popular group that was nicknamed *mabati* (iron sheets) in Kīangage, the village where the author was born. During this period, most huts were roofed with grass (*kanyori* and *kīgutu*), so the aim was to pull resources together and affix iron sheets on the huts. Each woman in the group contributed five shillings. The group was made up of fifty women and they required about four months to raise five hundred shillings to buy iron sheets and fees for the carpenter. These efforts transformed the village.

The challenge in this new world view emerges once their daughters seek to get married. Knowing that dowry is meant to be received and that there is a standard procedure for doing so, these single parents face a dilemma. For them to feel culturally comfortable and out of the fear of being cursed by their parents, they came up with a clever technique of self-paying their dowry.⁽¹⁴⁾ Therefore, social groups such as the *kamweretho*, which are common in central Kenya, are being utilised in order to perform this self-payment. The group performs the functions of appreciating parents and goes to seek their blessings. This allows them to pay off their own dowry, which in turn enables them to receive dowry from their daughters' suitors. It is a wise way of complying with cultural norms. Wamue-Ngare and Njoroge (2011) noted that 'while [the] *kamweretho* dowry ritual initially was common with single women, married women have [also] joined the dowry-payment orgy. By so doing, they have defied customs, hence the resentment of *kamweretho* by most men, and the Church' (p.18).

In April 2018, this author's cousin, who is married and has several children, planned to visit her mother to pay her dowry. However, the occasion could not take place immediately because her mother is not married. The aunt thus had to hurriedly organise to take some presents to her own mother in order to get her blessings. She could not receive her daughter's dowry before doing so. The author is not sure whether his aunt was accompanied in this mission by members of her *kamweretho* group. However, this ruminates what happens in a similar situation.

5. Traditional threshold for divorce among the Agikūyū

Among the Agikūyū, divorce was an extremely a rare occurrence. The meticulous nature of the whole marriage ceremony did not permit the couple to enter into a union that would not last a lifetime. Marriage was also regarded as a sacred covenant between all the parties involved and God. A woman was regarded as the foundation upon which the family is built because she carries the womb, through which life is created. The Agikūyū myth of origin refers to a woman as *Mūmbi*, which means 'creating'. Therefore, during the negotiations, the in-laws (*athoni*) are carefully handled because they have the authority to deliver their daughter, who will bring forth new life, to the groom and his family. An old Agikūyū adage states '*ūthoni ndūrangarangagwo*', which means the home of one's in-laws is not a place to just loiter and pass time. According to Agikūyū customary law, a husband may only divorce his wife on the following grounds:

- a. Barrenness.
- b. Refusal to render conjugal rights without valid reasons.
- c. Practicing witchcraft.

⁽¹⁴⁾ Gikūyū culture experts note that a woman who is not married cannot pay dowry. This is because dowry is paid by a woman's husband and his family. In such a case, she is expected to bring the following items to her parents: two *ngoima* (one fattened male sheep and he-goat), one *mūtahato* and *mūraru* banana, traditional *mūratina* beer, and a container of *ucuru* (traditional porridge). Upon delivering these items, her parents will bless her and she can receive dowry and presents from her daughter's groom and family.

d. Being a habitual thief.

e. Wilful desertion without justified cause.

f. Anger pangs by a wife that lead to the breaking of a cooking pot. If this happens, it is considered a serious abomination. She is deemed to contract *thaahu* (see definition below) and can only be cleansed through a ritual in which seven male goats are required.⁽¹⁵⁾

g. Continued gross misconduct.

NB. A wife has an equal right to divorce her husband. Besides the aforementioned scenarios, she can divorce her husband on the grounds of cruelty, ill-treatment, drunkenness, and impotence.

6. Prohibitions in marriage (*mīgiro*)

The Agīkūyū ethics and code of behavior was governed largely by a system of clear and honest standards. They had a long list of prohibitions called *mīgiro* (plural), which would require cleansing when breached. This section will focus on the prohibitions (*mīgiro*) that were in place with regards to Agīkūyū customary marriage. If a person did not respect the *mūgiro* (singular), or contravened them, this resulted in them being deemed unclean (*thaahu*). Leakey (2019) further elaborated that *thaahu* manifests itself as ‘an outward sign of wasting without visible cause’ (p.1332). It thus had to be purified as soon as possible since it was believed to result in death. He emphasised that it is contagious, because it can be contracted through the actions of the person themselves or through other people. The case study described later (case study 03) will further facilitate comprehension of the deep fear and respect that the Agīkūyū have for traditional law. The tradition appreciated that failure to observe the customary laws results in a state of uncleanness (*thaahu*) or a curse (*kīrumi*). It was the duty of a traditional doctor (*mūndu mūgo*) to cleanse (*gūtahīkia*) the victim. This was not witchcraft, but genuine treatment and the restoration of healthy living.

Goat for cleansing the afterbirth of an unmarried girl (*mbūri ya mīruru*)

Traditionally, among the Agīkūyū, it was unacceptable to get pregnant while one was still unmarried. This was viewed in bad faith. One was considered immoral and undisciplined, often being referred to as *mūkomathī* (a girl who has loose morals) or *ndūgama njīra* (one who idles along footpaths).⁽¹⁶⁾ *Ihu rīa rīiko*⁽¹⁷⁾ (an unwanted pregnancy) was another derogatory term

⁽¹⁵⁾ Hopley (1910): ‘A malicious person will, sometimes, out of spite or in a fit of rage, take up a cooking pot, dash it down to the ground and break it, saying the words *urokua o uguo*, “may you die like this”. This is a very serious matter and renders all the people of the village *thaahu*; it is necessary for the people of the village to pay as much as seven sheep to remove the *thaahu*. This is naturally considered a crime according to native law, and the offender is punished by the elders of *kiama*, who inflict a fine of seven goats’. (p.453)

⁽¹⁶⁾ These terms signify that the woman is loose and immoral–indiscriminately sleeps with men.

⁽¹⁷⁾ This terminology is not easy to translate but it can be understood as pregnancy resulting from a ‘secretive relationship’. From a traditional or contemporary perspective, the parties courting do not

used when an unmarried woman got pregnant and no man claimed responsibility for the child. The Agĩkũyũ myth of origin states that the last-born daughter of **Gĩkũyũ** and **Mũmbi** suffered this misfortune after an incestuous relationship with her sister's son. When **Gĩkũyũ** noticed changes on her daughter, **Mũmbi** protested that their daughter knows no man unless it was *ihu rĩa riiko*. **Mũmbi** did not know that their grandson was responsible for the pregnancy. This embarrassing situation made **Gĩkũyũ** chase her away from home to the area bordering Ukambani.

When a girl gives birth in her parents' house, she introduces a state of uncleanness to the home (*thaahu*). The Agĩkũyũ reasoned that since the girl's mother gave birth within the same home, the afterbirth somehow found its way onto the floor of the hut. It was believed that if the daughter also gives birth there, her afterbirth fluids will mix with that of her mother, consequently resulting in this uncleanness. This afterbirth was referred to as *mũruru* (singular) or *mĩruru* (plural). Later, if the girl gets married, her husband was required to give a goat to her parents, which was referred to as the goat of cleansing the afterbirth (*mbũri ya mĩruru*). When the husband delivers the goat to the bride's homestead, it is required to be slaughtered and consumed on the same day. It will only be eaten by the bride's parents and her siblings and their children, who reside in that homestead. The groom, bride, her children, or any of the groom's relatives are not supposed to eat this meat. Apart from cleansing the home, the goat serves to bind the acceptance of this child, particularly if the husband is not its biological father. The responsibility of the child is thus traditionally/legally transferred to the groom from the child's grandfather.

Some sections of the Agĩkũyũ community required that the bride's father should give the groom a goat, referred to as 'a goat for straightening the breasts since they had been suckled by the time of her marriage' (*mbũri ya gũtiira nyondo*).

Taboos relating to marriage

In the Agĩkũyũ oral narratives, taboos were utilised to govern societal moral behaviour. The prohibitions listed below were obtained/outlined during the interviews (Manyeki Ng'ang'a, Kimani Muchoki, and Wamaitha Gichumba in August 2019). The discussions focused only on those that related to traditional marriage laws. They were also collaborated from literature by Leakey (2019), Getonga (2014), and Hobley (1910).

1. If a man had sexual intercourse with an animal, that was considered a great deviation from moral norms. To cleanse the man, that animal was to be slaughtered and eaten by elderly men who were past the reproductive age.⁽¹⁸⁾

follow the well laid down procedures. When pregnancy results, the man does not come out to claim responsibility and the girl may refuse to disclose the one responsible.

⁽¹⁸⁾ Leakey (2019, p.1030) discussed this unusual behaviour under 'fines for bestiality' and stated that a man was made to pay a fine to the council of elders (*kiama*) and the owner of the herd. He was also made to leave his territory and go to a place where he is not known, because no girl or woman who knew of his misdeed would want him in their proximity.

2. Sexual intercourse with one's mother, sister, step-sister, aunt, or mother in-law was taboo. If a man had sexual intercourse with his father's wife while the father was alive, it was believed to be attracting his father's death, which would consequently bring a curse upon the man.
3. If a man had sexual intercourse with another man, it was considered a grave taboo and had no cleansing method. ***The two men were expected to fight until one of them died.***⁽¹⁹⁾ Kenyatta (1953) also stated that 'it was a taboo to have sexual intercourse in any position except the regular one—face to face' (p.161). Leakey (2019) and Hobley (1910) presented a similar argument. Thus, my understanding is that homosexuality and bestiality were abhorred. Kenyatta (1953) candidly stated that 'Homosexuality was unknown among the Agĩkũyũ' (p.162). He justified this by highlighting that restricted intercourse ***ngwiko***⁽²⁰⁾ (fondling) between young people of opposite sexes was allowed, which in turn made homosexuality unnecessary. Mbiti (2002) concluded his analysis on sexual offences in African societies by saying, 'Africans are very sensitive to any departure from [the] accepted norm concerning all aspects of sex' (p.149).
4. Sexual intercourse with one's daughter or one's daughter in-law was considered a grave taboo, but could be cleansed by the slaughtering of a cleansing goat.
5. An adult excreting inside the house or on the doorstep was also taboo. If this occurred, a fat cleansing goat (***ngoima***) was to be slaughtered and eaten by old men who were past the reproductive age.
6. If a man had sexual intercourse with a woman who was on her monthly periods, it was considered taboo.
7. If a woman crossed over her husband's legs or body, it was considered taboo. They were required to cease sexual relations and the only solution was to divorce.
8. If a goat drank water from the basin that was being used to bathe a child, it was considered taboo. The goat was given to the in-laws to be slaughtered and eaten there.
9. If a fire stone injured a woman, it was considered taboo. The stone had to be thrown away.
10. If the roof rack (***rūtara***) where firewood was kept fell along with the firewood, it was considered taboo.
11. It was taboo for a woman to have sexual relations with her husband or any other man after the goats had gone for pasture (late in the morning⁽²¹⁾).

⁽¹⁹⁾ On 24 May 2019, the High Court in Kenya refused an order to declare sections 162 and 165 of the Laws of Kenya unconstitutional. Kenya does not recognize any relationships between individuals of the same sex. Homosexual marriage is banned under the Kenyan Constitution since 2010. The judges argued that gay sex clashed with the broader, traditional moral values encapsulated within Kenya's Constitution. High court petition no. 150 was made by the lesbian, gay, bisexual and transgender (LGBT) community. (Available at <http://kenyalaw.org/caselaw/cases/view/173946/>)

⁽²⁰⁾ ***Ngwiko*** had strict rules and at the initial stages was supervised by seniors. Actual sex/penetration—though not allowed—took place, but with undesirable consequences when discovered.

⁽²¹⁾ This period of the day is between 9.00 and 10.00am.

12. It was taboo if a child was breastfed by any woman other than its mother.
13. It was taboo for a child to swing with the door. The child was believed to be inviting death to its parents.
14. It was *thaahu*⁽²²⁾ for a child to fall off its mothers back. The punishment required purification ceremonies for both the mother and child.
15. It was *thaahu* for a lizard to fall into the fireplace in a hut. The remedy for this *thaahu* was for the entire hut to be demolished to build a new one.

Contemporary prohibitions.

There was indescribable hatred between those who fought against (*itungati*) and those who fought alongside (*kamatimū/ngaati*) the colonialists during the Mau Mau uprising. It was so serious that those who fought against the colonial regime forbade their children from having any relationship with the children of those who fought alongside the colonialists.

7. Case studies

Four case studies that concern some of the issues mentioned above will be discussed in this section. The first case study focuses on unpaid dowry and the fear of a curse arising from a family that had flouted the norms. Two of the other case studies focus on the contravention of marriage laws with respect to the sharing of matrimonial property, which lead to familial conflict. The remaining case study discusses marriage between two close relatives, whose parents did not protest the match. Since the parents abdicated their traditional role of guiding their children in ensuring that such a betrothal does not take place, it eventually led to disastrous consequences for both families.

Case study 01: Out of fear of a curse arising from Dowry payment, a calf is buried alive

The scenario took place in Gikomora Village, Maragwa⁽²³⁾, Mūrang'a County in June 2012. Mzee Elisha Mūgucia Wang'era was the son of the late Tiras Wang'era Mūgucia. Upon the death of Tiras Wang'era, part of the dowry owed by Mariamu Wanjirū's (his eldest daughter) husband had remained unsettled. As a result, his eldest son (Elisha Mūgucia Wang'era) was expected to receive it in the absence of their father. Unfortunately, the situation got complicated when Elisha Mūgucia forcibly demanded its delivery and began issuing threats.

Mariamu Wanjirū was supposed to deliver the cow to complete her dowry payment, which according to Kikuyu tradition was supposed to be given to one of her brothers in the absence of their father. In this case, custom dictated that Elisha Mūgucia Wang'era would receive the animal. Upon realising that they were delaying payment, Elisha Mūgucia Wang'era warned

⁽²²⁾ *Thaahu* is the state of uncleanness. See prohibitions.

⁽²³⁾ Maragwa Town is located about 10 kilometers south of Mūrang'a town. The name is derived from a source of saline water (*mūnyū*) that was in ancient times used by livestock and wild animals. The name Maragwa comes from the Roman words Mara (Bitter) and Aqwa (water). The site is near the spot where in the early 1990s, a bus christened Marula caused an accident that killed several people.

that if the remaining cow was not delivered while he was alive, then it had to be buried next to his dead body. Background information indicated that the dowry had not been completely paid because one cow had died along the way to the in-laws.

Unfortunately, Elisha Mūgucia Wang'era passed away due to an illness. His sister and her husband had no choice but to comply with his wishes to avoid being cursed. The family raised money and bought a calf to represent the unpaid cow, dug a grave next to that of the deceased, and buried the animal alive, as per his wish. Different opinions were floated by those who were present, such as killing the animal before burial to avoid the wrath of animals' rights activists. All of these suggestions fell onto deaf ears. However, the family was later taken to task by the Society for the Care and Protection of Animals. According to Fr. Getonga (interviewed on 13th August 2019), the Kikuyu Council of Elders (KCE) had to intervene in order for them to be pardoned (The Star, 20th June 2012, p.13). Africans have a lot of respect for the wishes and demands of a dying person, which if not fulfilled, are believed to translate into a curse.

Case study 02: Widow inheritance and unfair family land distribution⁽²⁴⁾

Mūgwe Kamanja, the eldest son of Mzee Kamanja, befriended and married Wakonje when he was of suitable age. The couple were blessed with two children, Wambura and Kamanja. During this period, Kenya was going through a difficult time due to the intensification of the **Mau Mau** Uprising, and a state of emergency was declared. Life was extremely arduous for young and middle-aged men. They were targeted for recruitment by both the colonial government and **Mau Mau** fighters. Unfortunately, in the early 1950s, Mūgwe Kamanja was among those Kenyans who did not survive the atrocities meted by the colonial administration during in the bloody uprising. Mūthomi Kamanja was the younger brother of Mūgwe Kamanja. As the Kikuyu tradition dictated at the time, Mūgwe's wife was 'inherited' by his younger brother, Mūthomi. The Kikuyu called it *gūthambia* (the literal meaning is 'to cleanse'). Getonga (2014) noted that 'the Kikuyu culture allowed widows and widowers to remarry close relatives for the continuity of the family' (p.202). He outlined the process that takes up to four days to complete. A medicine man (*mūndu mūgo*) leads the process by sprinkling traditional *mūratina* beer on the couple. This signified their purification and allowed them to live as husband and wife.

The narrator was unable to confirm whether Mūthomi had followed the traditional cleansing procedure outlined above. Nevertheless, Mūthomi Kamanja inherited his elder brother's wife and consequently sired three daughters (two of them are still alive at present). After the birth of their third daughter, Mūthomi decided to marry another woman, and sired several other children with the younger wife.

During the first land consolidation exercise in the late 1950s, a portion of land was set aside in the name of Mzee Kamanja, who was Mūgwe and Mūthomi's father. Since both Mzee Kamanja and Mūgwe had died during the **Mau Mau** uprising, Mūthomi was the sole remaining heir to his father's land. During the second land adjudication and consolidation exercise of the

⁽²⁴⁾ Names used in case study 2, 3, and 4 are pseudonyms to protect the identity of the persons mentioned.

early 1960s, which provided roads and other facilities that boosted accessibility, the entire land in question was now registered in the name of Mūthomi Kamanja.

The children of both his wives were maturing and ready to start settling down with their own families. In the late 1980s, Mūthomi Kamanja passed away. Technically, Agikūyū tradition mandated that the parcel of land was to be sub-divided into two equal portions—one for each wife. Unfortunately, this did not happen. Since the younger wife's children were better educated and economically stronger, they unfairly edged out the first wife's children and took the biggest portion of land. This resulted in a bitter quarrel, which was not resolved by the clan. The matter was then taken to court and the case is still ongoing. As a result, the children of the first wife have been denied their fair share of their inheritance.

The author wished to understand why the parcel of land was not apportioned into two equal parts, as per Agikūyū tradition. Additionally, the clan was also unable solve to the impasse. It was strange that the sons of the second wife apportioned the land themselves and sandwiched their stepmother's children between their portions of the land. This case demonstrated the pure selfishness and greed of the younger wife's children. It is my belief that they resisted the advice of the clan, which resulted in the protracted court case.

Case study 03: Marriage between close relatives leading to unexplainable misfortune.

Cagnolo (1933) noted that 'Agikūyū marriage prohibits any form of consanguinity' (p.114). This meant that, for a Mūgikūyū man, even a distantly related kinswoman was considered unsuitable for marriage. Leakey (2019) emphasised this further by noting that 'no man might marry a girl who belongs to the same sub-clan as himself, whether his membership is through his patrilineal or matrilineal lineage' (p.816).

This case study relates to marriage between two close relatives against the wishes of certain family members. Gatambo Kanyoora and Waira Kanyoora were half-brothers, who shared the same father, Kanyoora. Kamenjū Gatambo and Kīmarū Waira were the sons of Gatambo Kanyoora and Waira Kanyoora, respectively.

Scenario 1

Wokabi (the daughter of Kamenjū Gatambo) and her husband decided to pay dowry to her parents. Since Kamenjū Gatambo had died and none of his sons were alive, the only person who could receive the dowry was Kīmarū Waira, Wokabi's first cousin. This was considered acceptable. It had no inconsistencies and it did not clash with Agikūyū tradition.

Scenario 2

Later, Wokabi and her husband had a daughter named Nyagachū, who worked and lived in Nairobi. Kīmarū Waira's son, Kanyoora Kīmarū, also worked and lived in Nairobi. He met and befriended Nyagachū, they got married and had a baby boy. However, this was seriously resisted by Wokabi's mother (Nyagachū's maternal grandmother). However, Kanyoora's parents (Kīmarū Waira and Wacuka) never saw anything wrong with this marriage and therefore supported it. The baby boy was not named after Kanyoora Kimaru's father as per the norm, but after Nyagachū's father.

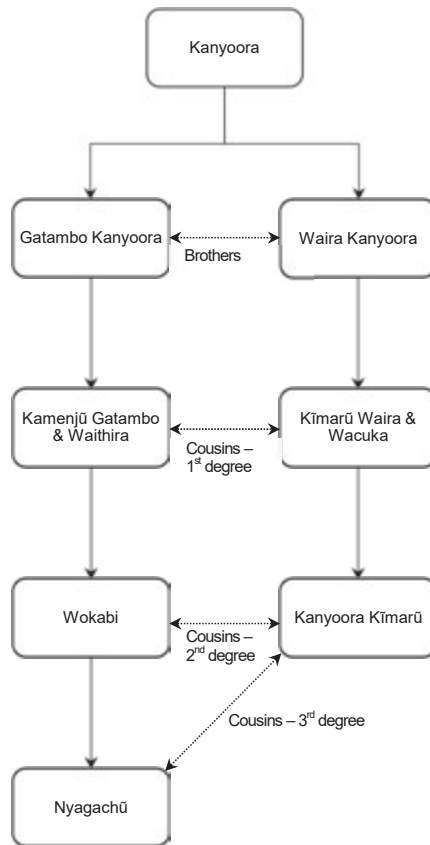


Figure 1. Graphic representation of the family

Unfortunate events

Around the year 2012, Kīmarū Waira decided that it was time to pay the requisite dowry to Wokabi and her husband, ‘his son’s in-laws’. However, they were also technically (or culturally) his children. On the eve of his visit, Wokabi fell ill and was incoherent in her verbal communication. Presently, she remains bedridden. The gates to their home are locked due to the fear that she may wander away from home and either go missing or meet with an accident. Kīmarū Waira also fell sick soon after returning to his home from the dowry payment ceremony. He still does not leave his home and he seems confused all the time.

In 2018, Kanyoora (Kīmarū’s son and Nyagachū’s husband) committed suicide by ingesting poison in a bar on the outskirts of Nairobi. He had previously confided to his friends that he was plagued by terrifying nightmares. After his death, Nyagachū never visited her matrimonial home. She did not participate in her husband’s funeral either.

In July 2019, their two sons attended a prayer and thanksgiving ceremony at their paternal grandparents’ home without their mother’s permission. On returning to their mother

in Nairobi, the eldest son became gravely ill and was hospitalised. He was diagnosed with a kidney complication, which incurred a huge bill that the family is presently struggling to clear.

According to the informant, it is also noteworthy that Nyagachū's pregnancies were exceptionally difficult and that she required Caesarean section both times.

Case study 04: Man toils his youth off and wife abandons him later

This case bears some semblance to case number two in that both originate from issues pertaining to widow inheritance, but they resulted in different complexities.

Mr. Waciura had married his wife, Nyakagūkū in the early 1950s. They had two children together. However, during the period of emergency that resulted from the **Mau Mau** uprising, Waciura died. His younger brother, Mwangi moved in to live with his brother's wife. When land consolidation and demarcation was taking place, Mwangi was allocated his portion. His late brother's wife was allotted her late husband's portion. Mwangi and Nyakagūkū had only one child together. Mwangi was formally employed at the time. All along Nyakagūkū knew that she had no love for her new husband. Nevertheless, they maintained the relationship to ensure that her children were educated and well-maintained.

However, when her children had grown up and were stable, she kicked Mwangi out. This action was not anticipated by her family or by the community. Despite being quite old and lacking significant resources, Mwangi had to relocate to his parcel of land, marry someone else, and bear children. His older years were therefore miserable. He had to work as a night guard to earn a living. The community thus blamed her apathy for Mwangi's premature death.

8. Conclusion

All the interviewees who responded to the questionnaire agreed that the customary marriage practices have always been in place. These practices were considered as old as life itself. As a result, there were no major complaints about these practices. However, they noted that in contemporary times, the institution of marriage faces a plethora of challenges. As a social practice, it is undergoing transformation, with some aspects of it being dropped and other new practices being adopted to suit the situation. For example, some Christians do not use the traditional beer for some rites and they instead replace it with soda. Experts of Agikūyū culture vehemently disagree with these changes. They argue that the traditional beer was utilised to bless the couple. One may argue that replacing this beer with soda thereby forgoes this blessing. Additionally, some parents do not follow the established standards regarding dowry demands. Some request a greater dowry than what they paid for their wives, which is unacceptable because it amounts to outright greed.

I think that the few respected Agikūyū Elders' Councils should guide the community in this matter. If this greed goes unchecked, it might adversely affect this noble cultural practice and deny several poor couples a chance to get engaged. The sense of cultural satisfaction,

belonging, and fulfilment may not be forthcoming to the economically disadvantaged.⁽²⁵⁾ It is good to note that there is an increased interest among young couples to perform traditional weddings, or to at least pay dowry and formalise their wedding in churches thereafter. The various dowry payment programs or *ngurario* sessions that have been recorded and uploaded to YouTube further substantiate this claim.⁽²⁶⁾ The issue of single ladies with children and their fascinating practice of ‘self-paying’ their dowry through their *kamweretho* groups should also feature in the elders’ discourse on emerging issues. Culture is dynamic and I believe we must look for ways to embrace the changes or effectively cope with them. This will facilitate the revival of Agīkūyū culture with respect to traditional marriage and help preserve these ideals. Lastly, the mastery of negotiation is embedded in the use of Gīkūyū language. For the dowry negotiation, the groom’s family selects the person with the best oratory and language skills. This wit can only be enhanced over generations if this culture is practiced.

With an increasing number of marriages breaking down in contemporary society, this traditional practice ought to be embraced as one that attempts to link contemporary society back to the strong moral standards of earlier generations. This is because the practice makes the woman feel valued and accepted by her husband and his family. Any discourse regarding Agīkūyū traditional marriage should focus on encouraging, strengthening, and simplifying the process of dowry payment.

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1. Joseph Manyeki Ng’ang’a – about 95 years
2. Lydia Wamaitha Gīchumba – 93 years
3. Felista Mūgechi – about 93 years

⁽²⁵⁾ Though the settings are different, an article in a national newspaper, dated 25th November 2019 attests to this fact. It is titled ‘Ijara clerics ban lavish weddings, set new rules’. It is available at: <https://www.nation.co.ke/counties/garissa/Ijara-clerics-ban-extravagant-weddings-set-new-rules/3444784-5361298-pf1kv2/index.html>

⁽²⁶⁾ Recently, two high level *ngurario* ceremonies occurred that involved the country’s political leaders. The governors of Kīrinyaga and Nyandarwa conducted their *ngurario* ceremonies in 2019. This indeed raises the profile of these ceremonies.

4. Jane Nyambura Gĩchere – 70 years
5. Fr. Joachim Getonga – about 85 years (retired Catholic priest).
6. Kimani Muchoki (one of the custodians at Mūkūrwe wa Nyagathanga) – 92 years

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