

A SOCIO-CULTURAL COMMENTARY ON THE INTRODUCTION OF MALE CIRCUMCISION IN THE TRADITIONALLY NON-CIRCUMCISING LUO COMMUNITY OF WESTERN KENYA

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ABSTRACT: *Of Kenya's total of 44 ethnic groups, only a handful are traditionally non-circumcising, while all the rest practise circumcision. The traditionally non-circumcising lot consists of three tribes and two sub-tribes. They are: the Luo, the Turkana and the Teso, and two sub-tribes of the Luhya tribe namely the Banyala of Port Victoria and the Samia. Of these, the Luo community is the largest and one of the country's most culturally distinct communities- its distinct culture being non-circumcision. This dichotomy (the traditionally circumcising communities and the traditionally non-circumcising communities) has engendered a superiority contest and rivalry between these two diametrically opposite cultures. The circumcising communities consider themselves superior to the non-circumcising ones for reason of the pain they endure during circumcision, hence despise the latter as cowards who have feared undergoing the pain of circumcision. This has made circumcision such a sensitive and emotive issue that arouses variant passions and controversy between these two opposites. Yet, for the non-circumcising communities such as the Luo, non-circumcision is their traditional customary practice and cultural norm, rather than an omission. Incidentally however, male circumcision was introduced in the Luo community slightly over a decade ago; which seems to endanger this culture of non-circumcision, as well as the cultural future of this community. Notably, while to large segment of the Luo community circumcision has come as a relief to the ridicule and despidement that the community has for long endured from the country's traditionally circumcising communities, to the other also large segment of the community, this new practice is an affront on the community's cultural identity, cultural integrity, ethnic identity, and even traditional customary law. This commentary discusses the socio-cultural implications of the introduction of circumcision in this community, hence is timely and of anthropological significance. It mainly presents the author's views; but also draws from the documented research and diverse documented views of other commentators on the subject, as well as the responses from informal interviews and focus group discussions the author had with respondents. The respondents were selected from target groups that included: ordinary citizens; community leaders; officials of governmental and non-governmental entities; policy-makers as well as experts and scholars in the areas of public policy, sociology, cultural anthropology, history and law. The data and information obtained from those interviews and discussions was analyzed by qualitative analysis since it was essentially of a qualitative character. From those contacts, the author established that the Luo community and other traditionally non-circumcising communities currently embracing circumcision are doing so not for any tangible benefit(s) or ratio, but largely as a modern lifestyle that is fashion and a sort of craze. This is in contrast to their culture of non-circumcision, which they now consider outmoded and out of fashion. The benefits popularly touted for introducing circumcision, for instance hygiene and other medical benefits; alleged sexual performance boosting and other erotic considerations; and physiological benefits such as improving the visual appearance of the male sexual organ, are in reality only secondary rather than primary considerations. In the country's traditionally circumcising ethnic communities circumcision is either a religious rite, a cultural rite, or rite of passage that marks the passage of an adolescent into adulthood. In the Luo community as in its other traditionally non-circumcising mates, circumcision as a newly introduced practice is just an emerging lifestyle, or at best a mere artificial medical and/or cosmetic procedure that is a mere branding of the genitalia; with no tangible benefits or significance. Such that the real beneficiaries of Luo circumcision are other actors, as the community loses, in terms of the abandonment of a crucial aspect of their traditional culture, namely non-circumcision.*

KEY WORDS: commentary, circumcision, traditionally circumcising communities, traditionally non-circumcising communities, Luo, culture, rite of passage, removal of teeth, tradition.

GENERAL INTRODUCTION AND METHODOLOGY

Of Kenya's total of 44 ethnic groups, only a handful are traditionally non-circumcising, while all the rest practise circumcision. The traditionally non-circumcising lot consists of three tribes and two sub-tribes. They are: the Luo tribe, the Turkana tribe and the Teso tribe, and two sub-tribes of the Luhya tribe namely the Banyala of Port Victoria and the Samia. Of these, the Luo community is the largest and one of the country's most culturally distinct communities- its distinct culture being non-circumcision. This dichotomy (the traditionally circumcising communities and the traditionally non-circumcising communities) has engendered a superiority contest and rivalry between these two diametrically opposite cultures. The circumcising communities consider themselves superior to the non-circumcising ones for reason of the pain they endure during circumcision, hence despise the latter as cowards who have feared undergoing the pain of circumcision. This has made circumcision such a sensitive and emotive issue that arouses variant passions and controversy between these two opposites. Yet, for the non-circumcising communities such as the Luo, non-circumcision is their traditional customary practice and cultural norm, rather than an omission. Incidentally however, male circumcision was introduced in the Luo community slightly over a decade ago; which seems to endanger this culture of non-circumcision, as well as the cultural future of this community.

Notably, while to large segment of the Luo community circumcision has come as a relief to the ridicule and despisement that the community has for long endured from the country's traditionally circumcising communities, to the other also large segment of the community, this new practice is an affront on the community's cultural identity, cultural integrity, ethnic identity, and even traditional customary law.

This commentary discusses the socio-cultural implications of the introduction of circumcision in this community, hence is timely and of anthropological significance. Being a commentary, it mainly presents the author's opinion and views. It also draws from the documented research and diverse documented views of other commentators on the subject, as well as the responses from informal interviews and focus group discussions the author had with respondents in a period of twelve months (from January 2020 to December 2020). The respondents were selected from target groups that included: ordinary citizens; community leaders; officials of governmental and non-governmental entities; policy-makers as well as experts and scholars in the areas of public policy, sociology, cultural anthropology, history and law.

This article is divided into five inter-connected and logically inter-related parts. Part One is this general introduction and methodology. It introduces the main theme of the article, then describes the approach and methodology employed. Part Two is the conceptual framework and background part that discusses the key concepts, and lays out the theoretical framework that sets the stage for the subsequent parts. Part Three is a detailed description of the Luo community- describing its geographical location on the map of Kenya, its traditional culture of non-circumcision, and who the Luo people are. Part Four is a critical appraisal of the socio-cultural implications of the introduction of male circumcision in this traditionally non-circumcising community. It also sets out the individual accounts narrated by some of the respondents contacted for this study. Part Five is the Conclusion

part that wraps up this commentary. It summarizes the main facts, the main findings, as well as the author's main arguments and viewpoints.

The Conceptual Framework

The term circumcision as used in this paper refers to male circumcision, i.e the surgical removal of the foreskin (prepuce) from the head of the penis. In Kenya, only male circumcision is lawful. Female circumcision although practised in earlier times and presently secretly, is currently prohibited by the country's laws.¹ While circumcision including the now outlawed female circumcision (also known as female genital mutilation- FGM) is an old practice, the Luo community of Kenya is a traditionally non-circumcising community that does not circumcise its members, whether of male or female gender. However, male circumcision has recently been introduced in the community through individual choice as well as government-backed initiatives.

Roloff et al (2011) have reported that male circumcision. is practised around the world for medical, religious and cultural reasons. While there is no certainty as to the origin of circumcision and how it has developed over time, male circumcision dates back many centuries and is even documented in the holy books such as the Bible and the Quran, and even in the chronicles of ancient Egypt. Universally therefore, circumcision is a practice of immemorial antiquity, dating back to periods beyond the memory of any currently living person. Nevertheless, there are several theories surrounding its history, and even its genesis (Aggleton, 2007). There abound theories and myths in many traditionally circumcising communities, on how and when circumcision begun. These communities are replete with tales and myths on this subject, some dating back hundreds of years in history and even into pre-historic times. The Bagishu community of eastern Uganda, in their tales and folklore, for instance trace the origin of male circumcision to an ancestor called Masaba (Khamalwa, 2018). The Bukusu sub-tribe of western Kenya, in their tales and folklore trace the origin of male circumcision to an ancestor called Mango *omukhurarwa* (Makila, 1978; Egesah, 2008). Each of the other traditionally circumcising communities has an ancestor to whom they trace the origin of circumcision.

Male circumcision therefore, is a very old practice that has been practised for centuries now. It is of two types, namely medical circumcision and traditional circumcision; depending on the reason for carrying it out and who performs it. Medical circumcision is performed by a clinician, in a clinical setting using artificial surgical instruments/equipment such as scissors or surgical blade; often with anesthesia. Traditional circumcision for its part is performed in a non-clinical setting, usually using a traditional instrument such as a knife, by a traditional provider that has no formal training, and often without any anesthesia (Wilcken et.al, 2010). Notably, where it is a cultural ritual or rite of passage it is done by traditional circumciser as a calling or anointed occupation or spirit inherited from their ancestors and forefathers and passed on from generation to generation within the blood lineage. Medical circumcision for its part is a mere removal of the foreskin usually unaccompanied by any ritual or cultural rites. Whereas under medical circumcision the freshly circumcised are mere patients, those circumcised in the traditional circumcision are called initiates because by circumcision they are being initiated into adulthood, and into age groups (age sets).

In most of the traditionally circumcising communities in Africa including Kenya, circumcision (traditional circumcision) is practised as a rite of passage from childhood/adolescence to adulthood;

which is why it is traditionally done on adolescents. Still in this traditional setting, it is practiced as a cultural ritual for religious or cultural reasons including being undertaken as a test of bravery and endurance where one is to stoically endure the pain. Wangusa (1989) reports that among the Bagishu of Uganda, circumcision (“imbalu”) is for strength, valour and manhood.

In many of the traditionally circumcising communities, the rite of circumcision is performed in the presence of elders and other kinsmen. While being cut, the candidate is under the watch of hawk-eyed kinsmen who all that while look out for any show of cowardry such as blinking the eye(s), rapid breathing, gnashing teeth, tiptoeing, restlessness, or the twitching of the buttock(s). A candidate who stoically endures that grueling moment is venerably celebrated all his life and is the pride of his family. Conversely, such candidates as exhibit cowardry are despised and forever treated as misfits in those communities. After all, as Finke (2013) reports, circumcision has been practiced for non-religious reasons for many years in Sub-Saharan Africa and in many ethnic groups around the world, sometimes as a rite of passage, although it originally begun as a test of endurance.

As already stated in this paper, only about five of Kenya’s 44 ethnic communities are traditionally non-circumcising, including the Luo community. The rest have from time immemorial practised circumcision. This is not the same with a country like the neighbouring Uganda where the majority are traditionally non-circumcising communities, with only a handful traditionally circumcising communities. While most of the traditionally circumcising communities in Kenya are the bantu-speaking peoples, there are also many non-bantu traditionally circumcising communities among the Nilotic and Cushitic ethnic groups.

Male circumcision continues to be an important cultural ritual and traditional rite of passage in many traditional communities in Kenya and Africa generally. A rite of passage in the sense of transitioning from boyhood to manhood, becoming a full member of the community and assuming new roles in it-including defending it.

Reporting on the traditional circumcision of the Kikuyu, another Kenyan ethnic community, Finke (2013) reports that even though circumcision may outwardly appear to be a relatively simple physical act of merely cutting the foreskin of the penis, the traditional circumcision practised in the Kikuyu community is of crucial social importance and cultural significance, with a complex meaning in the community. He lists such cultural significance to be: (a) marking the passage from childhood into adulthood, (b) signifying the cutting away of childhood, (c) signifying the breaking of innocence or of purity, (d) signifying cleansing of the initiate, (e) marking the difference between a rational manhood and animal-like childhood, (f) symbolizing a person’s assumption of adulthood responsibilities, (g) symbolizing the individual’s acceptance into full membership of the community, (h) as an act of appeasing God and one’s ancestors, and (i) testing bravery and endurance.

Others are: (a) symbolizing the ripeness of one to inherit property, (b) marking the attainment of the age at which he is ready for marriage and continue the lineage, (c) by the shedding of blood onto their ancestral land bind the initiates with their dead relatives and ancestors, (d) by the shedding of the blood that is shed by the animals that are slaughtered, appease the spirits of their ancestors as well as the community’s gods or spiritual beings, (e) creating age sets and in some cases even marks the

beginning of such age sets, with these age sets being assigned distinct names that are each recycled after a generation.

With the circumcising communities being the majority of Kenya's ethnic divide, non-circumcision is usually ridiculed by these communities and their members; a situation that results in social ostracization, despisement and even humiliation. There exists in these circumcising communities, derogatory words for the uncircumcised males (and non-circumcising communities), including calling them children. The Maasai, for instance, call them "Olayoni" (small boy). The Luhya refer to them as "siriambalu" (the ones who fear the knife) or "musinde" (the uninitiated). The Kalenjin refer to them as "ng'etet" or "ng'etai" (uncircumcised boy). The Kikuyu refer to them as "kihii" (meaning uncircumcised boy). The Kisii (Abagusi) refer to them as "omoisia" (uncircumcised boy) as opposed to "omosacha" (a man). There are many such derogatory terms in virtually all the circumcising communities, all of which mean uncircumcised child/boy or the uninitiated. Indeed it is such despisement and humiliation that has largely contributed to many men from the Luo and other non-circumcising communities to decide to get circumcised.

Interestingly, some studies (e.g Khumalo-Sakutukwa et al, 2013; and Bailey, 2002) have reported that traditionally non-circumcising communities disapprove of circumcision and use derogatory terms to refer to circumcised men, and that such despisement has even led to rejection of such men by local women and been a barrier to marriage. Those studies have even given detailed accounts of these tribulations.

Unfortunately, unlike with female circumcision, there is no legal provision protecting uncircumcised men from being humiliated for their being uncircumcised. This is quite a challenge to these men, which requires an amendment of the law, preferably The Penal Code,² to provide such protection. Such protection could attenuate the ridicule and mockery that drives uncircumcised men into opting for circumcision, as has been discussed later in this article. The Prohibition of Female Genital Mutilation Act for instance offers such protection for uncircumcised women and their supporters, by providing as follows:

"Any person who uses derogatory or abusive language that is intended to ridicule, embarrass or otherwise harm a woman for having not undergone female genital mutilation, or a man for marrying or otherwise supporting a woman who has not undergone female genital mutilation, commits an offence and shall be liable, upon conviction, to imprisonment for a term not less than six months, or to a fine of not less than fifty thousand shillings, or both."³

In Kenya, apart from despisement, ridicule and mockery that uncircumcised men undergo unprotected, there have even also been reports of Kenyan circumcising communities forcibly circumcising uncircumcised adult males of these non-circumcising communities (Nyaundi, 2005; The Atlantic, 2011; Telewa, 2008); with the Luo community being the most targeted with the majority of the victims being Luos. This continues to date despite the Kenya Constitution providing that "a person shall not compel another to perform, observe or undergo any cultural practice or rite".⁴

The Luo Community

The Luo is a Kenyan Nilotic ethnic community geographically inhabiting parts of the Nyanza region of Western Kenya referred to in this paper as Luo Nyanza. Its people are called Luos. Hobley (1903)

has referred to them as the Jaluo or Kavivirondo people. The community forms part of the ethnic grouping described as the Plain Nilotes that includes other Nilotes such as the Maasai, the Turkana, the Samburu, the Teso (Ateso) and the Njemps. It speaks dholuo/jaluo language which is a Nilotic dialect. The community has a traditional cultural institution called Luo Council of Elders, which is an advisory body whose role is to advise and provide guidance to the community; and whose advice, opinions and decisions are said to be highly influential in the community (BBC, 2008).

Of Kenya's 44 ethnic communities, all practice circumcision except a handful; the handful comprising the Luo, the Turkana, the Teso (Ateso) and two sub-tribes of the Luhya community namely Luhya tribe namely the Banyala of Port Victoria and the Samia. These are referred to in this paper as traditionally non-circumcising communities. They have neither been circumcising their men nor women. Of these, the Luo Community is the largest and most predominant one; which is the reason why commentators have described it as the largest non-circumcising ethnic community in the country (Wagner, 1949). The 2019 Kenya Population Census conducted in August 2019 estimated its population at 5,066,966 people, behind the Kalenjin (6,358,113), the Luhya (6,823,842) and the Kikuyu (8,148,688) (GOK, 2020).

The Luo community's non-circumcision is a traditional cultural custom rather than an omission or ignorance of the existence of circumcision. It is its tradition and culture. This is because the community lived for over a century with its circumcising neighbours such as the Luhya, the Kalenjin, the Maasai, the Kisii and the Kuria; without embracing circumcision (Wagner, 1949). Luos are, for instance one of the most learned and socially exposed in the country. With this exposure they for many years interacted and even inter-married with circumcising communities, but they still stuck to their tradition of non-circumcision. While cross-exposure and inter-marriages may have partly contributed to individual Luo men choosing to undergo circumcision, they however did not trigger any formal introduction of circumcision in the community as did the government backed-initiatives of the year 2008. Admittedly, the Luo culture of non-circumcision had for all the years largely remained intact until when the Government of Kenya (GOK) in the year 2008 launched a National wide voluntary male circumcision programme dubbed Voluntary Medical Male Circumcision (VMMC) (GOK, 2008).

Non-circumcising communities seem to have their own alternative non-circumcision rites of passage that do not include circumcision. For the Luo however, they *stricto sensu* have had no rite of passage to date. Although it is widely believed that their cultural rite of passage is a practice called "Nak" (teeth-pulling), which entails the removal (actually the pulling out) of six teeth from the lower jaw (Telewa, 2008), this assertion has been discounted by cultural anthropologists such as Omondi (1986) who is also a Luo; and who argues that this is a misconception and that the removal of teeth is not unique to the Luo community and that it was done in many other communities. That it was done for health reasons in that the tooth gap resulting from the teeth removal was used to feed the sick; especially those suffering from tetanus, whose jaws were locked. Also to administer medicine and herbal concoctions, especially during tetanus attacks as those infected with it could not open their mouths to eat or drink since the virus is known to attack and lock the jaws. He also asserted that the tooth gap was also for identification purposes as a mark of identity among the various clans and ethnic groups.

On this, he has further reported that each such community or ethnic group, including some traditionally circumcising ones, had a particular of number of teeth that would be removed. Some two, others three, others four, others five, and six for Luo community. Incidentally, in all cases the teeth were of the lower jaw. These arguments suggest that that removal of teeth was for medical purposes as well as for identification purposes as an identification mark. No wonder, it was practised even among the traditionally circumcising communities as well.

A cultural rite of passage comprises cultural rituals that are performed to mark a person's transition from one set of socially identified circumstances to another or from one stage of life to another—especially from childhood/adolescence to adulthood. Cultural anthropologists such as Plog & Bates (1980) have held that a cultural rite of a passage is a laborious process with typically similar stages. Rites of passage whatever their forms usually include three separate phases, namely: “the phase of separation, the phase of segregation, and the phase of integration” (Plog & Bates 1980). Separation entails separating the initiates from the general membership of society. Segregation entails putting them to stay away from society for some time as they learn their new roles. In the integration phase, the initiates are brought back to rejoin their family members and society where they have to spend the rest of their lives in the new status and roles as adults. For a practice to qualify to be described as a cultural rite of passage, it ought to have all the three phases attributed to rites of passage, namely: separation, segregation and integration.

Conversely, in the traditional Luo community it has always been the mere physically removal (pulling out) of six teeth of the lower jaw, without the phases of separation, segregation and integration. The Luo removal of teeth therefore does not qualify to be described as a rite of passage. It is at most may be just a test of pain endurance or an ordeal, rather than a cultural rite of passage; and if it be said to be a rite of passage then it is at best just a pseudo-rite of passage other than the stereotype rite of passage as known in cultural anthropology and practiced by many Kenyan communities. It is noteworthy therefore, that the removal of teeth was not unique to the Luo, and that it was practised by many other communities as well, including the traditionally circumcising ones.

The rite of passage does not have to be circumcision. Among the Turkana, another Kenyan non-circumcising community, the rite of passage from boyhood to manhood is an initiation ceremony called “Atapan” (or “Sapana”) that takes place every four years (Finke, 2013). At this ceremony, boys usually aged between 17 and 20 years are admitted into adulthood, thereby marking their becoming full members of society and also being eligible for marriage.⁵

The Socio-Cultural Implications of Introducing Circumcision in the Luo Community

How it Was Introduced

Omondi (1986) asserts that the Luo community inhabiting Southern Nyanza region have for years from time immemorial traditionally practised certain procedures (pseudo-surgical procedures) which to him amount to circumcision. In this author's opinion however, those procedures fall short of circumcision in its strict sense, hence that assertion is misleading. Circumcision is typically the removal of the foreskin from the penis, and nothing short of that. By whatever yardstick, the Luo community is a traditionally non-circumcising community that does not circumcise its members whether of male or of female gender.

Male circumcision has however recently been introduced in the community through individual choice as well as government-backed initiatives. It is a very recent practice that is officially less than two decades old. Apart from those Luo men who had earlier privately, at an individual level and on their own initiative or on being forced or persuaded by third parties undergone circumcision, the Kenya Government in the year 2008 in a programme dubbed Voluntary Medical Male Circumcision (VMMC) introduced voluntary male circumcision in Luo Nyanza. It was rolled out in Luo Nyanza and was targeted to circumcise at least 80 percent of uncircumcised Luo men within five years (GOK, 2008; Mwandu et al, 2011). The kind of circumcision introduced by this programme was medical/clinical circumcision as opposed to traditional circumcision, and voluntary circumcision as opposed to forced circumcision, male circumcision as opposed to female circumcision (otherwise known as female genital mutilation or FGM, and which is illegal under Kenyan law. Despite supporters of the female cut citing multiple reasons in support of it, the government would hear none of them hence the female cut remains illegal to date. Indeed the government's support for male circumcision while proscribing female circumcision its counterpart is somewhat discriminatory.

In popularizing the programme, a number of incentives were provided, just like the proverbial "dangling of the carrot". First was the fact that those who opted for circumcision were to be circumcised for free without having to pay a cent (Kisika, 2013). Secondly, were health benefits that were touted for the programme (VMMC). These included body hygiene as well as reduced risk of contracting HIV/AIDS, Sexually Transmitted Infections (STIs) and Urinary Tract Infections (UTIs (GOK, 2008). Male circumcision was also touted as being able to reduce the risk of penile cancer among the uncircumcised males. Sarvestani et al (2012) have reported that it is for these reasons that many sub-Saharan African governments are moving towards the adoption of voluntary medical male circumcision.

The VMMC programme was funded by donations from Europe and North America, which are themselves predominantly non-circumcising civilizations. It is unclear why it was not launched there. If male circumcision is universally beneficial and has all those touted health and sexuality benefits, why was it not also rolled out in those western regions as well? Why in Africa, where in fact traditional customs and ethnic customary laws are at the core of society. The western societies would have been the most ideal because they are liberal open societies that have no pronounced radically primordial indigenous cultural practices as exist in Africa. A 2009 USAID Report estimated that at the time, only about 30 percent of the world's males were circumcised (Wilcken et al, 2009). While popularizing male circumcision and emphasizing the foregoing benefits, the government neither disclosed nor highlighted the demerits, or even the potential adverse effects of the cut, including cultural implications of circumcision. This was despite the fact that some of these effects are documented in studies and even reports of researchers and commentators. Notably, there have been reports elsewhere in the world of some males who long after undergoing circumcision, have had to undergo surgery to restore the foreskin!

Apart from the touted health benefits, there are also many other informal fringe benefits that commentators have attributed to male circumcision. Most of them are associated with sexuality. It is for instance alleged to boost sexual performance and sexual utility. Roloff et al (2011) have for instance reported that male circumcision improves sexual satisfaction for sex partners, and that women enjoy having sex with circumcised men than with uncircumcised ones. On the converse, male

circumcision is reported to lead to reduced enjoyment of sex and reduced sexual satisfaction for the men and their sex partners. This has made some circumcised men to miss, with nostalgia, the sexual thunder of their pre-circumcision era. Some women have reportedly even rejected circumcised penises for either being ugly-looking or being too rough during coitus.

At the time that programme was conceived, Luo Nyanza had one of the highest number of cases or the highest HIV and STI prevalence in the country. Therefore, while that alarming high HIV and STI prevalence then existing in Luoland made the programme timely and plausible, the other erotic benefits although popularized by commentators are doubtful and with almost no scientific proof. Some of the circumcised Luo men interviewed by this author for this commentary reported that circumcision has improved their sexual performance and that after being circumcised, they are able to for instance perform more rounds of sex than previously, hence increased sexual satisfaction for them and their sex partners. They attribute this to the circumcision.

It is strange that there are no similarly juicy reports of similar achievements (chest-thumping) among their traditionally circumcising counterparts. Admittedly, sexual satisfaction is more psychological than physical. It is therefore possible that their alleged sexual machismo is only in the minds and not factual. For such men there is need to perhaps interview their sex partners so that they may corroborate those rosy reports and hype.

Even with these juicy reports, other studies (e.g Rolof 2011) have reported that there are as many uncircumcised Luo males shunning circumcision and giving it a wide berth, on account of:⁶ (a) fear of the pain associated with circumcision, (b) the length of time to be spent away from work or school during the time of sickness, (c) the sickness and trouble associated with the wound, (d) the foregone sex arising from abstinence during the time of nursing the wound (post-surgical abstinence), (e) uncertainty associated with permanent loss of the foreskin, as it is said you do not know the value of what you have until you lose it, (f) removal of the foreskin which is an important penis exposes the glans to external injuries, (g) violation of tradition and customary law of their ethnic community (cultural values), (h) increased promiscuity as a result of the alleged sexual benefits, (i) the cultural uncertainty of a culturally alien practice, (j) stigma and ostracization from own community.

The government-backed introduction of circumcision in Luo Nyanza was not embraced wholesale. It faced some resistance from sections of the community. Although this resistance was mainly from the elderly segment (including The Luo Council of Elders) of the community for cultural reasons, there was also some skepticism and resistance from even the younger segments of the community. The Luo Council of Elders for instance opposed the programme for reasons that: (a) they were not convinced that circumcision lowers the risk of HIV/AIDS, STI and UTI infections; (b) some men will think that being circumcised is an alternative to using condoms, which will put them (such men) at a higher risk of infection; and that, (c) circumcision is against the Luo traditional customs, particularly that of non-circumcision (BBC, 2008).

While the programme was received with excitement by the Luo political class, Luo youths and a section of women across Kenya, it was, as already noted, resisted remarkably by a large portion of the elderly Luo population (including the Luo Council of Elders) who viewed it as a form of cultural imperialism that was imposing an alien cultural practice of communities that had for long

undermined Luos (BBC, 2008). They viewed the programme as undermining Luo cultural values and expressing the disdain, contempt and mockery with which some communities had treated the community. A section of the community's political leadership (the political class) even believed the programme was a decoy meant to disguise a vindictive scheme hatched by the government to victimize the community for their support of oppositionist politics associated with Raila Odinga the community's political kingpin. They wondered why the programme did not target other non-circumcising Kenyan communities like the Turkana, the Teso (Ateso), two sub-tribes of the Luhya tribe, namely the Banyala of Port Victoria and the Samia.

With the mockery and despicement that circumcising Kenya's traditionally circumcising communities have for long had towards the Luo, such negative perceptions and misgivings although paranoiac, were to some extent justified and understandable. These communities usually look down upon Luo men as inferior, for reason of either their being uncircumcised and/or their community being a non-circumcising one. Understandably, since the non-circumcising communities in Kenya are only a handful as compared to the tens on the circumcising ones, such mockery and despicement can be so intimidating and marginalizing as to minoritize an otherwise populous group such as the Luo community.

Curiously, even in the face of that opposition and those misgivings, the government proceeded to successfully roll out the programme, thereby successfully introducing circumcision in this traditionally non-circumcising community; that hitherto perceived their non-circumcision as an aspect of cultural and ethnic identity (Wawire, 2014). Despite the apparent successful introduction of circumcision in their community, there has to this date remained considerable resistance from a significant segment of Luos who are unwilling to gamble with their cultural integrity and who hold that non-circumcision being a key component their cultural identity should be preserved and jealously guarded. Undeniably, the cultural identity of a community is a form of distinctive identity mark.

The Socio-Cultural Implications

Studies have reported that socio-cultural factors rank high on the factors determining acceptability of circumcision in traditionally non-circumcising communities (e.g Khumalo-Sakutukwa, 2013). Non-circumcision is not only an integral part of the culture and tradition of the Luo people, but their customary law as well. In Kenya, culture has by law even been ordained and mainstreamed into the country's Constitutional and legal fabric- as an important part of the nation's life. The Kenya Constitution expressly recognizes culture as "the foundation of a nation and as the cumulative civilization of the Kenyan people and the nation".⁷ The Judicature Act Cap 8 Laws of Kenya for its part lists traditional customary law as one of the formal sources of law; thereby making it part of the country's normative structure and giving it the force of law; so long as that custom or customary law is not inconsistent with the Constitution, or contrary to any written law, or repugnant to justice and morality.⁸ It can therefore be said that every Kenyan has a right to participate in the cultural life of his/her ethnic community; provided that such culture is not inconsistent with the Constitution, contrary to any written law or repugnant to justice and morality.

In the case of Katet Nchoe & Anorther V. Republic [2011] eKLR, the High Court of Kenya defined the phrase "repugnant to justice and morality" to mean harmful to the social and well-being of a

citizen. Except in such circumstances, Kenyan courts are prepared to recognize customary laws and traditional customary practices that have gained notoriety as a result of long usage.

The Luo practice of non-circumcision cannot be said to be inconsistent with the Constitution or any written law, or repugnant to justice and morality. It is even as already said part of the community's customary law (Luo customary law). This genre of law, sometimes called indigenous law, comprises customs and traditions established by long usage and generally accepted by a community or ethnic group through tradition and custom as binding on it. In the Kenyan legal context it is part of the country's African customary law, which under the Judicature Act as aforesaid has the force of law as part of the country's law. The provisioning under the Act has a dual effect with regard to customary law, namely (a) recognizing it and according it the force of law, and (b) guiding on how and when it should be applied.

Culture has further been recognized under international law, for instance under in Article 15 of International Covenant on Economic Social and Cultural Rights (ICESCR) of 1966, a treaty adopted by the United Nations (UN), and to which Kenya is a party.⁹ The Committee on Economic and Social and Cultural Rights (CESCR) established under this treaty,¹⁰ has in its General Comment No. 21 on the Right of Everyone to take part in the cultural life of his community, noted as follows: "The full promotion of and respect for cultural rights is essential for the maintenance of human dignity and positive social interaction between individuals and communities in a diverse and multi-cultural world."

Carril (2013) reports that "cultural rights are a neglected category of human rights, in that they are less justified compared to civil and political rights that are codified, universal, and legally recognized". In Africa, traditional customs are part of the laws of many African countries as African customary law. However, in virtually all these jurisdictions including Kenya, this indigenous law ranks lowest in the normative hierarchy. It is therefore of secondary place compared to written law and even common law. Such that it remains an informal indigenous regimen of beliefs and practices; with mild legal authority and no formal enforcement organs.

Circumcision of the Luo does not comport with their customary law. It is therefore a plastic act or mere artificial clinical procedure since the community has neither traditional arrangements for it nor traditional circumcisers. Hence any Luo undergoing circumcision is acting contrary to the customary law of his ethnic community. The introduction of circumcision in this community puts the community and its membership on the horns of dilemma. Despite the incentives and benefits that have been touted in support of it, circumcision of Luos is a defilement of their culture. As already stated in this paper, among the Luo and other non-circumcising communities, being or remaining uncircumcised is a practice rather than omission. It is a culture and tradition, the infraction of which is an abrogation from fundamental cultural values and traditional customary law of the community. This is a case of a government programme that is in direct conflict with a deep-seated, long-standing cherished customary practice of immemorial antiquity. Notably, this is a mere programme that has not crystallized into a government policy. It would be a public policy only if it is universal and of general application throughout the country and to all the country's communities, whether circumcising or non-circumcising, as opposed to being selectively applied to the Luo community and

in the Luo region. It is therefore discriminatory and somewhat localized; which is not good for a national programme or national policy.

That is why a majority of the community's uncircumcised adults cite their culture as a reason for their being or remaining uncircumcised. To them, non-circumcision is an act of obeying their culture, tradition and customary law, rather than an omission. By them undergoing or even embracing circumcision, they are going against their culture, traditional custom and customary law. In other words, in a non-circumcising ethnic group, it is a taboo to undergo circumcision or get circumcised, unless it is forced or involuntary circumcision. Apparently, that is one of the reasons why under the programme, although encouraged, the circumcision is voluntary and based on individual free will and volition- otherwise it could have been made mandatory. The permissive approach is really telling.

Just like infractions of conventional law and policies, infraction of traditional cultural values, traditional customs taboos has consequences that are not the conventional penalties and sanctions such as imprisonment, fines or recompense. The sanctions or penalties for cultural non-conformity may sometimes lie with traditional institutions and bands of elders. However, they are for the most part in the form abomination and curses from ancestors or a supernatural being, and are called "*Chira*" in the Luo dialect ("ancestral and spiritual wrath").

Even with the introduction of circumcision in the Luo community, the traditional Luo custom and customary law has not changed from non-circumcision to circumcision; it still remains non-circumcision, hence culturally the Luo community remains a non-circumcising ethnic community. As already stated above, this is problematic and culturally puts this community on the horns of dilemma. This is because they are undergoing a practice that contradicts and contravenes not only their traditional custom, but their customary law as well. What then is the need for traditional customs and traditional customary law?

The Kenya Government seems to have a hidden agenda of cleverly making male circumcision universal to all its ethnic communities. Kenya being a culturally rainbow country, a country of diverse cultures and one with rich cultural diversity, this universalization of circumcision is most undesirable. This Luo tradition of non-circumcision meets the validity criteria of custom. After all, in order to be valid, a traditional customary practice or culture has to pass the test of (a) immemorial antiquity, (b) reasonableness (c) continuity (d) legality. Luo non-circumcision is a traditional practice of long usage of hundreds of years and over generations; that has gained notoriety and immemorial antiquity. It is neither inconsistent with the Constitution, contrary to any written law, nor repugnant to justice and morality. It also meets the other criteria of reasonableness, in that it cannot be said to contrary to reason and good judgment. It has continuity in that successive generations have embraced it, passing it on, and it continues to be practised without abandonment. Unlike female circumcision, no law has declared it illegal and non-circumcision is neither illegal nor criminalized.

In sum, the Luo non-circumcision is a tradition of immemorial antiquity, dating back beyond the memory of any currently living person; it is not unreasonable; and it had since time immemorial been practiced continually without interruption; and it is neither unlawful, illegal, a violation of the Constitution or any law, nor repugnant to justice and morality. That to this author is justification enough for maintaining the cultural *status quo*.

Introducing circumcision in Luoland has had the potential of not only upsetting this *status quo*, but also the potential to create, and has indeed already created, division and animosity. By so doing, it has engendered two distinct segments among the Luo people- namely the circumcised Luo men and the uncircumcised Luo men. This may adversely disrupt cohesion and unity in this community, resulting from a likelihood of stigma for either of these two segments. The result could then be ostracization or even ex-communication. Some of the respondents the author interviewed for this paper reported that in Luoland, many circumcised Luo men are afraid of undressing in the presence of their uncircumcised tribesmen when they go to bathe in rivers.¹¹ The introducers of circumcision in the community ought to have taken note of the likelihood of this occurrence.

With the removal of teeth having been abandoned or simply having fallen in disuse, non-circumcision had remained the only ethnic identity of the Luo nation. With the increasing circumcision and abandonment of non-circumcision, there is technically no longer any ethnic identity for this community. Metaphorically, “it has been swallowed by other communities.” It is such acts that can drive a community’s cultural identity or even ethnic identity into eternal extinction. While this is the path they seem to be treading, it is to be hoped that by abandoning their emblem rather unique cultural identity (non-circumcision), Luos will not eventually lose their overall ethnic identity and disappear into other ethnic categories. The term ethnic identity as used in this paper refers to the uniqueness of an ethnic entity, while cultural identity refers uniqueness in terms of culture or cultural practice(s).

For a long time, the Luo people jealously protected this cultural identity by remaining uncircumcised for reason that their culture did not allow circumcision. It was not because they had never heard of circumcision, or that circumcision had never been suggested to them or that they abhorred it or that they were geographically so secluded from circumcising communities. It was just because of the cultural edict to comply with their traditional culture of non-circumcision that they had resiliently perpetuated it. It is intriguing that years later, the Luos seem to have dropped the guard and allowed circumcision to creep into their community and start to displace their long-cherished and long-guarded culture of non-circumcision.

There is a likelihood of Kenya becoming all all-circumcising nation, where all communities circumcise their males. The introduction of circumcision among all non-circumcising groups means creating a homogenous circumcising nation, with the consequence of extinguishing non-circumcision. Non-circumcision is a long-standing, venerable and endemic Luo culture that has endured for generations and that the community has cherished for generations. Its extinguishment is a consequence that cannot be taken for granted, and which should be of great concern and perturbation not only to the community, but to cultural anthropologists, cultural enthusiasts, socialists, legal experts, policy-makers, and other non-circumcising communities as well. It rubbishes the whole essence of culture and traditional cultural practices.

With all Luo men being circumcised, it is debatable whether there still will be any or any typical Luos or Luo community? The extinguishment and consequent extinction of such a fundamental cultural identity of such a culturally distinct ethnic community is so fundamental an aberration compared to the convenience or even lofty persuasions such as the perceived sexual benefits or even

the health benefits on which there is no conclusive scientific evidence. In a multi-cultural society such as Kenya's, it is phenomena such as traditional cultures that give these ethnic groups their individual cultural identity. Indeed, unlike the San of Kalahari Desert or Mbuti Pigmies of Congo Forest, both of whom have genetic physical distinctness that distinguishes them from other communities, in Kenya with no such pronounced unique physical distinctness, communities are distinguished largely on the basis of the dialects they speak, and the traditional cultures they practice- such as the Luo's, of non-circumcision. Cultural identity is therefore so important and a form of identification mark for the specific community, that defines it and sets it apart from the other communities. Similarly, for many traditionally circumcising communities such as the Bamasaba community of eastern Uganda and western Kenya,¹² their circumcision rite ("imbalu"/"embalu"/"sikhebo") is a form of cultural identity (Khamalwa, 2018). The death of any cultural identity, unless overly justified, is a sort of "genocide". In the case of the Luo community, the big question is: what makes a Luo man a Luo? Is a circumcised Luo man truly Luo? This paper takes the view that the "Luoness" in a Luo man is his remaining uncircumcised; with the foreskin a key component of his ethnic identity

Notably also, non-circumcising communities such as the Luo and Turkana are surrounded with circumcising communities with which they have rivalry, antagonism, and hostilities- many of which that are even not related to circumcision. For the Luo community, its neighbours are the Kalenjin, Luhya and Kuria. For the Turkana community, its neighbours are: the Pokot, the Samburu, the Karamajong of Uganda, the Toposa of South Sudan, and the Oromo of Ethiopia. A study conducted by USAID in the Turkana region revealed that the Turkana community was reluctant to embrace circumcision for reason that by so doing it will be adopting cultures of other tribes and especially its erstwhile neighbours, especially the Pokot with whom they have had a lot conflicts and skirmishes (USAID, 2013). Therefore to the Turkana people, adopting a culture of a rival or enemy community is tantamount to accepting that this other's culture is superior to theirs and they are inferior to that community. They view embracing this new practice as abandoning their own culture and getting assimilated into other communities and their cultures- metaphorically "being swallowed by them". This is what circumcision has brought to the Luo community.

Indeed, it is such negative passions as well the potential adverse cultural impacts of the proposed circumcision on such communities' culture of non-circumcision that largely informed their opposition and resistance to the Kenya Government's VMMC Programme. Despite that, the government obstinately went ahead and successfully rolled out the programme in disregard of the likely consequences such as the ones discussed in this paper. It is even worse that circumcision was being introduced in these communities, on of circumcision scientifically inconclusive facts, fiction and sham reasons such as those related to coital activity.

Notably this programme was rolled out in the year 2008, under the old constitutional dispensation. The current constitutional dispensation under the Constitution of Kenya 2010 requires that such public policy decisions and programmes be subjected to public participation.¹³

Some Negative Accounts of the Aftermath

It is more than a decade since the formal introduction of circumcision among the Luos, but instead of success stories, there are remarkably negative accounts and regrets on the aftermath. The hype and

rosy picture that was painted by the government and its allies for the programme has turned out to be mere fiction and a façade.¹⁴ The community, and especially the circumcised segment and even the community's obstinately skeptical cultural leadership are already feeling that the community was duped into circumcision. To the circumcised lot, circumcision seems to have brought to them more tribulations and more ostracization and stigma than they had while uncircumcised. They are suffering more dispisement from their kinsmen than they experienced from the circumcising communities. The resultant tribulations from their circumcision, far outweigh any gains. Such that the real beneficiaries of the VMMC Programme in particular was the government and its other collaborators such as medics and NGO actors who financially benefitted from the funds that foreign donors disbursed for the exercise.

Whereas the victim community has little or nothing to show for it, the other actors have smiled all the way to the bank and devoured the millions of dollars disbursed by foreign donors for the community's circumcision. The cut has literally remained merely a scar in the community that will continue to haunt and remind it of its long-cherished cultural tradition of non-circumcision. The scars on the circumcised male members of the community will remain a permanent reminder of the lost cultural emblem- the uncircumcised penis.

Most of the now circumcised Luo males have discovered that they were duped by the juicy reasons, hype and fairy tales that the Government and all those that were involved in popularizing the project peddled. Such concerns can make the introduction of circumcision in this community to appear as mere deception, and even propaganda meant to gobble donor funds from unsuspecting donors, donor agencies, and benevolent philanthropists such as Bill Gates. Which may not be the case, but is the feeling among some of the Luos that this author interacted with or interviewed in the period of collecting information for this commentary, and in the period of writing it. The tribulations the circumcised Luos are going through as a result of circumcision, and which have been discussed in this commentary, continue haunting them, and are making most of them to regret circumcision. They feel it was not worthy the pain they suffered, the blood they shed, or the foreskin they have forever lost. Especially given that circumcision is essentially terminal and irreversible.

Except where it is undertaken merely as a religious rite or cultural rite or rite of passage, male circumcision in itself has no tangible benefits to the individual or the community. Most of the benefits touted for it are either mythical or at best only promotional verbiage meant to appeal to the mind and psychology. Apart from cutting away the foreskin and exposing the penile glans, there is nothing to it worthy sacrificing the community's sacred and a long-cherished tradition of non-circumcision. Even the alleged sexual benefits had they been true, could still only have amounted to trading culture with sexual pleasure, hence sacrificing an immemorial cultural identity at the altar of coital excitement.

Circumcision as practised in traditionally circumcising communities is of remarkable cultural significance and serves some cultural purpose and cultural benefit. As practised in traditionally non-circumcising communities such as the Luo community, it is a mere artificial clinical procedure that is of no significance (culturally or otherwise) and for no tangible benefit or ratio. All those reasons relating to hygiene, health, alleged sexual performance boosting, other erotic considerations, or improving the visual appearance of the male sexual organ, are in reality only secondary rather than

primary considerations. In the Luo community, circumcision is largely being embraced as a modern lifestyle that is currently fashionable and a sort of craze; as opposed to their non-circumcision culture that they now consider to be outmoded and out of fashion. In fact unlike the traditionally circumcising communities which have traditional circumcisers and traditional arrangements for circumcision, and where circumcision is often accompanied with other aspects such as family education and life skills, Luo circumcision is purely a mere artificial surgical procedure that is, in the words of Nyaundi (2005) a mere cutting or branding of the genitalia.

Government programmes that seek such cheap popularity and are laced with cheeky coitus-related promotional propaganda should not find acceptability despite the donor funding they come with. It is really cheap for a government to cite sexual enjoyment as a rallying call for a critical and culturally significant Government programme as was the case with the VMMC. Especially when sexual enhancement and erotic optimization are not among the policy objectives stated in its basic national policy documents such as Sessional Papers and Development Plans; or even its Constitution and legislation. Apparently, these governmental and non-governmental promoters of the Luo cut were merely playing the sex card to secure the community's support for a programme that was culturally illegitimate. The sex-laced justifications seemed more psychologically appealing especially to the youthful segment of the community.

Regretably, the community has turned out to be a loser and mere pawn in the whole of this fiasco (of Luo circumcision), not only for its being averse to the community's emblem cultural tradition of non-circumcision, but in many other aspects as well, as have been discussed in this paper. The community (and particularly the men that have undergone circumcision) has a lot of regrets and lamentations on why circumcision was allowed to be introduced. This is evident in the negative accounts that emerged from interviews and discussions with respondents. These are discussed in the part that follows herebelow, and relate to: (i) the physical effects of circumcision, (ii) guilt and discontent, (iii) ostracization and ridicule, (iv) ancestral wrath.

The Residual Physical Effects

Circumcision like any other surgical procedure heals leaving a scar. Without any tangible benefits, circumcising Luos has simply replaced the foreskins with wounds to nurse and thereafter scars to live with for life. With circumcision, the cut part of the foreskin is removed permanently, never to return or grow again. All that remains, as if a remind of one's former self, is the scar of the healed wound. Interestingly, there are jokes surrounding whether or not men should remain uncircumcised and retain the foreskins or get circumcised and lose them permanently. One such joke is that men may not be admitted into the next world without explaining where such a crucial part of their penises (i.e the foreskin) disappeared to. Although a myth, it nevertheless has relevance on the attitudes some Luos have towards their circumcised tribesmen; and even the circumcised lot themselves. In informal interviews and informal discussions the author had with some circumcised Luo men, they confessed that they really miss the physical appearance of their penises before circumcision; to them and some of their spouses, uncircumcised penises are more handsome or beautiful than circumcised ones. Instead of the matter of post-circumcision penile appearance being an incentive to circumcision, it has to some extent turned out to be a disincentive. This has in effect even become ego-boosting for the uncircumcised lot.

Personal Guilt and Discontent in Sexual Partners

The aftermath of introducing circumcision in the Luo community is also marked by a feeling of guilt, betrayal and stigma. Those that blindly embraced it without caution or foresight, are now living in regret and stigma. They feel they betrayed the community by supporting instead of resisting introduction of an alien cultural practice that was diametrically opposite their long-cherished tradition of non-circumcision. Their feeling is that by abandoning their culture and adopting an alien cultural practice of other communities, they have “thrown their community under the bus”. These other communities include their erstwhile rival neighbours such as the Luhya, Kalenjin and Kisii. The Swahili language which is Kenya’s national language has a saying “*muacha mila ni mtumwa*” (he who abandons his culture is a slave). The guilt feeling in this segment of the community is compounded by the fact that they supported, embraced and underwent the cut on sham reasons.

With the benefit of hindsight, some of these men now feel they were misled by their sex partners who despite recommending the cut, are now lamenting the aftermath. As already observed in this paper, women were the other unseen hand in male circumcision. It is they and their sexual aspirations that largely drive men into opting for circumcision. Their sexual welfare is one of the key reasons of many men out there choosing to endure the pain and ordeal of circumcision. This revelation came out clearly from the views and confessions the author gathered from some male respondents he interviewed or had discussions with during research for this commentary. The revelation is corroborated by reports of other commentators on the subject, e.g Mattson et al (2005) who cautioned that the VMMC programmes were likely to make wives to force their husbands to undergo circumcision. This is even a mockery of the very idea of the circumcision being referred to as voluntary; because the lack of free will vitiates consent.

This female streak of influence makes women a principal stakeholder in matters of male circumcision. Which is paradoxical, because what initially begun as a woman’s individual sexual preference ends up blowing up and afflicting a whole ethnic community for eternity. It demonstrates the proverbial “power of a woman”. This power is even documented in the ancient biblical times, in the story of Delilah the wife of Samson reported in the Old Testament of the Holy Bible. Samson was a man of great strength and who was a Judge in Israel, and who was feared by many including the Philistines. In trying to defeat him, the Philistines are said to have bribed his wife Delilah to discover and disclose to them the source of his strength. It is further reported that on three occasions she asked him to disclose this secret, but he declined. That on the fourth attempt, he confided in her that the source of his strength was his long hair that he never shaved. That after learning this secret, Delilah, as an act of intrigue and betrayal, organized and had Samson shaved while he was asleep, and thereafter she turned him over to the Philistines (The Holy Bible, Book of Judges 16:4).

Despite having supported circumcision on the basis prospects of improved sexual performance, the female fraternity have ended up being losers. From the informal interviews and discussions for this paper, a section of women within the Luo community who have for years been used to having sex with uncircumcised men, are beginning to contrast. Many are now complaining that they are finding circumcised penises rough with the result that sex with them is physically hurting and painful. Such women do not see any gain in male circumcision and are wondering why their men chose to undergo such a painful surgical procedure (circumcision) only to end up sexually undesirable. They think about their past sexual life with remarkable nostalgia- thinking about the lost glory. But how do they

restore it. Lucky are the unmarried ones. For the married, they will perhaps have to resort to adultery with the uncircumcised males if they have to reclaim their lost sexual bliss.

Nevertheless, the sex related benefits touted for circumcision have hardly any objective or conclusive scientific evidence. If anything, they were based on the subjective and probably biased and prejudiced opinions of commentators. They were not worthy sacrificing such a fundamental aspect of the Luo culture (non-circumcision), as if sex were an occupation or economic enterprise in the community. Some of the Luo Elders the author interviewed or had discussions with opine that if anything, the introduction of circumcision in the community has led to an increase in promiscuity, incentivized by the promise of sexual accomplishment and reduced susceptibility to HIV/AIDS as well as sexually transmitted infections (STIs) and urinary tract infections (UTIs). This increase in promiscuity and which has engendered some sort of sex carnival in the community, has the potential to reverse the gains so far made in reducing the HIV/AIDS and STI prevalence in the community. The fear of contracting these sexually-transmitted infections was itself a disincentive for promiscuous sexual behavior, hence the touted reduced susceptibility to sexual infections was a sort of incentive to increased sexual activity. By promoting promiscuous behavior this promise of sexual bliss can in turn lead to an increase in sexual indulgence as well as increased prevalence in sexually-transmitted infections. No wonder, some commentators have reported that the introduction of circumcision in Luo Nyanza has failed to reduce the rate and levels infections in the region (Orido, 2013). What then was the sense in increasing infections and consequently mortalities in the community in the name of up-scaling individual sexual machismo? Or better still maximizing sexual gratification while extinguishing the fundamental cultural identity and distinctness of a community?

Ostracization and Ridicule

Circumcised Luo males have encountered and continue encountering rejection and humiliation in their community. They are yet to be culturally accepted in their community, or in other traditionally non-circumcising communities. They are being mocked by their tribesmen and other non-circumcising communities for abandoning their traditional culture, while most of the circumcising have refused to recognize the circumcision either for it not being undertaken as a rite of passage or for being done under anesthesia or by being carried out by all and sundry including female medics- as opposed traditional circumcisers. Interestingly, some of their tribesmen have even mocked them of “having shortened, funny-looking and physically unappealing penises”. An uncircumcised Luo male respondent the author interviewed in the Kondele Slum in Kisumu County mischievously argued that such penises (circumcised penises) have ceased being private parts, for lack of natural cover. He even wondered aloud how it is to have a penis that has no protective sheath on it. Another uncircumcised Luo male respondent boasted that an uncircumcised penis is more “handsome” or more “beautiful” than a circumcised one. He described as the circumcised penis “shortened, rough, ugly and physically unappealing”. In his opinion, an uncircumcised penis is of cumulatively longer metrical penile length compared to its uncircumcised counterpart.

Such is the humiliation that many circumcised Luo men continue be subjected to in their community. These arguments, if embraced by women can be so humiliating to the ego of these circumcised Luo men, and may reduce or even completely extinguish the demand for circumcision in the community. This is especially because women are reported to have played a key role in male circumcision decisions in non-circumcising communities. From these accounts, the ostracization and ridicule that

circumcised Luo men have been subjected to in their community by their uncircumcised tribesmen in this period of less than two decades, is more than that which they were subjected to by the circumcising communities all those years they were uncircumcised or the over a century of years that the community embraced non-circumcision. For most of the circumcised Luo men, their ill-advised circumcision has turned out to be a curse rather a blessing or benefit, and they are full of regrets. This is the situation currently obtaining across Luoland as a result of the introduction of the cut in the community.

Ancestral Wrath

Ancestral wrath is one of the sanctions for abrogation of cultural traditions and customs. In the African traditional cultural setting, despite being mortally or physically departed, ancestors spiritually live with their descendants forever, spiritually guiding their paths and destinies, controlling their actions and motions, and protecting them from evil forces and evil spirits. They grant to them good omen or bad omen depending on whether they are happy with them or not; reasons for which they always have to be kept appeased. In Africa, the wrath of ancestors is almost as dreaded as God's wrath.

According to some of the elderly Luo men and women interviewed by this author in different parts of Luo Nyanza, non-circumcision as a tradition is associated with some spirituality and ancestral link. They associated some of the bad happenings such as mysterious deaths and weird acts currently occurring in Luo Nyanza, with ancestral wrath arising from, among other things, the introduction of circumcision in the community. They claim the young generation and political leadership in the Luo nation had been forewarned of these consequences by the Luo Council of Elders, but they disregarded the warning and embraced the alien practice. Further, that now is the time of reckoning for that defiance. True to their word, the Luo community is gradually beginning to shun circumcision hence currently there is reduced demand for circumcision. With this trend, the community is in the long run likely to completely revert to its old tradition of non-circumcision, perhaps eternally. We can only wait and see. What then would have been the sense in wasting all those millions of dollars of foreign aid introducing circumcision in this community? That money would have been spent on projects that empower the community economically, such as supporting commerce and investments, instead of being expended on trying to 'eradicate the foreskin'.

With the aforesaid responses from the Luo community, and especially these negative accounts and harrowing experiences of those that have undergone circumcision, the adverse implications of circumcision in the traditionally non-circumcising community such as was done in the Luo community, far outweigh any benefits or perceived benefits from the cut. Even the touted sexual benefits that spurred the introduction of circumcision in the community seem to have ended up having a boomerang effect. To demonstrate the increasing unpopularity of circumcision in the community, a legislative Bill that was introduced in the Siaya County (a County in Luo Nyanza) Assembly in 2013 to make male circumcision mandatory for all males in the County, did not see the light of day (The Standard Newspaper, October 2 2013). Its target was to achieve 100 percent circumcision among the males in the County.

CONCLUSION

The Luo community has from time immemorial been a traditionally non-circumcising community- in fact the largest and most predominant among four other such communities. Circumcision (male circumcision) that was introduced in the community less than two decades ago. Having been introduced through individual choice as well as government initiatives. Despite pockets of opposition, especially from the Luo Council of Elders and the elderly segment, the community continued to increasingly embrace circumcision until only recently when the demand for it started waning. This decline as demonstrated in this paper is due to the undesirable post-circumcision personal experiences as well as the adverse impacts on Luo culture of non-circumcision. Non-circumcision among the Luo has since time immemorial been a tradition, a custom, a culture and a cultural mark of identity rather than an omission nor ignorance of the existence of circumcision. Despite the community lived with its traditionally circumcising neighbours for more than a century but never formally embraced the practice of circumcision until the Government formally introduced the cut in the year 2008 through the Voluntary Male Medical Circumcision (VMMC) programme. Whether circumcision will finally become a norm and convert the community into a circumcising community, is yet to be seen.

The author has in this commentary argued that for whatever reason(s) it is practised, the adoption of circumcision by the Luo is an abrogation from their traditional custom as well as a violation of their customary law. It is also a violation of the community's cultural identity and cultural integrity. As practised in traditionally circumcising communities, circumcision is of remarkable cultural significance and serves some cultural purpose and cultural benefit. As practised in traditionally non-circumcising communities such as the Luo community, it is a mere artificial clinical procedure that is of no significance (culturally or otherwise) and for no tangible benefit or ratio. In the Luo community, circumcision is largely being embraced as a modern lifestyle that is currently fashionable and a sort of craze; as opposed to their non-circumcision culture that they now consider to be outmoded and out of fashion. In fact, unlike the traditionally circumcising communities which have long-standing traditional circumcisers and traditional arrangements for circumcision, and where it is often accompanied with other aspects such as family education and life skills, Luo circumcision is a purely artificial surgical procedure that is, in the words of Nyaundi (2005), a mere cutting or branding of the genitalia.

Being a practice that abrogates from traditional culture (i.e non-circumcision), the community is already feeling culturally disenfranchised. Instead of introducing circumcision in the community as a way of reducing the prevalence of HIV/AIDS and STIs in Luo Nyanza, there were more culturally-benign strategies and interventions that would have been used instead of this one that is contrary to the community's long-cherished cultural superstructure.

Neither the Luo community nor the Kenya Government should have been rash in embracing such alien and critical phenomenon without caution or foresight, and without any or any adequate consultations and public participation. Besides, the government just like the non-governmental collaborating and funding agencies published only the perceived merits/gains of the programme, while down-playing, concealing and suppressing its adverse effects and implications such as its adverse impact on the traditional cultural integrity of the community, as well as the resulting ridicule

and discrimination that circumcised Luos are currently undergoing. These negative implications and consequences should have been equally publicized in order for the Luo people to make informed choices whether or not to undergo circumcision.

Regretably, the community has turned out to be a loser and a mere pawn in the whole of this fiasco of Luo circumcision, not only for its being averse to the community's emblem traditional culture of non-circumcision, but in the manner revealed in this paper. The community (and particularly the men that have undergone circumcision) has a lot of regrets and lamentations on why circumcision was allowed to be introduced. This is evident in the negative accounts that emerged from interviews and discussions with respondents. These include: The residual physical effects of circumcision; personal guilt and discontent in sexual partners; ostracization and ridicule; as well as the apparent ancestral wrath that continues to manifest itself through bad happenings, mysterious deaths and weird acts occurring in the community.

With such negative accounts and experiences, the negative implications of circumcision in the traditionally non-circumcising Luo community of Kenya far outweigh any benefits or perceived benefits. Even the touted sexual benefits that spurred the introduction of circumcision in the community seem to have ended up having a boomerang effect. Circumcision has turned out to be a curse rather a blessing or benefit, and the Luo community is currently in regret. This is the general feeling currently obtaining across Luoland- a case of shame instead of pride.

As already argued in this commentary, the government and other promoters as well as supporters of introducing circumcision in this community should have understood and taken into account the local context of non-circumcision, and particularly its cultural significance.

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ENDNOTES

¹ This illegality is by dint of (Prohibition of Female Genital Mutilation Act of 2011 and the Children Act of 2001) which have not only prohibited but also criminalised the practice of FGM.

² Chapter 63 Laws of Kenya.

³ Section 25.

⁴ Article 44 (3).

⁵ It is marked by elders placing a blue ochre mud cap on the heads of these boys to replace the smaller mud caps worn (usually red, yellow or purple). This crowning signifies these boys graduating from childhood/adolescence to adulthood/manhood. The practice has immemorial antiquity since it has been practised for a long time- since time immemorial and beyond the memory of any currently living person.

⁶ Who comprise an equally large portion of the community.

⁷ Article 11(1).

⁸ Section 3 (2).

⁹ Adopted on 16 December 1966. Kenya is one of the countries that have ratified the treaty.

¹⁰ This is a body of independent experts, established by the United Nations (UN) to monitor the implementation of this treaty.

¹¹ In many ethnic communities in rural areas, many people still bathe openly and do laundry in rivers openly instead of having bathrooms in their home. This is a very old practice, but which is increasingly being abandoned as people sink boreholes or construct bathrooms in the homes.

¹² Comprising the Bagishu of eastern Uganda and the Bukusu sub-tribe of the Luhya community of western Kenya.

¹³ Article 10.

¹⁴ Especially the donor community, non-governmental organizations, as well as collaborating researchers and medics that were involved in rolling out the programme or circumcising.

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