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Traditional Ideology and Ethics among the Southern Luo

A. B. C. Ocholla-Ayayo

Scandinavian Institute of African Studies, Uppsala



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A. B. C. Ocholla-Ayayo

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In Memory of My Mother

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A. B. C. Ocholla-Ayayo

General Introduction

Points of departure

This study is an attempt to map out the ideology and ethical premises of the southern Luo people. The first chapter is an analysis of key concepts and definitions. Each of the following chapters seeks to describe and interpret ethical prescriptions which might be looked upon as the guiding principles of Luo ideology. This is elaborated in this study not only as revealed in formal and informal expressions of belief, but also as being implicit in the Luo education system, in their economic transactions, social relationship, religious practices and observations, political behaviour as well as in their legal system.

Selection of the problems

Although we may still benefit from some of the early writings, a great many of them show misleading trends through insufficient data or by the very background of their interpretations. The Luo, for instance, have undergone a great transformation since their southward migrations, such that we cannot make any general conclusion of resemblances that they may have with their brothers in the Sudan before we can obtain a systematic study. Several inquiries concerning the Luo tradition always tend to be directed to the Nilotic-Luo in the Sudan and only passing references have been made by earlier writers on the Luo. Evans-Pritchard, for instance, concluded after a brief observation that the political system of the Kenya Luo is similar to that of the Nuer. His statements have been corrected by recent writers, e.g., Ogot, B. A. in his historical text 1967; Per Säfholm in his examination of the political system of the River-Lake Nilotes, 1973 (discussed in the text). Similar generalizations often appear when we refer to "the Nilotic cultural uniformity" and such generalizations are in fact needed but not until systematic studies of the societies concerned have been completed.

But my investigation has four primary factors: (1) to collect data that have been left unrecorded; (2) to examine the Luo traditional pattern of ideology, normative principles, and social changes in their interrelation; (3) to focus on traditional Luo ethics in an attempt to find a general ideology understood by all Luo speaking peoples and their related kins; and (4) to map the Luo ideology which directed the Luo social order before effective European influence.

The aims

If what I have mapped out in this work as being traditionally Luo ideology and ethical prescriptions will be found to differ with those of other Nilotic-Luo, it might then be hypothetically considered as the result of a transformation which began hundreds of years ago, even before the arrival of the Europeans in East Africa. I mention this because the Luo people have lived in close interaction with the neighbouring Bantu and other peoples for several hundreds of years before the arrival of the first Europeans in the Kenyan interior. The first changes which took place as a result of the Luo-Bantu interactions, were brought about by their ideology of "exogamous principles": that all marriages must be outside one's own sub-tribal group. In so doing, the Luo obtain wives from the Bantu neighbours, and according to the tradition of both, women are the best and most effective transmitters of customs and traditions. The kinship relationship established by these marriages also paved the way for the unconscious acceptance of the other party's way of life and other cultural elements. Many examples can be given to this effect, for instance the Luo vocabulary now contains many foreign words which do not appear in dialects of the Luo in the Sudan. The same ideology of exogamous marriage has given birth to a different physical characteristic which is distinct from their brothers in the north; more can probably be found.

In addition to such outside influences, we must realize that internal transformations have also occurred within the Luo culture itself; for example, from a fishing and nomadic cattle-raising society to a settled mixed agricultural one. One may, at the same time, find it difficult to define the Luo economic system since it has developed strong traditions comprising the three means of subsistence. I have proposed to call this pattern (in my earlier manuscript) of economic life "agrigo-pastoral-fishing" society, because the three means of subsistence operated effectively and helped to expand the Luo ideology and normative prescriptions. More of this is discussed in the section on "enlarged means of subsistence". To explain the traditional social order, ideology and premises that guide social activities and political behaviour in traditional legal system: I shall map out the ideology and ethical premises of the southern Luo.

Sources and techniques of obtaining the data

The main sources of the data used in this work are obtained from the older generation as far as they can remember, but this does not mean that ideas of traditional ways of life are no longer possible to observe directly. I myself, being a Jaluo have undergone some education in traditional ways of life, and during my early life, I was able to observe and participate directly in some of the facts described in this work. Here, I describe my observations in the system whose rules of conduct I am investigating. My interviews and discussions with the Luo students at home and abroad have proved useful as additional

information and confirmation of this life. The use of re-study as a technique was also adopted in all relevant records that may throw light on some questions related to the problem. Here, I have investigated historical, political, folklore, religious, and legal records.

The information that I have obtained in earlier studies turned out to be very different from my own results. The recorded data sometimes, according to my findings, misunderstood certain concepts; misinterpretation, or just biased attitudes are shown in some of them. But above all, their scope was limited for a number of reasons. My personal discussions in 1972/73 with some of the more elderly people, proved most useful in the further clarification of the application of proverbs and idioms and their origin as deduced from stories told in the early part of child education. The use of observation methods as used in this context, is not as limited as often is the case for a foreign observer, but involves one who has had life-long observation as a member of the society concerned.

Descriptive analysis was employed to map this ideology of the Luo. I have found that no other method could be better under the conditions of scarcity of material and data to be used for reconstruction purposes.

The use of descriptive analysis reveals important research problems: the existence of the difference between theory and practice. A certain procedure may be stressed as normal, and this may actually be the ideal or correct postulation, yet in practice it may never be carried out exactly as described verbally.

My investigations have advanced from the concrete and tangible to the abstract. The accounts are about the actual life behaviour and philosophical thoughts under three different socio-economic structures within the traditional pattern. (cf. p. 17).

Historical background

The southern Luo are people of "Nilotic" origin. The term "Nilotic", however, is certainly not found in the linguistic vocabulary of the Eastern Sudanic languages. The name by which the Luo of Kenya and the Luo of Wau are known is, perhaps, the oldest name of the people that we often refer to as the "Nilotic" people. It is the name of the language spoken by groups in the Sudan, Ethiopia, Congo, Uganda, Kenya and Tanzania. The Luo-speaking people find their dialects from the language that the southern Luo use as their national name which unites not only the southern groups, but also their ancient kins in the north. Some of the names such as "Shilluk", "Acholi", "Alur" or "Nilotic" itself, were coined either by early travellers or by their non-Luo neighbours and thus remain permanently attached to some

of the Luo national groups. In many cases, they do not use these names; for example, the Paluo of Uganda do not call themselves "Chope", a name given to them by their neighbouring Bunyoro with whom they have had good relations for many years. From another angle, the Luo settlements were named after the leaders of the groups who first led the pioneers (as shown in the historical texts by Ogot). These groups are later known by the names of the founder of the territory that they now occupy.

When the southern Luo found themselves among groups that they greatly differed from linguistically, they stressed that they were the Luo people (Joluo), and not "Nilotic" people. The word "Nilotic" has been described, with an attempt to explain the meaning, by Seligman (1932), Baumann (1940), Schmidt, (1940), Crazzolaro (1950), Butt (1952), Lindblom (1927) and Köhler (1950),¹ They call this group either the "Westniloten" or "Eastniloten". By "Niloten", they mean both those that Evans-Pritchard call "Nilotic" people, and the "Nilo-Hamites" he called either "Ostniloten" or "Southniloten". These terms have no meaning to the Luo. The people who used them, implying in this case the people who were formerly living along the Nile valley, were the people Ogot and others have called "River Lake People."² On this ground, Säfholm, for example, expressed the opinion that "it is certain that this name has been imposed on them".³ I strongly support this opinion.

The word "Luo" also needs interpretation, because it has more than one meaning. If we say the "Luo", we often refer to the southern Luo people (particularly the Kenya Luo), or refer to the Luo language, or to the people we generally call "Nilotes". But the word *luwo*, *lupo*, or *luw*, means to speak, to follow, or to come after. We can say "*Iluwo lep mane?*" This may be translated as "What language or tongue do you follow (speak)?" With the answer "*Aluwo lew luo*", "I speak Luo tongue". The term *lupo* also means fishing, "*luwo rech*", to "follow fish", or "*luwo dhako*" (*riso*) a party at the Luo marriage ceremony, which takes place after a woman has returned to her kins home, with the *riso* ceremony following. From the linguistic evidence, it appears to me that "*Joluo*" comes from the word "*Jolupo*" which means fishermen, or "*Luw dhok!*", "come after cattle!". If a traveller comes to a village at any time of day and turns his eyes towards the lake or river, he will certainly be curious, and ask who those people are; the answer to that question will definitely be "*Jolupo*", "*Jalowo*", or "*Jonewo*"; since a traveller will be seeing many such groups, he will call them *Joluo*, as they are referred to by those who are at home. This is, in fact, the term that the "Nilotes" tend to imply. In this case, the word "Luo" should be the general term referring to people who previously lived along the Nile valley.

Throughout this work, I shall use the term Luo in the sense that when I refer to the Nuer or Shilluk, etc., I shall refer to them as "Shilluk-Luo", "Nuer-Luo" and so on, although some of them do not now live close to the fishing ground and therefore are no longer regarded as fishermen, but they are Luo speaking people.

The history of the Luo southward migrations has been studied systematically by Ogot, (1967). According to the Luo oral tradition, before

their original migration from their first homeland, a place called "Dhowath", the Luo were with their leader called Dimo, or Odimo, and with them were the Dinka led by Dengdit, the Anuak led by Gilo, and the Shilluk led by Nyikang.

After the "great quarrel",⁴ the Luo turned away towards the Bahr-el-Ghazal. The story shows some idea of the successive developments in a necessary chronological order, and circumstantial details, some of which have been confirmed by the "Nilotic" researchers, (e.g. Westermann, 1912; Seligman, 1932; Crazzolaro, 1950; Ogot, 1967 and perhaps a few more).

In 1932, Seligman used evidence of material culture, language, and head shape in an attempt to develop the hypothesis that the "Nilotes" originated somewhere to the east of the Great Lakes country. From this region emerged two northward migrations of the people, of which the first subsequently gave rise to the Nuer and the Dinka, the second to the Shilluk, Anuak and the Luo. Earlier, Westermann (1912) supposed, from the Shilluk folk-lore, that the Shilluk cradleland was on the Bhar-el-Jebel, but extended to their present territorial limits about 1500 AD. Crazzolaro (1950), in his reconstruction of traditional evidence and myths, derives the Nuer and the Dinka and the Luo groups from a common cradleland to the south of Lake No. According to Crazzolaro, the Nuer and the Dinka did not move far from this homeland, but fractions of the Luo split, one moving north to become the Shilluk, and others subsequently breaking away at various intervals and in various directions to give rise to the Bor Belanda in the West, the Anuak in the east, the Acholi, the Alur, the Palwo, and others in the South including the Luo; where they came into contact with other peoples—the Bantu and "Nilo-Hamites". Ogot, on the other hand, joins the two hypotheses "east-north-southward" migrations.

Roberts (1956, 1962) tried to reintroduce the "blood groups" of the northern Luo, when he stressed the frequencies for quite a wide array of blood groups for the Nuer, Dinka and Shilluk.⁵ Owing to their cultural similarities and ecological settings, their language and politics, Roberts accepted the genetic arguments of the blood group data to support traditions and myths that tell of the common origin of the northern Luo peoples. He argued that these can be reconciled without difficulty with the view that the Shilluk reached their present territorial limits from the the south at a quite late date when the Nuer and Dinka were already established in their present areas (1962, p. 302). For example, the Shilluk seem to have been derived from the same stock, therefore they probably migrated only from an adjacent area, one which Crazzolaro thought was immediately to the south of Rumbek.⁶ Roberts stresses that had they been separated from the other northern Luo peoples, by distance for any length of time, some divergence in gene frequency would have been expected. As regards Seligman's hypothesis, Roberts' data do not include blood groups of the Luo people occupying the area to the southeast. He concludes that "Seligman's conjectures now appear rather less likely". This may have been premature since other studies, e.g. Johnston's report (1902) mention that most areas in the south were free from malarious

infections in the past. The evidence of ABO frequencies of the Shilluk are missing on other Luo, e.g. Acholi, Lango, are not attributed to Dinka/Shilluk admixture but may be of recent development.

If a northern cradle-land is confirmed, it will not be in regions suggested by the above writers, since archaeological evidence of the material culture indicates quite different areas. Roberts' main argument is that the southern Luo could have been derived—with a subsequent modification by intermixture with other peoples—from the Shilluk stock, but not the Shilluk from the southern Luo; this comes not from the serology but from the abnormal haemoglobins. "The southern Luo possess the gene for haemoglobin S at medium frequencies, while it is absent from the Shilluk".⁷ The argument is that from the malarious nature of their habitat, the Shilluk would not have lost the gene, had it originally been present in all. But, as Johnston stresses in a report from a geographical survey of the area south of the Sudan and Uganda in 1902, "malarious infections are a phenomena of the recent past".⁸ The archaeological data analysed so far, stress that some Luo material elements in the north at Dje Moya, Singa and Kassala show similarities to the Luo material culture pattern.

From historical records, mainly from the work of Ogot, the migrations of the southern Luo came from four main Luo groups; these are the Acholi, Paluo, Alur and the Padhola. These groups also split from the main Luo groups, like Shilluk, Nuer, Dinka and Anuak. Some of the groups that had split earlier migrated to Ethiopia and to areas further to the west, towards the Chad region.

According to Ogot (1967), the history of the *Joka-Jok* represents, not only the initial Luo migration into Central Nyanza in Kenya, but also marks the first move of the Luo into South Nyanza, where they later spread further southward into Tanzania.⁹ The largest of the four divisions of the *Joka-Jok* was led by Chwanya. In South Nyanza, he is regarded as the ancestor of the major clans in certain "tribal-states", (e.g. Kanyamwa, Karungu, Kadem and Kabwoch), another group from *Joka-Jok*, and related to those is Karachwonyo. In Central Nyanza, the first group of *Joka-Jok* were led by Owiny, who led the *Jok Owiny* people; Omolo who led *Jok'Omolo*, also Alego who led the people of Alego. These were only but a core of the population from which each of the "tribal-states" is named. The groups to whom Ogot has termed miscellaneous, comprise the Uyoma, Suba, Sakwa, Asembo and Kano.¹⁰ In Central Nyanza, as well as in South Nyanza, one finds further miscellaneous groups who trace their descent either from the Bantu or "Nilo-Hamites", so that a statement such as that of Evans-Pritchard, becomes less accurate: "All the Luo clans ultimately trace their descent from the same mythological name of Podho and Ramogi, so that it would be possible to place them all on a single chart of descent".¹¹ This idea became the stereotype for later writers, e.g. Wilson (1954) and Southall (1952).¹²

The southern migration first took place across the Gulf from Uyoma-Asembo to Karachuonyo and later around the Gulf. These migrations took place over several generations. Across the Gulf, the Luo encountered the Gusi

and Lango (Nilo-Hamites) tribes. There are many stories telling about how Nyanza Gulf (which is now crossed in about two hours by high-speed boat) was crossed by a "jump" a few generations before the coming of the Europeans. The lake water has been rising since the building of the Owen Fall hydroelectric power station at Jinja. The movement southwards was incomplete at the time of European occupation of the country. During this process of expansion, there was a considerable dispersal of lineages, such that lineages of the same clan are found in both Central and South Nyanza, and even as far south as Tanzania.

To the north and south of the Gulf, the Luo neighbored the Abaluhya and Nandi, Maasai and Gusi respectively, all of whom the Luo had fought with during their southward expansion.

The Luo of Kenya inhabited the territories bordering Lake Nyanza, to the north and south of Nyanza Gulf, extending into Tanzania. The country is a plain to the west, and in the north and east the country is hilly. The Luo were both agriculturalists and pastoralists. Grain, fish and milk made up the main diet. Cattle were the chief criterion of wealth, although sheep and goats were also kept. The relationship between the three means of subsistence will be given a clearer explanation in the next section of the introduction.

From the naming pattern, we can determine when the Luo were still most mobile, and when their way of life changed to a more settled way of life. At the time of their arrival in East Africa, the groups used "Jo", e.g. *Jok'Owiny*, *Jok'Omolo*, *Jopadhola*, *Jopaluo*, and so on. This prefix "Jo" denotes "people of . . ." plus the name of the leader of the moving group. But when settlement began, we find the use of the prefix "Ka" being attached to the name of the leader of the group, e.g. *Karachuonyo*, (the land of Chuonyo), *Kadem* (Dem country), or suggesting land ownership of the leader of the group, or village of the leader. This suggests that the Luo were more conscious of the land when they arrived in South Nyanza than at any other time. Since the Luo had begun to experience land problems when they left Central Nyanza, land was becoming more and more problematic, since large areas of land, good enough for grazing and cultivation had to be quite close to the Lake; this became more difficult as the population increased, although some of the original occupants may have been driven away, in many cases because the cattle destroyed their crops.

The implication of the enlarged means of subsistence

The Luo of today practise a mixed economy. Much earlier they were considered to be a pastoral society. And later, we have found agriculture and fishing in their subsistence pattern. I shall therefore call that pattern of the

Luo economy a "pastoral-agrico-fishing" society. The purpose of this entry is to investigate how the three operators work in the economic life of the Luo society, and try to find the linking values between agriculture, livestock and fishing, which may help us in tracing the cultural ideology of the Luo. My aims are to study the socio-economic relationship of agriculture, livestock raising and fishing in the "pastoral-agrico-fishing" society. The combination of these three modes of life can be assumed to have changed the Luo society to some degree of complexity before outside modern developments were felt.

I have mentioned above, that the Luo were considered to be a pastoral community, as members of the Nilotic pastoralist society. From this study of socio-economic relations in terms of land, and also in terms of marriage and ceremonies, a long tradition of cattle and also of an agricultural pattern tends to be confirmed. However, some writers considered that it was an early offshoot of the ancient Negroid agricultural culture that had been influenced from eastern "Hamitic" pastoral quarters".¹ Even if this assumption is not well elaborated or proved, there are two points in the Luo culture which deserve attention; these are the long attachment to certain agricultural crops, and the complex nature of the inheritance of land, which must have been developed after a long practice of agriculture.

In consideration of the theory of Nilotic migration, as advanced by historians,² the Nilotes could also have been influenced by the agricultural life in Eastern quarters. The migration of the Nilotic-Luo people has been noted to have come from somewhere south-west of what is now called western Ethiopia.³ Ethiopia has also been considered to be one of the most important world centres for the origin and differentiation of cultivated plants in Africa.⁴ The characteristics of this area have been summarized as follows:

"1. Concentration of endemic variations of cultivated emmer, wheat and barley;

2. The birthplace of teff, sorghum, finger millet, niger seed safflower, and also coffee, ensete, and caster beans;

3. Abundance of pea, grass pea, common bean, sesame and various species of plants".⁵

Among the plants considered to be native of Ethiopia, the following have been found to grow well in the southwestern districts of Ethiopia at "Agoro", "Maki" near Lake "Chamo", at "Ajo"⁶ (all sound Nilotic names): sorghum, finger millet, horse kamot, and others. Of these crops sorghum, finger millet, legumes, field pea and certain other melons have been considered to be attached to the Luo for many generations.⁷ Quite often, we hear of them being referred to in oral traditions as "the necessary crops that one must have when migrating, or setting up a new homestead",⁸ *Go-ligala*. In agricultural pattern, we find some cooperation deviating from the normal division of labour, as in a wider sense the units of agricultural production were, *Jokamiyo*, *Jokawuoro*, *Keyo* and *Libamba*. These units each cooperate to acquire land which was distributed among the units for production of subsistence.

In the Luo tradition, it has never been a custom to eat meat, drink milk or eat fish without Luo bread, *Kuon*, as we find practised among many pastoral societies e.g. Maasai. Also, fish nutrient was never used without *Kuon*. *Kuon* is made of either sorghum flour or millet flour. This is a clear indication that the mode of life of the Luo involved agriculture, cattle and fish elements in their production pattern. Perhaps it should also be stressed that from all their past migrations, the Luo have always settled close to the vicinity of a lake or river, thus explaining why many have called them "river-lake people".⁹ The name "Nilotes" itself draws its origin from the Nile river, from where it is believed that they have lived since the dawn of history. This stresses the importance of the river and lake as regards the fishing production. We have observed in the section on religion that the Luo developed some form of "religiousity of the boat"¹⁰ as a result of an attachment to fishing activities.

As far as this point is concerned, their "pastoral-agrico-fishing" pattern of production belongs in the same category as other production patterns, which involves both agriculture and livestock raising, but is not quite so similar to the European and Asian patterns. In order to define the characteristics of the Luo "pastoral-agrico-fishing" pattern of production, which differs from other patterns, I should like to discuss the organic relationship of agriculture, herding and fishing from modern, or rather from European and Asian, economic points of view. The livestock are included in the rotation system of agricultural productivity, (from what we can see in European farms). After harvesting, the livestock are taken to the fields.¹¹ This was common practice throughout Luoland, The harvesting was also done when the grain was thoroughly mature and dried. It was doubtful whether the cattle could feed for a long time on such dried culms as they smashed the stalks. But they did and this was because some leaves were edible. The cattle left their manure in the fields, but since this was not taken into consideration, we cannot regard it as intended to be some sort of fertilization. Although it appears as if there was some "organic" bond between the livestock and agriculture, it was of very little value.

It often happened, that the field was soon destroyed and new land was opened up (what is called shift cultivation). Thus observing the real situation, we can assume that taking livestock to the farmlands immediately after the harvesting was not an indispensable prerequisite for the co-existence of agriculture and herding in the Luo society. It is difficult to find any proof for the existence of an organic bond between agriculture and herding in the horizontal system. We may again ask ourselves, are any crops or grasses grown for fodder in the Luo fields? The Luo agriculturalists grew only their subsistence crops. Cash crops were unknown in the traditional society. Hence, it is clear that they raised no fodder crops or grasses. Nor were there any fertilizers in the form of excreta of livestock used as manure in the field. Livestock utilization in agricultural practice was unknown in the Luo tradition. The plough was not known to the south of the Sahara; instead the hoe has been used in the cultivation of the land. The threshing of cereals was done by hand or with long sticks called *Radin*, whereas, in Europe, livestock

were used. Neither did the need to use livestock for irrigation arise and thus it was not widespread in the Luo traditional society.

In examining the first two in relation to the third (fish), we find that there was no direct or indirect link in terms of utility. In the case of fishing, it was even more impracticable that we should expect utility from either livestock or agriculture. What then is "pastoral-agrico-fishing"? We have so far indicated, that there was no linking relationship between agriculture and herding, nor between either of these and fishing in the Luo society, as seen from the point of known economic agricultural practices. We may therefore define "pastoral-agrico-fishing" as herding and fishing elements in its horizontal system, (see fig. 1). However, the three elements are involved at the exchange level and in the socio-economic life of the society, so we may call this arrangement mixed production; namely, the production pattern such as that in Europe, where agriculture and livestock are closely related, both horizontally and vertically, and therefore function as a unit. Yet, for the Luo, we find only vertical relationships, whereas horizontal relationships are parallel.

In order that this transformation makes sense to us, we must explain the vertical relationship in the "pastoral-agricultural-fishing" economy mentioned earlier. Subsistence crops formed the main part of the Luo diet. The utilization of livestock and fish nutrients in their daily life can also be described in terms of crops (from which *Kuon* is made). The utilization of livestock in the Luo daily life was limited to taking milk and butter and occasionally blood, whereas fish were taken for daily consumption. The Luo eat meat from their livestock on the numerous ceremonial occasions, such as marriage visits, a party or a ceremony on a birth of a child, a sacrifice to ancestor spirits, and other such ceremonies. The number of ceremonies throughout the year in an extended kinship relationship means that meat was eaten more often than one supposes. On each occasion when livestock was slaughtered, the meat must be eaten with *Kuon*, grain meal. In this connection agricultural productivity is therefore not expected to decline, and we found that during a famine, livestock were exchanged for grain. This economic transaction of cattle and other small stocks, was the media of exchange and standard value as well as stores of value.¹²

The Luo converted cattle, small livestock, hoes, pottery, grains and other assorted goods according to their standard measure; small livestock and cattle were the most important, so that it was well known that a specified size of animal, e.g. a young bull or heifer, should equal five head of small livestock, and a young bull or an ox equal to ten *degi*, a large earthen storage vessel, or a specified number of *Atonge*, equals a large basket of grain. Among the Luo, a family was considered a self-supporting economic unit in the traditional sense, because most Luo members of the village were operating in these three means of subsistence. The group works with the view to satisfying their immediate needs, but their paramount desire was to accumulate wealth in the form of cattle. For the Luo, livestock such as goats and sheep were minor in terms of cattle, but had higher value in terms of grain. We are able to say here

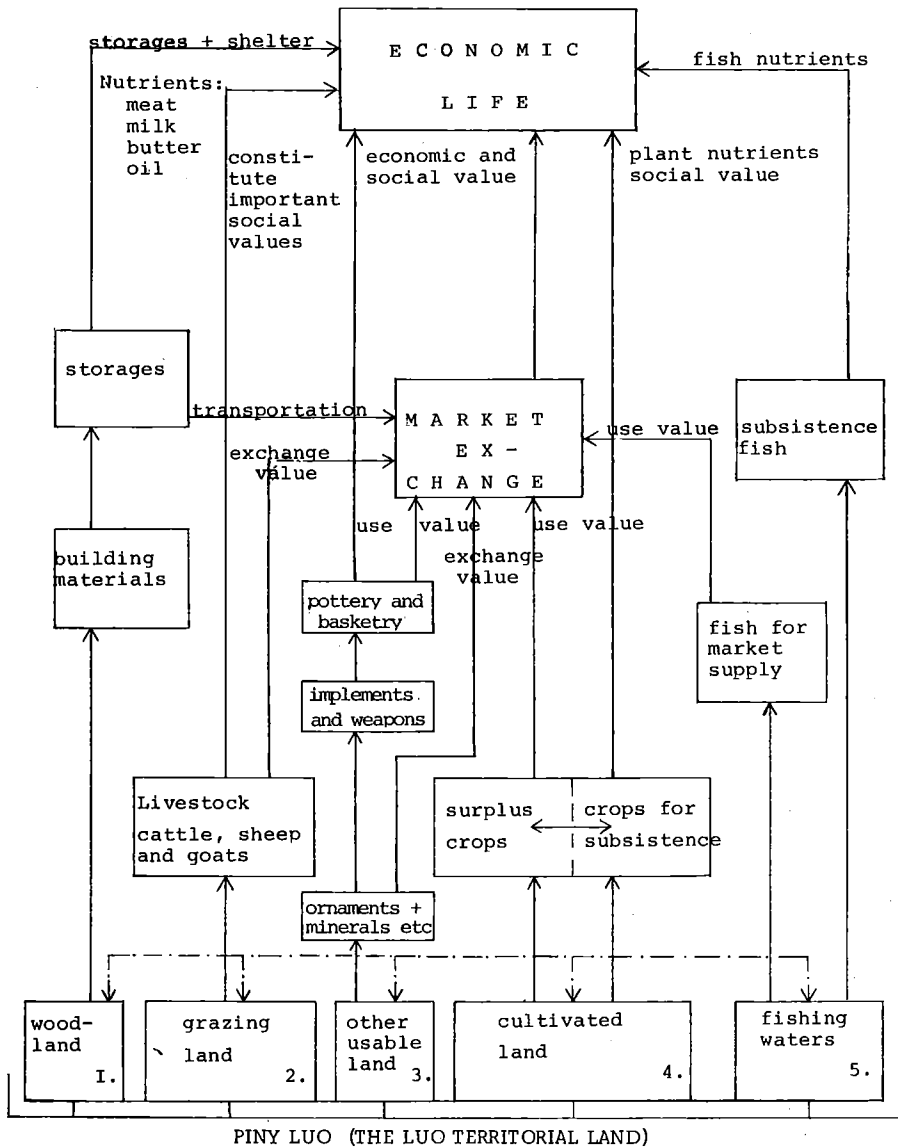


FIGURE 1. TRANSFORMATION FOR GROWTH IN THE PRELITERATE SOCIETY

that the economic function of livestock can be easily seen on the exchange level, since it was the cattle that possessed social value, and therefore, normative support. And we find that the total wealth was expressed in cattle, sheep, goats and finally crops. These considerations lead us to the conclusion that, for the Luo, it was necessary for livestock and agriculture to be closely related vertically. We have observed also that fish played a rather passive role. Thus we may conclude that there was no strong relationship even at vertical level, although fish constitute an important source of subsistence nutrients, included with cereal food, and are therefore exchangeable in terms of cereal as agreed in the market exchange;¹³ this is a vertical relationship. The problem in the study of the "pastoral-agrico-fishing" society, such as the Luo, is that the agriculture, herding and fishing patterns co-exist on the horizontal parallel. I have previously called this system of production a "trio-economy".¹⁴

The economic function of the mixed farming society is to increase the yield for market—it is a market-oriented system. Whereas in the "pastoral-agrico-fishing society, it is a socially-oriented economic system. The livestock as the symbol of wealth constitute normative goals from which kinship relation, honour or higher status position could also be attained. But considering the "pastoral-agrico-fishing" society in terms of economic relationships, we tend to want to have everything related and functioning economically both at vertical and horizontal levels. This fact is contrary to the theory that livestock are kept to contribute to agricultural productivity. Thus agriculture is improved so as to contribute to cattle raising; or that agriculture is improved so as to improve fish production (of course, the last relationship is questionable, though not impossible). In the Luo traditional society, the economic principle that livestock were kept to contribute to fishing productivity can be viewed from vertical relationship, (see fig. 1).

In the Luo economy, we recognize two main aspects of market economy. Adam Smith in 1802 and David Ricardo in 1921 called one "value in use" and the other "value in exchange".¹⁵ The agricultural product of the Luo stands for "value in use", whereas cattle stands for "value in exchange". The livestock's greater value had social and cultural orientations, and therefore had social value. Its value, therefore, contributes to social value in use, (agricultural products). Economically, Smith and Ricardo explained that "possessing utility commodities derives exchangeable value from two sources: from their scarcity, and from the quantity of labour required to obtain them".¹⁶ We therefore find that the Luo society was largely a self-sufficient group, trying to provide food and material in a simple, but as effective a way as possible. In principle, every family should do this. However, irregular barter took place between clans, whereby small surplus products could be exchanged, as we have indicated above.

On the other hand, because of the low development of technology, the society had little opportunity to produce more than they actually did; production for their own satisfaction plus production to accumulate livestock, production of tools, implements, weapons, ornaments, etc., were

the only socially practised activities. As a result, agricultural produce became subsistence economy as "cash earning" and dependence for livestock in market exchange. While this trend grew wider to cover fishing activities, technology, and other complex systems of communications, the society remained largely "static" to some degree except for those exchanges borrowed from contact with other societies with a relatively similar technological level. There was no traumatic incursion, which allowed traditional activities, ceremonies, norms and social relationships to continue much as before, and enlarged means of production-earning activities were forwarded without the concomitant adoption of improved technology or any of the other new development. In 1969, Dalton called this type of situation "cash income growth without development".¹⁷ The "pastoral-agrico-fishing" community, the Luo, had means of production such as land and water (producing livestock, crops and fish), and their three means of activity provided strong interactions which enabled the Luo to accumulate and widen their normative and ideological beliefs. During the period when the means of production expanded, cultural materials and values were also expanded, since new lines of production of means of subsistence had to be improved, which necessitated expansion of traditional technology for fish production, agricultural production and even the original means for protecting cattle wealth.

Some characteristic responses can be formulated:

1. The use of new means of production provides a large means of subsistence economy. Figure no. 1 shows the three means of subsistence which transformed the Luo society into a complex system which enabled their further development of various norms and values.

2. Less conflicting situations over means of subsistence will occur, as provided by enlarged means of subsistence.

3. The underlying traditional norms and values become slowly loosened or expanded to cover new spheres of activities.

4. The economic "self-sufficiency" is provided in "pastoral-agricofishing" society because it provides norms of interaction for growth and development, in a traditional pattern.

5. According to the Luo customs and economic ideology, traditional land values were as follows: (a) land must be suitable for cattle and other livestock—grazing land, (b) land should also be suitable for some cultivation of subsistence crops, (c) land should be suitable for a village site, and (d) land must be found close to the water: if possible close to a lake or an important river providing fish, and the land which houses the spirit of the lineage ancestor, or the former village land.

Notes: Historical Background

1. Seligman, 1932, p. 1; Baumann, 1940, p. 223; Schmidt, 1940, p. 4 et seq., Crazzlolara, 1950, p. 224, et seq., Butt, 1952, p. i, et seq.; Lindblom, 1927, p. 250; Köhler, 1950, p. 161.
2. Ogot, 1967, Säfholm, 1973.
3. Säfholm, Per, 1958, p. 232.
4. The "great quarrel" mentioned in the Luo oral tradition was about the rights of a child. A child swallowed a bead belonging to a child of another family; the child insisted that her bead must be given back to her and her parents supported her demand. But to restore the bead would have meant the child's death, the demand was resisted by some, while others supported it.
5. Roberts, 1956, p. XX, p. 135, 1962, p. 301.
6. Roberts, 1950, pp. 386-7; pp. 560, 590.
7. Roberts, 1956, p. 519.
8. Johnston, 1902, Vol. II.
9. Ogot, 1967, pp. 1-4, 46-49.
10. Ogot, 1967, pp. 1-4, 46-49.
11. Evans-Pritchard, 1949, pp. 30-31.
12. Wilson, 1954, part I, p. 1; Southall, 1952, pp. 14-15.

Notes: Implication of the Enlarged Means of Subsistence

1. Schilder, 1939, p. 414; Baumann, 1934, p. 137; 1940, p. 55.
2. Seligman, 1932, p. 114; Oliver, 1963, p. 173; Ogot, 1967, preface, Westermann, 1912.
3. Seligman, 1932, p. 115; Oliver, 1963, p. 174; Ogot, 1967, preface.
4. Vavilov, 1928, 1951, see also works on "food production in Nile Valley"; Ocholla: "pattern of the Upper Nile Valley Culture" in the Manuscript "The Luo Culture Pattern", Vol. I.
5. From Contribution No. 860, National Institute of Genetics, 1972.
6. Fuzuki, K., 1968, p. 182.
7. Ogot, 1967, pp. 67, 197; Ocholla, 1970, p. 180; 1973, pp. 8-22.
8. Ocholla, A. B. C., 1973, p. 10.
9. Ogot, 1967, p. 38; Per Säfholm, 1973, "The River-Lake Nilotes": The Luo call themselves "Jonam", the Lake People, or "Nyanam", the daughter of the lake.
10. Evans-Pritchard, 1940, pp. 16-36, 63, 75-81. In most parts of Luo land up to recently, cattle used to be left to wander about in the field after harvesting.
11. Ocholla, 1970, p. 86.
12. Ibid., pp. 142.
13. Ibid., p. 87.
14. Ocholla, 1970, pp. 84, 142.
15. Smith, A., 1802, p. 1.
16. Ricardo, D., 1921, p. 2.
17. Dalton, 1969, p. 77.

I. Basic Concepts and Definitions

Ideology and ethics

The main issue of this work is to map out guiding principles of interactions and relationships in the Luo society. There are two fields which are more or less concerned with mapping out such beliefs and principles. The first and more specialized is ethics, the other, and more encompassing is ideology. Ethics, however, is considered to be a part of ideology. At some point it appears as though the two are interwoven with each other in a way that it is difficult to separate them. According to Tore Nordenstam "a person's ethics can be regarded as a part of his ideology, but there is not general agreement as to how much a person's ideology should be regarded as belonging to his ethics".¹ This is the central argument in Nordenstam's work. What is important for us is that ethics form part of the subject matter which constitutes ideology.

Ideology is a concept used in many various ways. I shall not be concerned with all usage and various implications of ideology. The type of definition of ideology which I wish to have here is that which contains ethics and its normative implications. Nordenstam defines ideology as "the whole of that individual's beliefs, convictions, ideal standards and values".² This definition is a lower order definition with regard to an individual's ideology. It can, however, be extended to cover a group or society's ideology. We seek in this context a higher order definition of ideology. The higher order definition we need in our case is the extended definition provided by J. Gould and W. L. Kolb. It says that "Ideology is a pattern of beliefs and concepts—both factual and normative—which purport to explain complex social phenomena with a view to directing and simplifying socio-political choices facing individuals and groups".³ Within this definition it is certain that ethics will be housed in a normative part of the ideology. It is this part of ideology that will offer a set of normative principles. The beliefs and values which form patterns are both ethical and normative. They are influenced by the local ideology based on local conditions and the historical background. They define the interest of the society and seek to justify them in terms of sets of normative principles. Also, Scott stresses that "One of the most important functions of ideology is the underlying standard for justification of the goals of the members of the society".⁴ I shall extend the definition of ideology to include concepts of structures because I view cultural structures as organised principles of local life conduct in society based on goals and goal-indices of members of a

particular society. This includes the fact that organisation of principles differs from society to society depending on local life conditions and historical background. This also implies that elements of social change commence as soon as there are changes in the cultural structures of a particular society; and that contact with outside societies bears both explicit and implicit changes on the ideology of a particular local society.

Every society has its own ideology and the ideology of each society stresses certain aspects in their structures more than the other, and these become peculiar elements that serve to distinguish it, to a greater or lesser extent, from the ideologies of other societies. On this basis, ethical content, like ideology, may vary greatly from one society to another. This does not suggest universality of ideology. Ideology of any society will have certain peculiar elements that will serve to distinguish it from other ideologies of other national systems. The ethics which is a part of that ideology will also tend to have certain elements distinguishing it from those of other ideologies. In this study, ethics will appear only as an important part of ideology. This reduces the strength of universality of ethics as held by moral philosophers as it appears in the work of Moore⁵ and other Aristotelians.⁶ The definition of ethics is, however, commonly based on moral philosophy, which claims that moral is a special authority of ethics. Thus moral considerations are very often considered more important than any consideration; so that if there is any conflict between moral and non-moral considerations, the former shall always prevail over the latter. These moral rules are claimed to be "universal" and that they are invested within a special authority by virtue of which they are automatically obeyed because they command. To maintain universality of ethics is denial of the existence of various ideologies of which ethics are a part and therefore a limitation. Nordenstam has been accused for his Sudanese Ethics on the grounds that it contains an anthropological approach which accepts the existence of various ideologies, hence, possible various features of ethics. The anthropological approach is alleged to deal mainly with the "assembling of knowledge about the various moral judgements of a people".⁷ In his approach, Nordenstam does not view moral considerations as the only subject matter of ethics. In a descriptive ethics such as this, the objective is to map out the Luo ethical system as it appears in the life of the society.

Definition and field of ethics

The general definition of ethics is "the inquiry into what is good for man"⁸ which contains the idea of "universal good for all mankind". Similarly G. E. Moore also defines ethics as "the general inquiry into what is good".⁹ This definition, however, appears too vague in the sense that it does not specify "whose good". And what is good can also be anything, an object, such as work of art, nature, etc: and may be good for an individual, a group or a

society or mankind as a whole. Both definitions imply that the study of ethics is the study of what is universally desirable for man. As H. Odera Oruka interprets this, "the idea good for man implies good for all mankind".¹⁰ Baylis on the other hand has defined ethics as "the systematic search for a consistent set of principles which could serve as an adequate guide for wise choice is the study we call ethics".¹¹ Although Baylis' definition is well formulated, it is not very different from the above definitions, because "wise choice" means the best choice of all good choices, but does not specifically indicate whether it is wise choice for mankind or an individual at that particular situation, at a particular moment in a given society. It thus appears to overlook social differentiation implicitly. The definition of ethics which I should like to follow goes a long way with that proposed by Tore Nordenstam. It is based on normative ethics, defined as "the inquiry into ideals of good life of the people".¹² Normative ethics set standards of what kind of life people ought to live; ethics of a group consists, then, of all those ideals, norms, conceptions of right and wrong, good and bad and so on, which together make up a society's ideal of a good life.

It is generally agreed that "normative ethics is the subject matter of both metaethics and descriptive ethics". Metaethics is usually taken to be a discipline which deals with the themes like "the meaning and function of moral judgements and principles: the justification of moral judgements, the nature of an ethical system".¹³ Descriptive ethics is characterized as the discipline which describes and analyses the ethical norms, values and ideals which individuals and groups actually have. Since metaethics investigate the criteria of adequacy for ethical systems, it is essentially an evaluative discipline. On the other hand, descriptive ethics is a non-evaluative discipline, the subject of which is to map existing ethical systems rather than to investigate the conditions which a good system ought to fulfil. Since the main aims of this attempt is to map out guiding principles of interactions and relationships in the Luo society, ethics in this work shall be regarded as descriptive ethics, and normative ethics shall be its subject matter of mapping the existing ethical system in the Luo society.

The critical relations here between normative ethics and ideology become apparent through ethically loaded concepts such as beliefs, values, rules (norms) duty and obligations and how they figure in thoughts about actions of people in society both on individual and group levels. The cultural structures of a society define values and goals. These form the ideology of "normative ethics". The actual imputing of values and actions are underlined on either "pragmatic" ideology or "normative" ideology. The former and disapproved means may be used to achieve "normative values", and the latter and approved means a way of achieving "normative values". In this relation, "normative" ideology and 'normative' ethics are closely related, at least in many respects.

Close to this argument, Nordenstam determines one more important fact; the "definition of descriptive ethics follows directly from the definition of normative ethics".¹³ Since descriptive ethics is the description and analysis of

systems of normative ethics, the latter is the subject matter of the former. I shall therefore accept his proposition that "descriptive ethics . . . is meant to be the description and analysis of ideals of life".¹⁴ Since descriptive ethics will encompass values and beliefs which are certainly in our case normative in nature, then both descriptive ethics and normative ethics are parts of what we may call "normative fields of ideology". Normative fields of ideology should describe every normative behaviour and activity of human life, which include Ethos, and Eidos which are more or less centred to describe values and beliefs respectively. The compounded form of "eidos-ethos" shall mean the studies of belief and value system.

Eidos and ethos

Eidos and ethos are concepts assuming the existence of belief and value systems, respectively. Eidos is defined by Bateson and others to designate "the general principles which give coherence to a system of beliefs".¹⁵ The beliefs which make up an ideology are not a random selection: they fit together into an integrated pattern which makes sense, even if there are numerous loose, unresolved contradictions. Bock defines these coherences as "the slacking premises—explicit or implicit—which underline the belief system".¹⁶ The premises of a belief or of value systems are not always explicitly stated by those who hold the beliefs and values in a society, and it is up to the social scientists to map them in scientific language.

Ethos is a term devised by anthropologists to describe the "integration of value system".¹⁷ Ethos, then, stands on the same relation to a value systems as does "eidos" to a belief system.¹⁸ Both constitute an attempt to reduce the complexities of belief and value systems to a few basic patterns which influence all parts of the systems, since no society is directed by a single value or belief system. In this work the two shall be combined under the term normative beliefs in order to make a full general pattern. Normative is included because it defines binding rules for the realization of those values. Some of the basic premises described in "eidos" could be equally well treated under the heading "ethos" and are the subject matter of "descriptive ethics", e.g., "amoral familism", or "moral of self family" or "absolute solidarity" and their consequences for social, economic as well as for political activities. Some values relate to very specific objects or events, while other relate to a variety of relationships. What I mean by "value" in this work, is normatively shared conceptions which are desirable to members of a cultural group. They are ideals which the members of a society accept, explicitly or implicitly, and which therefore influence the behaviour of group conducts. This category of values I have called "normative values".

First let us examine the beliefs which make up values in ideology of the society and which also lay down status, rights, duties and obligations. These will be based upon four elementary aspects of a society. They consist of: (1) A

set of individuals, (e.g., parents and children, chiefs and subjects, land owners and land clients, medicine men and patients and so on, more or less interacting with each other); (2) A set of beliefs and values, more or less in common to render interactions possible; (3) A set of institutions (e.g., family, kinship, clanship and so on) for maintaining these beliefs and values; (4) Organizations through which norms and sanctions are carried out for the realization of goals and values by categories of individuals (e.g., of an age group, sex group, clan member and so on). If we combine (1) and (4) we obtain what we should usually call a "social structure",¹⁹ and a combination of (2) and (3) provides us with what Merton has called "cultural structure".²⁰ The definitions of cultural and social structures can be built upon the four levels of elementary aspects of a society as follows:

1. Social structure defines normative rules which regulate and control the accepted values as goals for individual or group. It controls the means of reaching those values or goals; that is, every individual or social group couples his objectives with regulations established for reaching those goals.

2. Cultural structure, on the other hand, defines ideals, standards and values. Values are goals which should be a legitimate objective for all diversely located members of the society. According to Merton, these goals are more or less integrated in the cultural institutions.²¹ Peter Wallensteen has stressed "stability" thus . . . to constitute a structure, the system must be of a lasting nature.²² Normative values are also formed in a stable state and cultural structures are formed by stable relationship through a historical period of time.

Cultural structures are fields of ideology and fields of ideology cover all aspects of human life. Nordenstam tries to schematise them as follows: "ethics, law, metaphysics, religion, knowledge, morals, and others".²³ In a lower level cultural structure there is a network of rules, values and roles within an institution. Since the definition of ethics which we are following is that ethically loaded concepts such as ideals (values), norms (rules), concepts of right and wrong, good and evil, and so on, which together make up society's ideal of good life can be found spread in all fields of ideology. The descriptive ethics which our study is all about will try to map out ethically loaded concepts as they occur in all fields of ideology of the Luo society.

One approach is to study normative means, since they include conceptual means of social control which defines right and wrong ways of doing or not doing particular things.

Normative

The term normative beliefs can be defined as convictions which are considered as the only right and desirable ways to do or to avoid doing certain things; and that it prescribed the *only* right and desirable manner of doing them. Our present studies begin with the clarification made by J. S. Roucek.

The problem is that normative beliefs are often confused with knowledge, partly because the latter carries with it a compulsion that one ought to act in accordance with his knowledge, and partly because normative beliefs are sometimes considered as variable facts. Roucek made it clear by saying that "knowledge refers solely to verifiable facts and relationships. Knowledge does not state what ought to be. It merely describes things as they are. Normative beliefs are wholly concerned with things as they ought to be, even if belief is, or may be, directly contradicted by fact. Normative beliefs are invariably relative to the groups which hold the beliefs".²⁴ Roucek stresses that "it is the knowledge which is potentially universal and not normative beliefs".²⁵ Normative beliefs being relative to the groups, can never attain universality. It is also necessary to point out that normative beliefs cover man's conduct towards interactions and relationships between members of a society; towards culture, towards nature and towards the unknown aspects of the universe. In this study, a concept shall therefore be termed "normative" if it is the only societally approved "valued action" or "behaviour". They may be "prizes or values", e.g. like honour, power or responsibility, or they may be relationships, e.g. like parental, kinship, seniority, and so on. Another category of values are rights and obligations or rules setting broad limits to possible actions, e.g. rules used for judging particular actions as being ethically right or wrong, or setting out structures in economic, political, systems etc.

The Luo, whose ethics and ideologies we are studying here, are people whose cultural and social structure are basically pastoral in their layout.

Pastoralism

Pastoralism as a social system does not appear to have been given a precise definition. John Beattie says: "it is a way of life which imposes certain restrictions on those who practice it. The restrictions which limit population density, also preclude any intensive centralized administration, the independent and resentful of authority, and promotes social systems that are often adopted to raiding and warfare".²⁶ Beattie defines the pastoral system in terms of age-set systems which he formulated in four broad headings: in the first, he says, it provides "a means of establishing corporate groups, whose members, while they are in the warrior grades, may form a powerful standing army". Second, he continues "... they provide for the formal transition of individuals from one clearly marked social status to another". The third important function of pastoral age-set, he says, is "to provide for the organized exercise of at least some political authority".²⁷ Here, the respect of age gives rise to members of the senior grades constituting more or less informal councils of elders whose importance as decision makers may be backed by sanctions. It is they who may communicate with the ancestral spirits, upon whose good will the well-being of the whole group is dependent, since they are intermediary between the group and the supreme

spiritual being. Fourth, "an age-set system of the pastoral provides a means of establishing social contact, even some sense of tribal unity and cohesion over a wider range than would otherwise be possible".²⁸

Felix M. Keesing on the other hand defines the pastoral system in terms of a "massive role of aggression".²⁹ He says "a marked tendency is shown for pastoral groups entering agricultural regions as 'conquerors' or otherwise to be assimilated into the settled milieu . . . the Hebrews, are an obvious case of herders, such as those that Abraham led: they became sedentary city people and farmers".³⁰ Even after a long tradition of a more settled life, we find how in the temple sacrifices etc., traditions still carry the marks of a pastoral people. In Genesis, "Abel's animal offering was preferred to Cain's agricultural one".³¹ Evans-Pritchard writes that "pastoral people have the herdman's outlook on the world, their attitudes towards, and relationships with, neighbouring peoples are influenced by their love of cattle and desire to acquire them".³² The land and water supplies, he says, are viewed in terms of cattle. Political fission is closely related to distribution of these natural resources; that is, "the control of pastures, ownership of which, is generally expressed in terms of clans and lineage".³³ The Evans-Pritchard distinction is that pastoral institutions and customs have most of their social behaviour directly concerned with cattle. For the pastoral people cattle are not only of great economic value but they also link them with numerous cultural and social relationships, e.g., in marriage, as bridal wealth, and compensations, ritual situations, sacrifices for the spirits of the ancestors; and in legal disputes, e.g. payment of debts and so forth. Cattle do not only have nutritional value but have a general social value which goes deep into the ideology and directs certain aspects of life which cannot be easily changed even after the keeping of cattle has stopped or become integrated into a mixed economy.

A pastoral person would willingly risk his life in order to acquire cattle. Bravery must be shown towards maintaining and/or protecting cattle. Wealth is measured in terms of cattle. The "Nilotic" traditional history, for example, says that the origin of cattle is connected with either "bravery" or a direct gift from "god".³⁴ Bravery is regarded as a higher virtue for it is needed in cattle raids, protection of cattle, and the accumulation of wealth. Evans-Pritchard distinguishes two types of hostilities over cattle. One already mentioned is "raiding" for cattle, and a second is "fighting over the ownership of cattle and the seizing of cattle for compensation of losses are of a somewhat different order to the taking of cattle over which no rights, other than the power of the strong, are asserted".³⁵ Cattle raiding is practised as a means of acquiring wealth, since cattle is a form of wealth that not only lasts a long time and reproduces itself, but is also easily seized and transported. Crops and dwellings can be destroyed, but cattle can be confiscated and taken home. "These qualities", Evans-Pritchard says, "have given pastoral people a bias in favour of the arts of war rather than the arts of peace".³⁶ The cultural love for cattle, as a means of wealth, promotes social reproduction, prestige, and honour. The condition for accumulating cattle

was either by raiding or by marriage to a daughter and protecting what one has. These conditions have shaped the character of the people as a group as well as individuals and also the people's ideology as well as their political structure.

Definition of pastoralism

I can now define pastoralism as a social order whose socio-economic ideologies stress wealth, rights and obligations, and other cultural values in terms of cattle. The views and ideas of pastoral peoples are expressed through and/or developed through the interactions between the members of the pastoral social order with cattle as their chief value. The concept of social order summarizes the functions of a society; that is, the main aspects of the organization of its economy and ideology as well as the nature of the groups controlling the development of the society. The make-up of a social order may help us understand the differences between societies in their internal as well as their external relations.

Social order is not possible without interactions between the members, because it denotes exchange of values, respect of rights and obligations. Interaction is only possible when there are some values agreed upon by all. Smelser is therefore correct in saying that "values also refer to beliefs that legitimize the existence of specific social structures and the kinds of behaviour that transpire in them",³⁷ as, for example, in the marriage institution, the political institution, or the economic institution and others. Bailey (1969) writes that "prizes are always normatively respectable . . . and values both create and regulate political competition, values within one structure are constant and treated as an unshifting guide for conduct".³⁸ The first part of Bailey's statement is in line with the argument held here, but the second part appears vague. Value does not appear to "regulate political competitions" but I should suggest that it creates and generates a basis for political competition. Values as such are never static: some change sooner than others, but normative values tend to be stable and persist longer, yet eventually have to change with structures in which they have made interactions possible.

The norms (rules) and values are consciously or unconsciously meant to shape the patterns or interactions in social structures.

Under this theory, Olsen stresses that "the values are expressed more specifically through a set of shared moral norms which may, or may not, be codified as laws".³⁹ Normative beliefs of the people establish social organizations that are infused with these values and that operate in accordance with accepted norms to preserve their values and attain common goals, individually or as a group. I should say that normative beliefs appear to be a preparation for the utility of values and norms. Institutions and organizations in turn shape individuals through role-acting and norm

internalization. Solidarity becomes relevant here in that those who cherish the fundamental values and seek to perpetuate them through their actions, are responsible members of the society. The toughest problem facing us is in choosing between the great array of alternative value systems opening out before us. Keesing feels that they "... provide for each group and individual a single, more or less consistent configuration of absolute ethical, religious... standards".⁴⁰ He maintains that conflicts of today lie in deeply entrenched premises, values, goals which have the stamp of what he calls "high ethics and religion". In the present descriptive analysis, we shall do well to observe that ethics, or morality and law, are more concerned with more compulsive categories in conduct, and in effect relating to such concepts as right and wrong, good and evil, duty, justice and so on, in kinship, socioeconomics, and political relationships.

Socio-economic principles of justice

Since this work covers principles of socio-economic relations among the Luo, it will be necessary to briefly reflect on beliefs constituting the categories of conduct relating to the economic interaction relationship.

The beliefs which make up the ideology of an economic system, for example, define how production, distribution, exchange and consumption should be conducted. These are never the same in every society. They include the beliefs about legitimate rights over property and how they were acquired and maintained. The legitimacy of an individual's or group's claim to some kind of property or goods is varying from society to society. The property concept is a universal one, such as Bock and others have expressed, and Bock says that "... whosoever denies concept of property must be prepared to accept that all property is theft".⁴¹ But how that property is controlled differs according to the local and cultural structure of a society. The beliefs of legitimacy of control are expressed through socially recognized ways of settling property disputes and of sanctions which can be applied to violators. These are beliefs that establish principles as to which property shall belong to which individual, and which property should belong to the group or community as a whole. Herskovits, once wrote, "... there is no group not even clothing that is not regarded as indisputably the possession of its maker, its user, its wearer".⁴² The distinction between rights of use and rights to disposal, however, is never similar in every society because these rights are governed by various beliefs of the ideologies of local conditions and historical background. The Luo rules governing the control of land, for example, are controlled by the ideology of kinship principles and other beliefs not generally apparent in ideologies of every society (details are discussed in the section of socio-economic units).

The mechanism maintaining Luo ideology

The network of kinship ties which link members of local communities and even their former enemies, were brought into operation by way of ideology of exogamous rules stated in terms of cattle. The marriage that took place between subtribal groups were by way of exchange of women and cattle wealth in the form of bridal wealth. The value in cattle enables the establishment of kinship (*Wat*) which stabilized the relations between former enemy groups. The rules of exogamous extended kinship ideology establish kinship links with would-be enemies. The union of marriage is brought about by bridal wealth and cattle; each phase of the marriage ceremony and ritual is marked by the transference or slaughter of these cattle. The legal status of the partners and of their children is defined by cattle rights and obligations.

Cattle Value

It has been stressed earlier that the Luo were basically a pastoral society, since originally they were members of the "Nilotic" pastoralist society. Although the Luo now cultivate more, and some less, according to their present ecological setting, soil conditions and rainfall, as well as to population densities which in some regions regulate the cattle wealth, they still regard that agriculture must be mixed with cattle raising. This is because intensive cultivation was forced upon them by the poverty of the cattle. This was still so when I talked to those whom I call "grandfathers" (the older generation); they speak of old days when cattle were still plentiful.

The Luo were dependent on cattle for most of their socio-economic and cultural necessities, many of which cattle still fulfil, but cattle were, and still are, being possessed for prestige. In defence of the lives of the cattle their own lives were less important. They would gladly risk their lives to defend their herds, or, as in the past, to pillage (*Peyo*) those of their neighbours. The attitude of the early pastoral Luo and their relations with neighbouring people has been much influenced in the following two important ways:

1. Their ideology of exogamous marriage which allows cattle to be transferred outside their tribal groups to neighbouring tribes, some of which were originally considered as enemies;

2. Their love for kinship motivated the transfer of their most beloved possession to enable them to establish peace. We noticed that when this was not achieved, their love of cattle and desire to acquire them generated serious conflict with their neighbours.

Disputes between families or lineages are very often about cattle: cattle may eat someone else's crops, cattle that some compensation has not been paid for as well as "cattle of the bridal wealth that have not been sent".⁴³ At a lower level, (within a village) dispute between houses may develop from a

particular portion of meat from the (village) cattle which was someone's right that was not made available, etc. Cattle, for example, were compensation for loss of life or limb. Cattle featured principally in exchanges; female cattle were more valued since they will produce more cattle. Oxen were the means by which communication with ancestors was made possible through sacrifices. Ritual agents in situations demanding sacrifice are prophets and diviners, sacrifices for national interest (for example before and after a war, for rain, epidemics, good harvest etc.) required an ox or a bullock. The lineage councils were often called to discuss cases where cattle and land were involved.

Cattle were owned by families, and while the head of the homestead was still alive he had full rights of disposal over the herd, though obligations of marrying a wife to each son controlled his misuse of cattle. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd assigned to the house of his mother, but contributions from other houses may also take place. If the head of the homestead dies before any of the sons become married, his brother becomes the protector of the family and its cattle until after the marriage of the eldest son. After the marriage of the eldest son and the birth of the first child, he can take the leadership of the family and be responsible for his younger brothers until they are married. The senior son will then take responsibility for the distribution of cattle among other sons and it will be his obligation to see to it that each of the unmarried sons gets married by the cattle from the herd. This rule is binding even if the head of the family died leaving no brother or any close relative to perform his obligations as a father. If his widow is married by someone outside the lineage of the dead, the council of the lineage of the dead will see to it that the husband of the widow respects that law and fulfils the duty of the husband.

The cattle of *Wuoro* still remains at the centre of the family life and the Luo strongly depreciate breaking this up, at least not until all the sons have married and have been assigned their own homesteads. The *Wuoro* cattle are cattle of the common herd in which all have equal rights (but not equal share). In the past, all married sons lived in adjacent homesteads separated with an euphorbian fence, and all surrounded with a stone wall or thick fence.⁴⁴ The entire *Joka-Kwaro* (the people of the same grandfather) used to form a large village. The bond of cattle between brothers is continued long after lineage and clan formation by dividing the cow's meat, *Pogo-Lemo*, from a sacrificial cow. The meat of a sacrificial cow was divided according to the seniority of the lineage heads. When meat from all joints of a cow could not be distributed further to all members of the clan, the clan was then considered large enough to split. Sometimes strong resentment developed from some members who could not receive their exact *Lemo* (anatomical piece of meat) because of the expanding number of the clan members. It was not just any piece of meat that could be given to a member of a lineage; each lineage had a right to a particular part of the animal's meat, and there was a group who had the right to divide the bone (*Pogore Chogo*). Another bond between brothers of cattle was continued when each daughter was married;

some cattle were distributed to the brothers of the girl's father, the cow being known as "*Dher owad gi wuon nyako*", or the cow of maternal uncle "*Dher-Ner Nyako*" (or just known as *Dher Okewo*). Kinship is defined by the movement of cattle, and is regarded as equivalent to a genealogical line. The concept of *Pogo-Lemo* (mentioned earlier in this section) is also emphasized by the division of sacrificial meat among agnatic and cognatic relatives. The Luo kinship ties (and affinities) are linked by cattle. Oxen, cows and also quite often large fat castrated he-goats are dedicated to the spirits of *Juogi*. No Luo ceremony is complete without the sacrifice of an animal, e.g., a he-goat, a ram or an ox. To every ceremony and sacrifice the blood of an animal must be spilled. We can observe that through their animals the Luo can communicate with the spirits of their ancestors by sacrifices. Their god, the spirit of their ancestors, accepts only animal sacrifice and nothing less (like Cain and Abel in Genesis). Evans-Pritchard writes this of the Nuer-Luo, "Whatever subject I would and approach it from whatever angle, we would soon be speaking of cows and oxen, heifers and steers, rams and sheep, he-goats and she-goats, calves and lambs and kids".⁴⁵ This statement is in no way an exaggeration for I found this to be true among many Luo Tribes and sub-tribes, e.g. Kadem, Karungu, Kanyamwa, Kyoma, Nyoma, Nyakach and to the north among Shilluk, Dinka, Paluo and others.

To the Luo, cattle are consequently not only an economic asset, but a social and cultural value in that they link numerous social relationships. Cattle draw their value not only from economic importance, but mainly from its socio-cultural interactions. All social processes and relationships are defined in terms of cattle. In marriages, all records about the history of the bridal wealth and its ceremonies involving slaughtered cattle are recorded in the colours,⁴⁶ ages, sexes, and places of cattle origin. These were referred to in matrimonial negotiations, in divorce disputes, in ritual situations, and in legal disputes. The value of cattle remains dominant in a pastoral society even when herding is no longer as intensive as it was when they depended wholly on cattle, e.g. Maasai and the Nuer. One of L. W. Doob's hypotheses of change stresses long attachment to a certain traditional practise as follows: "People changing from old to new ways are likely to retain traditional attitudes toward family forms and practices until, or even beyond, the occurrence of central changes within them and their society."⁴⁷ The Luo attitudes towards family units and practices are inseparable from cattle value. The family unit is formed by giving bridal wealth cattle in marriage. A woman who marries by eloping brings permanent disgrace to her people, her home and herself. This type of marriage is discussed under the subheading of *Por*, but normal marriage, *Meko*, undergoes numerous visits, and ceremonies all involving cattle, either transferred or slaughtered for each occasion. Cattle can therefore remove shame and disgrace in family life. Cattle also raises a man's social status; for example a man with large herds of cow, oxen, heifers and steers, and in addition large herds of sheep and goats, is called *Okebe*.⁴⁸ *Okebe* is a status position measured in terms of large family, cattle and also land produce. If he has plenty of grains of all kinds, he must therefore own a

large piece of land, which although never considered as such, is necessary for the grazing of cattle and cultivation of grain crops.

Land value

The Luo cherish land in the following order: (1) land for pasture, (2) land for a village site, and (3) land for cultivation and for communal use. Before market economy came into full effect, and the population was still under control, one man used to occupy an area of a square mile, of which the land around the village was divided among his wives to cultivate, and the remaining was left for grazing cattle and other livestock. The value of land used for cultivation was principally of subsistence value.

Land in terms of agricultural products has only "use value" and cattle stand for "exchange value" (see in the text, fig. 1). A large field is necessary and required for cattle raising. When the land is valued in terms of pasture, it is not often the case that it is suitable for cultivation at the same time. A village site was also situated close to the water source.⁴⁹ The Luo value land grazing from a distance, and also to be able to see possible intruders. The village site was also situated close to water source.⁴⁹ The Luo value land most if the ancestors have fought and died for it. This is the basic land right in the Luo society. There is no stronger claim to land than that one's ancestors have fought for and acquired it by conquest and blood. We see again that land draws its value through blood. This principle is extended in the belief that "land now occupied by any particular (nation—*Oganda*) was fought for and conquered by the ancestors of its present day members",⁵⁰ (see in the text under "Acquisition of land"). Normative value of land is brought about by the shedding of blood and by kinship ties. One of the dearest sections of the Luo land is that of *Gunda*, the land that houses the graves of the ancestors. Individual claims to land vary, but that which houses the grave of one's ancestor has the highest value and is untransferable.

Kinship value

It is not common in the general discussion to talk about "kinship value", and neither can we find a clear definition of "kinship value" in the anthropological studies of kinship systems of different societies. Kinship value can be defined as "the extended parental love which bind siblings, and is connected by bonds of marriage of the elementary family connecting them with one another into a network of relationships often referred to as kinship system and affinity". Kinship value is the value of relationship actually or putatively traced through parental links and recognized for social purposes. Kinship value is a universal value that can be found in all societies, but the

extent of the value is limited in certain societies which recognize cognatic kinship within certain limits. The Luo kinship value is stressed more to the patrilineal or agnatic kinship. We can call the kinship "a patrilineal value". However, we recognize "cognatic value" derived from the parental love of persons descended from the same ancestor, whether through males or females, while "matrilineal value" is a kinship value traced through females only. Here parental love is a stronger value in the mother line. In the case of the Luo, parental love is the extending value in the father's line. The affinity value of relationships results from a marriage which links a person with his or her spouse's kin, e.g. the relative of a man to his wife's sister or to his mother's brother's wife. Affinity value is the value of a parent, and brotherly love is extended to those whom a person is linked with through his or her spouse's kin, the relationship of a man to his wife's sister or to his mother's brother's wife. The value of parental and brotherly love is so strong that the Luo will call all who are related to the father's brothers, as fathers, and all who are related to the mother's sisters as mothers. The same is true for sons of his father's brother's sons as for his brothers. There is no term that distinguishes them; all are mothers, fathers, brothers, grandfathers, grandmothers, and to give them another term will reduce that parental value. We have found with the Luo that when this parental value decreases, strong envy, jealousy and competition emerge as in the case of *Nyieko* and *Libamba* relationships.⁵¹ Yet marriage was still not considered possible within the same Tribe, or sub-tribal group, with extended kinship value of the whole Tribe, or sub-tribal group as, which can be said to maintain "parental patrilineal value". The Luo person may call all men not related to him, but are of the same age group, or age set, *Omera*, which stands for a distant brother (close brother—*Owadwa*), and *Nyamera* for all sisters close or distant; this also means, my sister.

The value of parental and brotherly love becomes very distinct in a polygamy when each mother and her sons and daughters form a solid block against members of another house. I have written previously that the value of parental and brotherly love extends through the father's line. This is such, that in a homestead where the elementary family is a group consisting of a father and a mother and their children, whether they are living together or not, the value of parental and brotherly love is not split, but tends to follow a patrilineal kinship system. But, in the situation that exists in a homestead with a compound or complex elementary family (often called polygamous family), we find the value of parental brotherly love is divided and appears to be stressed on the mother's houses⁵² (but not one line of the mother's descent). I do not wish to call the Luo a monogamous society or a polygamous society because the definitions given to the two terms do not wholly apply in the case of the Luo society. Monogamy is defined as "the institution or custom by which a person is *permitted* to have *only* one legal spouse at a time".⁵³ And polygamy, which has two varieties, is defined as "the institution or custom by which a man is permitted to have more than one wife at the same time".⁵⁴ In the traditional Luo society where the custom *permitted* both, there was no

law demanding one to remain with a single wife, nor was there one for polygamy. However, the virtue of value appears to favour a large family. On page 49 I have stressed the prestige which a man with more than one wife had, for example, at a beer party, men with single wives had their stools arranged in the direction of the door, and men with more wives were situated at the back, opposite the door. During virtue boasting, the man with single wives were asked to talk less because of their poverties. They were considered to have an emotional state of mind when they hear that one of their relatives is dead (e.g. a wife) and they loose control of themselves, rushing about in a panic, breaking other men's drinking straws, *Oseke*.⁵⁵ The kinship value I have thus described shows itself once again in the status of members of the family when social, economic, legal and religious points are considered (see section on each in the text). The rights, duties and obligations and also privileges of each member of the family are expressed through kinship value. Kinship value, which all members of a family share, is hierarchical; thus, for example, family authority is not equally distributed, hence property rights are limited by degree, and family wealth is not equally divided (e.g. land, cattle and even meat of the slaughtered cow). The Luo kinship value called *Wat* is regarded as an infinite value that must be maintained at all costs, and death alone cannot separate its members (see in the religious section).

Among the members of the family, senior members stand in the highest position in the kinship value hierarchy. They are members of the most valued kinship structure and even after life they maintain guidance position. The spiritual beings of these men are superior to any senior member of the living beings. The senior members of the living beings must therefore ask for their guidance, because in the eyes of the senior members of the living being they are young and inexperienced, and therefore have lower kinship and social status. Kinship value is also apparent in "lineage politics based on traditional loyalties which is still considered a part of the pastoral inheritance".⁵⁶ In considering the kinship value, individuals are identified in terms of their group kinship and ethnic affiliation. What is considered as kinship value, may become lineage, clan or tribal values. In the lower order it may be called "tribalism", but on a higher level we often call this a patriotic or nationalistic movement. In this work, we shall, for the moment, confine ourselves to the order of "tribalism", which exists in the present multi-state development elsewhere in Africa, e.g. in the tribal party system, where the government administration is increasingly becoming a consortium of rival lineages and tribal interests. The tribe in power looks upon itself in terms of kinsmen in its ranks. Kinsmen always expect support and assistance from kinsmen in higher position, who must respect their obligation and duty to support since they are commanded by normative values. But the Luo kinship links may be traced far beyond family or parental love of close agnation. In order to discuss the concept of "tribalism", other values and norms which channel peoples' thoughts, attitudes and actions, must be considered. Values which are closely linked with "kinship values", and "tribalism values" are loving, being, life, existence and normative needs.

Loving, being, life and existence, normative needs

The above-mentioned values form special categories of value normative in nature. Loving as a value, for instance, pertains to many kindred such as "companionship, affection, belongingness and solidarity",⁵⁷ to this we may add protection and other forms of welfare values. At a lower level, the realization of these values may start from parental value, familiness, brotherly value and expand as the relationship of the members becomes larger. Some of these values come about as a person reciprocally relates his activities to this group that he cares for and in which he is cared for. Erik Allardt writes that "solidarity is one form of loving, but it should be stressed that politics and nationality are only special cases of loving".⁵⁸ In this study nationality is loving which cannot be separated from kinship, lineage and parental loves.

The needs to love and for love are satisfied when a person has others to love or care for and is embedded in a supportive social setting. Kinship relationships, for instance, will give shape to solidarity or obligation.

Being as a value is related to many other concepts such as individual growth, protection of personal being, and includes those related to self-individualization, and self-actualization. This is clear when a person's name is questioned, when his honour and prestige or dignity, which represent his being, are polluted or contaminated by non-valued actions or language symbolising them.

Life as a value is relating to existence in contrast to the distraction of self-being. It is also a struggle against deprivation of affection to those who are companions, brotherhood in kinship relationship, as well as in parental order.

Normative need: This is when a desirable standard, such as a behaviour standard, health standard, and valued actions, etc., has been set, and the actual situation does not meet with standard.

Certain premises of action or relationship such as prestige, honour, dignity, courage, decency, generosity and hospitality are some virtues which are more often attained by individuals than by groups; these can be summed up in what Kluckhohn has termed "familistic individualism".⁵⁹ The Luo familistic individualism is expressed in this work under "Nyieko relationship" which stresses the "familistic individualist" from the houses of married women, and pass on to their offspring in a form of competitions. This relationship of *Nyieko*, in its lowest stage, may be considered as "rivalry" or "jealousy" and is found at the clan level under what we should call competitions between clans, *Libamba*. But at a lower level, the individuals, families, houses and lineages, envy and jealousy are a form of self-prestige, honour, good name, and dignity, characteristics which are openly expressed in village quarrels between houses, at dances, beer places and various places under the term *Pakruok* (Virtue boasting). Even respect of age, which the Luo demand, is personal respect to an individual. In the demand for individual or personal honour, dignity is still to be observed when the old men of the same age group meet in a beer place for virtue

boasting. *Pakruok* may start from wealth: "You are talking here; what do you have?" "*Iwuoyo ingango?*" The man may answer "*Ngoroni ling ni ji*", which means "You are a coward, stop talking!" An old man may ask another old man with whom he is not closely acquainted to count his former girl friends, and whether he knew some girls of high personality, a girl who can be called *Nya Thuon* "the daughter of the brave men". In terms of wealth a man may be told that "*un Jomoko moko manguony karing abulagi*", which means, "though you are rich you are worth nothing because of your meanness"; the man is lacking "generosity and hospitality" which are basic requirements of any normal Luo.

The life today and tomorrow is the same, family obligation and responsibility continues into the Under World. Bock, for example, argues that "in a society where people accept the premises of 'amoral familism' behaviour outside the family nucleus will lack any moral constraints".⁶⁰ The concept of "familistic individualism" does not go hand in hand with a strong centralized authority. The political system of the Luo is that which has never allowed a strong "centralized state".⁶¹ To reduce personal prestige to perpetual subordination is considered tyrannical, and therefore deprivation of freedom of individual rights. The strong centralized political or organized activity will be very difficult to achieve and maintain, because it requires subordination and loyalty. And these beliefs do not exist or do not extend beyond the family nucleus, lineage or clan which may seriously question some tendency to enforce them. The Luo have reacted to some forms of authority by migrating. Ogot refers to this as: "A social and political set-up that had suited a migrating, semi-pastoral, community had now to be converted into an administrative machine for a settled agricultural population. A centralized system had to be superimposed on a segmentary system by the British".⁶² Problems, such as clan jealousy, rivalry, perpetual sub-divisions of lineages (and therefore of land, all of which were solved through migration), had to be solved on the spot.

Finally, we can mention that normative postulations of the type referred to (e.g. honour, freedom, etc.) give primary emphasis to moral directives and imperatives that directly shape the social life of the society, whereas value implications give first attention to basic values for interactions, which are in turn expressed in norms (rules) and obligations. Normative postulations are common norms arising out of social life, as a number of individuals seek to attain separate or collective goals under similar life conditions. They tend to repeat these activities, to symbolize them, and to communicate their ideas to the next generation. Without normative rules to guide people's actions, social relationships would quickly disintegrate and collective activities would be soon impossible. Norms in the form of beliefs, constitute the essence of a society as a phenomenon distinct from its members, but these belief norms extensively influence individuals' actions as a result of both socialization and social control. They may be formulated as premises of reasoning which in some ways are stereotyped principles and conclusions. Their realities can however be realized only after a systematic investigation.

Premises of the Luo reasoning

The basic premises that will be described throughout this work can be formulated as follows:

1. The universe is orderly and infinite—*Piny agonda; Piny ochwere; Piny osiko.*
2. All events are caused and interrelated, nothing can take place without a cause—*Ok timre nono; Gimoro eman tie; Pok noneye.*
3. What happens now is what was predicted—*Nosekor; Ochopone; Ekaka nose ndikne.*
4. Wisdom is age and a basis for natural respect—*Luor lwar; Ok inyal ngeyo pod itin; Ango mise neno.*
5. Wealth is a basis for prestige—*Ingango miwuoyokani; Ling ni ji.*
6. Power, prestige, honour and respect are personal driving forces—*In gango? (What do you have?). Iloya gango? (Do you have anything more than I have?) Ango Misetimo—What have you done?*
7. Age is wisdom and wisdom is long life—*Tiyo engeyo; Rieko en tiyo.*
8. Law of family rights and obligations relate to cattle—*Dhiang olungo keny; Nyarwano udwaro kawonono; Jagol dhiang e wuon hyathi; Pok oolo remo piny; Pok unekone.*
9. Disharmony can be restored by orderly procedures—*Timne uru misango; Dhine ure Ajuoga; Los uru ngane; Los uru piny; Loso dala.*
10. One price of disorder between brothers, is that caused by jealousy—*Nyiego.*
11. Life now and life after death is similar—*Chienq nwarom; Tel idhi maknwa Piny.*
12. Kinship relationship has absolute value, it is infinitive—*Wat osiko.*
13. Every person is destined to be unhappy at least once during his life-time in as much as he is destined to be happy—*Imind diere imind tung; Thagruok mar ji duto.*
14. Poverty of your neighbour need not prevent you from sleep—*Chan makowadu ok moni nindo.*
15. A friend is better than a relative—*Osiep loyo wat—*friends have less to argue about, but relatives have numerous points about which to argue.
16. Universe tends to be identifiable and personalized (natural causalities are identifiable in personalized terms) so that nothing can happen without explanation, which is always in terms of personalized forces—*Joman piny oniang ni; Okorego; Mano hono ma gima onyiso dwaruru Jomariek oloknu.*
17. There is always a dualistic nature of forces: in man, two personalities exist: a positive personality and a negative personality.
18. An actor always exists to produce an event—acting is a primary quality.
19. "I", "we" is a basic philosophy: I must have it; I am better; We must have it; these are important and what is outside is not valid or proper. The elaboration of these points can show their consequences in social actions and relationships, norms, statuses and roles of members of a society.
20. Every relationship and action is defineable in terms of honour and good name—*Rito nying gi winjrouk maber.*

Notes

1. Nordenstam, T., 1968, p. 13.
2. Nordenstam, T., 1968, p. 14.
3. Gould, J. and W. L. Kolb, 1964, p. 225.
4. Andrew M. Scott, 1967, pp. 56-67.
5. Moore, G. E., 1922, p. 308.
6. Aristotelians: The Nichomachean Ethics, translated by J. A. K. Thomson, London, 1955, pp. 66; Rose, W. J., 1942, pp. 88-142.

7. H. Odera Oruka, 1971, p. 37; Nordenstam, 1968, p. 18.
8. Moore, G. E., 1922, p. 308.
9. *Ibid.*, p. 308.
10. Odera Oruka, 1971., p. 37.
11. Charles Baylis, 1956, p. 3.
12. Nordenstam, T., 1968, p. 18.
13. Kant, 1789, p. 147, cf. Beck, L.W1, 1949, p. 181; Nordenstam, T., 1968, p. 18.
14. Nordenstam, 1968, p. 18.
15. Bateson, G., 1958, p. 75, cf. Bock, P., 1969, p. 400.
16. P. Bock, 1969, pp. 55, 331, 400.
17. R. Benedict, 1946, pp. 156-157, 133, 166, 115-117; Morris, E., 1945, pp. 198-206; 1968, pp. 215-277.
18. Bock, P., 1969, pp. 431, 407.
19. Neil, J., 1966, pp. 4-7.
20. Merton, 1957, pp. 131-132.
21. *Ibid.*, p. 131.
22. Wallensteen, 1973, p. 32.
23. Nordenstam, 1968, p. 13.
24. Roucek, 1947, p. 207.
25. Roucek, 1947, p. 20.
26. Beattie, J., 1964, p. 32.
27. *Ibid.*, p. 185.
28. *Ibid.*, pp. 185-186.
29. Keesing, F. M., 1966, p. 102.
30. *Ibid.*, pp. 102-103.
31. The Bible: Genesis, Chapter 4, pp. 9-10.
32. Evans-Pritchard, 1940, pp. 16, 18.
33. *Ibid.*, p. 18.
34. Ocholla, MS.
35. Evans-Pritchard, 1940, pp. 50-51.
36. *Ibid.*, p. 50.
37. Smelser, N. J., 1966, p. 4.
38. Bailey, F. G., 1969, pp. 21-22.
39. Olsen, M. E., 1968, p. 160.
40. Keesing, F. M., 1966, pp. 423-424.
41. Bock, P., 1969, p. 431.
42. Herskovits, M. J., 1952, p. 327.
43. The Luo use the term "*Tero dhako*", which means "send the cattle", and this makes it clear enough that they do not imply "paying cattle". A term which stands for paying is "*chulo*", which is never used in marriage transactions.
44. The *Ohinga* (wall) is discussed in my manuscript "The Luo Culture", Vol. I, and also the construction and the occupiers. In the remote past the whole clan used to live in one *Ohinga*, which enabled them to form a strong defence.
45. Evans-Pritchard, 1940, p. 19.
46. Ocholla: The manuscript of the Luo Culture has a discussion of cattle colours, and the anatomical names of parts of the animal; see also Evans-Pritchard, 1940, pp. 41-46.
47. L. W. Doob, 1960, p. 112; Evans-Pritchard, 1940, on The Nuer, writes that among the Nuer (a Luo tribe in the Sudan) important ritual specialists are the Wut-Ghot, the men of the cattle. He has a ritual relationship to cattle, the lineage of Wut-Ghot have hereditary ritual powers in relation to cattle and are asked to care for sick beasts and to make barren cows fruitful. *Ibid.*, p. 177.
48. Ocholla, Research Report, 1973, p. 15, on economic hierarchy, Okebe, in the rank next to Ruoth. P. Mboya, 1938, p. 102, says that "Okebe is next to Ruoth in wealth; Luo Dictionary simply says that "an important chief" (or well-respected person), who is rich and lacks nothing.
49. Ocholla, MS, "The Luo Culture" discusses village site in a more detail. The land for a village site must be chosen by the clan elders and not by any youth, who wishes to build his

house or homestead.

50. G. Wilson, 1961, p. 71.

51. Nyieko and Libamba relationships are discussed in this text, see chapter V.

52. "Mother's house" is an elementary family consisting of mother and her sons and her daughters before they are married. It is generally called "*Joka Miyo*", discussed in chapter V.

53. Notes and queries on Anthropology, 1967, p. 71.

54. *Ibid.*, 1967, p. 71.

55. Ocholla, Manuscript of The Luo Culture, Vol. I: the construction of beer hall, *Siwandha*, beer vessel, *Tago*, and drinking pipe, *Oseke*, are described with illustrations.

56. Lewis, I. M., 1961, p. 270.

57. Allardt, E., 1973, p. 11.

58. *Ibid.*, p. 11.

59. Kluckhohn, 1959, p. 427.

60. Bock, P., 1969, p. 402.

61. Ogot, B. A., 1967; Evans-Pritchard, 1949; Southall, 1952.

62. Ogot, 1963, p. 253; Ocholla, MS, Regional Specialization, Introduction of the Luo of South Nyanza and Tanzania (Dup. pp. 56).

II. Virtue Standardization in Luo Normative Ethics

Virtue boasting (*Pakruok*)

The term virtue functions as a main feature of right conduct. Moore distinguishes two types of right conduct: "rules of duty" and "ideal rules".¹ The rules of duty, he says, are those within our power to avoid, e.g. "thefts", "go to war", while ideal rules apply to those which we cannot just decide to do like that, and which are perhaps unattainable in many cases, e.g. "Do not run away from danger", "Love your enemies", and so on. The last rule indicates an ideal which might be hard to live up to. Linking Moore's categories of right conduct, Nordenstam interprets them in more ordinary practical language, by saying that virtue is tied up with: "feelings, thoughts, beliefs, intentions and attitudes".² And then gives his categories which are in some way close to Moore as "inwardly" and "outwardly" oriented conceptions of virtue.³ If the society's ethics of virtue are the conceptions of *what* and *how*, members should *be* and *do* in order to make a good society, then we should determine statements that have become stereotype and which are characteristic of inwardly or outwardly oriented feelings, thoughts, beliefs, intentions and attitudes.

An examination of virtue boasting (*Pakruok*) among the Luo is one way that reveals several occasions for inwardly and outwardly oriented conceptions of virtue. The most important occasions occur at a beer party, a dancing occasion, and also in a harpist's songs, which are always composed of virtue demanding, virtue praises and virtue boasting. At a dancing party, a man or a woman may occasionally stop a harpist in order that he or she may "boast his virtues". *Pakruok* always takes two forms: those of "inwardly oriented" concepts; and those which are "outwardly oriented". Some of the *Pakruok* I have recorded shall be given a rough translation, though the full meaning shall not be beautiful or attained as they naturally appear in their native language. A person may interrupt a harpist playing in order to have his "virtue boasting" heard, or compete over a certain "virtue name", *Nying*, or over a "virtue song", *Wer*. A man may give a harpist, *Jathum*, a very high prize to preserve his "virtue name" or "virtue song". It may be a heifer, a bull, or an ox, just to maintain his "virtue status", which must be remembered each time a harpist is playing or singing in any party or gathering at any place.

According to the Luo virtue rules, under no pretence should a musician allow anyone else to claim the song or name in the absence of the owner. A person may claim the highest state of strength by maintaining that he is the "*Otekra marangufu machienḡ nokunyre kende*", which means "He is the strongest man, who shall one day bury himself after death". Dead people do not normally have any reserved strength to carry out their own burial, but "*Otekra machienḡ nokunyre kende*", is a state where one reserves his strength to dig his own grave. In a virtue boasting dance, I recorded that another dancer got up from his seat and claimed that he was "*Ratego omako Josi rachieche logo komiyo wangegi*", which may be translated as "the strong brave man got hold of a buffalo, all blind men can peacefully wash their hands and wait for the meat". Of course, no strong or brave man can dare to catch a wild buffalo by hand, however brave he may be. If blind men had to wait for such a person to come, it would end that it is only an ideal bravery. When a man claims that he is "*Thuon karangach*", which means "brave towards the gate", he is referring to the people who escaped from the battle field, stressing how brave they were, but nobody says anything about the bravery of those who remained in the battle field, although they were the bravest. If a man wants to claim the highest state of bravery, he must die first and come back to tell his friends how brave he was. But ordinarily dead men do not come to tell what they were, unless they are ghosts. And ghosts belong to a different category of nonesteemed spirits.

To pass water in the house because of darkness is in the Luo tradition a sign of cowardice. And when the Luo refer to each other that "*Unune mudho nula eot*", they are referring to an ideal darkness, which can only be experienced in a night without lightning, stars, moon or fire, a state of complete darkness which has never happened since the earth was created. It therefore occurs, that the Luo build their lavatories at a distance from the living quarters; and to live with human waste matter in the same house, "*Dakgi chieth eot*", is against the Luo ethics of virtue.

When a man says he is "*Thuon bade chuma*", he is comparing his arm with an "iron bar". But a man who challenges him on that name may say, that he is "*Ochienḡ Okinḡ*", "something as hard as a granite rock", this is meant to refer to him as an "immortal being". Within this category we find "*Otange*" as an extraordinary character which cannot be translated. The Luo have many such expressions in virtue boasting.

All virtue names often attached to the *Nying Juok*, (the soul names), for instance, "*Otieno Achach*", means that *Otieno* is a soul or a spirit name, and *Achach* may be a kind of virtue boasting name. But *Achach* is a characteristic opposite of good virtue in its most extreme sense. *Achach* does everything opposite of what is expected of good behaviour.

Girls virtue names

Girls may boast with fathers' names, if the question is put to them in this manner: "*In nyar nḡa?*", "Whose daughter are you?" The girl is then

expected to count her "fathers". In virtue boasting, it is social fathers who are important and not the biological fathers. Similarly, virtue boasting names may be directed to the girl's brothers by this question: "*In nyamin n̄ga?*", "Whose sister are you?" The answer to the question will then enumerate all virtue names of her brothers, but here biological brothers may be included. Most important, however, are those standing in relation as her brothers, (half-brother, sons of her father's brothers, etc.). In this connection, a married girl continues to be called by her social father's name or the name of her kinsfolk's country. Her father-in-law or her mother-in-law almost never call her by her actual names throughout her marriage life. These are her honourific names. Names such as "*Nya Nam!*", "*Nya Konyango!*", "*Nyar Bar!*" are examples. Both boys and girls may utter their uncles' names at a virtue boasting occasion by saying "*An okew gi jomatek!*", "I am the nephew of the strong men!" Or if bravery is the virtue to be stressed, he may say "*An okew gi thuondi!*", "I am the nephew of the brave men", etc.

Girl's virtue boasting names deduced from their boy friends' virtue names confirm what we have mentioned in the socialization process, that girls were permitted to have as many boy friends as they pleased. At a dancing party, a harpist may demand to know who were the women's boy friends before she was married. In Ugenya and Alego a harpist may ask a girl "*In chot n̄ga?*", "Whose lover were you?" And the girl may answer by saying "*An chot Owade Kagayi*", "I am the lover of Owade Kagayi". "*Kagayi*" is the virtue name, and is also the name either of the village or place named after one of the elder's who first made settlement. He is considered a hero of that place. I shall arrange the questions and answers how they are uttered at a virtue boasting party:

Q. In chot n̄ga?—Whose lover are you?

A. An chot Odhiambo "*Rateng*".—I am the lover of Odhiambo the brave (rateng is a virtue colour of bravery as we have noted earlier).

Q. In chot n̄ga?—Whose lover are you?

A. An chot Ocholla "*Otekra Marangufu machieng nokunyre kende*" (for translation, see page 46).

Q. In chot n̄ga?—Whose lover are you?

A. An chot Ochieng "*Thuon Karangach*".—I am the lover of Ochieng "*Thuon Karangach*".

Q. In chot n̄ga?—Whose lover are you?

A. An chot Okoth "*Duongne Duong*".—I am the lover of Okoth "*Duongne Duong*".

Q. In chot n̄ga?—Whose lover are you?

A. An chot Olwal "*Piny gi Tate*".—I am the lover of Olwal "*The earth and its roof*".

Q. In chot n̄ga?—Whose lover are you?

A. An chot Onyango Ragwel.—I am the lover of Onyango "*Ragwel*" (the bow-legged).

Q. In chot n̄ga?—Whose lover are you?

A. An chot "*Koga Wuod Olando Wange Kwar*".—I am the lover of *Koga Winyo mawange kwar*"; etc.

Each girl occasionally may interrupt the harpist or the musician to utter her virtue boasting of her former lovers. The names that are in italics are the virtue boasting names of the girl's boy friends. It is no wonder that a conflict often arose over the competition over a certain name, since one's virtue name is also used by one's girl friend. It would appear as though to lose a virtue

name to someone will also imply losing one's own girl friend to that man who now owns the name. Another important fact related to the competition over the name is that of the importance of the name itself. The name has magic, power, and the character of a man itself is believed to be in his name. To take one's name away will mean a lot to the life of the owner. The name is like the shadow or a picture of a man (see pages 182-185).

Virtue Songs of the Luo harpist

A harpist song is a characteristic of Luo virtue demanding or virtue praising. I shall not here record the full text of the songs, but pick out parts stressing virtue praises or demands.

When a harpist sings: "*Jomoko moko mangwony ka ring abula gi Onyango osiepa to oloyou . . .*", this may be translated as "there are many wealthy men, but Onyango, my friend, is the man above them all . . .". It does not mean that Onyango is actually richer than the rest of all rich men a harpist knows, but that he is the most "generous and hospitable" man of them all. Rich people are rarely generous, they are almost always thrifty, and to combine the two qualities is difficult. A harpist, called Olima, has one song, where he praises himself as "*Niditi Kwa jo gita*". No English expression can give a good meaning of "*Nditi*". We can, however, translate it as "A superb leopard harpist . . .". Luo harpists always sing "*Wuoi ma Chunye ler . . . Wuoi machunye tek . . . Wuoi machunye ber . . .*", which may be translated as "a man with a pure heart . . . a man with a strong heart . . . a man with a calm heart . . .".

These are certainly direct implications of ethics of virtue of the Luo. Colour enters ethics of virtue in two expressions. The black colour and the brown colour may be joined with a real name to interpret a man's virtue. The black colour, which is *Rateng*, is a praising name symbolizing bravery or courage. And *Silual*, brown, is symbolizing "decency". A man may simply be called *Rateng* or *Silual*, if his colour corresponds to the virtue status, conveyed to people of that status position. Among the Luo no-one wishes to be classified as a dwarf, but if a dwarf is called *Nyandundo* he feels highly respected, though the term still means the same thing in the English translation. He is a dwarf of a rare quality, which only very few can attain. A man with bow legs has a virtue name of *Ragwel*, and a man without any teeth in his upper jaw has an appraisal name, *Rambanya*, or with a term given to a man with spacy teeth, *Jasingari*. This beauty of special arrangements of the teeth or height or size is a virtue a man is born with, and with no amount of struggle one can attain them. Elders virtue boasting at a beer party is full of questions such as: "Who are you?", "*In nga?*", "What have you done?", "*Ango misetimo?*" The question of "*In gango?*" is always directed to those with less cattle wealth. And "*Ango Misetiomo?*" implies to question one's

bravery during life. An angry old man may tell another as a maximum insult: "Ngoro ni!", "You the coward!" or "Nyap Kobwolo", "Strengthless as a mushroom". Physical characteristics are implied in virtueless persons, e.g. terms such as "Ramapengo" for a toothless person; "Rabam" for a lame; "Rachiero" for a man with one eye. The importance of lacking a part of the body or being deformed may prevent a person from high position of leadership, may complicate his marriage, and reduce his social position in the society.

If the term *virtue* is what one should be like, in order to be able to be a good man in the eyes of the people and society one lives in, according to the Luo physical fitness must be included. This is clear from the position of transfer of power in the old Shilluk-Luo kings⁴ and Dinka-Luo chiefs.⁵ Once a King's physical power fails, he had to be killed, for his general power will also bring misfortune to the nation. I have also enumerated qualities one has to have if one is to compete for position of leadership which includes physical fitness. In the eyes of a Luo physical fitness is a part of the sum total of his conceptions and his social positions in the marriage and affinity, kinship, beliefs and value are considered in order to be able to be a good man in the different roles one comes to play in life. A virtue, as considered in this work, is any normative trait of features or characteristics which contribute to a good Luo. We have to look in this case into what had become the stereotype in education of children and communications between adult members of the society. From a child to an old man we hear throughout the day words such as *Jachir* (courageous), *Thuon* (brave), *Janǵuono* (generous), *Jahera* (he who loves others), *Rawat* (he who values kinship relation), and so on. It is difficult, however, to draw a line between *Thuon* and *Jachir*, since a *Jachir* may ordinarily be called *Thuon* and a person who is *Thuon* must also be *Jachir*. For *Chir* is the opposite of *Luoro* (cowardice).

Jachir and chir

The term *Chir* means courage, and a person who is courageous is the one we call *Jachir*. When we refer to a person as *Jachir*, we mean that his courage makes him do things which any other person may not dare or have courage to do. It implies more to a personal nervous feeling of fear of self-destruction.

The following cases involve displaying of courage (*Chir*):

Fear of blood-sight	-Luoro mar remo
Fear of darkness	-Luoro mar mudho
Fear of pain	-Luoro mar rem
Fear of danger	-Luoro mar lich
Fear of emotional strains	-Luoro mar thagruok
Fear of solitude	-Luoro mar dong kend
Fear of lack of support	-Luoro mar kony
Fear of death	-Luoro mar tho

To the above statements one needs “self-control” in order to implement them. A stereotype statement for the above fears is always expressed by these words: “*Iluor n̄ga mano thoni*”—which means that “if you are a coward, who will die for you?” These situations normally involve danger and fear, pain or emotional strains, and these states Nordenstam called the states of “self-control”.⁶ He also considers “self-control” as the most important criterion of courage.

Thuon: This term, though it contains courage, has also other implications. The Luo Dictionary defines *Thuon* as follows: “resistance, force, strength, courage, bravery (male characteristics); also sternness, to be austere or severe. Second meaning: male (means bull), a fighter; brave, courageous; known fighters in olden days, those who led out in battle, were in the fore-front of the fight”. The first definition, which includes “resistance”, “force”, and “strength”, may not be directly considered, but one can see that even here “courage” and “bravery” is included. The second meaning of *Thuon*, however, is the one which directly links a man’s character and performance with a particular meaning we wish to give here. *Thuon* is a title given to a brave fighter, whose performance in the battle field is the best. They are fighters who demonstrated maximum bravery and courage in a forceful strength. It is only a male that can become *Thuon*, since women do not go to war in the Luo society. But while displaying courage and bravery she is *Jachir* and may be called *Nyathuon*, (the daughter of the brave).

The Luo male children (as we have noted in the education system) are called “*Thuon*”, to develop this instinct of bravery and courage in them. In order that a child demonstrates that trend, he has to do certain things, e.g. fight, prove that he does not fear darkness, be able to tame hostile young cows, or resist provocation from other children without looking for parents’ or elder brothers’ support, and so on.

A child who does not cry for physical pain is called *Thuon* or *Nyathi-majachir*. This was often displayed in removing six lower incisors. The Luo children have a habit of sometimes fighting with slings, sticks, stones, wooden arrows and so on, and none is expected to go home crying. A child beaten by someone, especially by someone of his own age, can never come to his parents or relatives crying, or with the accusation that someone has beaten him. He would be beaten even more for that. A child with the following qualities would be unacceptable in the society. He is child who is *Jagwondo*—that is a child who is not generous. A child who stands beside where people eat with an intention to wait to be welcomed—*Nyathi ma Jahawanya*. A child who pretends that he is ill when people go to look after cattle (or he may just escape)—*Nyathi ma ja kidura*. A child who is gluttonous or greedy is *Nyathi ma jawuoro*. A child who is being characterized a liar—*Nyathi maja miriambo*. A child who does not respect his elders—*Nyathi maonge luor*.

An occasion when I obtained the virtue term of “*Jachir*” could now be called moral courage. One evening at our home, as usual after everybody had

completed his job, and we had finished the milking, which used to take us sometimes up to eight o'clock in the evening, we sat in the *Duol* (forum) waiting for food. Then suddenly we heard the chicken making a noise in a relative's house. It was apparent to us that either a leopard or a snake must have entered the house, and was killing the chickens. Still worse was, that a child was asleep in the same house. The room was dark, we could not see what it was. We lit a small candle by the door, which enabled us to notice that it was a *Ndemu*, a species of King Cobra, the most poisonous snake in Africa. There is no medicine for it, because whatever it bites gets rotten in less than twenty minutes. At first we did not think that the child could still be alive, but suddenly the child woke up and began crying. I suddenly, as a mad man, threw myself in the room towards the bed where the child was lying, got hold of him and carried him on my chest out of the room. The snake grew wild, made a strike towards me, but missed my head because of my shadow on the wall. I was able to escape with the child, but the snake continued to kill chicken, and even the cat was killed, so the room was in a terrible state. After I had taken the child to safety, I came back for the real battle. By then everybody in the village was aware that it was *Nedemu*, but finally the snake was dead. It appears to me that people who act in this way, do not have the slightest feeling of death or fear, they neither see danger nor do they think of it.

In the traditional idea of courage, the Luo put emphasis on moral courage, fortitude and endurance. A brave Luo is a man, who, for the sake of saving another's life, does not take his own life in consideration. A brave man, is a man who offers his life for the protection of cattle and his lineage, and his country. He is a man whom no amount of threat is able to shake, he can stand up against dangers of all sorts without being overwhelmed by fear. He is a man who can stand pain and hunger without reducing himself to a beggar or showing sign of greediness and gluttony. A courageous Luo does not lose his self-control when faced with calamities.

When a man escapes or acts to protect his own life, they say "*Nyasachi ber*" or "*Nyasachi okonyi*", meaning "Your God is good!", or "Your God helped you!" A courageous man is calm, and strong-hearted. Often at a beer place, old men with many children or many wives may demand that an old man with one wife or one or two children sits at the door during the beer party. This demand was an allegation that owing to the fact that a man had only one wife, all his heart is concentrated there to the extent that he loses his calmness and strong-heartedness in the case of unhappy events. Those with many wives argued, that if a man with one wife hears that there is an accident, he may run out in a confused manner breaking beer straws, "*Oseke*", of other old men.⁷ Such a state of mind is the lowest state of *Chuny-Mangaw* (fainthearted). A brave man or rather a courageous man must master his feelings in the events of disaster confronting him. A courageous Luo does not break down in the event of calamity; the death of one's child, one's relative, or closest friend—this should not reduce a man's dignity. To commit suicide is to escape one's obligation and duty.

The word *Ngoro* is used to describe a man who cannot master his nerves for

courage. According to the old Luo tradition, a child who fears other children was called *Ngoro* and might even have been refused food. He might have been provoked to fight by someone asking another of his age mates to "touch his head", or to "place grass on his head". If a child still would not fight after that, and news reached home that another boy had challenged him by touching his head or placing grass on his head and he still would not fight, he might definitely have been refused food. A child might be strong, but fear reign over him, but if he was actually physically weak, he was nicknamed *Tongoyoyo*, the lowest state a weak man could reach. We can note here, that overcoming fear is an important Luo virtue.

To remain calm and undismayed in sudden alarms is another example of courage, which they call *Chuny-Teko* (strong-heartedness). It is inwardly oriented bravery, whereas *Thuon*, is outwardly oriented courage.

The statement "*Thuol odonjo eko*" explains a paradigm case for the display of courage. A man faced with physical dangers in the form of a wild animal or an enemy which enters the house does not run to mobilize support, but fights with whatever is in his hand. It is here necessary, actually, to experience fear or at least to realize that the situation is of a dangerous kind, in order to be courageous in the full sense of the word!

The heart as the site of intellect and ethical emotions

The heart, *Chuny*, according to the Luo, is the site of the intellect and ethical emotions and wisdom of a person. They consider emotions or attitudes, evil thoughts, pure feeling, wisdom, hospitality and generosity as invoked from the heart, *Chuny*. The Luo make a distinction between physical heart, which they call *Adundo*, and spiritual heart, *Chuny*. It does not appear that *Chuny*, which also means liver, is referred to in this context, since the position they point at when asked for physical *Chuny* and spiritual *Chuny* of a human being do not correspond. The spiritual heart is situated somewhere beneath the end of the central cartilage, a spot believed to be occupied by the physical heart, *Adundo*. Yet they do not call it *Adundo* when ethical emotions are implied, but *Chuny* (spiritual heart).

The ethical emotion and wisdom as knowledgeable from our heart, *Chuny*, is again distinguished from the work of brain, *Obwongo*. The Luo say that cleverness and stupidity are the work of the brain, so that when they say "*Wiye ber*", which means "He has a good head", or refer to people with good memory, is quite different from when they say "*Chunye ber*", which means "He has a good heart". A man is said to have a good heart when he is not easily offended, he does not take revenge on those who wrong him, he is always prepared to receive or forgive. In order to give a proper picture of the works of both heart, *Chuny*, and head-brain, *Wich gi obuongo*, we shall first give expressions which illustrate the work of *Chuny*, and later compare them with those of *Wich* or *Obuongo*. In the work of *Chuny* we may note the following ethical emotions:

Chuny ler could be translated as: “To have a pure”, or “a clean heart”. This is said to those who may welcome heartily a stranger regardless of his social status or physical condition. It is sometimes said that he is a man who can eat in the vicinity or in front of a stinking decomposed object. This may illustrate what a determined heart such a character should have, since in normal cases no one could withstand a decomposed object, unless he/she is in an impossible situation without alternative. *Chunye tek* is “a strong-hearted” or “a solid-hearted” man. He is a man or a woman who does not show emotion when faced with calamity or disaster, he is steady and ready to face it with calmness. The Luo respect *ngá machunye tek*. This is a man, who regardless of a loss of his son, wife, or close friend, will not behave with emotionality, or in a disrespectful way, which may result in irrational actions, e.g. committing suicide, or going to war without a proper preparation or asking the reason why (*Gimomiyo?*, *Nangó?*). *Chunye rach*, is an intolerable-hearted person. A man who takes the least offence and nothing seems to please him. This is literally translated as “to have a bad heart”. The Luo do not like *ngá ma chunye rach*. *Chunye ngaw* is a man with a very unstable heart; he takes the least offence. He is quarrelsome to a very slight offence. He is a person who does not know jokes. This is an un-Luo character. *Chunye nguon* means a heart full of gifts. A man who will let people make use of his personal belongings without bitterness. What he has, appears to be before everybody or at the disposal of whomsoever is in need of it. The Luo believe that *ngá machunye nguon* always receive sympathy and help from people. He is like *Chunye okwe*, who has a polite, courteous heart, a man who has no grudges with anybody. He is a person who minds his own affairs, and does not talk ill about anybody. In some ways he never praises nor back-bites anybody. *Chunye liet* is a person with a “hot” heart, not a warm-hearted person, a man or a woman who used his/her things extravagantly. The Luo say that poor people are poor because of *chuny gi liet*. *Chunye lewlew*, however, has a narrow, weak, and unstable heart. A man who cannot keep a secret. *Chunye onge* is a person without “heart”. It may be that he is easily offended or that he belongs to the group that can not keep any secret. The Luo may say *Chunye orumo*, his heart is finished. It is said to a man or a woman who has lost all hope. It is also said to a person who is about to die. But *Okawo chunye* is to be in deep love. This is said of two lovers. *Chunye gombo*, he longs for it. His heart is longing. A man who lacks things always longs for something he sees. Such a person can be a thief. *Chunye parore* is a person deep in thought. A man with a problem has his heart talking to himself of what to do. *Chunya orumo*, my heart is finished, I faint, loose hope. This is a state of despair, a state of sinking heart, but a person whose heart leaks, *Chunye chandore*, is very distressed, his heart wanders, He is not at peace with himself. The Luo say that perversity is one cause of *Chuny chandruok* (“heart-bother”). *Chunye rach*, his heart is bitter. He is angry, and resentful. *Joma Chuny gi richo* are feared, since often they are antisocial. *Chunya gombo*, my heart desires, I am discontented. *Chunye gocho*, his heart hits, he is still alive. His heart is still beating. The Luo say this to a person

who is close to death after a long or serious illness. *Chunye ochot*, his heart is gone. 'His heart is cut' is the literary meaning of *chunye ochot*. It is said to a dying man. *Chunygi gondalo*, they are in intimate conversation. Their hearts are mingling, or multiplying complex problems to find a solution. *Chunye wuotho*, his heart travels, is to be in the state of uncertainty. *Chunye gudo*, his heart moves, is to be in a very delicate state. He is at the point of death, All hope of life is gone. He is at the point of being called *dhano* or *kitundu* (dead body, being). *Chunye ariyo*, he has two hearts. A cat is said to have two hearts: one longs for the milk and the other for your chicken! A person with two hearts is untrustful, according to the Luo belief. *Kibaji goye*, his heart beats; this has two ideas: one is physical motion of the heart, and the other is expressing fear. The expression of fear is shown in the movements of the heart, and therefore *Jaluoro*, the coward has his heart beating at the very instant of an accident, or sight of blood, etc. *Chunye paro*, his heart thinks. The Luo believe that a person used his heart for deep thinking. *Chunye parona*, my heart thinks for me. *Chunye ngeny*, his hearts mingle. To have many thoughts. *Chunye chuok* means a quarrelsome person, he fights at the least offence, or shows annoyance for a slight disagreement. He does not accept jokes, and jokes are a common habit of the Luo in which they test emotional feeling of others. *Chunye tut* means a person with a deep heart, a man who is not easily offended, he considers things in a more tolerant manner. A man whose judgement is partial, he does not look for an opportunity to revenge, and in the event of self sorrow, he does not panic. But when the Luo say so and so is *rachuny*, they mean a good-hearted man. He is a generous person, he gives or shares the little he has with those who do not have. The realization of how one's own heart works, may be noted in an expression such as *Chunya gocho*, my heart hits me; *Chunya gondalo*, my heart is in a deep thought; *Luoro omako chunya*, my heart has not fetched his courage, and many more of this type. This certainly implies to us, that the Luo consider *Chuny* to be responsible for courage, bravery, and hospitality and also generosity—the work of the heart, *Chuny*. Since *Nga machunye tek*, (a man with a strong heart) is a courageous person, a brave person, and a *Nga machunye ler*, or *Chunye ber*, is a man with a pure heart, and is also a generous and hospitable person.

These concepts are central to the ethics of virtue. On the other hand, if we look into the work of head and brain, we are limited in some ways in our expressions. And sometimes it would appear as the heart does a lot of work for the brain, since decision and great thoughts are the works of heart and not the brain. We have mentioned earlier that the Luo make distinction between the work of heart and that of head/brain. In consideration to the latter, we have the expression such as *Wiye ber*, which means he has a good memory, a person who does not forget easily. And *Wiye tek* is referring to a person who does not yield to teaching; children who do not respond quickly during teaching. But *Wiye yot* is referring to a person who is good or quick in learning, he is also good in remembering what had been said. In South Nyanza it also refers to a child who responds quickly when being asked to

deliver a message. *Wiye tek* is then used as the opposite of *Wiye yot*, a child with a difficult head, who never yields to requests or demands. He is an impossible child, *Jakisini*, who does not willingly yield to elderly or parents' demands. The case of *Wiye otimo pi* refers to a person who can never learn or remember a thing. It literally means "he has a head full of water", an alternative polite form is *Wiye odinore*, which means "his head is blocked", "stupid head". Nothing can enter his head. No amount of teaching can open his head. But *Wiye rach* is expressing rudeness; it means, "a rude person", "an unpolite" or "aggressive man". The Luo recognise the work of the head in the behaviour of a drunken man. *Wiye otimo thing*, means "he has a beer head, his head is full of beer". He is drunk, an alcoholic person. Certainly a man with a "beer head" cannot be expected to have as clear a thinking as he would have in his normal state.

The function of the brain, according to the Luo, does not appear to have any direct ethical responsibilities as we have noted with the heart. The function of the stomach, according to the Luo goes beyond that of digesting food alone.⁸ The expression such as *Iye kwar*, which, if translated literally, means "he has a red stomach", but means, "he is stingy" is here given a completely different work of the stomach. The has to do with emotion. Close to the emotional aspect of the stomach is *Jagwondo*, a man whose food is never eaten by another fellow. He eats with his door closed. A *Jagwondo* can hide his food, if he hears someone coming. A person who is in a constant state of anger is called *Iye rach*; it is equivalent to a person with a "bad heart", "*Nga machunye rach*". *Ich lit* is stinginess, this is an opposite ethical emotional state. There is connection with the heart since *Chunye rach* and *Iye rach* mean the same thing, but are inferred from a different part of the body organs. Yet the spirit and the soul are thought to be dwelling in the heart and not in the stomach.

The Luo concept of motive (*ngech ang'o* or *gimomiyo*) may be translated as "on what motives" or interpreted as being "good" or a "bad" one. It is an inquiry about the behaviour of an individual or a group in relation to what are already societally agreed norms and principles of the society. But when one speaks of the unity of, for instance, "Luo ethics" and ideologies, one does not thereby imply any uniqueness. One does not simply wish to say that there is a certain complex or significant element, which is common to the Nilotic ideologies and which are such that they have never been elsewhere before in the history of mankind. Such a claim would certainly be preposterous. Therefore ethical problems are reflected and stressed differently in various types of societies with different ideologies.

Concerning spirit and matter, we shall see that the Luo drew a distinction, but regarded the two categories as being coordinate, so that the Luo distinguished a number of spiritual factors in a man,⁹ and that physical characteristics can be identified through a body, so that an individual did not hold his personal identity with the physical body alone.¹⁰ Personal identity was traced through characters, personal spirits and social identity of parents. The clan identity was traced through the clan founder. The point at issue

concerns spirit and matter and biological or social identification. The distinction between spirit and matter, the most fundamental questions in Luo metaphysics, is reinforced by their distinction of *del* (body), *Tipo* (shadow) and *chuny* (soul). This philosophy fixed the Luo ideology and the Luo ethics and indeed often inspired the Luo laws when honesty, dignity, generosity and frankness had to be considered in a case.

Morality was based on metaphysical beliefs, the ethics of the Luo were rationalistic. Since the moral sanctions were not always, and need not be, spiritual, immorality in certain spheres implied not merely a disgrace, but almost a sin. Immorality was held to jeopardise spiritual welfare (*Chira*) of the family, village and the clan or the community as a whole (*Kwer*). The rationalistic and absolutistic value of the ethics also explains the reluctance to admit degrees of gravity of the same misdeed.¹¹

The souls of men were members of a spiritual republic, dwelling for a while in the flesh, and the invocation rites that an individual and the public had to perform, such as those of the funeral ceremonies and sacrifices to the lineage or clan were necessary in order that the community at large might thereby be afforded and given insight into its condition as a spiritual entity.¹² The Luo law could be considered as a sort of supplement to ethics (according to the analysis given in chapter IV). The retribution that followed moral evil was often slow to come and when it did come (*Chira omake, Kwer*), it was held to be expressed in destruction for the family, village or community as a whole. The purification rites for the village or the community were therefore necessary (*loso dala* or *loso piny*) for the well-being of the village community.

The spiritual being provides laws and there was an inevitable prescribed visible punishment. The wicked slowness and the long collective suffering was brought about by single wicked souls. Naturally, laws had also a purely temporal inspiration, and social rules were more or less informal and further regulated the association between people. Without being completely rigid, they tended to confirm status. The Luo understood the concept of moral strength (*Chuny tek*), which was deeply rooted to the extent that it is now interpreted as the "function of the soul" (*Chuny*), and has nothing to do with the brain,¹³ a quality which dwells only in the individual "heart". Here, there is also the understanding of the nature of harmony (*Chuny ler*, or *ber*, or *ngwono*), which includes the theory of value and spiritual beauty, "*Chuny ber*" (further explanations are available in the appendix).

Notes

1. Moore, G. E., 1922, pp. 320, 321.
2. Nordenstam, T., 1968, p. 48.
3. *Ibid.*, p. 48.
4. Hofmayr, 1925, pp. 28, 149; Seligman, 1932, p. 90; Westermann, 1912, LIV; Howell and Thomson, 1946, pp. 10, 27.

5. Howell, 1952, p. 102; Crazzolaro, 1951, p. 184.

6. Nordenstam, T., 1968, p. 77.

7. Ocholla, 1970, p. 179, further discussion of the structural arrangement of the beer hall, *Siwandha*, and the positions of the beer vessel, *Tago*, and straws, *Oseke*, as well as sitting position according to social status.

8. It should not be understood that what we have referred to as stomach, *Ich*, or soul, *Chuny*, refer to physical stomach or physical heart, but has a meaning of soul or spirit, which is thought to be dwelling in the physical heart which the Luo call *Adundo*.

9. Ocholla, 1970, p. 207.

10. Op. cit., p. 208.

11. Op. cit., p. 209.

12. Op. cit., p. 209.

13. Ibid., p. 210.

III. The Process of Socialization and Norm Implanting

Education

Education is an expansive term. It is the process of socialization which possibly begins at child birth and continues until death. Education is an influence consciously directed at modifying thought, feeling and other forms of behaviour. There may be several definitions of education, but for the purposes of our discussion, education will be defined as "the sum total of the experiences which molds attitudes and determines the conduct of both the child and the adult".¹ This definition indicates that a person is educated from childhood to death; this is the Luo belief. It specifies that education is spread throughout all stages of life. It is evident that education in its broad sense, must appear, in some form, in all of the topics treated in this work. Consequently it is necessary to try to establish (1) how is it communicated, (2) to who and by whom is it communicated, and (3) the content of what is communicated. We have to establish a body of instructors and institutions through which instructions are given. In our case we shall discuss the Luo concepts of "*Duol*-education", "*Siwindhi*-education", and "*Simba*-education". These are important institutions for the Luo educational system which have not been systematically examined.

Traditional methods of communication

Methods of communication are both abundant and various. They include means by which understanding is transmitted from individual to individual within a given cultural area. Generally speaking, it is possible to determine two categories of techniques for communication: the primary techniques include language, signs, proverbs, idiom, gesture, stories, riddles and observation; the secondary techniques are more modern and include writing, printing, telephone, radio, figures and so on. The latter category will not be considered here, since they were not familiar to a preliterate society.

The significance of communication in ideology and normative premises may be demonstrated in several ways. First, the members of a preliterate traditional society became aware of group identity and values that served as guides to their cultural behaviour. These were learnt through folk stories, past heroes, and past behaviours and institutions that existed in the past

society. Second, the means and techniques of planting ideologies in the heart of the members of the society were dependent upon communication developed by a dominant cultural group of that society.

Communications which carry ethical and ideological convictions may also carry punishments to those violating them. Communication may say whether the punishments were banishment, physical pain, mental pain, loss of prestige or destruction.

Verbal symbols. In the traditional form of education, the verbal symbol became the chief means of expressing concepts. Yet some were not always necessarily verbalized. Symbols in the form of signs, such as nodding and shaking the head, waving, calling by hand signal were used very effectively; even eye signal is still very commonly used. Whatever symbols or signs were used, they were used to transfer beliefs, norms, values and knowledge from person to person, and from old to young.

Symbolic learning. Symbolic learning was the medium through which the Luo society brought together its members. In the primary stage, members of a family learnt their obligations in the upbringing of the younger generation. At the clan and tribal level, they tended to share the same emotional states. This was reached only after a deeper understanding of abstract ideas conveyed by word symbols. This learning begins at home through intimate contact with parents and children. Parents teach their children what they have learnt from their own parents and grandparents and add to their experience as better guardians.

Learning that established pattern. The Luo society living under similar environmental circumstances is capable of developing its own pattern, and there are many directions which these may follow; they have produced these partly due to the ecological setting of the group occupying it, and partly due to the historical development which helped to form the group. These societal patterns are continuously repeated due to the ancestors of its members having built them in an orderly consistent system of living. The society's patterns are the result of practical education over a long period of time. Society compels parents to follow their duty of bringing up the younger generation to acquire the ancestors' culture, ideologies, and pattern.

Before we discuss some concrete aspects of the Luo system of education in the order mentioned above, it is necessary to spell out clearly some specific functions of education in the traditional society.

Function of traditional education

Education is essential for social control. Its success as a form of social control in a traditional society is due to the existence of a uniform system of education. That is, common policies exist as regards giving instructions that

must be accepted. Education was to promote unity by emphasizing respect of the system, i.e. respect of age certainly creates a smooth running of a relationship for the sake of unity, and purposive actions of agreed values and norms. The traditional education stresses the common responsibility for youth by the elders; in turn due respect must be communicated, not only to the parents, but to all who undertake responsibilities, the lineage members, clan, and the tribe. Thus kinship ties are strengthened throughout the tribe so that no person will marry anyone who is considered to be related by kinship. Education was therefore essential for family life, and kinship ties linking them with the clan, the religion of the clan and of the tribe were always congruent. The Luo religious observations did not create rigid rules that were impossible to attain, and we find that there is always a solution to the problem.

The importance of traditional education is heavily stressed from childhood, and all that follows is built upon childhood education. It is this that has made preliterate societies what they are, and makes the difference between traditional education and formal education gained at school.

Formal education gained at school is but a small factor in the development of manhood in the society. This may be stressed by the fact that formal school education very rarely teaches normative rules, beliefs and behaviour. We never come across, for example, rules of respect to elders, rules that teach do not kill, tell lies, and so on, unless one is in a religious class or church. But all these rules are produced by traditional education, at all levels and in everyday instruction. I intend to call traditional education a "normative education" because it puts normative beliefs into the minds of the young members of the society.

Normative education

It has been mentioned already that normative beliefs have the responsibility for enforcing group standards. Normative education stimulates sentimental beliefs which validate norms. Normative education teaches that it is right and desirable to do or to avoid doing certain things (as defined by the custom), and it is right and desirable to do or to avoid doing them in a prescribed manner. It teaches normative rules, so that the purposes of the group may not be submerged by the actions of its members. It teaches common values and validates norms and rules.

The long-term effect of normative education in the traditional society appears effective where a prison system does not exist. Normative education is a means of social control. It is the means by which individual members or a group of the clan are induced or compelled to conform to the traditional conduct as represented by their traditional heroes. In considering these means, we should bear in mind that the significance of institutions, such as those I have mentioned above (*Siwindhi*, *Simba*, or *Duo*), in shaping the

behaviour of the members, depends largely upon the cultural educational setting; that is, the subject matter of education or its content, and the rigidity of the system.

Traditional aims of education

The aims of education in the traditional society are very broad and a child is expected to have covered all that his culture provides by the time he has matured. But a society, such as the one we are studying here, restricts some types of education for others. Some professions are passed on from generation to generation, and therefore education is not open to all. For example, the blacksmith educates his son who will take over the workshop, but it is not given to children who are not members of the blacksmith clan, and to those whom the ancestor has not approved. The knowledge required to become a medicine man and to treat illnesses is not conveyed to all people. The Luo, for example, strongly believe that certain skills can only be inherited, and that education alone is not enough. The aims of traditional education can be said then to provide a practical education which enables a child, and later as a grown man, to assist in the production of material wealth. A second aim of education is to provide a child with the traditions, customs and the history of his ancestors. A third aim of education is to give some knowledge of an inner life, which only a few may be able to receive by virtue of their relationship to those whose ancestors possessed that knowledge. A fourth aim of education is to maintain the Luo ways of life, respect and honour, and to keep the identity of the group wherever one may be. Education that encourages personal independence naturally does not preach rigid group corporation. The form of strong group conformity is attained by a just leadership. Since education stresses respect and is demanded at all levels, the respect for elders becomes the driving force. The system of education tends to be asymmetric and this trend appears to manifest itself in all other relationships, activities and behaviours.

The concept of respect for elders is a limitless concept. It is not simply between a child and a grown-up person, but it is hierarchical for all living members of the society and also for the dead. A young man may not sit on a chair while a man senior to him is present; a child may not call his parents, grandparents or those standing in those lines by their name. This would be regarded as disrespectful. Language used by children in conversation with elderly persons must be much more polite and polished than the language they use with contemporaries. In eating cow's meat, for example, respect of age and social status is strictly maintained.² Some parts of the meat shall be eaten by certain persons but not by the others because of their age, sex, or social status. This hierarchical structure strongly influences the arrangement of houses, villages, the position of sitting at ritual ceremonies, sacrifices, and even at the beer party. The oldest member of the family leads the group, unless proved to be traditionally and customarily unfit to be a leader. The

senior member of the family, clan, sub-tribe of tribe whose conduct has been outstanding may become a folk hero. In the world of spirits the Luo believe that, likewise, they are also allocated according to age status, and the position occupied in life on earth.

Being taught respect directly calls for positions of prestige and honour, which must be conferred to certain members by virtue of their age, birth, seniority, wealth or of their function as members of the society. According to the Luo rules of respect of age, a child may not tell an old man directly that "you are a liar", or that "you lie". Nor may a child say this to his parents or any other older than himself, even if he is certain that the old man is lying. Such a child will be certainly disciplined for such disrespect; he may however, say this to his contemporaries and juniors. The principles and aims of education advocated by educators are the acceptable forms of ideologies of the society.

A close examination of the Luo ideology of education shows that its purpose is to bring up brave but respectful members of the society. This is clear from the stereotypes in verbal education to children in day to day activities. The nicknaming or calling children with names they are expected to be like is common; a male child may, throughout his early childhood, be called, for example, a bull (*Thuon*), "the brave one" (*Jachir*), as if the aim is to make him a brave soldier or as strong as a bull. This is to impose on the child's mind that all males are expected to be brave or strong. The same stereotype names can also be noted in female children with terms such as *Nyadundo*, *Nyathuon*, *Nyanam*, the last two are meant to impose a traditional pattern to the girl's mind, whereas the first stresses gentleness and politeness for the girl's normal behaviour.

This investigation confirms this trend of development in the general behavior of the Luo. It will be shown that most of the education of customs and traditions is carried by mothers and grandmothers, and in practise the Luo women are more polite than their menfolk. Education for both sexes also stresses honesty, generosity, and is often in the form of stories and proverbs. Such stories and proverbs warning liars are also explicit in the Luo verbal education. Most of these stories have unhappy endings. Other topics in education, and how education is put into effect, will be discussed in the later sections.

It is always difficult, however, to achieve the aims of education unless some disciplinary measures are taken.

Punishment for non-conformity

Children receive many forms of punishment for nonconformity. Disciplinary action takes numerous forms, including physical punishment by whipping, defamation, temporary denial of some promises or rights, psychological punishments, or denial of food. Some of the physical punishments are cruel,

but are considered to deserve those who do not listen; for example, a child who is a persistent thief could have his hands burnt or an under-aged girl who tends to be somewhat promiscuous for her age, may be tied with her legs apart on the granary for the chickens to inflict pain on her genital organ. More recently, a Luo girl found to be practising prostitution in any of the East African cities could be escorted back to her parent in ragged and dusty clothes.

Ideology of child education

The Luo believe that "it is only possible to forge the iron while it is still hot. Once it is cold, you will either need a great force to shape it or it might break". A more direct proverb of the belief is that "tree is shaped while still young, when it is grown up it breaks". A direct interpretation of the two proverbs is, all that could be expected of a man must begin at his earliest age. They also say that man is taught until his death.

During the first seven years, a child is under a strong mother's disciplinary actions. During this period, the father rarely applies physical punishment to the child, although the mother may, as well as may his elder brothers and sisters. The greater part of disciplinary actions are composed of praise for every good deed, and reprimand for misbehaviour. At this age, the language is used as a weapon of punishment for misbehaviour and as the acceptance of good behaviour from the child. Quite often one could hear words like *Thuon*, the brave one, for any act of bravery; *Ratego*, the strong one; *Jaber*, the beautiful one; *Jakinda*, the one who never despairs or gives up; *Ruoth*, the honourable one, and so on. These form the daily language between parents, close relatives and the children. On the other hand, a child may receive all sorts of nasty names and rebukes, or even the breaking of some early promises given to him, because he has violated certain rules of behaviour. The Luo tradition commands that a child who is a good messenger (*Nyathi ma jaote ema Yieng*) is the one who is always well fed in the village.

As a part of the education, any woman may call one of the hungry children to come and help to do some work or to give them some message for another village. It may be, as often happens, that there is nothing to be done, except to test the willingness of the child at that state when he or she is hungry. If the first child refused to come or raised some complaints, the next one is called, until one will respond without complaints. He or she was then taken to the house and was given nice food, and was told to go and continue with the play together with the rest of the children. The others were always eager to know what was the task, but to their astonishment it was food! Each child will say: "If only I had known"—*Mad nende ange!* It always happens that after a man has violated the law, he regrets it when the punishment comes, and sometimes he says: "I wish I knew, then I would not have done it!" Within the first seven years, the education of respect for elder brothers and sisters begins and will continue without a break until old age. To the ages of seven and

fourteen, mothers and senior daughters tell many stories of the Tribe, some of which contain rules and observations which were broken and the consequences which befell those who broke them.

There were some rules, on the other hand, which custom demanded rigid observance by the children: eg., telling the truth, *Wacho Adier*, respect for elders, *Luor*, abstaining from theft, *Kuo*, aggressiveness to younger children, *Kwinyo*, big headedness, *Wichteko*, abuse, *Ayany*, and *Wuoro*, gluttony and *Wanyo*.³ Education for the above rules was carried out by parents, senior brothers to younger brothers or elder sisters to junior sisters at the village level. For the first seven years, and up to the next fourteen years the teaching of the above rules, was supervised by the *Jadung Dala*, the village head. From the age of fourteen, the education of girls was continued at a higher level by *Dayo* or *Pim*, at the grandmother's house, which the senior girls used as their dormitory, *Siwindhi*. The education continues in *Siwindhi* until the girls were married. In the *Siwindhi* they were taught the marriage rules, the sexual education, the medical rules, the rules of respect and the stories. Customs and traditions of the Luo society were given to the girls in a more advanced form than that which their mothers gave them at an early age. The boys join the senior boys in the boys' dormitory, *Simba*. The education that the younger boys receive in the *Simba* is more or less connected with discipline. Keeping secrets of what had happened in the *Simba*, and the planning of courtship, dances, hunting, wrestling and "fights" between clans. However, the real Tribal education for the boys was at the forum, *Duol*. The *Duol* was always situated at the centre of the village facing the cattle kraal (*Kul* or *Dipo*) and the main gate, *Rangach*. The head of this institution was *Jaduonng Dala*, who was always either a junior elder or a senior elder and who must have participated in all tribal walks of life and wars, or knew a great deal about them from his grandfathers. Those who showed real courage and bravery had their social position raised, and they were decorated by wearing *Tora* on their neck. *Tora* was a decoration awarded to a brave warrior, who had killed an enemy. The decoration differed according to what bravery was all about. For example, *Toch*, a man, is different from *Toch*, a lion. Each killing will give the warrior one *Tora*, so that status was increased as one received more *Tora*. The *Ngoro*, the coward never received a *Tora*, and these men could not speak at a social gathering. Their social positions were low and they could not be appointed as leaders or arbitrators for the courts, *Doho*.

How the improvement of performance was measured

A good daughter releases her mother from domestic duties, she sits around the evening fire and tells folk tales to her younger ones. A good daughter must know how to cook, and must not be slow and clumsy. She goes out during her pleasure time after she has finished her job, or comes back in time to finish her assignments.

A good son. A good son gets up early in the morning, milks the cow and takes them out for his younger ones who are considered good only if they look after the cattle outside the village in the morning. A good son takes care of cattle, takes them to a good pasture and waters them with clean water. A good son sits with his father at his father's forum (*Duol*), or with his grandfather, to listen to the past tribal stories of great wars, hunts, famines, epidemic deaths, and so on. A good son must respect his parents and must listen to teachers. And above all a good son must be brave and calm, and must be respectful to all elders and to senior brothers. A common education may be observed from the following expression:

“... A lazy youth is slashed;
A lazy girl is slapped;
A lazy woman is rebuked or beaten;
A lazy man is laughed at
Not because they waste time,
But because they only destroy
And do not produce”.⁴

A child is said to be taught and not tried. A child was never taken to a public court before the council of elders. He was disciplined at the village or homestead level. At this level, it was the father who took care of the village or the father's brother if the father had died. He became a jural-political chairman of the council which hears the cases of the village. If a child commits a crime outside the village, the case is transferred back to the village council. Most crimes committed within the village are settled at the village councils unless they violated the peace and order of the clan and the rights of other outsiders. If a child had stolen something (e.g., food) he is given corporal punishment by whipping. His father may carry out the punishment himself or order one or two of his senior sons to hold the child on the ground while a third one whipped him. This is done before the father until he gives an order of hold off. If the child is still young, he may receive eight slashes. If the child is already grown up, he receives even more slashes. But if he persists in stealing the village council may order his fingers to be burnt. If the first burning was not effective, a second may be ordered in case a further theft is committed. This is the last physical punishment a child is given, after this the punishment is *Huwege* which is more psychological.

The huwege concept of education

One of the most effective forms of punishment the Luo use in the process of education is the “huwege” song. A child, or a grown-up man, who breaks a custom is psychologically humiliated through the “huwege” songs. Should a child steal, for example, some fish, or a grown-up married man or woman go into the kitchen to steal food, or a married man or woman enter their parents' sleeping room, the young girls and boys will expose the story throughout the clan by song.

The huwege songs are sung in the fields, on a hill top, by a river or in the forest during outdoor activities. The girls may sing them as follows:

Huwege, huwege wegeuru awega ni Olum okwalo fulu,

Huwege, huwege wegeuru awega ni Aloo omulo agulu,

Huwege, wegeuru awega ni Ochieng donjo kachiena,

Huwege, wegeuru awega ni Achieng ochodo agoko.

The first singer conveys the song to the girls across the clan or across the river, to sing Olum, because Olum had stolen a little fish; the girls across the river may also reply by telling them to sing Aloo, because Aloo has put his hand into his mother's cooking pot; another youth who happened to hear the song elsewhere may reply, by saying, sing Ochieng because he has entered his parents' sleeping room. A person who has a quarrel in a village to the effect that Achieng has eaten the boys' part of the meat, will immediately reply, sing Achieng because Achieng has eaten boy's meat. In this manner the names of the persons who violate the custom may spread throughout the tribe, and even beyond the tribe.

The consequences of these songs go beyond the psychological effect that they carry with them. If it concerns a grown-up unmarried man or girl, it may affect his or her getting a mate, since, as we shall discover in the Luo marriage, anti-social behaviour may cause divorce or prevent a proposal.

Other punishments for non-conformity to the education pattern may have included threats of magic and witchcraft. Adolescent boys and girls who did not obey the rules that they should not be out too late, may have been warned by a threat of encountering witchcraft. However, I found the concept of punishment by "huwege" more effective, because adolescent boys and girls were very sensitive to ridicule by criticism from their own contemporaries, from strangers as well as from their own parents and relatives.

Punishment as I see it here, is not considered as cruelty, but may be conserved as one form of education. The overt techniques, such as ostracism or infliction of pain, cannot be underestimated in the Luo system of education.

The close cooperation, in the form of strong kinship ties in a clan, creates social models of the tribe as a whole, which are persistently brought to the attention of the young and greatly influence the development of ideals, habits and other personality traits to the younger generation throughout the tribe.

In a relatively homogeneous society that has common policies of education, members are closely related, so that psychological punishment is thus quite effective. The society does indeed care for its members with each person sharing another's problems; such characteristics do not appear in a more complex society.

The efficiency of education varies with changes in the social organization and life values of the group. In the present Luo society, life values have multiplied, and this has radically reshaped the educational outlook.⁵

In the traditional society, the education of custom was a powerful means of influencing the responses of individuals. What their heroes, or grandfathers, did carried prestige and conviction. But even in contemporary Luo life, it

does not yet appear that the influence of tradition has been broken in such institutions as family life, religion, philosophical thinking, and normative beliefs; ethical convictions have not significantly changed. This is so because much of which has been discussed in this work is still clear in the mind of most elderly Luo people, and they try desperately to reinstitute them.

An attempt shall be made to classify the Luo traditional means of "normative institution" of education and the non-institutional agencies, partly as a matter of convenience, and partly to show that institutional agencies do not only prevail in the more modern complex societies. There are some traces of the existence of these in some traditional societies, at least to some degree.

Family as institution of child upbringing

The very young child remains with his mother in her house for three days if it is a male child and four days if it is a female. After this specified number of days, the child is brought out into the sun for the first time. This symbolic contact with the sun marks an important reason for seniority of man over woman. The Luo do not think that females have, automatically, a lower reasoning capacity, rather, that a man's main superior position is due to his physical attributes, and partly because a male must be shown to the sun three days after birth and the female after the fourth day. It may be said that education commences at this early stage, and differentiation of sex is maintained even at this early age. A female baby, for instance, must wear female clothes, and the male baby must be dressed like a man. It is therefore against ethical principle to buy clothes for an unborn child.

A child is nursed and weaned until two or three years of age when the mother may well be expecting another baby, what they call *Luwō bang Nyathi*. If the mother happens to have little milk the child is fed: the mother places it between her legs, holding its arms and legs, and closes its nostrils with thumb and fingers at intervals when porridge is poured down its throat. This is what they call, *Gago Nyathi*, to feed a baby. The child can do nothing, he must swallow it or choke. This by itself is a great experience, and education of survival, he must accept it or die of hunger. This difficult job needs skills, and usually only mothers perform it, but they must have learnt it from their own mothers. After a child has been nursed and fed in this way, it is given to the babysitter, *Japidi* who keenly watches the feeding. The Luo *Japidi* is about ten or fourteen years of age, and already some *Jopidi* (pl) begin to feed children in the manner described above at the age of fourteen. For most of the day children are carried by *Jopidi*. Mothers of the children must fetch *Jopidi* from their kinsfolk or parents. *Jopidi* are usually girls if they are from their mothers' family or kinsfolk, but boys may also nurse within their own family if there are no girls in the village.

As the child grows, he plays with other children in the village. Up to the age of seven or so, they do almost all types of work indiscriminately. However, boys tend to imitate the male role, while girls imitate their mothers. The process of imitation perhaps begins already by the age of two or three, but by the age of seven it is quite evident: they cook, collect firewood, tend or nurse children, fetch water, and even imitate some common quarrels that they often hear in the village. They also try to tell their dolls stories, often those that were told to them by their mothers and elder sisters. Boys, on the other hand, play male roles, such as building houses, granaries, cattle fences and looking after cattle. This is an important educational process. From my observation and experience, girls tend to play closer to home than boys, since the activities boys imitate are often carried out by adult males in the field, e.g. herding cattle, cutting building material, or even fishing. Children are encouraged to go to play when the adults are engaged in conversation, but if it is not possible to play because of rain, or darkness, they may be allowed to sit and to listen to the conversation; they are not permitted to interrupt.

A child realizes that orders are hierarchical according to age, so that if ordered by a adult to do something, he will not hesitate. If, at a later stage, it is discovered that what he did was wrong, the blame will not be his, but he who ordered him to do it. Whoever comes to punish him asks him "*Ńgamanende owachoni?*" Who told you to do that? The answer is "*Ok ngane!*" Which means "Is it not so and so!" But the punishment shall, nevertheless, be equally given to both of them. A child must know what is expected of him without explicit instruction, and violation of unstated rules is as bad as a violation of explicit commands. The child learns the proper way to behave by observing those senior to him and how they behave to their seniors. As the girls grow older, they are given more tasks to do for the mother. They may be asked to get water from the river, to bring firewood, to sweep the house, to boil cooking water and so on.

The male child, as he grows older, must become acquainted more and more with animal care. When he is already ten or fourteen years of age, he may be assigned to look after small livestock while his elder brother goes to look after cattle. Sometimes, he has to accompany his brother or father in herding the cattle. He is asked to hold calves, goats, and close the small livestock gate. From the age of eighteen, for boys, and seventeen, for girls, adult activities are expected.

The daily activities start between 6.00 am and 8.00 am, a period we call *Okinyi*. Those who plan to go on long journeys start between 4.00 am and 5.00 am the period we call *Kok-Gwen*. Big hunting expeditions, or migrations generally start at this time. Youths at the age of eighteen are expected to participate in such events. Generally, all Luo elders must get up before sunrise, and must be out to see the sunset. Most people begin daily activities between 6.00 am and 8.00 am and continue to about 11.00 am, when they come home for the midday meal, except for the herders who must eat about 9.30 am or 10.00 am before they take cattle into the field. When people wake up early in the morning adults go to the garden for whatever is awaiting

to be done there. Clearing the field is the work of men, but the older boys must assist too. Digging and weeding are done collectively by youths of both sexes. Harvesting is also done in this way. In the early hours, when adult members of the family go to the fields, some boys may remain to do the milking before following the others.

The Luo form cooperatives when herding. The system involves a few villages having their cattle tended by one person for three days, and the next person takes over for another three days, and so on until it is the turn of the one who started. This system we call *Goyo Akwadha*. The *Akwadha* may be done within a village or homestead. If it is practised within the same village, the members of *Akwadha* come from each house where there is a grownup son, and all male children from that house must assist. Children who often hide from working with cattle are always punished, and when a cow is slaughtered, they are not given a herdsman's cut of the meat. They are often ridiculed, both by their contemporaries and adult members of the village.

Herding is not an easy task, since they leave home about 10.00 am and do not come back until about 5.00 or 6.00 pm. Midday, *Odiechieng'*, is generally very warm, and most activities other than that of herding are suspended until cooler hours of the afternoon, *Odhiambo*. During the afternoon, people return to the field, because work has to be completed before sunset at about 6.00 pm. For those who live by the lake, field activities are intensified only once a year: the period between March and September. During the remaining months, daily activities are mainly herding and fishing. Women spend most of their time in various activities such as pot making, trading with neighbouring people, or planting sweet potatoes by the lake shore. They also fish for fun in the shallow waters, but fishing in deeper waters when the use of a boat is involved is a job for the men. All young men must take part in fishing, either by helping to paddle the boat to the lake, or to bail water out of the boat. They may also help in drying the nets and fishing cages, assist in cutting sticks and sisal for making fish cages and nets.

Fish cages and nets, and also some types of hooks, are left overnight in the lake; the fishing activities normally begin at about 5.00 am when the fishermen go to the lake to see if they have any catch. The fishermen normally return during *Onyango*, that is, between 8.00 am and 9.00 am. The womenfolk select some of the fish for food, and dry or smoke the rest which they may take to market, *Siro*, to exchange with the Luo who live some distance away from the lake. For this they receive food crops: beans, finger millet, maize, banana and other various crops grown in those regions where climate and soil is suitable for cultivation. I should stress here that market activities were considered a woman's job, assisted by their daughters. No male would carry fish or grain to the market; however, a significant change has been made, such that both sexes now trade at the market. To return to the daily activities, we find that the men and boys spend the rest of the day, *Odiochieng'*,⁶ drying their fishing nets. There are several methods of fishing that men do throughout the day.⁷ There is a major fishing expedition in the morning and during the afternoon the men return to cast their nets and hooks

into the lake and leave them overnight.

In late afternoon or evening, some other form of fishing, such as *Yuwayo Gogo*, or *Rimba* and *Likira* is carried out. These are large fishing nets or cages respectively. If it is time for cultivation, those who do not go fishing or do not live by the lake, return to their gardens after the midday rest, until 5.00 pm when they return to prepare their supper. Normally supper is served about 6.00 and 7.00 pm. In all these activities boys and girls learn by observation and participation; punishment may be given to those who are too lazy to learn the work, or miss attending daily activities, or come too late.

Education of inheritance of production skill

The education of technology of production is, as a rule, open to all children and is stressed according to sex: thus some duties are performed by men, some by women, and others are performed together.

The education of "iron working" is, however, slightly different from general education given to male children. First, it can be given only to a member of the blacksmith clan, and second, to a particular boy selected among several brothers because of his seniority. The education of smithing and smelting (*Tich Theth*) is a long process, normally a boy begins by working the bellows for his elder smith.⁸ Throughout childhood, a boy learns the actual work, particularly the simpler tasks. He is not, however, given the opportunity to work in his own workshop before he becomes a father. During this period, a boy learns to work some simple implements, e.g. knives, and fixing handles. He mostly uses small pieces of leftover iron. He is then introduced to various techniques of smithing and wire drawing, learning through observation and participation; verbal rites are linked with the secrets of iron production, and perhaps its origin is not told until the last days. He must dedicate his skill to the ancestral spirit of his clan (the black-smith clan), for example, during the ceremony of "*Keto Nyole Dier ot*", placing the hammer at the centre of the house. During this ceremony a sacrificial goat is slaughtered and offered with brewed beer for the ancestor spirit of the clan, and also to the elders who communicate with him. It is at this ceremony his master hands him *Nyol*, the hammer, by uttering some ritual sayings ending with the words "*Nyol*" ("*en marwa manyaka a chon*") is ours from time immemorial. This is a further indication that the art and knowledge of smithing and smelting has been handed down in the clan throughout the generations.⁹ The words, "the hammer is ours from time immemorial" also implies an oath taking, taken by a person of the smith clan. This is the "graduation" day after many years of education.

A similar pattern of education can be observed in pottery work: a daughter of a potter takes over the pottery works after many years of practical education. She does not, however, begin to produce or make pots on her own until after she has been married and had a child. These types of professions I have previously referred to as "inherited professions".¹⁰

The teaching of medicine is given the child with the best memory. His father shows him all medicines and the diseases which they cure before he dies. The procedure is that whenever a patient comes to the medicine man, the son who is training sits besides his father to hear the problem. He is then asked by his father to go to bring medicine for the diseased patient; when he has brought the medicine, he may be asked to mix it up or grind it and prepare it before it is given to the patient. The man or the boy that assist the medicine-man is called *Jating Ndai*, "a man who carries the medicine bag" for the *Ajoga*, medicine-man. If a medicine specialist is a woman, it is her daughter who inherits the skill of practising medicine after her death. Education and inheritance go together.

So far, we have discussed institutions which stress education of material production, in the sections that follow we shall examine institutions which try to teach the normative aspects of life. In these sections we shall study the type of education at *Duol*, *Siwindhi*, and *Simba*.

Duol as forum and institution of traditional education for the male

Duol is a special house set aside for the owner of the homestead. It will quite often be mentioned in this work as a "forum",¹¹ a place exclusively reserved for men. Women do not sit in or participate in discussions in the *Duol*. The *Duol* is built near the cattle kraal or close to the centre of the village. It is in this house that the teaching of important matters relating to the community are discussed. All men are expected to gather around for their supper, then continuing with the discussion until it is time to retire to bed. In times of hostilities between tribes, it was in this house that clan elders gathered to debate secret affairs. When the discussions are so important, the youths may be asked to go down to the *Simba* youth centre. If the matter does not involve any special secrecy, senior boys, and junior boys, may spend the whole evening together with village elders in this house. *Duol* existed in every Luo village, all serving the same purpose, hence, it is proper to regard it as institution. During the hours between 7.00 pm up to about 10.00 or even 11.00 pm the youths were taught the wisdom of the tribe, and about their past heroes, not only of their own sub-tribal group, but also of other Luo tribes. The main speakers were these old men, but questions were constantly asked, until all details were exhausted. The subjects of discussion at *Duol* ranged from heroes, honours, respect and bravery, to hospitality and generosity. At the *Duol*, the central themes of the discussions were bravery, wars, hunting expeditions, description of animals and their behaviour, plants and grasses and how they are used. During these hours no hostility to children was permitted.

Because the discussion of secret offering was known to be the general practice, it was possible during a war for a spy, *Jambetre*, to be sent to gather

the information of a tactical nature and other activities of the enemy's⁴³ *Jabilo* (diviner or prophet). The Luo were often aware of this possibility, therefore discussion of actual war plans and other secrets were left until the day in the *Alap*, an open meeting place. In this open place any intruder can be easily spotted from a distance before he could hear the subject of the discussion: if he is a member of the tribe, but considered to be a person who can never keep a secret, they simply change the topic and welcome him.

At the *Duol*, the male guests of the village were welcomed, and food was brought from all the houses. No dish should be returned untasted even if no one liked it, because leaving a woman's food untouched is an indication of despise. Greedy children and gluttonous children were punished; a child who ate in the *Duol* and went to eat again with his or her mother, and a man who ate with others at the *Duol* and returned to eat with his wife, were held in very low regard. A man is supposed to eat only once and with the rest of the other members however little food there is, because if every member of a village would do the same, then orphans without parents and houses to go to for a second round would die during famine.

War tactics were discussed at the *Duol*. It was here that young warriors were to be taught theoretical fighting techniques, while more practical techniques were practised in the field, either in the form of sport, or fighting. If the fighting was to take place within the same tribe for exercise, a light shield, called an *Okumba*, and sticks were used, but if it took place between tribes they considered enemies, then a heavy shield, called a *Kwot*, and spears were used. The education and instructions for *Jombetre*, the intelligent men who were normally sent to spy on the enemies, were given at *Duol*. The information about what the *Jokor* prophets and diviners have foreseen or foretold were communicated to the warriors in the *Duol*, and precautions that must be taken or have been taken by *Jobilo*, powerful diviners and magicians.

Some closed sessions took place for discussing some religious aspects, such as those connected with fishing, boats and sacrifice, etc. The Luo boat is the centre of many sacrificial ceremonies, corresponding to those of marriage, and the *Duol* of the Luo living by the lake must teach its youth the customs and traditions of the boat and the lake. The Luo living in more agricultural regions had customs concerning rain and the rainmakers. Although the Luo do not know many names of stars, there are some stars which have helped them both in determining their position while migrating, and also forecasting rain, so that they can begin to prepare for cultivation. It was during *Budho*, (the resting and discussion hours from 7.00 pm to 10.00 pm or 11.00 pm), that on a clear moonlit night the discussions were held outside the *Duol*. The old men and women could then determine the position of *yugni* (constellation), and they could tell the youths that *Yugni* travels from the south to north. It can be clearly observed to the south during January, February, March and April; it moves overhead in May, June, July and August, and in the months of September, October, November and December it appears in the north. The position of the sun does not effect people, such as the Luo, living close to the Equator, because it is almost always overhead.

Youth were also taught the position of such stars as *Ratego*, the morning star, or *Oluoro-Budho*,¹² Jupiter, and how they were used to determine the time to start early activities.

It was at *Duol* that forbidden acts and behaviour were stressed on the mind of the male members of the community. The education which influenced the Luo attitudes, fixes their beliefs, and shapes the thought and behaviour of men was provided at *Duol*. The *Siwindhi*, for the girls, gives an equivalent education, but it was also compulsory for boys to live in *Siwindhi* during their early boyhood.

The *Siwindhi* as institution of traditional education

The *Siwindhi* may be considered as a girls' dormitory, but the house itself belongs to a *Pim*, an old woman who has reached the menopause stage, and whom all the girls and boys may call *Dayo*, (*Dani* as the South Nyanza Luo call them) which means grandmother. Boys attend the *Siwindhi* between the ages of about seven to thirteen or fourteen. After this age the boys join the *Simba*, the boys' dormitory. The girls continue life at *Siwindhi* until they are married.

All the youths must pass through these institutions, and for those found to be ignorant of the Luo inner life, there is a saying that reads: "*Iming ka manene ok onindo e Siwindhi nade!*" "You are uneducated, like the one who never slept in *Siwindhi!*"¹³

The *Pim* teaches the girls the customs, traditions, history and family life of the Luo in her house. The methods used in this institution are by the telling or singing of stories. These stories, called *Sigendini*, in the Dholuo are never permitted to be told by day, as they say that it would prevent the young one from growing, and *Tinda*, the Amen at the end of each story, mark as Onyango-Ogutu says "a brief act of faith".¹⁴ After each story, all must say "*Tinda adong adong arom gi nera!*" Which means, "Amen I shall grow tall, as tall as my uncle". These stories cover all walks of life. In addition to stories, the girls were also taught how to protect themselves from becoming pregnant, what to do if she is pregnant, when she has a baby and so on. We have noted that *Siwindhi* education stresses the Luo ideologies in the form of stories, tales, songs, and riddles which all express views on past experience. Ogutu-Obunga defines history in a very simple but effective way to the education by stories and tales. He says that "history means his story", and his story refers to any man whose deeds were worth remembering".¹⁵ We remember history because some men and women did great acts which should be examples for others, while others fail because of their stupidity or laziness, and which must not be repeated by those who want to succeed. Therefore, success or failure in stories have equal importance for education purposes. Hence we may consider the *Siwindhi* as "the institution for cultural tradition and social preparation",¹⁶ as Onyango-Ogutu once called it.

Two concepts discussed in detail in the next chapters and which help to

shape what we have called the "cultural tradition", are *Kwer* and *Chira*. Since they are defined in the coming chapters, I shall simply call them here "forbidden acts and ways of behaviour". It was here in *Siwindhi* that education for keeping *Kwer* and *Chira* were taught by *Pim* who can talk freely about all subjects. Girls who have been married, but were back at their parents homesteads for brief visits bring their experiences to tell the unmarried girls, or to ask further advice from the teachers. The *Siwindhi* education provides the youth with the very mirror through which they see their good and bad behaviour. The indoctrination is a form of education that a Luo child receives for the first fourteen years mainly at the institutions of *Siwindhi*, and which after this period will be difficult to change in the mind of the child. The points stressed at *Siwindhi* directly illuminate the points of educational and social importance.

Some aspects of *Siwindhi* education should be made clear. Sleeping in *Siwindhi* was compulsory for all the boys who had reached between seven to thirteen or fourteen years. The girls position as regards to sleeping in *Siwindhi* was an obvious case. To be absent without special reason was upbraided with rebukes and all sorts of abusive terms. The absentees were also punished by making them tend the "perpetual fire" that never got extinguished till the death of the old instructor, *Pim*. Another important characteristic of the *Siwindhi* was that no one was permitted to relate whatever was said or happens in the *Siwindhi*. The secrecy that prevails in the *Siwindhi* includes the permission given by the old instructor for the senior girls to meet their lovers after all the members of *Siwindhi* had gone to sleep. The lessons did not start at *Siwindhi* until after a full preparation for retirement to bed was completed.

Riddles as conceptual learning method in siwindhi

The Luo culture, like any other culture has a body of concepts and generalizations. The Luo riddles that must be learnt are composed of concepts designating certain common properties of objects and situations that have a meaning independent of their immediate setting. The concept covers properties possessed by material bodies. I must first illustrate this with an example. The concept of *Ngero*, *Ngeche ango?* "On what conceptual meaning?" The formulation is "*Mnaye?*" The answer is "*Kwithe,*" or "*Tenda wili?*" "*Tega,*" then the construction of generalized definition of the concept in the form of a question mark, and the answer, is supposed to be given in conceptual statement. We may say "*Oda maonge dho odeni to en ango-?*"

"My house that has no door! What is it?"

The answer is an egg.

These common properties have a meaning quite apart from the specific objects or kinds of objects with which they are connected. The term "*tong*" when not defined cannot be distinguished from "*tong*" which carries the

meaning of spear. Each of the specific objects falls into a certain category because of the elements common to that category. And this is the kind of learning that we find in *Siwindhi*. Norman L. Munn (1938) writes that "All concepts originate empirically".¹⁷ This he bases on the fact that repeated experiences with various objects and situations may lead to the recognition of common characteristics possessed in our example by an egg or a spear. A concept may have an abstract meaning of its own, but in the Luo language there are many concepts which carry a wide range of meaning that unless redefined for a specific purpose it may be difficult to determine what meaning one has in mind.

In defining a concept the Luo teacher demands the expression with characteristics of that concept. I will provide illustrations as I go along. The concept of "dog", for example, is known to all of us, but when a child is asked "What is a dog?" he or she may find it difficult to define a dog in a way that distinguishes it from other domestic animals. The concept of *Minaye Kwithe* (riddle and answer) is the method by which the Luo use to teach the children to define concepts. The teaching starts with the description of the concepts and a youth is asked to say the concept which has the characteristics described. The old teacher may ask her pupils as follows:

"Mnaye (can you say it); Kwithe (I can yes); Nyangata mayiwe bor mohero chogo to kochopo otieno to ngangni ni jowouth otieno ni to en ang'o? Dwoko Gwok". "A creature with a long tail that lives with man and likes bones, during the night, he barks at the late visitors. What is he?" The answer is a dog.

The concept "dog" is described in such a way that it will never have many similar characteristics with other domestic animals. Cows, goats and sheep do not bark nor do they like bones, but a cat may like bones but never bark at night.

Another illustration may be added here: *Nyangata machal koda makama antie to entie, kabet to obet, to kachungo to en bende ochungo, to karingo to oringo, to kadonjo eot to odong korita edho ot ni to en ang'o? Dwoko en Tipo*." "My shepherd who resembles me, who, wherever I am, is beside me, who, when I run, does the same, who, when I sit, does likewise, but who, when I get into the house, remains waiting for me beside the door. Who is he?" The answer is my shadow.

In this process all concepts can be described. This forms one feature of "learning by riddle". Another feature is that if a youth could not answer a riddle, the person who posed the riddle asks for a girl in compensation for his unanswered question. If the girl given to her or him does not fit, he may reject the girl given on the ground that she is either lazy, a bad cook, feeble, breaks water pots, cannot dance and all sorts of disapproved acts or behaviour. A girl could also reject a boy given to her in compensation. His or her rejection will be approved and another name suggested. It reflects "a sort of mock marriage game".¹⁸ This mock marriage provides normative outlets for otherwise disapproved behaviour which would be disruptive in actual marriage. Story-

telling has symbolic value as a means of communicating knowledge to the youth, and as a means of describing the ways in which the people have become accustomed to perceive the world around them.

Story-telling symbolism

The situation at *Siwindhi* is that of communicating knowledge, beliefs, customs and tradition, norms, rights and obligations to the young members of the society. These are transmitted by means of symbols, words, gestures, songs, signs and objects of various kind, which can be used to convey meaning to the youth. But as we have observed, the period and situation before the communication begins at *Siwindhi* do not favour other forms or means of communication. Onyango-Ogutú describes it as follows: "A typical night in *Siwindhi* begins with the door being securely fastened and checked, and the mats and bedding spread. With all the young people lying on their mats, the grandmother, or (*pim*), lying on her *uriri*, a special bed reserved for her age and experience, then declares: "Now let the house be quiet", and, as though officially breaking the silence, asks, "who will begin the riddles?"¹⁹

The significance of symbolism in ethics and ideology is apparent from the above discussion. Ethical elements as well as other normative behaviour are achieved by means of symbols.

The section that follows will exemplify how story-telling is used to achieve ethical and normative obligations. Honesty, generosity and hospitality are subject matters of ethics, at least as considered in this work, and they are aims of Luo education, and often stressed in the form of stories and proverbs. We may illustrate this with a few examples:

In a Luo story, there was a man called Radin. He was a well-known liar in the village. He often told people to be ready, because the wild beast was approaching ("*Ondiek biro*"). But whenever the villagers came running with spears and sticks, he would laugh at them and say: "Oh! I was just trying you to see if you were ready. There was nothing!" Whenever he came to the village, he brought home a lot of stories. One day *Ochieng Rangach* (head of the village) asked: "Radin, why do you always lie so much?" Radin replied: "Ah, brother, let me lie! That is what makes me feel well." And *Ochieng Rangach* was amused and laughed, but he replied: "But brother, don't you know that liars do not live long?" Telling lies became Radin's practical jokes, but soon people did not mind him. One day as he worked in the garden behind his home a wild beast came and got hold of him. Radin cried for help, but people thought that it was his normal behaviour as he was a perpetual liar, and he was again making fun of us. But this time he was telling the truth.²⁰

Folk story and moral

Simbi Nyaima: Simbi is now a large deep dam near Kendy Bay in Karachuonyo Location. Long ago, this village was rich and full of people.

During December, the land is always dry and normally rain is not expected until the month of February. In such a drought famine was always certain to the region where people harvest only once a year. An old woman journeyed into distant parts seeking a new home and arrived in Simbi late in the evening after her long journey. Dirty, dusty, tired, hungry and thirsty, she decided to take shelter in a nearby village where a *Riso* party was being celebrated. There was music, song and dancing, with much eating and drinking.

Since the main party was at the *Siwandha* beer hall, the old woman approached the house of the senior wife who was at that time in *Siwandha* and sent a child to go and inform the senior wife that a guest had arrived, but both the husband as well as the senior wife ignored the call, until after being repeatedly called, the wife came out but finding only an old dirty woman sitting on her best mat, she ordered her to get off as quickly as possible. The old woman left and went to the next house, where she repeated the same request as before, and was treated in the same way. At last, when she was on the point of setting out once more on her journey, a kind woman, sober and sympathetic, took her into her house, let her rest and warm herself by the fire. The kind woman gave her food and later wanted to take her into the *Siwandha*, but was refused permission to bring her in. The old woman pleaded to the master of the party to let her in to show them her magic which could make them rich and important men, but they were in no mood for magic. They shouted "Away with it! We do not need it now".

The old woman, having seen the atmosphere was not welcoming, decided to go away. But she suggested to the kind woman who welcomed her to gather her belongings as fast as she could and leave this village. She ordered her, "Go and call your husband", she said, "I have something important to tell him. You are all in danger here". The young woman went and called the husband, but he was very violent and tipsy. In addition people laughed at him when they heard that the old woman had something to tell him, this made him even more violent, he swore he would not leave the party for any reason whatever. The old woman insisted, but the man would not come. The old woman then ordered the woman "Take away your children and the little you can carry, for this village will be submerged". As they were leaving clouds began to thicken, and when they were some distance away they looked back and saw heavy rain and thunder over the village. The rain quickly swept down and submerged the village and all who were in it died. The lesson we can learn here is that a Luo is expected to give hospitality and generosity to a stranger, regardless how dirty he may look.

The story of Nyamgondho, son of Ombare, is that of a man who got this great wealth because of hospitality but lost it because of his pride and disrespect, and his abuse of the old woman who brought him wealth.

Nyamgondho was a very poor fisherman. Always whenever he went to look at his fish cage, he found only what was enough for his daily food, and he could not sell it or exchange it for other necessities. One day when he went to look at his fish cage he found an old woman floating on papyrus near by. The old woman told Nyamgondho to take her home. Nyamgondho was

unmarried because of his poverty, but he thought "Where shall I take this old woman?" The old woman saw his thoughts and said to him "Take me home, do not leave me here! Take me home!" Nyamgondho decided to take her home, and prepared the little fish he had left of what he caught the day before, because the day he found the old woman his traps were empty without even a small fish in them. The old woman, having observed his generosity even with the little he had, told Nyamgondho Kombare: "Tomorrow morning take your ax and cutting knife and start fencing your village". Nyamgondho Kombare worked the whole day fencing his village. After he had finished, the old woman told him again to make a cattle kraal, and goat and sheep sheds. Nyamgondho did as he was told. When he had finished, the old woman went to the lake shore and began crying out "*Joka Nyamgondho wuoguru duto saa mar donjo osehopo!*" That is "The people of Nyamgondho come out of the water the time of coming home has been reached"! Immediately cattle, sheep, goats, and chickens began to come out of the lake heading for Nyamgondho's homestead. He became rich and well-known. He married many wives and began drinking much beer.

One day as Nyamgondho was coming home from a beer party across the river, he began to call his wives from a distance to open the gate for him. The wives were already fast asleep, and none of them came at once as he ordered. Nyamgondho started to abuse them, especially the old woman, by saying the "Even the one that I picked up in the water cannot listen to me!" When the old woman heard this, she stood up and went to open the gate. Nyamgondho slapped her and rebuked her even more. The woman then said to Nyamgondho, "You have insulted me; tomorrow I shall go away with all my people". When morning came the woman took her belongings and shouted to Nyamgondho's "wealth": "*Joka Nyamgondho wuoguru duto tetetetete!*" "The people of Nyamgondho come out all of you, now we are going back". The woman started for the lake and all animals followed her into the lake. Nyamgondho tried to stop them but they were as wild as anything in the forest. Nyamgondho followed them up to the shore where he remained, standing gozing towards the lake, and eventually turned into salt.

Several other similar stories stressing hospitality and generosity were told in the *Siwindhi*. The story such as that of the Hare and the Crocodile—where after the Crocodile has given the Hare a friendly welcome, the Hare went and ate all the Crocodile's eggs when the crocodile was asleep, is one example.

To be clever to the point of harming other people is not permitted in any society.

Folk story and moral consequences

The story of the Hare and the Spider illustrates the maxim "Do unto others as you would want them to do unto you". The Hare and the Spider were once great friends. One day the Spider asked the Hare to take him to his parents-in-law, who were then living in heaven. The Hare agreed, but told the Spider to

remember the rules of respect and good manners. You are the chief guest, and if they say: "Let us take food to *oche* (brother-in-law), that will be yours, but if they say: "Let us take food to *welo* (guests)", that will be mine. In the rule of good conduct, it is traditionally said: "Let us take food to the guest and not to the brother-in-law". Since the Spider was ignorant of the tradition, it was easy to deceive him. When food time reached, it was said: "Let us take food to the guest". And the Hare immediately said: "Don't you hear what they say! It is mine". When the evening came it was repeated, and the same the next day. For three days the Spider did not eat, and at last the villagers enquired why the chief guest was not eating, and they asked if he was ill. The Spider told the whole story, and since that day they changed: "Let us take food to our brother-in-law". And the food came to the Spider. The Hare became so hungry that he decided to return to earth as soon as he could, but he did not have the ladder. Previously they had used the Spider's cobweb. The Hare jumped down to earth, a distance of many miles, and he fell down so hard that he turned into a dry piece of meat, which was later picked up by a woman and her child . . . This section of the story teaches the young people to do for others what they would have expected others to do for them.

The Luo also warn the young people that one of the main reasons why many animals are enemies is because of lies, which some of their ancestors have told. It is likewise the reason for bad relationship between men.

The folk story tells about lies

The story about two animals, the dog and hyena, illustrates this belief. The dog and the hyena were once good friends. Even though the dog lived in the human home, he used to meet his friend the hyena in the nearby bushes. The dog could tell all sorts of nice stories about life at home, and the hyena likewise came with his stories from the jungle. One day the dog paid a surprise visit and found the hyena eating hides and old bones. The dog said: "Friend, what are you doing here, is this the food you eat? Come with me to the village". The hyena asked: "What shall I do in the village?" The dog replied: "My masters are kind, and they always give me a large piece of meat and bones to eat, and I can't finish it all". When the hyena heard this he longed to go with the dog. At first he could not go, because he was frightened, so he waited by the fence. To his surprise he heard the dog crying loudly. This frightened him, and made him run back to the bush again. When they met again, the hyena asked the dog why he was always beaten when they had met each other. The dog replied that he did not finish some of the food they gave him in the morning, and that he always wanted fresh food. "But they always give me too much and I can't eat it all. That is why I told you to come and help me, but you seem to like to eat your dry hides!" One day the hyena came after the dog, and when the master saw the hyena he concluded that this was the hyena who had previously eaten his meat, because his dog had told him about

the hyena collecting even hides, and he must certainly have come to the village and eaten the meat. In fact the dog wanted to shift the blame to the hyena of what he himself had done. The master recalled all that the dog had told him, took his club and beat the hyena very hard. The hyena cried and ran back to the bush, angry with the dog and swearing: "The dog, the dog, wherever we shall meet it will be war". From that time the hyena maintained that the dog is a liar and must be punished as whenever possible. That is why hyenas attack dogs. The dog on the other hand told the hyena that "Oh, you were only being educated that is why you were beaten. Look here, where do you get the hides you were eating? Don't you know that man uses them as his bedding?"

The Luo people are severe against theft, to the extent that if a child is a habitual thief his fingers may be burnt, as I have mentioned in the section on legal justice. A thief knows the punishment that awaits him, so he tries to divert any suspicion which may lead to his discovery.

A folk tale warning judges not to try the wrong man

In the Luo legal procedure, there is always a suspicion that the wrong man is being tried for a crime which he did not actually commit while the real offender is working for the condemnation of the innocent. One of the proverbs connected with this is that of "*Nga mokwalo giri konyi dware*", which means that "a thief who has stolen your things may help you to look for them.

The folk story of "The Hare and the Guinea-Fowl" is given here to illustrate this. The Hare once lived with his uncle, who kept a garden where he grew beans and finger millets. The Hare was entrusted with the care of the garden against birds and wild animals. It so happened that always after the had been on duty, his uncle would find that crops had been eaten by some animals. The Hare insisted that these animals came at night while he was not in the field. This went on until his uncle prepared traps for these animals, and hid them in the garden, without telling the Hare, for even though he listened to the Hare's story, he was quite sure that it was his nephew who was the culprit. The next morning as the Hare was watching the field, he picked up the ripe finger millets and beans up and down the garden. Then suddenly he stepped on the trap, which caught him by the neck and flung him into the air. As the trap swung him up and down, and he was about to die, he saw the Guinea-Fowl coming, and began to sing: "*Orundo rundo tera malo, Orundo rundo dwoka piny!*" The Guinea-Fowl became interested and asked the Hare to teach him also how to swing. The Hare then told him to bend the pole to which the rope was tied so that he could come down, and then to untie him from the rope so that he could tie up the Guinea-Fowl in order to let him play the game. The Guinea-Fowl was soon tied up and the trap swung him up in the air. But soon the Hare's uncle appeared, the Guinea-Fowl became

frightened and began to cry for help, but the Hare shouted to his uncle "*Nera go mana dhogeno dek nyaka nowuoyo gi dhano*" . . . which means "My uncle hit the mouth, never has food spoken with a human being". This was meant to stop the Guinea-Fowl from protesting and disclosing that it was the Hare who had tied him up. His uncle indeed was in a state of fury, and not listening to the protest, killed the big Guinea-Fowl.²¹

"Danger of copying the behaviour of others" in folk tales

Stories which are often told to newly married couples to remind them that in matters concerning family, "do not confide in outsiders" are, for instance, "The Dove and the Tortoise" and "The Cock and the Hare". First "The Cock and the Hare". The Cock and the Hare were good friends and often met in the field. One day the Cock invited the Hare to come and visit him in the village, the Hare accepted, and they had a great feast, with many guests. After the festivity was over, people went to sleep. At night, the Hare woke up and looked around towards the Cock's bedroom. He saw the Cock sleeping but without a head, he was frightened, and ran back to his bedroom, so that no one could say that he was the one who had killed the Cock. In the morning, everyone awoke including the Cock. The Hare was astonished, he asked the Cock how he could sleep without his head. The Cock answered and said, "We Cocks never sleep with our heads on our bodies. My wife cuts it off when I go to bed and keeps it for me in a vessel". The Hare then said to himself: "I must do like the Cock when I get home". He invited the Cock, who came with many friends. After the feast, the Hare asked his wife to bring a knife and cut off his neck so that he may go to sleep like his friend the Cock, because he was sure that the Cock would come at night to see whether he slept with his head on his body. The wife first objected to the proposal, but was commanded to do it immediately. The wife cut off the Hare's head, and in the morning the Hare could not get up. The wife told the guests what had happened. Since then the Hares do not see eye to eye with the chicken's family. This story is meant to warn the young couple not to copy what they do not understand from their friends' houses. For no one can tell you the secrets of his family however good friends you may be.

The story about the "Tortoise and the Dove" is also a warning to married couples not to take their friends' advice in family affairs, because friends cannot give the best advice in dealings with family matters. Hauge, H. E. has recorded this popular folk tale. "The Luo believe that there was a time in the history of creation when all animals, insects, and birds could speak the same language and understand one another . . . It was during this time that it happened that the tortoise and the dove became great friends. They lived harmoniously and discussed matters of mutual interest. They exchanged visits, but during such visits their wives always displeased them by breaking in on their discussions with complaints which were only of family interest and should not have been discussed in front of outsiders.

Realizing this, the tortoise asked his friend the dove to pay him a visit only when he knew his wife was absent. When the dove enquired the whereabouts of his wife, he answered that because of his wife's constant interruptions and scolding particularly in the presence of his guests, he had killed her. The dove expressed his sorrow at this, but the tortoise told him that there was nothing to be sorry about, since he was now leading a much happier life than he used to. He could go out with any girl he liked and no one ever made any complaints to him. He told the dove that this was the only solution to his problems. The dove decided that he would do the same to his wife. So he went home and picked a quarrel with his wife and beat her to death. The news immediately went around that the dove had killed his wife and all the girls became afraid of him.

After this the dove paid a surprise visit to his friend the tortoise in order to tell him that he had also killed his wife. To his amazement, when the door was unlocked, it was the wife of the tortoise who opened it. He jumped and cried out to his friend the tortoise that he had seen a *Jachien* (ghost) of the tortoise's late wife. The tortoise then came out and confirmed to his friend that it was not a *Jachien*, but his living wife, who was once dead but had now come back. The dove asked how this could have happened and the tortoise replied that it so happens with wives . . .

As a result of this incident, all the doves made a vow that since then there did not seem to be any honour between male friends, they must not go for walks without their wives. This is why doves always fly in pairs, and if a dove's wife dies, he never gets married again, for all the girls suspect that he has killed his former wife. Thus a widower dove usually dies of loneliness very soon after his wife's death.²²

The Luo use this story to remind the girls that women have a habit of revealing domestic problems and their intrusion to men's discussion often creates unpleasant atmosphere. It also reminds the young married couples that they must not believe what their friends tell them about their families. It reminds the newly married couple that friends can be jealous, may give advice that leads to destruction, and should not be trusted in dealings with one's own family affairs. The concept that explains this is discussed under marriage in the subsection "Jasem in the Luo marriage", (cf. chapter VI).

The few examples we have narrated show that stories are meant to educate the young ones and though the characters are animals, the main themes reflect real life. All the folk tales so far recorded by myself as well as those recorded by D. Westermann in 1912 on the Shilluk,²³ and L. Oguda (1967),²⁴ B. Onyango-Ogutu (1974),²⁵ and Hans-Egil Hauge (1974) all on the Kenya Luo,²⁶ all stress that one should use one's intelligence, bravery and wisdom, or that one should demand honesty and generosity, or warn one against disobedience. They all emphasize individual, rather than group, behaviour.

These stories, as has been mentioned earlier, were told to the youth in the *Siwindhi* by an old woman called *Pim*. Sometimes senior girls who visit other *Siwindhe* could also bring with them new stories they have heard. The position at *Simba*, (boys' dormitory) is a little different. Storytelling is never

apart from education here. We shall consider the education at *Simba* before going on to the more general proverbs.

The *Simba* institution

Simba is generally known as the boys' dormitory. We have not in the past considered it as an important institution of practical education. In the past, *Simba* was also an important military barrack, situated by the side of the gate of every village. When warriors moved from village to village, they were housed at *Simba*. It was also a place for visitors, such as brothers-in-law. This was the only place in the village where they could feel free, talk freely and play with their friends and sisters-in-law. We have said that at *Siwindhi*, girls were taught how to protect themselves from becoming pregnant while at the same time permitted to have as many boy friends as they wished. The event described in the marriage section as *Chode* (the process whereby girls visit their lovers in *Simba*) used to take place here. And sexual attempts with the girl resisting actual penetration were made at *Simba*. Since the first marriage always took place at *Simba*, it was a place where family life began and still begins. When the senior son gets married, all other boys quit that *Simba*, and joined either the *Simba* of the next son or spread to other *Simbi* within the clan.

It was in *Simba* that youths used to plan hunting expeditions, and sports such as wrestling, called *Olengo* in the Central Nyanza Luo dialect and *Bando* in the South Nyanza Luo tongue. *Simba* was a place where senior boys exercised full authority over the younger members. It was a place where bravery and constant readiness was highly esteemed. The youth were constantly on the alert for any eventuality. Cowardice was not permitted at *Simba*.

I have mentioned above that girls had or were permitted to have many boy friends, and they could occasionally visit their lovers in *Simba*. The tradition did not allow a girl to have more than one lover in one *Simba* in the whole clan, which reduced jealousy and conflict over a girl by counter claims. When a girl had a lover there was no interference, and it was known in the whole clan that such a girl is so-and-so's lover. But this did not prevent the girl from becoming married to others rather than to the lovers she had. In this way girls used to learn a lot in a more practical way about the social relationship between the opposite sexes.

Boys who had not had their lower incisors removed were not permitted to live in *Simba*. Although the Luo may be regarded to have no significant ceremonies accompanied by ritual to mark adulthood, there are two important stages especially for the boys. The first is the most important act mentioned above known in Dholuo as *Nak*. Both boys and girls were compelled to go through *Nak* at the age of fourteen or fifteen. This removal of lower incisors had been a very important tradition among the Luo people. A girl or a boy was not considered grown-up until after *Nak*. This is the only

major act which marks adulthood among the Luo. In the past *Nak* was compulsory. A *Janak*, that is the man who performed *Nak* had to receive a chicken, and a boy who had gone through *Nak* could go to his maternal kin to demand a chicken. There was no further ceremony undertaken in group or in private after *Nak* as might be the case in the societies which undergo circumcision. But even among the Luo, a girl may refuse to be friends with a boy because she considers him still a child because he has not removed his lower incisors as a sign of his adulthood. The same was also true that a boy may look down upon a girl who had not under-gone *Nak* and thus had no sign of her womanhood. And a man may never have sexual intercourse with a nurse "baby sitter", *Japidi*. A second stage which is never mentioned in this process of showing adulthood is that of *Chodruok*. This is the state for cutting the ligament frenulum of the penis, the act of which is known as *Tuchruok* practiced by every Luo male after the age of fifteen. A hole is inflicted below the ligament of the penis, and a cow's hair is passed through it and tied and left until it drops off by itself. There is no ceremony whatsoever connected with this act, although no Luo boy has ever missed it. The instruction of how to do it was learnt in *Simba* from the senior boys who had gone through it. The act was never told to parents or any married members of the village.

Even when we could say that we have exhausted the major institutions of education the process of learning and teaching is endless. The Luo utilize proverbs for further education.

Education by proverbs

The Luo elders use proverbs intensively for the education of their grandchildren. And every child is expected to learn from these proverbs, even though some of them were quite difficult to understand. As other illustrating examples I shall also include a few proverbs used for educational purposes.

An old man may tell his grandson, "Don't go shares in the flesh before the buffalo is dead, since he fights in the bush"—"*Jarikni Jamuod nyoyo gi kuoyo*". This proverb is used by elders to younger men who want to hurry a decision. Another alternative to this proverb is "Don't cut the dress before a child is born, since you do not know whether it will be a boy or a girl". Those who despise things are told: "The hen begins as an egg, the man as blood"—"*Alot michayo ema tieko kuon*", which also means that even an insignificant work is of value. The warnings to stingy people are: "That which man has hidden, is hidden from the fire, but its end is to decay".

Some people do not like to help those who they think may not help them in the future and they are often reminded that, "Nourish the dog, or the chicken, do not think about the dog or chicken food"—"*Kichamo gweno kik ipar gima gweno chamo*", it may be further translated as follows, "If you are eating chicken, do not think of the chicken's food or else you will not eat it". The responsibility of the kin is stressed by this proverb: "Your man is your

man” or “blood is thicker than water”—“*wadu en wadu*”, “even if he committed an error do not reject him”.

“Reflect on the consequences before crossing the river. In the very middle of the current it is too late”. Another version of this proverb is that “Do not abuse the crocodile while you are still in its water”—“*Kik iyany nyang kapod in epige*”. “He who stands on the ground sees the fruits better than the man up in the tree”—“*Kik iwe ngowo man piny to odhi ni man malo*”. This proverb is told by elders to adult persons and children, husbands and wives to respect the points of view of others. And when a person is in sorrow it does not mean that everybody will be likewise. They say “The corpse is carried on the head. Over there they get on well” —“*Inind diere inind tung*”, today you are sad, tomorrow you are happy” said to encourage a depreciated and injured person to calm him down; “it is not that the world is against you but that it is how it is to everyone.

Elders always try to encourage their grandchildren to unite, by sayings such as “One tree has never made a forest” —“*Yath achiel ok los bungu*”; another similar to this is “The river is filled up by the small streams”—“A drop of rain never makes a river”. Those who want achieve great things overnight, are told: “*Ru Rwath a mewne*”—that is “an ox is fat and big because of its age”. Children are always warned to have respect for other people’s property, by this proverb: “The spider said of man: they have no eyes, since they will get caught in my web”—“*Kionge wangi ok inyal neno mbuch Otieng*”.

In warning the younger ones of the future, they say, “The hunter sold the dog, but afterwards he was sorry”—“Do not think today is the worst, tomorrow may be even worse”.

It is difficult to climb up, but easy to fall down. The Luo relatives sometimes quarrel, but are very grieved to lose a relative, and worse even to have none or just a few. So they say, “You detest sores when you have none, but accept them less when you have”. The members of the family must help their sick relatives. “Be friends with your neighbour since he is the nearest friend”—You can be without friends but never without a neighbour, and if you are unfriendly with your neighbours, it is better you go to live in the jungle with the animals since you do not belong to human society. The most dissatisfied person says; “Man blames the sky: when it is raining, it is not good; when the sun is shining, it is not good; when it is cold, it is not good” do men really know what they want? Some people die because of what is going to happen, “Do not keep away from the rain because of the dark clouds. Maybe it will not rain”—“*Ji tho kuom luoro*”—some people die of fear, but brave men prevail.

Summary

Education, as discussed in this work, is meant to focus on:

1. The overall depictions of the *Duol*, *Siwindhi* and *Simba* structural institutions, and how they are utilized by the Luo, in processes of

recruitment, of socialisation and in the inplanting of principles of local ways of live based on how the Luo's ideology and normative ethics have historically figured in thoughts about action relationships in society.

2. The importance of normative ethics in what is educationally accepted as ideals of traditionally "good" Luo life.

3. The critique of normative ethics and ideology in cultural structures. The next chapters are going to examine what the Luo have educationally established as a life pattern.

The general observation shows that infants and young children are usually indulged and treated with great kindness, while correct behaviour is expected of children before they reach the age of puberty and upwards. We can observe that: The first training that any child receives is concerned with keeping a child out of danger and preventing it from being destructive, while later comes the training in the occupation and traditions of the society in which the child lives. This second stage of training is partly a matter of controlling a child's impulses and institutionalizing in the child's heart the ideals of a good life.

Notes

1. F. J. Brown and J. S. Roucek: *Our Radical and National Minorities*, New York, Prentice-Hall, 1937. pp.

2. A. B. C. Ocholla: *The Luo Culture*, MS, Vol. I, contains a detailed description of how the Luo eat cow's meat. The illustration contains a latin translation of Luo anatomical terms of the cow.

3. Wanyo (v) Jahawanya (n) is a person who comes closer to where there is food with the hope that he may be welcomed to eat the food.

4. Okot P'Bitek: *ibid.*, 1973, p. 100, p. 94. The Luo believed that poverty was mainly due to laziness, because we find several tales connecting poverty and laziness. The story about a small bird who, whenever it was asked to go to fetch water, said "my leg is hurting", go and fetch firewood, he said "my head is aching", go and fetch grain, "my leg is hurting", come and eat, the sparrow then runs with one leg, saying "no one ever refused food" "Oyundi ni se se se!"

5. It may be added that punishment typifies the negative or repressive means of eliminating undersirable behaviour, while rewards and praise are often used positively to induce socially approved activities. In the present Luo society, violation of some customs may not be punishable unless they coincide with the state law, in which case, the punishment is banishment or compensation fine.

6. G. E. M. Ogutu-Obunga: "The Ideas of Time and History with Special Reference to the Luo of Kenya", *Kenya Historical Review*, 1974, Vol. 2, No. 1, p. 15, has recorded hours of the day and night; the terms I have given in this work are illustrated by the approximate position of the sun, both in the day and night.

7. I have described in MS: *The Luo Culture*, Vol. I, Chapter 4 all forms of Luo fishing, and terms used, together with the hours of each type of fishing.

8. A. B. C. Ocholla; 1970, p. 208.

9. A. B. C. Ocholla: MS; *The Luo Culture*, Vol. 1, p. 187.

10. A. B. C. Ocholla: MS: *The Luo Culture*, Vol. 1, pp. 187-190.

11. I have discussed the *Duol*, its position and how it was used with illustrations, in the manuscript of the *Luo Culture*. The subjects of the discussion at *Duol* included other general matters, sometimes centered on plants, animals, or on people in a more general form; e.g. those

who are experts, such as medicine men; others show skill in woodwork, basket-making, or smithing etc.

12. A further illustration of constellations, and other stars, together with the position of the sun can be found in this text, page 172, fig. 5.

13. B. Onyango-Ogutu and A. A. Roscoe: *Keep My Words*, 1974, p. 24 (E. A. Publishing House).

14. *Ibid.*, p. 24.

15. G. E. M. Ogutu-Obunga: *The Ideas of Time and History with Special Reference to the Luo of Kenya*. *Kenya Historical Review*, 1974, Vol. 2, No. 1, p. 18.

16. Onyango-Ogutu, p. 25.

17. Norman L. Munn: *Psychology of Development*, Boston; Houghton Mifflin, Co, 1938, p. 349.

18. B. Onyango-Ogutu & A. A. Roscoe: *Ibid.*, p. 25.

19. B. Onyango-Ogutu, *ibid.*, p. 25.

20. This story has a number of variations from region to region, but basically it is the same story even to the northern Luo of the Sudan, such as the one recorded by D. Westermann, in 1912, pp. 102-236: *The Shilluk People, Their Language and Folklore*.

21. Oguda Laurence, *The Luo Folk Tales*, 1967, pp. 37-40; Hans-Egil Hauge, 1974, pp. 24-25. In both texts, no origin story is told in Luo language, nor did I use local language except in one clause "*Nera go mana dhogeno dek nyaka nowuoyo gi dhano*"—the translation is in the text above. Most of the Folk Tales recorded in Hans-Egil Hauge's work: *Luo Religion and Folklore*, have been earlier recorded by Oguda Laurence, in 1967, the book is dedicated only to Folklore, and B. Onyango-Ogutu: 1974, pp. 43-148.

22. Hans-Egil Hauge, 1974, pp. 25-26; This story is popular among the Luo both in South Nyanza as well as in Central Nyanza. The story given by B. Onyango-Ogutu in his *Luo Oral Literature* (1974), p. 45 warns that lying is one reason for enmity; and (p. 60) warns that treachery is a bad thing. On page 144, he narrates the consequences of not keeping words, but on pages 47, 73 and 125 warns of jealousy as the beginning of hate and enmity.

23. D. Westermann: *The Shilluk People, Their Language and Folklore*, 1912, pp. 102-236.

24. L. Oguda: *So They Say: The Luo Folklore*, 1967, pp. 164, Nairobi, E. A. P. H.

25. B. Onyango-Ogutu: *Keep My Words: Luo Oral Literature*, 1974, pp. 26-148.

26. Hans-Egil Hauge: *Luo Religion and Folklore*, Oslo, Bergen, 1974 pp. 21-49.

IV. Laws and Judicial Processes

Rules and rights, duty and obligations of social control

In all societies the relationship between members of the community is regulated by a body of rules, observances, traditions and accepted religious and moral standards. These aspects may begin with those regulating personal family institutions, parents and their children, kinship and clan relationships. On the other hand they regulate rights, duty and obligations of members of the society. Some of these rules, which are for regulating relations, require rigid observance, while of others breaches are tolerated at least under certain circumstances. It is important therefore to try to find out the ethically approved form of Luo law which controls these different relationships among the members of the Luo society.

The Luo form of law

The Luo use the term *Chike* to refer to what we may call “the verbal” or “uncodified” rules which form phenomena of social control. And *Bura* is used in such an extended manner to cover both cases and justice; even the judge can be deduced from the term *Bura*, or more accurately as *Jangad-Bura*, but may also appear in some word as *Jathek*, or *JaduongBura* (“chief adjudicator”). We shall first take up the concept of *Chike*.

Chike Luo: *Chike Luo* are principles and rules abstracted from living behaviour. They form the content of legal verbalized ideals in the repository of the minds of elders, who often assemble as adjudicators, *Jodong-Bura*, which could be regarded as forming a part of the legal institution. The other part of it is formed by the members of the society themselves who may act in a verbal manner to restore law and order. A third part is played by religious leaders who may use magicopsychological authority.

Verbalized abstract rules, *Chike*, are adjudicated in cases, *Buche*, by *Jongad-Bura* (adjudicators). In the Luo legal system, cases are linked in a way that they refer to them by a proverb saying “*Sembe rombo ipimo gi nyamin*”, which means literally “a sheep’s tail must be measured with another sheep’s tail”. So that in a legal case judgment is proclaimed in terms of the previous cases of the kind. Quite often the Luo judges find a case which has no resemblance, and they say “*Ma nepok oneye*”, which means “this has never been seen”. It was then considered to have broken the law of nature (natural

law), which means that its punishment will be carried out by natural consequences.

The Luo possess individual rules, which are exclusive and concrete solutions to particular disputes. But sometimes parties to the disputes are in one way viewed by the *Jongad-Bura* (adjudicators) as playing a single role, that is specified in the verbal rules of the society. On the other hand, the total status of the litigants is also taken into consideration, and which may redirect the course of judgement. This trend, however, is not a general trend except in some cases involving a son of *Wuod-wuon*, a land owner and *Jadak's* son, a land client's son. Sometimes it appears to the Luo adjudicators that judgement should be considered in overall consideration of social relationships and individual general behaviour. In this case they view law as a category of social rather than purely religious phenomena, and consequently it changes or multiplies. We can be certain of this by the fact that some basic Luo laws cover pastoral ways of life, fishing, as well as agricultural ways of life. Here we find the laws of cattle transactions, laws of land rights and laws of fishing activities. In this sense, law is conceived here as a system of rules meant to protect valued actions, behaviour or properties of the Luo people.

Although the Luo law is not codified it existed as a form of verbalized institution of social control. The Luo patterns of enforcement of verbal rules, however, usually do not presuppose rigorous enforcement or rigid observances because of circumstances and implicating factors. To restrict verbal "abstract" rules as the only means of studying social control would not tell us much about social control or those based on customs and tradition of beliefs. This fact has been stressed by L. Pospisil and others that "rules are usually not enforced in the form in which they appear in the codes owing to various circumstances and factors"—and "abstract rules alone would tell little about social control".¹ It is therefore necessary to consider principles of actual behaviour, which Ehrlich has called "living law".²

In summarizing implications of the Luo form of law we note that law exists itself in the form of decision passed by *Jodongo* councils, or by chiefs, in an attempt to solve a dispute between a party. A party may be individuals or groups in a place. A place may be a house, a village, a clan or the whole community, or between communities. A dispute may involve valued actions, behavior or property—tangible or intangible. The solution of the dispute may receive rigorous enforcement or other forms of verbal re-enforcement. A legal decision taken in the Luo cases may be regarded to fall under "living law" in a way that the decision corresponds with the generally approved pattern of living. It simply emphasises or re-enforces the pattern approved by the society.

Attributes of Luo law

If sanction is to be considered as a criterion of law, then physical sanction is one of the most significant means, though not always the only means, of

social control. We find that punishment in the Luo law takes two forms: physical sanction and verbal sanction. Under the Luo legal system both of them work equally effectively, and conformity is achieved mostly through verbal sanctions. In this sense verbal sanction may not be within the definition of law as Pospisil argues, that "it would include most of the customs of a society",³ and that is his criticism of Malinowski, whose main attribute of law is the "principle of obligation, that is the ties between two parties which defines a phenomenon as law, punishment not being essential because conformity is achieved through other means".⁴

We shall later try to differentiate other obligations, like moral or religious obligations from the legal one. In this context, however, they will not wholly be excluded since they form a part of the central point of our investigation.

Attribute of authority in the Luo legal system

The presence of authority goes hand in hand with a decision to be legally relevant to effect social control. A decision to a solution for a party in dispute is passed by the authority of the council of elders shared by the senior-elder of the group or region, which is called *Jaduong-Gweng*. There is a hierarchy of this authority as the structural appearance suggests (see fig. 2). The decision arrived at by the council is enforced by the standing force of *Ogulmama*. The individual possessing power to influence the majority of the members of the council to conform to its decisions was called *Jakom*, who at the highest level was *Ruoth*. He may be regarded as the legal authority. Here his position as the supreme judge coincides with the leadership of the whole tribe,⁵ but not necessarily at every regional level.

Another Luo essence of attribute of their law is in the opinion that some actions, behaviour or property are considered personal. This universal acceptance and respect for what is personal denies moral support to whoever violated it. It states the rights of one party to a dispute and the duties of the others to give that party whose rights have been violated a support to recover his right. It covers support to restore approved social relationship. This on one hand originates in the person of the defendant, a person who by his illegal act violated an approved relationship, and on the other hand it comes from the person who suffered a loss because of the act of the other party. This person according the Luo legal implication possesses and is believed to have the full right to have the situation redressed. He expects others to come to his side, and if not, he is ready to go with it alone. His moral confidence to go with it alone, and his possible action in the course of restoring his right will come as a result of others failing to bring the other party to comply to the approved relationship. What we call failure is always mainly due to the time that the offended may allocate for restoring his right. The concept of *Sanisani*, "in this very instance my right must be restored", is certainly a very

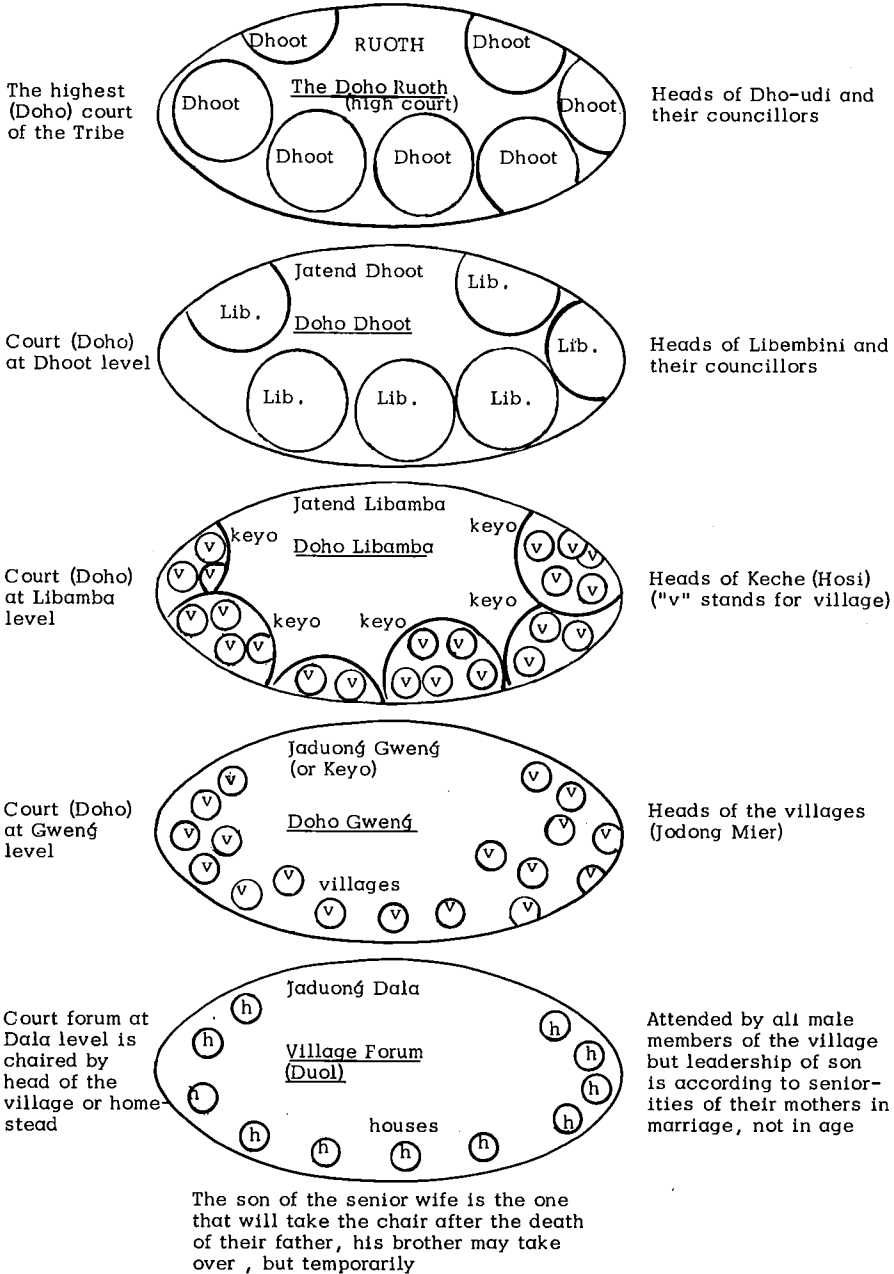


FIGURE 2. THE STRUCTURAL APPEARANCE OF THE LUO LEGAL INSTITUTION

short time for a judge to implement his duty for restoring justice before an outbreak of violence.

The Luo law may therefore be considered to contain an authority, which gives one party a right to recover his right and a duty of the other party to comply with the decision to restore it. This is what makes *Bura* universal in the Luo society. This interpretation corresponds with Pospisil's concept of "obligation", which he defines as a "social relation which forms the basis for the authority's decision, a relation that involves the respective right and duty of the two parties to a dispute created by the illegal act of the defendant".⁶ Its main point is to establish that the defendant is guilty of a breach of law or violating the rights of the plaintiff. But that very concept of rights is established by the society. What is considered a right in the Luo society may not be a right in another society. And the sanction of the decision of elders will merely confirm it as a right to a party that claims it. If they have to enforce that decision, it is a sanction based upon what is already societally approved.

Sanction as a criterion of law in the Luo legal system has played a paramount role in various legal disputes, e.g., in marriage contract, cattle exchange, land tenure system, fishing activities and in other forms of social relationships and behaviour. As we have earlier noted, the Luo sanction is both physical as well as non-physical in nature. The Luo have effective psychological sanctions, which cover: ridicule, avoidance, ostracism and denial of favours. Some more specialized forms are further discussed in the next section. Some of these are probably more effective than the corporal punishment to which some societies tend to attach undue importance. Yet, the Luo at one time under the Chief Odera Kango of Gem applied effective corporal punishment, which is not a characteristic Luo method of sanction. Within the jural councils, however, there are standing forces called *Ogulmama* to carry out sanctions when ordered to do so by the council chairman.

The attribute of sanction in the Luo legal system is that which is supposed to enforce the established pattern of what is right and wrong according to the Luo system of thoughts and beliefs. The Luo legal system has two levels of effectiveness. The Luo law is much more rigid at village and clan level than it is at tribal level. The village or clan level law regulates the behaviour of a kinship group and their relationship to other clans. Whereas at the tribal level it regulates relationship between clans and other matter concerning the tribe as a whole. Sometimes it may appear as it does among the Nuer Luo where it is less stressed at the tribal level. This has led some earlier writers to conclude that "Nuer had no law".⁷ And even after Evans-Pritchard's outstanding account of the Nuer system of social organization and social control he still had to say that "In a strict sense the Nuer have no law . . . In Nuerland legislative, judicial and executive functions are not vested in any persons or councils . . ., though compensation for damage (*ruok*) is paid".⁸ If we examine the Luo societies as considered to have no legislative, judicial authority at the top, we shall still find that there is a strong legal authority at village level, where elders of the village discuss matters and reach agreements

of compensation. In other words, in order to understand how the Luo legal system operates we have to examine it from the village level upwards rather than from top downwards (see fig. 2). Since most problems in every society start at the local level, the Luo find it unnecessary to take every case at high level. We find that certain cases are referred back by the chief or regional council (*Buch Gweng*) to the village or the settlement council. And in most cases a judgement passed at these lower levels is respected at *Buch Ruoth* (the chief council).

An examination of the mechanism of the Luo legal system may reveal some of the points so far discussed in this section.

Justice in adjudication

The Luo specifies certain characteristics qualifying a person as a good *Jabura* (he who shows justice of the law). Although some of which have been discussed under good leadership, we shall mention a few here to clarify our discussion.

A *Jabura* must be a person who looks into the actual background of the case in order to establish objective truth. *Jabura* should be a person who controls his emotional feeling. He tries to enforce the principle of impartiality of "*Sembe rombo ipimo gi nyamin*", that is "treating similar cases in the same way". To do justice to a case the Luo adjudicators try to scrutinize the evidence and link them with other factors which a western judge may consider irrelevant to the case. An examination of the Luo premises of judgement may bring a better understanding in this context.

The premises of the Luo judgements

In the process of cognition of the validity of the offence, there is always an answer demanded to the question of how one acquired the knowledge and concept of the phenomena as the reality of the truth. The realization is based on experience of what is regarded as an offence, but cognition together with sense perceptions, direct sensual connection with the objective world in the process of knowing, is the most important to the Luo judges.

The Luo judges argue that no person can know anything about reality without sensations, *Winjo*; perception, *Neno*, and notion, *Ngéyo*. From these concepts for instance, in the Luo legal system, comes a case where proof was required to answer the questions. How do you know? "*Ingéyo nade?*"¹⁹ This was an inquiry as to how did the knowledge of what you say come to you. How do you recognize what you say as what really happened? In the answer

given by four witnesses: A says, I saw it with my eyes, B says, I heard it with my ears, and C says that I heard it with my ears and saw it with my eyes, but D says I was told about it. The Luo judge will always take C as the first witness with sufficient knowledge of the truth, and A as the second witness, while B will be taken as a third witness, but often refuses D as a witness. The Luo judges assume that the statements made by C, A and B are likely to be the truth of the historical state of affairs to which it was correlated by the demonstrative conventions. The taking of the oath may only be considered if these questions are answered in the affirmative. A man who was told something by another person cannot be asked to take the oath in the Luo legal system.

In actual and final judgement, many facts which may appear to a European judge as irrelevant to the case are considered, and may reshape the final judgement of the case. For instance I once became a witness in a case where a man was charged for having stolen food. The witnesses were effective enough to establish the validity of the charges, and the man accused accepted that it was true that he had stolen the food, but added, "I was hungry, and when they saw me, they hid the food under the bed". "I asked for drinking water, but not even gruel, *Nyuka*, which was left in the vessel, *Dag-nyuka*, could be given to me"! The case against the thief was dismissed on the ground that the accuser had also violated moral laws of hospitality. The elders argued that if the man had to die because of hunger, he could have turned into a *Jachien*, a ghost, since he had seen food, and the whole of that lineage of the man who refused him food would have suffered the consequences.

We shall further consider some accusations which lead to legal disputes and how they are solved. They will be considered from both sexes and from various age groups.

A woman may be tried for having been accused of various offences just as any other member of the society. She may be accused of theft, murder, wizardry, or any other act considered anti-social or disapproved behaviour. Sometimes women are accused of causing children's diseases such as stomach aches, possession of *Sihoho* (magico-medicine transmitted by eyes) believed to be inherited by those who practice them. Some of the accusations can be difficult to prove and therefore it is difficult to pass sentence. Sometimes the beliefs can be so strongly against the accused that action has to be taken. The members of the community may demand that the husband divorces the wife, for instance. If the husband is not certain, he may ask his wife in private that "*Gik maji wacho kuomigi gin adieri?*" Which means, "Is it true what people say about you"? If she denies them and swears and the husband confirms it from her parents through *Jagam* (go between man/woman in the Luo marriage) then he may defend his wife. Such defence may sometimes be so strong that physical violence or strong verbal quarrels might break the village or lineage so that some members take to living elsewhere. It may also occur that the wife accepts that in actual fact she does not know what happens with her sometimes. She may not be sure of herself. The Luo have many interpretations as regards such an answer. They may say that "*Ichiene*", which means that she may have a ghost, or they may conclude that she is a

wizard. If the husband strongly loves her he may decide or be forced to migrate away from his kinsmen and settle in an unknown land or distant place. In the *Sihoho* case, physical punishment does not normally take place. The council of elders of the local region *Buch-Gweng* or as originally called *Doho-Gweng* (local court) may assert pressure on the husband to proclaim divorce. If this fails, and more cases are brought in against the woman, the council may order that the husband be evicted from the society. They may also order a strong medicine man to blind her so that she does not bewitch others by her eyes.

Quarrels and violence

The Luo quarrels may be grouped into three or four categories: quarrels between children, quarrels between grown-up people, quarrels between women, and quarrels between husbands and their wives. The group quarrel is not included, but some individual quarrels may generate a group quarrel, such types of quarrel may be considered as political actions. In this section I shall begin with the quarrel between children.¹⁰ Quarrels between children were never taken seriously by grown-up people, unless it was between younger and grown-up children. In this case any member or the village may intervene, and direct the blame to the senior child if it was he who offended the younger one, or to the young one if he was the provoker—*Jakwinyo*. Children of the same age were treated somewhat differently. If the quarrel was between boys of the same age, they were ordered to fight in the presence of other senior members of the group. This was often so in the cases such as those of *Kwinyo*, (aggressiveness or provocations) and *Ayany* (insult or abuse).

Women may provoke or insult each other, but no one dares enter this their quarrel in an ordinary way. It was the *Jaduong Dala*, or grandfather or grandmother of the husband if both women share the same husband, who became the adjudicators to settle the quarrel. If the quarrelling women were not of the same village, their husbands may still not be involved unless it became very frequent and serious. In this case *Jaduong Gweng*, chief of the settlements, may invite their husbands to warn them how their wives are breaking settlement, (*Mondgi Ketho Gweng*). It was then that the quarrelling women may be called to testify before the *Jodong Gweng* or *Libamba* the Lineage council. The term *Dhaw* which is here translated as "quarrel" is a verbal one, the physical quarrel (a fight) is *Gorwok*, a more serious form of violence which is given the careful attention of the councils of elders. It often happens that women resort to physical violence because of envy, jealousy, accusation or counter accusation, lies told about the other, accusation of witchcraft and sympathy and love for the men. Even if it was between the married women, the validity of the allegation may be examined in the village council. Physical violence between women also arose from witchcraft accusations, using property of the other without prior request, and in consequence destroying it. Women also quite frequently resort to physical assault because of lies told about the other. When jealousy is thought to be the

main cause of dispute, no male would enter it, but it so happens that disputes caused by women's jealousy and envy creates other forms of dispute and conflict which eventually result in a group split, particularly in a polygynous homestead.

Physical violence sometimes occurs between senior boys and junior elders, but more commonly among the younger age groups. The grounds for physical violence among the boys or men varies and are more numerous than is the case among females. It may be simply to exercise their manly physical virtue, show bravery or courage and keep one's own honour and respect up to date. For instance, when senior boys and junior boys are out looking after the herds, the senior boys may order one of the junior boys to go across the river and provoke another group who might be roasting their maize. He may provoke them by pouring water on their fire. Senior boys from this side may order boys of the same age as the one sent to attack him. With such provocation, physical violence may spread to the senior boys who were behind them. It needs real courage to be sent for such a mission when one knows the consequences. Such a daring boy is *Thuon*—courageous. It may also be that one's rights or honour have been violated and one is harmed internally and feels that it must be restored instantly. Such cases include insult, touching one's head to show how weak and cowardly he is. But if a child's mother is insulted or his head is touched he may respond violently which may cause great physical harm to his opponent.

The Luo boys resort very easily to physical violence when their honours are violated or their tangible and intangible property rights are questioned. At dances, both boys and girls may claim certain names, and would do all they could to protect these names. There may be agreed channels to compete over a certain name of praise. The common manner of competition is to give a harpist a binding present that a certain song or name shall not be claimed by anybody except the man who has given the highest present. A man may give *Jathum*, a musician, an ox, or a cow in order to retain the name.¹¹ The violation of this would result in physical violence which might end in some one losing a limb, or even death. The Luo boys very rarely fight for a girl's love, except when another group tries to "capture"; *Mako*, their sister, for a wife. This process was in fact accepted to test the strength and bravery of the girl's and the boy's kinsmen. A test which also implies that a child will inherit his maternal as well as his paternal kins' bravery. Most elderly men do not resort to physical violence ordinarily. Such cases where elderly men resort to physical violence may be in defence of their property rights. Land and cattle cases are typical examples. Most quarrels were settled by moot, and the constitution of each moot varies inversely with nature of the dispute, and it also reflects the seriousness of such a dispute.

Structure of the Luo legal institution

When the dispute in question was a private delict, the members of the *Doho*¹² were selected from the household and such settlement was called *Buch*

Jodala, the council of the homestead. If it was a social delict then the *Doho* is large and external members consist of the settlements, *Gweng*. The chairman, *Jakom*, was *Jaduonǵ Gwengǵ*, chief of the settlement of *Gwengǵ*.

If it was a social delict or a dispute involving members of different *Gwengǵe*, but fell under the same *Libamba* then the *Jaduonǵ Libamba* becomes the chairman of the court. The councillors of *Doho Libamba* come from various *Keche*, lineage groups (see fig. 2). When a delict or dispute was between persons of different *Libembini* the *Jonǵad Bura* (arbitrators) included those from both side of the dispute. At this level, *Jaduonǵ Dhoot* was the chairman (*Jakom*) of the *Doho* and was therefore called *Doho Dhoot*, representatives and councillors (or arbitrators) came from all *Libembini* of that *Dhoot*, and were generally called *Jodong Doho Dhoot*. If they arbitrated at *Libamba* level, they were called *Jodong Doho Libamba* and at *Gwengǵ* level, *Jodong Gwengǵ*. (see fig. 2). Sometimes the council itself was called *Buch Gwengǵ* or *Doho Gwengǵ*. At *Gwengǵ* level the arbitrators were composed of elders from *Keche* (pl.) or *Hosi*. The lowest court among the Luo people was *Buch Dala*. There has been no previous mention of this level of Luo court, which I think was one of the most important councils. At *Buch Dala*, it was *Jaduonǵ Dala* who was the jural political head of the homestead or village. *Jaduonǵ Dala* was Patriach of the village, and was the chairman of *Buch Dala*. If his brothers were still within the village, or near by they were often the arbitrators (or councillors) at the village council (see further discussion on *Dala* council in p. 205, fig. 8, ch. IX).

In every *Dala*, (village), the *Jaduonǵ Dala* acts as a judge. He settles all major and minor disputes between the members of the village. All such matters were treated as family concerns and as such it was the privilege of the village council, *Buch Dala*, to deal with the cases within the radius of the village. No case could go before *Buch Gwengǵ*, public court, before it had first been discussed by the village council. It is also necessary to point out here that children and youths below eighteen years of age could not be tried in the public court before *Jodongo*. Therefore the village courts sometimes had to handle or pass harsher sentences than the public courts. If a child, for instance, was practising theft, caning was the first punishment, but if he continued, burning of the fingers was the next punishment. If he was a grownup person, and he was caught on the spot, he might get killed. But if the theft became known after he had stolen, he had to return the stolen goods with one extra as a fine. If he refused, the fine was doubled, and the *Ogulmama* standing force may be used to recover the stolen property plus the fine.

The following laws were been explained here at *Gwengǵ* level:

Buch kwo, the law regarding theft. *Buch jamichieri*, the law regarding killing domestic animals or chickens with the intention of eating them. *Buch jamecho*, the law of robbery. *Buch janek*, the law of murder. *Buch janeko*, the law of lunacy. *Buch jakwoth*, the law of backbiting. *Buch ayany*, the law of insult, abuse. *Buch wanǵo ot*, the law of burning the house. *Buch nek mar*

both, the law of homicide or accidental killing. *Buch gath*, the law of adultery. *Buch teruok*, the law of fornication. *Buch wang teko*, the law of disobedience. *Buch achaye*, the law of disrespect. There are many other laws which are dealt with at public court levels (see also the appendix).

In one stage the multiplicity of ethical norms and standards, etc., help further in correcting the members. You may call it public opinion or customary law. Under such laws the sanction is not formal but informal. In all the criminal cases evidence is required, as in the administration of justice importance is attached to the establishment of guilt, by what we may call evidence. There were two main ways of doing so: *Muma* (oath) and *Janeno* (witness). The culprit was asked to take an oath and then to say: "If I did it let the oath take my side", or it may begin as: "On my honour I swear that I did not . . ." ¹³ then go cross, or carry the oath. As Mboya mentioned, there are many forms of conducting the oath, in fact they vary by degree of the crime. The object of an oath may be a skull of a human being, a hoe-handle, a pot of medicine, a ritual sacred spear, a rain-maker's stick, or pot, or a boat paddle. Some of these were used only in very special cases, e.g. the spear, or the skull, almost all those mentioned above were used only in serious cases. The Luo normally do not like to take an oath, since the consequence is destruction not only of the individual that gives it, but all his family, and possibly his lineage as well. We see that even in ordinary quarrels, when a person tells his opponent that "if you play with me", then points at the earth such action has a very serious implication to his opponent. In very complicated cases, where witnesses are either not available or cannot agree to establish facts needed by adjudicators, and if it is a very serious dispute, an oath may be conducted. Often the *Ajuoga* was then called to supervise it. In any case, after an oath the case is adjoined until further notice. However, as I said before, the Luo do not like oaths, they would always try to solve complex cases by either inferences or through witnesses *Joneno*, and of all the cases I have personally attended almost none involved oaths. Oath-taking forms only a small portion of the Luo legal procedure.

There was no marriage process that would be opened and/or closed without senior members of the village forming a council sitting to discuss the matter. In this meeting an external member witness was present. The importance of this man was that should there be a divorce case, and the matter is taken to *Doho* or to the highest level *Doho Ruoth*, the man who is not a member of the village and is acquainted with the whole story of that marriage will be needed to testify before the *Doho Ruoth*. His testimony shall then be compared with that of the *Jagam* (gobetween man).

Youths under the age of 25 years were never invited to the court as councillors. But in some cases women were invited to take part as arbitrators—in the public adjudications. These were cases which involved land disputes, divorce, and other family property disputes. In both Central and South Nyanza Luo sub-tribal groups, it is stressed that women were not members of *Buch Piny*, that is the National council. When women were allowed to act as arbitrators it was at *Doho* (court). It is not clear how many

there were, but according to the information I got they were called in whenever there were cases which demanded their experience.

The men or women were invited to serve as councillors whether in *Doho Gweng* (local court) or *Doho Ruoth* (the chief's court), and were usually men or women¹⁴ of some social standing in the society. In many cases those who made up the lower court at the same time attended the *Doho Ruoth*, that is, they were councillors to the *Ruoth* court. When such councillors were involved in arbitration in the lower courts, e.g., in *Doho Gweng* or in *Doho Libamba*, the verdict was seldom challenged. When the case was taken to the *Doho Ruoth* (the chief's court) after it was settled by councillors of a *Ruoth*, the result of the case was often not different because the councillors and the chairman (*Jakom Buch Libamba*) of the clan court or regional court which had already heard the case will influence the decision at the *Doho Ruoth* level too. (see fig. 2). Anyone could take a case directly to the *Doho Ruoth*, though it often happened that they were first taken to local assembly or clan courts, and to *Doho* when it was more complicated. The marital conflicts, household cases, simple quarrels between co-wives or brothers, and juvenile thefts were as a rule first considered at village councils.

To be a member of the council, a person's social status was taken into account. And in arbitration a person's social status was also taken into account when verdicts were given. If the persons who were involved in the dispute were both *Jolowo* and of equal social status then strict impartiality was enforced, but if one of the parties was *Jalowo* (the landlord) and the other was *Jadak* (land client), that is one of the parties stands in an asymmetrical relation to another, then the person of a higher rank by virtue of being landowner comes off better, because it is not proper to blame or rebuke a person of a higher rank in the presence of a person of a lower rank.¹⁵ However, the person of a higher rank, e.g. *Jalowo* or one senior to the other in age was called aside and given a strong warning in private. This may take place at lower level cases, where respect of age and of ownership were strong moral laws.

Among the Luo, the judicial process was handled and controlled by men of a certain age grade. The selection of a good judge (*Jabura*) was among men of senior age grade *Jodong Ngaga* and *Jodong Oteke*. Young men could not be considered in any court, unless they came as witnesses to certain cases. The retired senior warriors became *Ogulumama* ("police" force). The elders were usually the oldest men and they constituted a gerontocratic core of the political structure. Some of these men attend both *Doho Ruouth* (court) and *Buch Piny* (National council).¹⁶ They were the heads of the village *Keyo*, *Gweng*, *Libamba*, the centres of all conflicts and tension, which if not controlled, filtrate into other parts of the society.

In order to be a good judge and a leader, personal integrity is very important. Political and legal competence to settle disputes depended on "Knowledge of jural custom and of the genealogical and personal histories of his agnates"; "the mastery of health and fertility granting magic to personality and ability, which in Tiv eyemark the possession of witchcraft

substance (*tsaw*) . . . A man of prestige, on the other hand, is a man whose wealth, generosity and astuteness give him certain influence over people . . .¹⁷ These men then had a certain measure of physical force (no longer available to them) at their command. Unless they were elders, they were ultimately controlled by the power and magic lying within the hands of that gerontocracy. Personal prestige and honour could be ascribed or inherited (cf. chapter IX).

A *Juoge* did not take part as legal leader or judge, but could be called in to assist in oath taking.

The Luo to a great extent refrain from committing murder, theft, rape and robbery not because they fear imprisonment or any physical punishments, but because their built-in legal and moral convictions may inhibit such actions, rejecting them as disgusting, criminal and above all as sinful. They are acts which destroy life, wellbeing, honour and normal prestige. They categorize them as "*Timbemaketho Karji*" or "*Timbe Maundu*,"¹⁸ if they are criminal offences, and *Kwer* or *Chira* if they consider them as sinful acts.

A person caught stealing may be beaten, but if taken to the village council (*Buch Jodak*) they may decide that if she is a woman she should be divorced, because her actions endanger the life of the village. If her husband refuses to divorce her, they may be forced to leave the village or the settlement, especially if he is a *Jadak* (land client). During famine, the Luo women travel many miles to their distant relatives who may not have been hit by famine in order to get some food crops. This system is what they call *Kisuma*. It may happen that a neighbour had his granaries full of crops, and after a woman had once or twice been given grain, she may find it difficult to go and beg again. It is often tempting to get into an unlocked granary and take the grain crop. If a woman is caught in this way and she happened to be a member of the village and have children, she was not generally taken to court, but if taken only a very closed hearing took place that was attended by a few senior members of the village's court. The grain she was caught stealing is never taken away from her, but she was warned never to do it again. The matter remains with the old members of the village, and never reaches the ears of the children. The village council composed of a few most senior members may sometimes decide to impose a sentence that the equivalent amount of grain must be returned after the next harvest.

The stealing that takes place outside the village becomes a case in the *Doho Gweng* (settlement court). The council may decide that payment should be made at once. It will then force the husband or the lineage of her husband to provide what the *Doho* had decided. The *Ogulumama* (standing force) was then sent to collect it.

The Luo law permits an offended to execute the criminal if he is caught in the act of committing an offence, for instance, a thief caught in the act of stealing may be killed instantly, because the moral law permits it. It is always difficult to prove witchcraft accusations, but when a wizard or a witch is caught in the act, he/she may be killed by forcing an iron bar through the anus. According to the tradition, *Mulo* (iron bar) must be used for the

execution. If a thief escapes, but he is seen, the accusation could be taken before the *Jodongo* in *Doho*. This is because, the concept of “*Nga monena*”? or “*Inena*”? Who saw me? Or did you see me? And “How do you know that it is he and not some one else” are very crucial questions to the Luo judicial processes. Unless the witness is able to or in a position that he can take the oath, the case may not have much strength or strong evidence. The strongest evidence is that of “*Amake rando*”, that is “caught red-handed on the spot”.

Moral laws, establishing moral actions

Buch Jakuo, (the law of theft) cf. p. 97; see also p. 65. If a thief was found in the act of stealing, the oral sentence was death, the execution of which was carried out on the moral ground. And there was no further case, because it was a moral action approved by moral judgement. But if it was that he escaped and was later brought to the *Doho* (court) he was tried before *Jakom* (the chairman of the court). The *Jakom* sits with his *Jodonge*, (councillors) to hear the case.

A typical example of the normal procedure followed is here illustrated with this example: Osogo Nyang was a notorious *Jamichieri* charged for *Michieri*. *Jamichieri* is a person who steals domestic animals and kills them for food, and *Michieri* is the whole act of doing so. Earlier, before his arrest a goat and a sheep were stolen and only skin and some parts of the animal were found where the skinning took place. The next time somebody saw him stealing the man who saw him followed him without saying anything and saw where he had hidden the skin and waste parts, and saw him carry other meat home. The same day Osogo Nyang went to the shop to buy meat. When the owner of the sheep began to complain of the disappearance of his animal, the man who saw the thief told him that “this time I saw him”—meaning that he had seen the thief. After *Onyango Akudhi* (owner of the sheep) had heard the details he went to the *Jaduong Gweng* and told him that he had caught *Jamichieri*. *Jaduong Gweng* quickly called an emergency meeting. *Ogulmama* were sent to bring Osogo Nyang to the meeting. The other owners of the animals which had been stolen previously also came. *Jaduong Gweng* then opened the court by asking “*In kara enga matieko ningajichiaye egweng ka?*” “Are you the one who “clears up” and “finishes the animals belonging to others in the settlement?” Osogo Nyang answered that “*Ooyo, an pok atimotimakamano*”. “*Nga mosenena?*” “No, I have not done such a thing. Who has seen me?” The man who saw him was brought in and testified that “I saw you”. Osogo Nyang answered and said to him “Where did you see me?” *Nyinena kanye?*” And where were you standing? “*To nyichung kanye?*” The witness described how he saw Osogo Nyang. But Osogo Nyang answered back and said “What did you say to me?” “*Ango manyoro iwachonae?*” The witness answered that “I did not say anything!” Onyango Nyang replied back “is it normal to see a thief and say nothing! I don’t think you saw me”. Question from the *Jodongo* (councillors) “Why didn’t you say

anything if you really saw him? You are lying!" The witness answered "I was afraid to be shot, because he was armed. I am not lying, I saw him". The witness was charged for "cowardice". But he insisted that he knew where the thief had buried the skin and the head together, and that they would certainly be able to find meat in his house. Osogo Nyang said, "but ask *Ragudha* if I did not buy meat from his butcher shop?" *Ragudha* was asked, and replied "Yes, he bought *ratili achiel*" (one pound of meat). *Ruoth* together with his councillors went to the place where the skin and head were buried. They found that it was true, and proceeded to his house, and found that the wife had hidden the meat, but a child jumped up and told one of the men that "mother has kept the meat behind the house, *Nyamgututu*. *Ogulmama* were sent to find out what the child was talking about. They came back with meat from more than one animal. *Dohoruoth* concluded that Osogo Nyang was in fact a *Jamichieri*, there was no need for the oath to be taken. He was also charged for the other animals, and asked if he would take the oath that he did not steal and kill the rest of the animals which disappeared earlier. Osogo Nyang was afraid to take this oath. He was then ordered to pay for six animals, and one for "*dwaro Jahoso*" (medicine man) for cleansing the people who might have eaten the meat killed by *Jamichieri*.

In the Luo moral value, it is stated and it became a common practise that eating stolen food knowingly, or when unknowingly when later known, all who had eaten it must undergo a cleansing and purification ceremony called *Madho Manyasi*. If a man was tried for witchcraft (*Juok*) and convicted he was expelled from the society and lost his ethical right of land as landowner (*Wuon lowo*) see p. 127. The Luo laws forbid witchcraft and wizardry, *Jajuok*. The conviction of which was a total banishment from the society. If caught in action he has to be executed by *Mulo* (iron bar) through the anus. The laws forbid homicide and fratricide, *Janek*, whether intentional or accidental, the conviction of which may be total banishment or semi-expulsion (for the duration of about five or ten years) from the community. Cattle theft is forbidden if it is carried out within the Luo society, if convicted a thief has to pay twice as much as he stole. But if caught in the act of stealing, the law permits immediate execution by spear. If a persistent thief, *Jakuo*, was a woman she was divorced, and her husband may demand the return of bride wealth. The laws forbid *Sihoho* magic for evil eye A *Jasihoho* (a person who practices *Sihoho*) if convicted shall be banished and like *Jajuok* "his or her land confiscated".¹⁹ The laws forbid arson; a person who intentionally burns houses, if convicted, may be forced to pay back the damage or two cows. The maximum sentence is banishment from the society. The laws forbid continuous quarreling and fighting. The *Doho Gweng* or the *Libamba* of a quarrelsome man may unanimously pass the judgment with maximum sentence of "*Nyaka Dare*", that is "he must be banished". The laws forbid eating of a stolen food, *chamo gir kuo*. If a person is convicted for having stolen and killed domestic animals for food, he is ordered to pay two for every animal he had stolen, (cf. p. 101, 97, 65).

The laws forbid rape, *Mako Nyako/Dhako terruokgo gi thuon*. The

conviction of which is the payment of a cow. If she is a married woman the husband and/or her brothers-in-law are permitted by the law to carry out instant execution by flogging him to death if they catch him in the act. Having sexual intercourse with an underaged girl is forbidden by the Luo laws, the conviction is banishment. The laws forbid homosexuality. Most elders still maintain that homosexuality was never common in the past, and those committing such an act would have certainly been banished and excluded from the group. The laws forbid *Tim Mahundu*, banditry. The order was often issued for the *Libamba* of the district where bandits came from to punish them or to pay back what they have robbed or destroyed. If the order is not carried out the *Ruoth* may organize a large force of *Ogulumama* to capture the bandits. The *Ruoth* may order corporal punishment and it is carried out before *Jodongo*, (council) by *Ogulumama*. The above categories of forbidden acts all may bring immoral distraction (*Chira*) to the individual, the lineage or the clan (*Libamba*) as a whole. These acts were morally disapproved of and action against such behaviour was morally approved.

The second type of offences are the concern of the whole Tribe, (*Piny*), clan (*Libamba*), lineage and individuals. They are morally considered as *Kwer* (forbidden acts). The Luo laws forbid close marriage. According to the rules of marriage, it is the duty of *Jagam* to investigate fully the relationship, characters and behaviours of both parties. All socially disapproved behaviour that is condemned by Luo laws may not pass unnoticed. But above all a *Jagam* had to ascertain that consanguinity cannot be traced between the couple, and that neither family of the couple is suspected of witchcraft. Although witchcraft accusation is a serious offence, cases concerning witchcraft were tried at *Gweng* council but many were also tried at *Doho Ruoth*, (the *Ruoth* Court). The Luo moral law is against killing human beings as such. Thus a man who kills, even by accident, a member of the clan or of the tribe is called *Jagwambo* and is not permitted to lead the people nor to discuss legal matters, (cf. chapter VIII).

The laws forbid killing of a stranger travelling across the tribal lands. This category of laws falls under *Kwer*. The destruction it may bring goes to the whole tribe. The trial of such a killer must be at the *Ruoth* council (*Buch Piny*). All acts which concern the whole tribe were discussed at the *Buch Piny*. The offences such as killing a member of another tribe had to be discussed at *Buch Piny* (the highest tribal council) because it might cause war between tribes. Similarly, there were discussions about planning cattle raids making sacrifices for the rain, harvesting, provoking a quarrel between *Libembni* or tribes, and other similar acts, such as violation of tribal *Kwer*. Suicide was an offence against the state (tribe), because the consequences may be the distraction or bad fortune to the whole *Libamba* or the tribe. At the lineage level, *Deruok*, suicide is a terrible act to the *Libamba*, and at the tribal level it is an act which might prevent good harvesting, rain, cause drought, and so on to the tribe. Suicide is against the Luo moral law. The sentence is a corporal punishment to the corpse, whoever comes to the funeral must slash the dead body, especially those who found the corpse still hanging.

The laws of sexual relationship

The rules which express ultimate and publicly acceptable values are called in this work "normative rules". Normative rules do generally guide conduct. In some cases they are used to judge whether particular actions are ethically right or wrong, and within a social structure they can be used to justify publicly a course of conduct or behaviour. All moral laws are normatively approved and all moral laws guide moral actions.

The discussion of rules of sexual behaviour fall under the concepts of *Kwer* and *Chira*, both terms have already been defined in this text. The term *Chira* has been defined as "all immoral acts and relationship disapproved by the Luo society that might cause sinful consequences to an individual, family or his lineage", whereas *Kwer* is a higher level of forbidden acts which can cause distraction of the whole society. At some points, *Chira* and *Kwer* are so closely linked that it is difficult to draw a line between them. A careful study of *Chira* will show that it does not go beyond lineage or clan level. What is *Kwer* at a lower level can bring immoral distraction (*Chira*) to individuals or their families. But *Chira* is not talked about at higher levels, that is from the clan to the tribe as a whole. At these higher levels *Kwer* is thought of as a sin whose consequence affects the whole society. It may be said that *Kwer* is simply forbidden acts, which at a lower level cause *Chira* (distractive consequences to individual family and his lineage) while at a higher level it is distractive to the whole society.

The Luo are an exogamous society, it is *Kwero* to marry within the same tribe unless it is between *Jodak* (land clients) from another tribe with whom marriage is allowed. It is also *Kwero* to marry from a tribe which still regard themselves to have in the past a common ancestor grandfather. It is *Kwero* for both tribes whose members entered into marriage, and also *Kwero* to the individuals who broke the law of parental and brotherly love, *Wat*. At certain higher levels for instance, sexual intercourse between individuals may take place while marriage and giving birth to a young one is prohibited. In a more general statement, sexual intercourse between members of tribes which cannot intermarry was not approved, but breaches were tolerated or were just overlooked if pregnancy was not expected. In this section I shall explain the rules of sexual behaviour and the extent to which rigid observance is required and the limit to which breaches are tolerated.

Incest is one of the higher order offences in the Luo society. In strict terms, it is *Kwer* that brings *Chira* for a man to have sexual relations with any member of the same Tribe, Libamba, Dhoot, or Anyuola. It is *Kwer* for a man to have sexual relations with any close relatives on the patrilineal side; with any descendants of his own mother, irrespective of the paternity of such descendants. A free sexual relation and marriage are acceptable only between those who stand in relations as sisters-in-law, brothers-in-law (but not the actual ones) and those who could be regarded as strangers, and enemies. It was only with those with whom they could go to war with, those without any ritual links and who share no sacrifices or war information in times of hostilities. Generally, sexual intercourse between the members of the tribe

who were not permitted to marry did often take place, but in secrecy and since children were not expected to result from such relations they were rather overlooked. Children from such sexual intercourse were physically eliminated in the former times by leaving them either in the jungle or forest to die. According to some information they were left by the riverside, with the expectation that a crocodile would take them at night. If the marriage took place before a child was born to a man with whom marriage was socially approved the child remained as their *Kimirwa*,²⁰ illegitimate child. I have mentioned the position of *Kimirwa* in inheritance and property rights, he has no legal rights except those of moral sympathy.

The following statements are laws of sexual behaviour:

a) It is forbidden to marry within one's own clan or clans close genealogically, or to have any sexual intercourse within them.

b) It is forbidden to marry within one's lineage or have any sexual intercourse.

c) It is forbidden to marry within one's own sub-tribe or have any sexual intercourse.

d) It is forbidden to marry within one's own tribe, unless among the groups regarded as *Jodak*, (land clients from a different tribe) or strangers and foreigners.

e) It is forbidden to marry (or have sexual intercourse with the aim to reproduce) a member of the tribe with whom the ancestor is known to have shared brothers' ancestors in a far distant past.

f) It is forbidden to have sexual intercourse with a girl under the age of puberty, *Japidi*.

g) It is forbidden to have sexual intercourse with any woman nursing a child unless you are the husband of the mother, or with any woman who is pregnant.

h) It is forbidden to have sexual intercourse with any girl within the clan or closely related clans.

i) A young man is forbidden to have any sexual intercourse with a woman whose husband had just died, before *Chodo Kola*.

j) It is *Kwero* to bury a woman before *Chodo Kola*—that is a woman whose husband has just died must undergo a sexual ceremony of *Chodo Kola*—Should she die before this ceremony she can never be buried until it is fulfilled.

The Luo consider it a sin of the highest degree for one to have the following sexual relations:

a) To have sexual relations with one's mother or mother's sister or maternal grandmother is forbidden, *Kwero Poknotimore*.

b) To have sexual relationship with one's daughter, grand-daughters or one's grand-daughter's daughters is forbidden, *Kwero Poknotimore*.

c) To have sexual relations with one's sister or brother's sisters or half sisters is forbidden, *Kwero Poknoneye*.

d) It is forbidden to have sexual intercourse with one's own paternal and maternal aunts, *Kwero oktimrenga*.

e) To have sexual intercourse with the daughter of one's brother and sister, and the daughter of one's brother's sister's children, *Kwer misiro*.

f) Or to have sexual intercourse with the daughter of one's father's wives or father's brother's wives daughters. They were forbidden by the society's moral laws, *Mago Kwer Madongo*.

Other inferred sexual offences are: (a) a married man was not permitted to enter the living quarter of his parents. (b) It was prohibited for a married girl to enter the living quarter of her parents-in-law or her own parents when she visits them. (c) A mother or father cannot sleep in the same bed used by his/her married son or daughter. (d) It was a disrespect to shake hands with a mother-in-law or with the mother of any woman his wife may call her mother in the Luo meaning of the word. (e) It is prohibited to have any sexual intercourse during war time, or have any sexual intercourse three days before the hunting expedition. (f) It is forbidden for a pregnant woman or a woman with an infant to have any sexual intercourse with a man, that will bring *Chira*, that is sin-consequences. (g) It is forbidden for a married man to have any sexual intercourse with a married woman, "*Mano helo Chira*", that will bring sin-consequences. (h) It is forbidden for a married man or woman who had committed sexual intercourse with another married woman or man to carry their own child before cleansing or use of *Manyasi* cleansing medicine "*Mano helo Chira*"—that brings sin-consequences.

When these rules and regulations are broken, whether deliberately or not, it is regarded as very injurious to persons concerned as well as offending the society itself.

If one of the sexual laws of *Chira*²¹ has been broken, the child may die suddenly or get an incurable illness which may eventually cause his death. *Chira* may prevent a woman from giving birth at all or she may lose children before birth, or they may die soon after they have been born. *Chira* may also prevent a woman from giving birth to either male or female children. If it is known that the *Chira* which is in the family is as a result of the husband's immoral acts, he may be taken to the council of the village. A woman may also be taken to the village court for immoral behaviour which causes *Chira*, and that can be a ground for divorce. In a state where divorce is not readily permitted by the court, *Doho*, a woman may leave her husband and go to live with another man, an act which may be regarded as separation even if she had children with the former husband. It may also be regarded so if cattle had not been withdrawn from her first marriage making divorce difficult. Any sexual intercourse with that man during the years they may be together is regarded as fornication. Children produced in this relationship are children of her official husband to whom she will eventually go back to. If a man dies and leaves behind a young wife, one of his kinsmen will marry her on behalf of the dead husband. Such a man is called *Jater*. If during the first night of such a union the man who takes her fails to have sexual union with her, he was accused of having broken the law of *Ter*, and is said: "*Nindo oteno Jater*", that is, the "*Jater* had fallen asleep". Accordingly, he was dismissed on the following day. There is no restriction whatever between unmarried youths in

practising sexual intercourse provided that it does not violate the law of incest. Sexual intercourse within the lineage or clan has already been dealt with as incest. In most cases at a tribal level or between the tribes which are not permitted to marry, there was some fornication between unmarried girls and boys that normally went undetected if no pregnancy resulted. But there were a few cases at clan level and still less likely, at lineage level, in which fornicators were caught red-handed. Banishment was the immediate sentence. The fornicators caught red-handed were likely to get a severe beating if not actually speared, irrespective of their clan or "chiefdom of origin".²² If a girl was made pregnant with a member of the tribe, it was hoped that she may be married to a man belonging to another tribe where marriage was permitted before the child was born, because a marriage within the same tribe was practically out of the question. In cases that came to light after a girl's marriage, the offender paid an animal, (e.g. a goat) as a cleansing sacrifice. An unmarried man was not permitted to have any sexual intercourse with a widow, a woman who had just lost her child, a woman who is nursing a child, or a woman who has reached menopause age. These were considered to cause *Chira*, sin-consequences to the young man.

Adultery with a married woman either within same clan or of other clan was morally wrong and carried moral actions. An offender was killed when caught on the spot. But it may happen that a man cannot make his wife pregnant, and then she was permitted to look for one of his brothers-in-law to cohabit with her. This was never made public, but even if the husband knew about it he could do nothing since he would find a strong public opinion in the village or at lineage level against him. It may also happen that he knows that his wife cohabits with one of his half-brothers but will normally pretend that he does not know about it. The children produced with such intercourse remain the children of the legal husband and no mention whatever occurs about who was the actual biological father. However under no circumstances shall a woman find a lover from a clan outside her husband's clan. If this happens and it becomes known, it was enough to cause fighting between the two clans, and if possible the culprit was killed. If the matter were taken before *Doho Ruoth*, a fine of one cow was imposed. A man who eloped with a wife from another clan was forced by his group to return her before serious consequences occurred. But if he eloped with a girl from another tribe, he received escort and protection from his clanmates. Among most Luo tribes, it is a tradition that a sterile husband would never invite, nor even acquiesce, if either a friend or kinsman be getting issue for him upon his wife, but is agreed that such things happened within kinsfolk by "stealth".²³ In this case, if the begetter was of another lineage there would be fighting, but if of the same lineage as the husband, the husband would be persuaded to acquiesce, and the same thing might even be repeated because some kinsmen were behind it. In this case the need for a child was considered more important by lineage members than personal single honour within the same lineage. But it must be emphasized here that there was no recognised right or privilege of this kind, even between the closest kinsmen, and if it occurred, in theory at

least, it must be without the consent of the husband in order to save his face, and his personal respect.

The Luo believe that adultery would always show even if the girl refuses to disclose it, for it could "tie the childbirth"²⁴ of a woman and she would be forced into a confession before the child comes out. If she did not disclose the name she might die with the child. This was the case if adultery was committed by a member of the same tribe or clan and the girl wishes to hide the person who made her pregnant. In the past such an offence was settled by ritual sacrifices and purification since it involves both members of the same tribe. The child however was not allowed to grow up, it was killed, as has been mentioned above. More of this is in the marriage section of this work.

If adultery was committed in the clan, the offenders were ordered by the *Buch Gweng* (the settlement court) to pay a goat or two depending on the nature of the adultery, which depended on the condition of the woman and the man who committed it. If non-clansmen, adulterers caught red-handed were in any case killed on the spot if possible. A casual adultery by a woman who is nursing a child was considered a serious offence. In actual fact, it was regarded as a sin. On the other hand, this might cause discussion as to which of the offenders' children would eventually die.

Adultery laws carry moral laws of personal right to action. A husband's sterility was no excuse for a clansman to cuckold him. And a man was not executed if he killed the adulterer caught red-handed on the spot. According to the Luo custom, it was very rare for a husband to agree to anyone else fertilising his wife for him, though it was secretly happening within the same lineage in order to reproduce and multiply. This was of course only possible with the agreement of the wife, because sterility of the husband was a good ground for a wife to demand divorce²⁵ and was granted automatically. It used to happen that even a sterile man would kill his wife's bastards. According to the report by Southall a Luo said, "he stayed like that and his line simply died out".²⁶ The southern Luo will certainly try to do something if the wife agrees to stay; a member of the husband's lineage or clansman that stands in relation to the woman as brother-in-law, or a half-brother will be persuaded by the wife to cohabit with her. The council of lineage elders may meet to order the husband by saying "*We nyar komanyie oyud yuore moro uyudgo, nyathi ochung Kari*", means "let the daughter of . . . (called by the name the of wife's country) find one of her brothers-in-law in order that your line may not perish". The elders may call the woman separately in a closed hearing and ask her to find one of her brothers-in-law so that their line may not perish. Sometimes if the husband is an uncompromising fellow, only the wife was called to a closed hearing to be given such advice by the elderly women. The matter then remains a secret of the lineage, and completely remains sealed from the public.

Concepts of evil and justice

The Luo endeavour to fight evil in all possible ways. Several views exist concerning the origin of evil. Many folk tales link evils with disobedience,

breaking of commandments and/or promises. In actual practise the Luo link natural evil with witches, wizards, sorcerers and bad spirits. Sometimes the conclusion of death is said to be so because it was predicted that it will be so at that time and there is nothing we can do about it to prevent it. It here implies that some natural evils were predicted by God himself. This is the Luo concept of "*Nose kor*" or "*Nose ndiki*", which means "it was already predicted" or "it was written".

The belief is also held that some death is caused by evil divinity through evil spirits. The Luo says: "God punishes bad people" or that "God is the final judge". This we have found in the cases where judgement is pronounced against the person who feels that he was in the right. The final statement is said in these words: "*Nyasaya nonene*" or "*Nyasaye ema no pogwa kode*" or still "*Nyasaye nongadne bura*" which means "God will see to it" or "God will separate us" or "*Nyasaye* will be his better judge".

We have discussed in the section on religious belief the Luo conception of dual spirits. The belief they had is that for every living being, there is a "soul, a shadow and a spirit".²⁷ All leave the body after death. Sometimes the spirits of the living-dead were believed to visit the upper world to punish the men who wronged them earlier. If the living dead were not properly buried, or have a grudge, were neglected or not obeyed when they gave instructions when still men, it is thought that they take revenge or punish the offenders. Mbiti considers it that "it is men who provoke the living-dead to act in an evil way".²⁸ Under the sub-heading: witchcrafts, sorcery and magic, I have discussed men suspected of working maliciously against their relatives, neighbours, and fellow countrymen through the use of magic, sorcery and witchcraft. This is the centre of evil as the Luo experience it. Mbiti says that "mystical power is neither good nor evil in itself, but when used maliciously by some individuals it is experienced as evil".²⁹ "This view" he says "cannot act on its own, but must be employed by human or spiritual agents".³⁰

The "social order" and "solidarity" are needed for the maintenance of peace and balance distraction in a society. This order is conceived primarily in terms of kinship relationship, which simultaneously produces many situations of tension since everybody is related to everybody else, and each member has rights and obligations, responsibilities and demands, which must be fulfilled at the same time. Let us assume that a person commits an offence against a member of the clan by stealing an animal. Because the stolen animal belongs to someone who is related to the thief as a father, a brother, sister or cousin, he may be considered as having stolen his own property, which the Luo law forbids. As such it is an offence against the community, and its consequences affect not only the thief, but also the whole body of his relatives. There are therefore many laws, customs, set forms of behaviour, regulations, rules, observances and taboos, which constitute the moral code and ethics of the community of the Luo society.

Some of these we have found to be held sacred, some of which are believed to have been instituted by God or a national hero of the society as strongly expressed e.g., in the Shilluk-Luo laws, and they show that Nyikang the

founder of the Shilluk nation has instituted law of the country as well. This gives sanctity of the customs and regulations of the community. Any breach of this code of behaviour is considered evil or destructive to the whole nation and to the social order and peace. It must be punished by the corporate community of both the living and the departed, and *Nyasaye* may also inflict punishment and bring out justice. The Luo social relationships are emphasized on the concept of "hierarchical relation" (see fig. 7) based mainly on age and other status positions. In practice, this amounts to a ladder ranging from God, the oldest, to a baby, the youngest. God, *Nyasaye*, is the creator and hence, the parent of mankind, and holds the highest position because of his age so that he is the final point of reference and appeal. I have also mentioned earlier that wisdom and good judgement go with age. He who is the oldest in age has seniority and status position so he occupies the wisest level and his judgement is final. But beneath him are divinities and spirits which are also older than man and some of which were founders and forefathers of different tribal groups. These men, who were the fathers of the tribal groups, are also respected because of their age as well as their past performances to defend the life of the present society. Next to the more distant past are the "living-dead", the more important ones being those who were full human beings by virtue of titles in war, in magic, in wealth and in age. By going through the initiation rites, getting married and raising children they became the guardians of the various communities of the Luo society. Among the Luo societies in this hierarchy some, like the Shilluk-Luo, include the king, but the rest of the Luo societies include chiefs, *Ruodhi*, prophets, *Jopilo*, peace makers, *Wagaye*, war leaders, *Osumba Mirwayi*, brave men, *Thuondi*, diviners, *Ajuoge Madongo*, rainmakers, *Jokoth* or *Jojimb Koth*, medicine men, and finally elders of each clan, lineage, household, parents, senior brothers, and sisters, and lastly the youngest members of the community.

Authority is recognized to be increasing from the youngest to the oldest being, and decreasing from the oldest being to the youngest child. I have shown that in a trial, the case is first taken from the village level to the *Doho* level under the chairmanship of the senior heads of the *Libamba*. Individuals therefore regard the highest authority to be the community of which they are a member, cooperating in it from the house level, village, region and to the tribal level as well. It is already shown in the education of the children how a large part of this authority can be seen to be in the hands of the household, or family, so it is invested in the house head, village head, elders of a given area, clan head, and finally the *Ruoth* head of the nation.³¹

I have defined the concepts of *Kwer* and *Chira* (pages 146-7) and stressed that *Kwer* of higher level implies the offences against the whole nation while *Kwer* of lower level implies offences bringing *Chira*, sin-consequences, to the individual or individual and his family as well as to his lineage group. The crime against the whole nation is the crime whose punishments are general to the whole society.³² They may be epidemics, famine, defeat in war, locusts, small-pox, and other calamities. It should be mentioned again that the Luo

acknowledge the *Nyasaye* as the final guardian of law and order and of the moral and ethical codes. Justice is held by him, through the words, "*Nyasaye nonene*", "*Nyasaye nong dae bura*", or "*Nyasaye ema nopogwa*" and so on. In the case of a poor judgment, an appeal is hoped to be carried to a highest council. Justice is held in him. The breaking of social order whether by the individual or by a group, is ultimately an offence by the corporate group against the guardian of the society or the corporate group. John Mbiti found an excellent example from Kenyatta's writing of the Kikuyu who during sacrifice and prayer for rain, "they first enquire from a diviner or seer why God has allowed such a long drought to come".³³ The Luo, on the other hand, classify offences and the consequences that their committing must await, for instance, people eating meat of a stolen animal belonging to a member of the community; committing incest; murder; defeat in war; and such higher crimes, which including witchcraft, have specified consequences. These offences are against the nation, against the founder of the tribe, and against God. The guilt of one person's involvement may affect his entire household, including his animals and property. The Luo therefore say "*Kain osiep Jajuok nyaka in bende ibed Jajuok*"; and "*Kain osiep Jakuo nyaka in bende ibed Jakuo*", which means "if you are a friend of a witch you will also be a witch", and "if you are a friend of a thief you must also be a thief". A better example is perhaps an offence committed by a member of a lineage to the living-dead, the punishment that comes shall be felt by all members of the family, lineage and possibly the clan from where an offender came from. This is what I have discussed under the concept of *Chien*.³⁴ The pollution of the society by an individual is the pollution of everything concerned with him, whether human beings or material goods.

A story of a man who lived not far from my father's homestead would also imply such totality of accusation. This old man after a quarrel with his neighbour would for weeks and months each time he saw birds flying from the direction of the village of his enemy, would say "look at these birds coming from so and so's village, they are the birds that destroy my crops" as if the birds belonged to his opponent. But this, in fact, implied that he hated the man with all that was related to him.

The Luo folk tales are rich in myths concerning the first men or animals whose disobedience involved punishments to the living members of the entire society. For instance, the Luo say: "*Dhok mariek nomiyo Ong'er Yip*", which means "to know too much made a monkey to have a long tail". The story of "chameleon and the Moon" is one of them. The chameleon was sent with fat to the Moon. Before reaching the Moon, he dropped it in the dust. The Moon, seeing her fat dirty and dusty, cursed the chameleon by saying: "From now onwards you will be slow and change your colour, because you have disappointed the people who sent you and myself as well". The stories of death and "free food" and many others are explained in this way in our folklore. They show that the original punishment automatically became the punishment for all descendants of the evil doer.

Among other Luo tribes some, the Nuer for instance, consider it wrong to

be proud of one's cattle or children if they are too many. This they believe may cause God to take away the children or the cattle. We therefore find it "the worst offence to praise a baby",³⁵ and should refer to it as "this bad thing" or "this ugly thing". The Nuer also believe that if a person does wrong, God will sooner or later punish him, but the punishment may affect not just the individual alone, but the corporate group of which he is a member. According to the Luo tradition parents can never praise their child in his presence (or in public unless it is meant to improve his character), on the grounds that it may spoil the child. But according to the Luo, praising a baby may cause its downfall. Mbiti then explains that "the offender is not the child, but the person who is proud before God".³⁶ The Nuer, like the other Luo tribes, have similar rules of behaviour. And offence arising from the breach of such behaviour, whether deliberate or accidental, brings misfortune both to offenders and other people who are not directly responsible.³⁷ The stress from John Mbiti is that "for them, the evil lies not in the act itself, but in the fact that God punishes the act".³⁸ This idea was not clear from Mbiti's earlier statement. According to the Luo, whether at higher level *Kwer*, or at lower level *Kwer*, by committing a particular offence, a person puts himself and other people in the dangerous situation where *Nyasaye* or *Juok* punishes him and other people related to him. The conclusion given by Mbiti, "that something is evil because it is punished, not because it is evil"³⁹ is not wholly true in the case of the Luo. It would be more the other way around and/or both. The Luo punish witchcraft because it is evil and not that it is "evil" because it is punished.

Earlier I stressed that *Nyasaye* is thought to be the ultimate holder of the moral order. The Luo do not consider *Nyasaye* however, to be immediately involved in the keeping of it. As Mbiti points out, "it is the patriarchs, living-dead, elder priests, or even divinities and spirits who are the daily guardians of human morality".⁴⁰ Social regulations of a moral nature are directed towards the immediate contact between individuals, between man and the living-dead and the spirits. The conclusion, that I share with Mbiti, is that "these regulations are on the man to man level rather than on the God to man plane of morality".⁴¹

The list which I shall give in the appendix expresses in the first place the forbidden relationships between man to man, not between *Nyasaye* and the Luo. These regulations, some of which are not binding in other societies, are binding rules among the Luo.

Mbiti states that "the African morality is more 'societally' rather than 'spiritually', it is a morality of conduct rather than a morality of being".⁴² He interprets the African ethics in general as a "dynamic ethics".⁴³ Nordenstam in his *Sudanese Ethics* appears to be observing both "ethics of being and ethics of doing".⁴⁴ The Luo ethics show strong inclination to both, the "ethics of doing" and, at points, the "ethics of being" are stressed in the concept of *Kwer* and *Chira* on one hand and *Pakruok* (Virtue boasting) on the other. And an individual ethics of virtue (which forms a large part of the Luo ethics) consists of what one should be like in order to be a good warrior, a

good Luo, a good woman, a good mother, a good father, a good child, a good ancestor, and a good being. Nordenstam regards that "the ethics of virtue, which is linked with this kind of definition comprises all the virtues of human beings in all their capacities and roles".⁴⁵ I find in the case of the Luo that two layers should be stressed; those where breaches are tolerated, and those which form rigid observances; those which fall under "higher level *Kwer*" and those of "lower level *Kwer*"—as has been discussed in the text—see pages 146-148.

Mbiti J., (1969) has called "ethics of doing" the "dynamic ethics", rather than "static ethics" for it defines "what he is".⁴⁶ But a person is what he is because of what he does, rather than what he does arising from what he is. This statement does not apply in all situations and is only valid to a certain extent. An example could be with the normative position of a king or hereditary ruler who occupies that position as head of a state because of what he is and not because of the very fact that acting as head of state puts one into a hereditary position. But the opposite of such an example could be that an ancestor is so because of what he did, and not simply because he is a living-dead. This point has never been made explicitly clear: The Luo name a child after a grandmother, a grandfather, an outstanding member of the tribe, clan or lineage, but not after any youth who happens to die. The dead man must have fulfilled certain cultural customary obligations before he could qualify to become "an ancestor's spiritual being". In this context I am specifically referring to the Luo norm pattern.

It is also true, as Mbiti argues, that "kindness is not a virtue unless someone is kind to someone else, or a murderer is not evil until someone is killed by another person. A witch is not a witch unless he is suspected or has bewitched someone. Man is not by nature either "evil" (bad) except in terms of what he does or does not do to his fellow-beings with whom he lived in the society".⁴⁷ But the Luo determine some evil words and even if there is nothing evil done, still the notion of evil remains. One can ever entertain these evil words in one's mind or pronounce them in public or in private. No one can think of, or utter in private or in public about having, for instance, sexual intercourse with his sister, mother, father, brother or any close relative as far as the Luo are concerned. It is an "evil thing" to think of it or utter it. It is not the act and its implication to others which will be considered as "evil", but the word as such. A man may be punished because he pronounces certain words or names considered to be evil. Quarrels and fighting do not always take place because of an action done by others or against others, but quite often because of some bad words or evil ideas have been attached to someone's being.

I have explained in chapter VIII in this text that according to the Luo nothing happens without a cause.⁴⁸ They say "*Ok timre nono*", or "*Mano gimoro emantie*", which means "never happens by itself or without a cause", or "there must be something to it". To this Mbiti also explains that "natural evil may not take place purely by means of natural cause", "people must find the agent causing such evil".⁴⁹ Indeed the Luo argued during a prolonged drought, or when hailstones destroy the crops, or even when an accident

happens to a member of the village, or sickness came to a village, that it is not without a cause. The blame is either that someone has broken *Kwer* or someone has brought bad medicine in the land or in the village. It is also thought that one of the neglected ancestors is giving warning, or punishing those who might have wronged him before death. The calamity is either God's or the spirit's punishment.

A much clearer explanation of "causal agent" to any natural evil is forwarded through the very belief of using mystical power, such as through using "evil eye", "evil wishing", "curses", "applying evil magico-medicine on a person's property",⁵⁰ on cattle, clothes or placing evil medicine upon the road, taking foot-prints, stabbing some one's shadow or by means of other secret magical methods.

Mbiti logically infers that "natural evil is present because the immoral agents exist, and these are evil because they do evil deeds".⁵¹ Perhaps we should have not experienced "natural evils" should there be no "natural agents"!

The spirits, the living-dead and ancestor spirits also act as the intermediaries between *Nyasaye* and men, they are guardians of the tribal ethics, morals and customs. The spirits of the ancestors who were once the founders of the nation, were commonly believed to have delivered some of the laws and customs of their people. Nyikang, the founder of the Shilluk nation, and the present Shilluk kings are some typical examples. The Shilluk kings are believed to draw their power from Nyikang, so that strict observance of the royal rules, of succession, and power itself must be transmitted in special ways. Therefore any breach of these customs was an offence not only to the human society of Shilluk, but to the spirit of Nyikang, and other ancestors' spirits. If the king commits an offence, the punishment was felt throughout the nation.⁵²

As a rule, a person of a junior rank or status, if accused, normally can be said to commit an offence against another person of a senior rank, but a senior or a higher ranked person may not be considered have committed an offence against a junior person. One may also offend against a person of the same age grade or status. An offence committed by an older person or senior person on the junior member may be called "*Tim Juok*" an act of witchcraft, because of its abnormality. Offence functions from an asymmetric level, that is from lower level to a higher level. The concept of "*Ingat Maduongni Itimori nade gi Nyithindo*", that is "How can you, such a grown-up man, do such a thing to a child?" In cases involving a grown-up person and a child, often moral support goes to the child, though in the presence of the grown-up person the child will be rebuked. According to the Luo an evil committed by a senior being over a junior being is worse than that committed by a junior to a senior being. But it has been concluded by Mbiti that "something is considered to be evil not because of its intrinsic nature, but by virtue of who does it to whom and from which level of status".⁵³ His interpretation is meant to support the idea that "God being in the higher rank, does not and cannot commit evil against his creatures".⁵⁴ From this concept of hierarchy it is easy to conclude

that when people feel a misfortune or calamity has come from god, they interpret it not as an offence, but, as Mbiti says, as "punishment caused by their misdoings".⁵⁵ But we have similarly noted that the ghosts as a rule come to punish those who had wronged them, but here again we find that they may come to punish those who are even senior to them or demand that the punishment be carried out on them.

From this theory of hierarchy of status and rank, Mbiti concludes with some partial validity that "the spirits on the whole do not offend against men; the living-dead do not offend against men, the king or ruler does not offend against his subjects, the elder in his village does not offend those who are younger or under him, and parents do not offend against their children".⁵⁶

If parents do something which hurts their children and which constitutes an offence against the children, "it is not the children as such who experience it as an offence" according to Mbiti, but rather, "it is the community, the clan, the nation or the departed relatives who are the real object of offence, since they are the ones in higher status than the parents".⁵⁷ It is true to some extent that an offence against the child is taken up by parents, and other grown-up members of the community, rather than by the child himself, for he cannot do much by himself, but it does not follow that a young man cannot regard it as an offence. On the other hand, if a child is killed by a man of higher status, be it a king, the ghost of the child would approach the killer, partly to punish him, and partly to demand the law to take its proper course. It may be said that the ghost seeks justice rather than coming to punish his killer, but this is not ruled out. We have not had a case where such a young ghost appeals to the older members of the ghost society to help him seek justice, they do it themselves.

The Luo lack various strong organizations binding them into a strong relationship of solidarity other than that of family, age set, and Luoism. Close personal relationships are strongly demanded within kinship and family level. The corporate type of life makes every member of the community exposed to other members close to him by kinship relationships.

The kinship relation which we encounter among the Luo demands love, for socio-biological and parental links, it also demands friendship for its extended relationship. And in order that they may fulfil and maintain such a close and solid solidarity without force, the only force between its members must be the force of generosity, trust and tenderness. But should those forces fail to operate effectively, enmity, suspicion, bitter jealousy shall have to prevail. It is paradoxical that the quarrels, witchcraft accusations, and splitting and segmentation that takes place in the Luo society is from this level. This is because every form of pain, misfortune, sorrow or suffering, every illness and sickness, every death whether of an old man or of a child, every failure of the cow to produce much milk, of hunting, or of fishing or natural evil are all to be shifted to one's opposing member of the *Libamba*. The close relationship is often broken by individualistic selfishness motives brought by a strange woman married from the group unrelated to the husband's kin. This is the philosophy of scapegoats which is basically

jealousy, envy and competition. Never before marriage do we find between brothers or sisters frustrations, psychic disturbances, emotional tensions, and other such states of the inner person, or envy, jealousy and witchcraft between brothers, but as soon as their strange wives come in, and competition begins, we hear accusations and counter-accusations from houses and villages.

The Luo laws can be summed up into three main categories:

1. The laws that prevent or protect destruction of one's own being, one's family and lineage.
2. The laws that protect and prevent destruction of the well-being of all members of the society and the land as a whole.
3. The laws that govern or guide social relationship and actions between the members of every social group as well as between individuals.

The third category of the Luo laws is broad and covers individual rights, as well as group rights and their obligations; it also covers property rights, or tangible and intangible rights, and relationships that bring them about. The sanctions regulating the norms of social conduct may be forming two categories, those with rigid punishment and those with lighter punishment. Power to enforce judgements by means of organized sanctions, appeared to be present, although there were no imprisonments.

Notes

1. Pospisil, L., 1971, p. 27; Sorokin, A., writes "if a law or ethical norms is not deeply rooted in a person's convictions and in his emotional and volitional nature, becoming a potent inner mentor and guide to his actions, such a law is doomed to be ineffective, no matter how rigorous may be the external enforcement" (P. A. Sorokin, 1948, p. 45).

2. Ehrlich, 1936, pp. 493-497; Pospisil, L. 1971, p. 28. The "living law" is regarded here as "normative law" built upon life as it is really lived; the law which comes to existence through natural living conditions of the people, not by an invention of the ruling minority to exploit the stupid majority.

3. Pospisil, L. *ibid.*, p. 42.

4. Malinowski, 1934, pp. 30-42, has as his main attribute of law "the principle of obligation", Sorokin stresses that "if we are to answer the question why in traditional society, breaches of law are less numerous than in more complex modern societies, the answer would be that it is not embodied in the inner nature of man, but only superficially so, residing chiefly in the individual's ideologies and groups whose interest they serve, and not given proper effect in the covert actions of society as a whole. As such they are violated at the first pretext" (Sorokin, 1948, p. 47).

5. Further discussion of *Ruoth* leadership is in the political section of this work in chapter IX.

6. Max Gluckman, 1963, p. 19; Pospisil, L., 1971, p. 83; I may add that among the Luo ideals truth, steadfastness, self-control and good faith are demanded for intimate group solidarity, should any member fail to fulfill these ideals in his dealing with his fellow member, a fatal break or split may be expected. It is contained in their proverbs, i.e. "*fulu bende oro mamba*" which means "a small fish may send a large fish" when there is agreement on asymmetric relation, but a strong person is never on an equal level as a weak one.

7. Howell, P. P. 1954, p. 225, says "Nuer have no law" But according to Malinowski's opinion, which I think I can agree with, "all preliterate societies have laws in every sense, though it does not necessarily mean having courts, where codes are kept. and judges sitting to hear everyday

cases". To Malinowski laws consist of "the rules which curb human inclinations, passions or instinctive drives; rules which protect the rights of one citizen against the concupiscence, cupidity or malice of the other; rules which pertain to sex, property and safety". "The rules" he says "are of course found everywhere and in this sense law exists in even the "most primitive society" (Malinowski, 1948, LXII). Laws that did not exist in traditional-preliterate societies are those, cleverly invented, by the ruling minority for their own interests.

8. Evans-Pritchard, 1940, p. 162; Max Gluckman, 1963, p. 12 says "Among the Nuer, the rules forbid, under penalty of disease, accident, and death, a man to marry any woman of his clan, or any woman to whom relationship can be traced in any line up to six generations".

9. Ocholla, A. B. C., 1970, p.206, (from my earlier stressing) on the Luo premises of judgements with concepts of "*winjo*", "*nen*", and "*ng'eyo*" in the process of cognition in the Luo philosophy. The process in which the Luo judgement is meant to avoid any prejudice. They are not expected to come to the matter unprejudiced with no prior knowledge of the people who are to come before them. On the contrary the more they know, the better. So that judges instead of shutting their eyes to everything (which causes the action) except the question they were asked to consider, give judgement on the total balance of rights and wrongs. To the Luo arbitrators, the disputes are viewed not as such, but circumstances that brought them about is what will decide the weight of wrongs and rights.

10. Since quarrels between women are generally a result of jealousy, envy, lies told about others in their absence, witchcraft accusation, etc., men do not normally have to enter them, or to take sides or try to investigate their causes, unless these quarrels tend to go beyond the limit. In case of serious accusation such as witchcraft, death, etc., the elders may follow the quarrel over how it disturbed the village or the land, they follow quarrels over holdings or trespasses of stock or relationships between members. They had to adjudicate between them, who is right and who is instigated by jealousy, and therefore wrong. In making judgement, whether in administration or in judicial forum, "*Buch Piny*" or "*Doho*", the elders and the councillors represented the "verbalized code of law" which was liable to restrain various individuals and groups from freely satisfying their desires at the expense of the other.

11. The concept of virtue boasting is further discussed in the second chapter of this text. The discussion includes competition over virtue names, virtue songs and other valued actions. The violation of their rules has moral backing.

12. See structural appearance of the Luo legal institution, "*Doho*", defined as "court" and "*Buch Piny*" as national council, see chapter IX, p. 210.

13. Mboya, P. 1938, 1967, pp. 13-22.

14. According to the Luo tradition when a woman has reached menopause age, and she is called grandmother, her social status changes close to that of elderly men. They become legal consultants and advisers even though they are not given the chairmanship at the councils.

15. In most cases and in all difficulties the Luo do not as a rule completely abandon one in trouble, unless the offence was a very serious matter which is *kwer* to the whole nation and *chira* to one's family and lineage.

16. *Buch Piny* is further discussed in chapter IX. If the case discussed at this council is such that the *Dhoudi* meeting cannot reach an agreement or cannot impose a solution the war may break out but the *Ruoth* may form a larger bloc with those who supported his judgment. If there is a fight between clans we simply call it "*goruok*", and clubs and light shields "*okumba*" were used, it is unlike a fight between tribes, which they call *lweny*, war, in which spears and heavy shields, *kwot*, were used.

17. Laura Bohannan, 1958, p. 51.

18. Both terms "*kwer*" and "*chira*" have been defined and discussed on page 120. Some earlier writers referred to the two terms with a limited clarification, for instance Hauge, 1974, p. 62, 70 only mentions *chira* which he says is "a kind of illness"; this interpretation could be very misleading, and Wilson 1961, p. 125 regards "*chira* to be more serious than *kwer*". In the clarification made in this work, an act cannot bring "*chira*" if it had never been a "*kwer*" or fall among forbidden acts. There are also two levels of "*kwer*", high level and lower level *kwer*. These which are connected with private offences are those which are held to injure only individuals or a corporate group whose rights are infringed; and those connected to our civil offences are the illegal acts or relationship against the state, which in anthropological terms would be called

offences against society. Such offences cannot be atoned by restitution to any individual, but must be dealt with by a punishment inflicted on behalf of society as a whole. Action that could be higher level *kwer* belong to these categories of offences.

19. Wilson, 1955, 1961, p. 88, points out that "*jasihoho*" may be banished and his land confiscated", normally *sihoho* is practiced by women; in this context it is a divorce and a woman returned to her kinsfolk country was a maximum punishment apart from those already mentioned in the text. Land referred to by Wilson was normally owned by the husband who owned it by his descent as a member of the clan.

20. *Kimirwa* is further discussed in the section of inheritance, chapter V; see also Wilson, 1961, paragraph 200.

21. *Chira* as explained here has a meaning of lower order *kwer*, though not as Hauge interpretes it as "a kind of illness", 1974, p. 62. The Luo verbal code of law lays down who can marry and how marriages take place among people who consider themselves to be unrelated, hence believed to be a potential enemy. The prosperity of marriage between enemies is that it creates an atmosphere of friendliness, and kinship among those who would be enemies. The "*uau*" relationship which is established as a result of exogamous marriage makes a new form of solidarity possible. The long processes of marriage ceremonies enable people to act to know each other and extends friendship beyond those who actually entered the marriage contract.

22. Southall, 1956, p. 136, stresses that the law of incest appears to have been strictly observed among the Southern Luo. And my investigations in Central and well as in South Nyanza confirm his statements on this point.

23. Southall, 1956, p. 162.

24. The saying that "*nyathi omoko*" is expressed when a young pregnant girl could not give birth in normal way because of "sin" she was trying to hide or conceal. It is always demanded that an unmarried girl should disclose who had made her pregnant, since there was always a suspicion of incest, especially when her boy friends were not known before. It was therefore believed that such a girl may die on giving birth.

25. Grounds for divorce are discussed in chapter VI; see also Wilson, 1961, 131.

26. Southall, 1956, p. 133; According to the Luo law, a woman must have what Malinowski called an "accredited husband to be the father of her children". This is referred to as "the principle of legitimacy" (Max Gluckman, 1963, p. 67). In the Luo law it is cattle that makes a man an accredited husband and accredited father.

27. The discussion on soul, shadow and spirits is in chapter VIII.

28. Mbiti, J. 1969, p. 204.

29. Mbiti, J. *ibid.*, p. 205.

30. *Ibid.*, p. 205.

31. Ocholla, A. B. C. 1970, pp. 186-190. The hierarchy relation based on age is one important asymmetric relation in the Luo society, the others are based on land ownership which places *Jodak* in a lower status social position; *jomoko*, wealthy (in cattle) and which places others as *wasumbni*, or *jochan* (clients).

32. The structural appearance of the Luo legal institution is shown in chapter III, p. 80, and is also the explanation of authority structure of the legal kind and similar to political authority structure in chapter IX, p. 207.

33. Kenyatta, 1938, p. 243; Mbiti, J. 1969, p. 206.

34. *Chien* discussed further in the text p. 125, ghost hounding and ghostly vengeance and punishments, see also Evans-Pritchard, 1950, pp. 86-7.

35. Evans-Pritchard, 1937, pp. 14, 189.

36. Mbiti, J. 1969, p. 207.

37. Mbiti, J. 1969, p. 207.

38. *Op. cit.*, p. 207.

39. *Op. cit.*, p. 207, I have made it clear that in terms of the Luo religious law, it was wrong to kill a human being under all circumstances.

40. Mbiti, J. 1969, p. 213.

41. *Ibid.*, p. 213.

42. *Op. cit.*, p. 214.

43. *Op. cit.*, p. 214.

44. Nordenstam, T, 1968, p. 46.
45. Nordenstam 1968, p. 58 has also expressed a dynamic "ethics of being and doing". Curley Richard, T. 1973, pp. 108-115, discusses *kwer* concept among the Lango of Uganda. "*Kwer* ceremonies honour women, celebrating their place in Lango society; women underwent eight *kwer* ceremonies are said to be stronger and better protected" (p. 108);
46. Mbiti, J, *ibid.*, p. 214.
47. *Ibid.*, p. 206.
48. Ocholla, A. B. C. 1970, pp. 194-195 stressing the concept that all illness and injuries are subjective, arising out of actions by someone or something possessing power or caused by evil spirits, brought by "*ndagla*" object.
49. Mbiti, J. 1969, p. 15; Ocholla, A. B. C. 1970, pp. 194-195.
50. The discussion of "evil eye", and application of "evil magic" in chapter VII, pp. 131-132.
51. Mbiti, J. 1969, p. 215.
52. *Ibid.*, p. 208; Säfholm P., 1973, pp. 100-101, the discussion of the identification of Nyikang with the king; Hofmayr, 1925, p. 46; Schweinfurth, 1918, p. 45.
53. Mbiti, J. 1969, p. 208.
54. *Ibid.*, p. 208.
55. *Ibid.*, p. 208.
56. *Ibid.*, p. 197, 206.
57. Mbiti, J, 1969, pp. 207-208; see in the text, p. 28, also fig. 5 chapter VII.

V. The Basic Principles of Social Structure and Norms of Socio-Economic Relationships

The present description of certain aspects of the Luo social order is mainly concerned with those principles, relationships and groupings that more or less directly and explicitly guide and organize the processes of production, distribution and consumption of the material necessities of the everyday life of the people. These relationships and groupings are governed by kinship value. Our first observation is that the elementary social unit of the Luo is bound by normative principles that governed the combination of father, mother and their children, the second normative principle governed a matrifocal unit that combines mother, her sons and unmarried daughters as an independent unit. The first category of grouping is known in Dholuo as *Jokawuoro*, which means the people of the same father, and the second category is often referred to as *Jokamiyo*, the people of the same mother. In order to avoid future confusion, we shall begin by describing the two units before they are extended.

Jokawuoro

The people of the same father appear in two dimensions: the first in which the unit belongs to a monogamous homestead, the second in which father is an apical common husband, that is a polygamous ideology. We shall here first discuss the people of the same father under monogamous ideology. These units are more united under biological links, since both mother and father are the actual parents. The group shares full parental love, which makes them unite as one corporate group in most of the domestic activities. In this group as well as in the one to be discussed later, daughters will be included only before their marriage, since they are not considered when the time of inheritance of wealth comes. When the time of marriage is reached, normative respect of age is considered, such that the elder son gets married first and the marrying proceeds to the next in order of seniority; the same is with the daughters. After the senior son is married and has children, it is he who first builds his homestead to start a new socio-economic unit.

When the time of inheritance comes the ideology of seniority is respected: the elder son receives the largest share, followed in the order of seniority. If it

is the land to be divided, for instance, the land of the old grandfather's homestead, the senior son gets the middle piece, the second the land to the right hand side of the homestead, and the third son takes the land on the left hand side.

After the father's death the senior son takes over the responsibilities of leadership. These groups when considered in terms of genealogy, are people of the same grandfather, and are known in Dholuo as *Jokaware*. They share sacrifices under the leadership of senior brother. If the brother is dead the next brother in seniority takes over the leadership of that unit. The responsibility and prestige position of leadership is that it puts one into the primary position in harvesting, cultivation, as well as in eating specified parts of the animal killed, usually the best parts.¹ It is the senior brother, who is leading the group, who can first own the fishing boat. Since it is he who will be communicating with the ancestors of their father or grandfather, it is he who will conduct or lead the sacrifices of religiosity of the boat, as we have already noted earlier.

These groups, if followed in terms of a long genealogical link, may form a lineage group called *Libamba*. If the Luo society were to compose only of this line of groupings, the study would have been much easier, but a most interesting complication starts with the composition of the polygamous village units. The matrifocal unit which we have earlier called *Jokamiyo* shall here be considered as a starting point.

Jokamiyo unit

The group united through motherly love forms a plurality of matrifocal units formed by a polygamous ideology through the mothers' marital relationships with an apical common husband. The relationship between such matrifocal units is in the Luo terminology referred to as *Nyieko*, which means "jealousy" when it is between cowives themselves, and "rivalry" when it involves all in a matrifocal unit as a group against another opposite to it. The *Nyieko* relationship often develops the various kinds of conflicts, competitions, envy, confrontations and even divisions that are so characteristic at various levels of the Luo social organization. The relationship of *Nyieko* or *Nyiego* shall be given a clearer treatment later. From the matrifocal unit that combines a mother and her sons in the second generation they are called *Jokadayo*, "the people of the same grandmother". But in the fourth or seventh generation in depth the *Jokadayo* becomes *Libamba*. This term in fact is used also to denote the normative relationships between *Jokadeye* (pl.) of the fourth or seventh generation in depth. They have *Nyieko* relationship (pragmatic relationship), but at a higher level. The *Libamba* is a maximal lineage of land-holding cooperating agnates, which maintain a *Nyieko* relationship of rivalry with regard to similar juxtaposed units and the internal relationships, which are also characterized by rivalry. Southall commented on this: "The Luo sum up in the *Libamba* all those forces of friction and competition, which weaken the solidarity of a lineage

segment and lead to its further subdivision"? 2

The close association of the term *Libamba* with a concept of rivalry can be explained by the fact that it is the framework of the *Libamba* lineage units, whose people characteristically meet often in the lower level to discuss distribution of land titles, various conflicts and other property disputes. The Luo economic structure, i.e. stable relations of production, can be studied most conveniently in terms of the operation of the *Libamba* units, because these units define the maximal frameworks for economic, social and political competition among the Luo. From the social standpoint, the term *Libamba* is used to refer to a person's agnatic descent group from the house of a common mother four to seven generations in geneological depth, and the members of which corporatively share agricultural land and make sacrifices together. The extent and limit is measured by *Pogo-Lemo*, division of a cow into certain anatomical parts. Each group has a leader and its elders control socio-economic affairs at this level of the community. We must remember that *Libembni* (pl.) are groups originating from a total number of mothers, forming matrifocal units in a polygamous village. So that if we look at the units that form a *Libamba* in terms of the number of males, they are united under segment units called *Keyo*, who are related under parental value. The *Keyo* has a leader who ranks above the head of the homestead, *Jaduonǵ-Dala*. Thus, the ideology of seniority provides natural leadership. But the *Keyo* unit is not the smallest in terms of depth since a number of homesteads form a *Keyo*. Wilson is then right to say that "*Keyo* descent as represented in extended polygamous families, traces from a common great grandfather who has a point of division descent from a house of his wife. The members of each of these groups share a common grandmother and are rightly called, *Jokawuoro*, people of the same father".³ Within each village it is subdivided into groups who share motherly value and compete for status and success (economic and social). These groups are identified or identify themselves as *Jokamiyo*, a group of full brothers of the same mother, sometimes called *Jo ot achiel* meaning "people of the same house". When this term is used it refers to an opposite group (or groups) called *Joka-Nyieko*, a group equal and opposite to one's own or simply as the competing, rival group. *Jokamiyo* becomes *Jokadayo* in fourth or seventh generation in depth, now simply referred to as the people of the same grandmother (see fig. 3).

The principle given above accounts only for the first three sets of wives in a polygamous village (as given in fig. 3). A further complication is then encountered when a subsequent unit is expanded. The basic Luo polygamous homestead comprises of *Mikayi*, whose house is at the centre back and is called *Od-Mikayi*, the second wife whose house is at the right hand side of *Mikayi* is called *Nyachira* and her house is *Od-Nyachira*, and a third wife whose house is on the left hand side of *Mikayi* is *Reru* and her house is called *Od-Reru*. Women married after the first three wives are called *Nyi-udi*, which means the daughters of the house to which they are attached. They also stand in juxta-position and compete with one another, (fig. 4).

Nyieko is the fundamental primary relationship in the Luo society, which

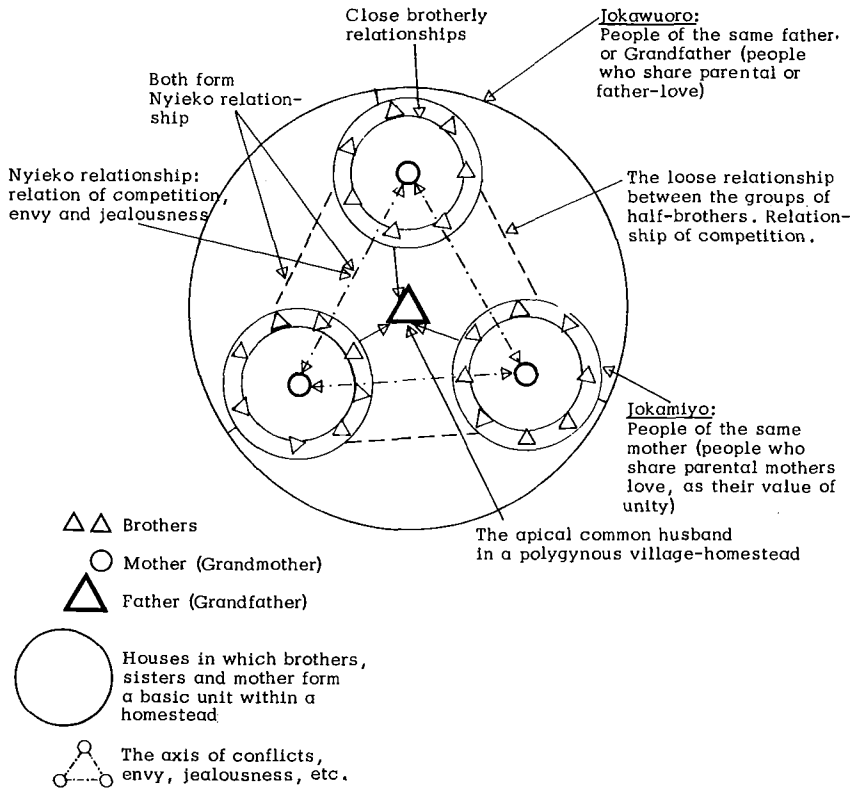


FIGURE 3. BASIC SOCIO-ECONOMIC UNITS OF THE FIRST SET IN POLYGYNOUS HOMESTEAD

is detrimental to unity or cooperation to use the land and cattle as subjects of labour, and competes economically and socially with opposite groups. Here the relation of reproduction is established for subsistence as well as for competition between the groups.

We have called all *Jokamiyo* groups that appear as in one polygamous village with one name *Joka-Nyieko*, and because they have a common father in a depth of generation they are called *Joka-Kwaro*, which means people of the same grandfather. The *Jokaware*, who descend from a common great grandfather make up one *Keyo* (a lineage group), and the elders of this group also act as representatives of the group in disputes between various opposite groups. They are also intermediary between younger members and the ancestors and therefore act as foster father or guardians. They form the first organized council to arbitrate land and boundary disputes between its members. This land council is called *Buch-Joka-Kwaro*, and its members are

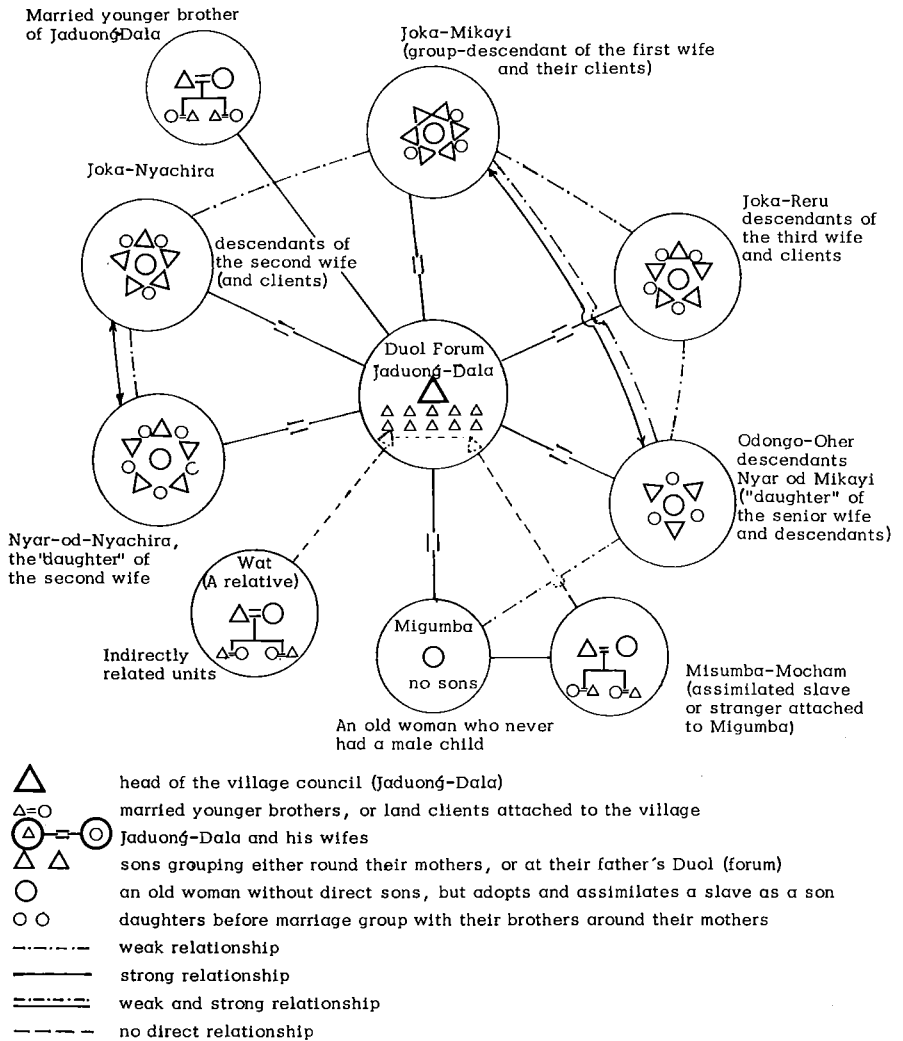


FIGURE 4. THE ENLARGED SOCIO-ECONOMIC UNIT WITH NORMATIVE WEAK AND STRONG RELATIONSHIPS

called *Jodong-Ragwar*. At this stage social control of the community is partly through the authority of these elders and partly through the control over the means of subsistence which the leader of the group protects. Accumulation of the product is a basic requirement for subsistence and competition in the Luo society. This is what made the beginning of the Luo as an organized social unit which can accumulate labour for the land productivity to the benefit of the group.

In the name of lineage prestige and status position the concern for reproduction becomes paramount since the reproduction of the productive units makes it possible to accumulate wealth in the form of cattle and grains.

Rights of ownership to land

The basic land right is vested in tribal land as a whole, whose lineage or clan members had their ancestral fights for tribal land, and that "it was once acquired by conquest".⁴ This has been stressed as the strongest claim to land in Luoland; the principle is extended in the belief that land occupied by any tribal state, *Oganda* (nation), was conquered by ancestors of its present day members. It follows from this belief that every member of the unit within *Oganga* has an inalienable right to cultivate a garden within the territory of his *Oganda*. This right is normative because it is linked with lineage membership. According to the Luo beliefs a land which was found unoccupied was suspected of being left as a trap or the owners must have been killed by *Nundu* (small pox). Such a land was tested by advance parties of warriors and *Jobilo* diviners.

Keyo land

The land held by any small segment group is referred to as *Keyo*, sometimes as *Hosi* (as sometimes called in Central Nyanza).⁵ I have stressed this particularly in Gem in central Nyanza. This is also a term used to describe the minimal lineage group defined in ideology of kinship.⁶ This is an important principle because the land name drew its members from the lineage principles of segmentation which is, in the Luo case, a pastoral principle. The line of land is in line with each family group, so that migration alone does not create a new land tenure system. And this pattern was also in line with their militant arrangements (as it appears in the councils arrangement, fig. 2).⁷ Each *Keyo* group of the clan held land within their *Gweng* (administrative area) in much the same way as the division of land between clans or tribes. Each time the buffer zones were left and were called *Lek*, the communal grazing zone if between clans; but if between tribes, it was for future expansion or used as an area for hunting, obtaining building material and so on. In the case between *Keche*, it was commonly used as *Kor*, "roads", and left large enough for herds of cattle to pass easily without causing any damage. According to customary law these buffer zones could not be occupied

by anyone without the consent of the council of elders *Jodong Gweng*, regional leaders. Today in most parts of Luoland the vast stretches of *Lek* and *Kor* have all but disappeared.

This reinforces a basic concept in Luoland tenure: that people of the same segment of the clan should occupy continuous areas to avoid fighting over land and prevent quarrels arising when cattle and other livestock wandered into the garden.⁸ We can say that the Keyoland belongs to the people of *Joka Kwaro*, that is the lineage group of grandfather level. This land is further divided into smaller *Keche* to the people of the same father, *Jokawuoro*, and is further divided into the number of houses in the village, (fig. 4).

Dhoot land

With each *Oganda* (nation) the land was divided between *Dhoudi*, regional clans. The leaders of the clan, *Jadung Dhoot* and *Dhoudi* councils, enforced the rights of their members against other clans with whom they are contiguous. Within each *Dhoot* land, land was again divided between *Libambni* and at this level, as stated in the preceding pages, land was further divided to lineages described above as *Keyo*. At the level of *Keyo*, that is *Jokakware* land, and up to the *Libamba* land, the exchange of land or gifts can be made between individual members, not only of the same *Libamba* but as we shall later see to any person who lacks a garden to cultivate, be he from another clan or tribe.

Acquisition of land

There are several ways in which the Luo acquire land rights. We have earlier mentioned the basic land right, which stems from the membership of the clan within the same tribe. We shall here consider forms of land rights, some of which are only limited rights.

According to the Luo tradition, it is difficult to refuse land to a stranger who asks for "*Miya Kamoro Achiemie*", which means "May I have a piece of land for subsistence?" On this tradition, we find many people living among the various tribes who belong to different tribes or clans. A friendship, or maternal or affinal connections were sufficient to beg for land from the *Japiny*, "land owner", and it was given on the usufruct basis. It could be given on the same basis to a brother-in-law, father-in-law, and so on, or to a relative of a wife. In any case, such a transaction had to pass prior to approval of the segment unit, which granted the usufruct to the strangers. The elders council, *Jodong-Libamba* of the segment unit involved, must sit to approve it, before the family who wants to give usufruct rights passes it to the land client. In some places, if it involves an outsider, the *Ruoth* council had to be consulted, (e.g. in Alego). The land given to a stranger was usually within the boundaries of the *Libamba* whose members granted the usufruct to such strangers because of the strong alliance he must show to *Wuonlowo*, "land owner".

The Jadak land

A person who comes to the area of a lineage segment other than his own and begs for land is called *Jadak*. As mentioned above, if he is given land it is given in the usufructuary principle only, since he has no kinship links with land owners. He had no right of inheritance and his children may only renew the usufructuary right to the land, not inherit the land as a rightful owner. The length of usufructuary is indefinite, and this has led to many misunderstandings by the Colonial Government authorities in the past, and is still complicating many land settlement schemes in the present Central Kenya Government. There is a bogey sometimes referred to as "prescriptive right",⁹ and for many years European officers in the local Luo land areas have felt that each land case involving a *Jadak* must be decided on its merits, especially if the *Jadak* is a non-Luo or belongs to a different sub-tribe of the Luo. Quite often some *Jadak* land cases may involve a family who has lived in a place for 10 years and are then evicted from that holding. This was considered as going against the moral grain of Europeans, or more specifically, the British tradition.

The principles of *Jadak* seem to be repugnant to the British traditions and therefore in many cases of this type, the *Jadak* have won titles to the land over a person who is regarded by Luo customary laws as the rightful holder, *Wuonlowo*, the land owner. In this case the British imposed their moral code over the Luo customary law, and which the new administrations have inherited in many land cases. The revival of some cases conducted during the British rule is a good example of the tense situation of the development.¹⁰ This basic principle of *Jadak* was clearly and sufficiently stated in the African District Court by Chief Jonathan Okwiri as follows: "As in the Luo custom the tenants, *Jadak*, are tenants forever, even if they were good tenants and helping the owner of the land, that does not allow them to naturalize as clansmen".¹¹

Jadak tradition is a custom which in one way dates back to the times when a rich man counted his security and prestige on the number of sons, friends, servants, and squatters he could attract to his holding. The elements of this still can be observed in the Luo virtue boasting custom. The larger the number, the more secure he was to his title and the more status he received in the community. It is fair to say that the Luo encouraged *Jadak* to settle and until recently a *Jadak* was not normally turned out of the land loaned to him except under the most serious circumstances. On the other hand the *Jadak* system reduced the landless problem in the Luo traditional society in comparison to what we now have today. The concept of "*Chiem gi Wadu*", which means "eat what you have with your neighbour" is strongly expressed in the Luo concept of *Jadak*. This is applied hospitality of the Luo ideology.

The relationship between a Jadak and a Wuonlowo

One of the reasons for the flourishing of the *Jadak* system was in the ideology of exogamous principles. We have earlier recorded that because the Luo was

an exogamous society, all the marriages had to take place outside one's own clan or tribal unit. And accepting a *Jadak* close within the clan, will certainly reduce the problem of finding a wife since his daughters can be married by members of that clan from which he is a land client. We find most of the *Jodak* (pl.) are also in-laws, *Orche*. The term tenant, however, has been often used as the English equivalent to *Jadak* and this in itself has led to much of the confusion. The *Jadak* is not a tenant in the strict sense of the word since he pays no rent.¹² It is a term which covers the meaning of squatter, tenant as well as settler. In South Nyanza, the term *Jabedo* is used to refer to the very temporary *Jadak*, whereas *Jadak* refers to one already permanently settled on land other than that of his kinsfolk (fig. 8, p. 206).

A *Jadak* has certain social obligations which he is expected to fulfill, but these are strong at *Jobedo* level or to the most junior members of the *Jadak* lineage. He must show respect to the owner of the land: he must give him a high status position at all beer parties and festivities. He must assist *Wuonlowo* in building activities, fencing, if he is near, in the construction of his granaries; he must fight for his benefactor and support him in all matters regardless of his personal opinion; he must follow the instructions of the cultivation leader, called *Jagol Pur* of the *Libamba* to which the owner of the land belongs; and he must be content with a low status position when invited to a social or ritual gathering at the homestead of his benefactor. Finally, and most important, he must remain in continual occupation of that land which was allocated to him, or he loses his usufructuary rights to it.

At all times, a *Jadak* has no right to allocate a piece of land given to him to his friends, a relative, or in-laws or any other lineage member without prior approval of the *Wuonlowo* and the *Jodong-Libamba*, the lineage council. *Jadak* has no way of building a group of supporters in the community. He has no customary rights to expansion to the land unoccupied. He also knows that his sons may be refused the privilege of the usufruct when he dies and may be forced to return to their former ancestral land. He is also aware of the rules which terminate the usufruct for himself and his children. If he leaves the land his children may never return to claim his *Gunda* (denudated village), or the land in the former village, and the gardens of their mothers. Cases of this kind were first recorded in 1952 and have become common since then.¹³

If, on the other hand, the tribe in which a *Jadak* is a squatter was at war with another tribe, and the *Jadak* shows bravery in the battle field, his position was changed to that of *Japiny* or *Jalowo* since he fought for the land and was able to sacrifice his life for it, just in the same way as the ancestor of the present member did. Various implications are attached to the system of *Jadak*: one in which *Jalowo* tries to impress upon a *Jadak* that good things do not come easily, not even the land which he is begging to receive freely, once people died to acquire it. And this is what strengthened the value and rights for the Luo land, (cf. chapter I).

Land inheritance

The system of the allocation of land by the father while he is still alive is important since it will coincide with the system of inheritance of land. The principle of the division of land between brothers or sons in a monogamous family is rather simple and straightforward. Land conflicts are usually between *Nyieko* groups (as pointed out earlier). In the case where there are two or three sons of the same mother, the senior son takes the centre portion of all the land of the homestead up to and beyond the gate or to the buffer zone; the second son then has the remainder of the land to divide with the other brothers. If the land is divided among the elder sons after they are married, and take to live in their lands, it often happens that a youngest son remains in the village of the father to care for him in his old age. His inheritance is the last property, called *Mondo* and the remaining gardens of his mother.

In case of the death of a father, then whoever takes his wife as *Jater*, is the legal guardian of his fields and his children. A *Jater* may take the *Chi-Liel*, (a widow), to his own village or he may live in the village of the dead man. The widow will continue to cultivate the land of her husband. *Jater* may also cultivate these lands on usufruct basis but must be vacated by the usufructee if ordered to do so when the sons of the dead man have married and have homesteads. The first case heard in the District Court ordering a *Jater* to vacate the land because the sons have married was in 1952.¹⁴

In most cases a *Jater* is a classificatory father to the children, *Wuongi-Madire*, he will fulfil his obligations to the latter according to law. But should a *Jater* be a stranger, *Jawagundia*, then it is the duty of the clan elders of the dead man's *Libamba* to watch him closely and to allocate the sons' homesteads. The *Jater*, whether relative or stranger, has *no permanent right* whatever to any of the dead man's property, nor have the leviratic children of the union any right to the land of their biological father, who is *Jater*, unless in each case there was no male heir.

Once the eldest son has built a homestead, then it becomes his duty to place homesteads for his junior brothers. He should divide the land equally, or else the junior brothers may seek redress in the council of elders.

Norms of inheritance of land in a polygamous complex

In the case of a polygamous village, land is divided along the same lines, except that within the village; the sons claim the area contiguous to the houses of their mother. Each wife and her children are regarded as if the group constituted was the son of a single woman. By that I mean the children of the senior wife, *Mikayi*, are given that portion of the total area which could have been given to the senior son in a monogamous family. The sons of *Nyachira*, the second wife, and the sons of *Reru*, the third wife, lay claim to those portions which would have fallen to the second and third sons of *Mikayi* in a monogamous village, (fig. 3).

There is, however, a further complicating factor and that is concerning the *Nyi-Udi*, women attached to the first three (*Mikayi*, *Nyachira* and *Reru*) sets. The sons of the senior wife inherit as a group, and the sons of *Nya-od-Mikayi*, sons of *Nya-od-Nyachira* and the sons *Nya-od-Reru*, respectively, also will inherit as groups. The laws of inheritance may become confusing if one does not understand kinship ideology and terminology used to describe the relationship of the persons involved.

The Luo believe according to the tradition and customary law that every *Jaluo* has an inalienable right to a piece of land to cultivate. It is the land of one's grandfather (*Lop-Kwaro*) and the people of one's grandfather, *Jokakwaro*, who are the key units in the land settlements. Land is inherited only through the patrilineage, agnatic kin. A sole survivor of a *Jokakwaro* would inherit all the Luo *Kwaro* land as expressed in Ramula land cases.¹⁵

Land belonging to a full brother is only inherited by a brother if he does not have a male descendant. The eldest of the group of brothers, i.e. *Wuoi Maduoná*, is the temporal owner of all the land of father, *Lop Wuoro*, and acts as arbitrator in cases of disputes between the younger brothers *Yawuoi-Matindo*. Further redress can be taken to *Jodong Keyo* or *Jaduong Jakakwaro*. The land belonging to a paternal uncle *Lop Owandu ma Kwarugodo Achiel* could only be inherited if he did not leave a son, or full or half-brothers. The principle of inheritance by the nearest agnatic kinsman was operative throughout the *Libamba*. That is, if no heirs could be found in *Jokawuoro*, *Jokakwaro* or *Keyo*, then the nearest male relative to the deceased within his *Libamba* could inherit, (i.e. *Ja-Libamba*). The land of one's mother, *Puoth-Miyo*, was shared by the sons as they married, or when the wedding was considered finalized by the *Riso* ceremony. A mother usually gives her sons a part of her garden at that time. But unmarried sons inherit those gardens remaining at the death of their mother. Gardens, which belong to wives attached to *Mikayi*, (senior wife), if the attached wives *Nyi-Udi* have no sons, go eventually to sons of *Mikayi*. The same applies to *Nyi-ut-Nyachira* and *Nyi-ut-Reru*, and similarly their sons will inherit lands and gardens of *Mikayi* if there is no son. The land given to *Nyi-udi* by the first set (*Mikayi*, *Nyachira* or *Reru*) is regarded as a permanent transfer, and if both sets (*Nyi-udi*), and first set (q:v) have sons the land is inherited by the sons as has been earlier described (p. 129). If only *Nyi-udi* has sons they will inherit all the land belonging to the other women as well.

The fields which a husband gives to his wife are the inalienable property of her or their sons. They may exchange them with close agnatic kin or allocate them to *Misumba* (servant or slave), *Jadak* (squatter), *Kimirwa*, or to their own wives when they marry. If, however, the woman deserts her husband before a male child is born, her gardens are taken by her husband, but should she decide to come back, her case of re-allocating her land will be a fresh one, and she will not automatically take over the same fields. Wilson writes that "if a woman deserts her husband before a male child is born, the gardens are her future inheritance, no matter how long she remains away".¹⁷ This is a misunderstanding. If a woman deserts her husband when expecting a child or

after the child has been born and should the child be a male, the gardens which were his mother's gardens will remain his, however long he may be with his stepfather, because there he will be in the difficult social position of *Kimirwa* (illegitimate child) and will usually be forced by social pressure to return to his father's homestead. A woman who deserts her husband and returns later is called *Nya-sgogo*. Should she return with or without a child, she is reallocated land by her husband, but she cannot claim her former gardens. The child she brings with her is *Kimirwa* and may only inherit the customary portion given to a person as *Jadak*.¹⁸

In the event that a man dies without a male heir, then his land reverts to his father or nearest agnatic kinsman, except that portion allocated to his wife or wives, who then have the usufructuary rights to it until they die, provided they remain within the lineage of the dead man. If his wives were given in levirate to an agnatic relative and the male child is born, the *Mondo*, last property, including the gardens of his wives, became the inheritance of the levirate child or children as they are the legal sons of the dead man. In the case of a man dying without a son and his wife has been unable to provide a male child, she may "remarry" a girl, usually from her own *Jogakware* with the cattle of her dead husband or with her own cattle. She then calls a close agnatic kinsman of her dead husband to cohabit with this girl to serve as genitor. Children of this union are regarded as the legal sons of the dead man, and they will inherit his last wealth: land, cattle and other personal properties. This form of marriage is what anthropologists call "Ghost Marriage".¹⁹ *Kimirwa*, as has been defined, is a child born before her mother is married, and especially if the man who eventually married his mother is not the one who made her pregnant. This child has *no right* to inherit any land of his social father. He may be given a garden, one for himself, one for his wife. The gardens given are his full right, but these are not enough for his children in the future.

Misumba right to land

*Misumba*²⁰ is a term used to describe a servant or a foundling brought up as a foster child, or a slave in the proper sense of the word. With the first meaning of *Misumba*, a child or as a fully grown-up man is assigned by *Wuon-Pacho*, village head, to the house of *Migumba* (see fig. 4) as if he were her son. A woman is regarded as *Migumba* if she had not a male child. *Misumba* is then expected to fill the social position in the house of *Migumba*, as if he was that woman's actual son. In any strong arguments, however, I have observed that the social stigma of *Migumba* remains with her throughout her life, just as the social position of the *Misumba*. In any case, *Migumba* inherits his foster mother's gardens, livestock, but his position in inheritance to "*Mondo* is like that of *Kimirwa*" says Ramula court.²¹ If the foster mother gives *Misumba* cattle to marry a wife, then he is expected to become a member of *Jokakware*, and his children are also members of this lineage. But should he decide one day that he wants to return to his original tribal land, then he loses not only

the land, but also the children and the wife as well. The children are regarded as the legal descendants of their social grandfather, "for their mother's bride wealth was lineage wealth".²²

The dynamics of the Luo kinship ideology provide the bases for economic relations of production as well as of the consumption. The land distribution to the *Jodak* was not meant as an economic enterprise in a direct way, but as a means of mobilizing higher status position. The land was being valued as a source of wealth and as a means of subsistence (expressed in cattle and grains), which may raise a person into a honorific higher position. The land distribution becomes a vehicle for prestige and means of protection. He who owns land could bring in an outsider, *Jodak*, and establish himself in a prominent position. Honorific higher status positions are normatively respected.

Our discussion shows the Luo as strongly agricultural or at least that they have very strong attachment to agricultural ways of life, because land appears to mean more than generally assumed, (cf. Introduction, p. III.). Our study shows that the economy of agricultural relations is governed by the kinship ideology and therefore kinship laws, which are normatively and ethically binding. But we have hypothesized in the beginning that the Luo ideologies are basically pastoral, such that the kinship ideology that governs the economy of the agricultural relationship of production and consumption must be also basically pastoral. This will be further discussed in the coming section.

Summary

The basic socio-economic structures and norms relationship principles have been examined through the following ideological premises:

1. That kinship ideology provided land laws which became normatively and ethically binding;
2. To be a member of a lineage whose ancestor belongs to the tribe who first conquered the whole tribal land was a basic condition;
3. All land acquisitions that came later were considered as land clients and therefore temporary at all times;
4. In order that a land client should be instituted as a land owner he must have been a courageous person who had fought and shed blood on the side of the clan or tribe which offered him land;
5. The position of land clients was of that of in-laws and was bound to change gradually to a clan which in a generation becomes a full member of the tribe;
6. Inheritance and leadership to lineage lands was according to seniority of the mother's position in the village;
7. According to this study, land was basically valued as follows: a) land suitable for grazing livestock, b) land suitable for cultivation of subsistence crops, c) land suitable for a village site, and d) land close to the water, if possible close to a lake or important river, from which fish can be obtained.

8. Figure 3 is a summary of the following normative structures of social units:

i. House units composed of the mother and her children, the unit is led by the mother.

ii. Village unit composed of units from houses in the village which are headed by *Jaduong Pacho* (or *Dala*).

iii. The relationship of *Nyieko* between units of the houses.

iv. In four to seven generations in geneological depth, the unit from each house becomes a *Libamba* and is called *Jokamiyo* (the people of the same mother).

v. And the whole village unit under *Jaduong-Pacho* may become *Dhoot*, (clan) in the seventh geneological depth. A *Dhoot* comprising of a number of *Libembini* as once originated from the houses of a village.

Notes

1. The order of how a cow's meat is eaten is not included in this study, since I have treated it in more detail in my unpublished manuscript, "The Luo Culture", Vol. 1.

2. Southall, 1952, p. 27.

3. Wilson, 1961, p. 7.

4. William, 1961, p. 18; Ocholla, 1970, pp. 180; 1973, pp. 18-21.

5. William, 1961, p. 19; I have stressed the term *Hosi*, which is used particularly in Gem and also used by some people in Central Nyanza.

6. Evans-Pritchard, 1949, pp. 26, 28; William, 1961, p. 19; Ocholla, 1970, pp. 178-179; 1973, pp. 19-20.

7. The Luo military arrangement was that *Jokawuoro* form the smallest fighting units. Close to them in arrangement were *Jokakwaro* (people with whom *Jokawuoro* share the same grandfather); and close in parallel line are *Libamba* (people with whom *Jokawuoro* share the same great-great-grandfather). The *Libamba* in a military sense would be a battalion and the *Dhoot* would be regarded as a division.

8. P. Mboya, 1938, p. 47.

9. Wilson, 1961, p. 31; Ocholla, 1973, pp. 28-29.

10. Ocholla, 1973, p. 29; a mention of this is also in my manuscript, not published.

11. Chief Jonathan Okwiri, records of proceedings of A. D. C., 27/47, Kisumu District Legal Archive. The Conference on Luo Customary Law in 1954, 1963, confirmed this view and moreover expressed great concern at the fact that the law of *Jodak* was so often ignored by the administration.

12. Ocholla, 1973, p. 30; cf. C. N. D. C., 1952, Kisumu District L. Archive.

13. Doho, S. Nyanza, 64/53; Boro, L. C., 12/52, 54/55, Kisumu District Legal Archive.

14. Sifuyu, Ramula, L. C., 47/52, Buch, Legal District Archive, Kisumu.

15. Sifuyu, 41/50; Ramula, L. C., 12/49; A. A. C., 48/49, Kisumu District Legal Archive.

16. See also Wilson, 1961, pp. 25-26; Legal Dist. Ramula, L. C., 117/51; C. L. C., 8/51.

17. Wilson, 1961, p. 26.

18. Several land cases involving *Kimirwa* are recorded in Ramula, L. C., 50/50; A. A. C. L. C., 117/50; D. C., 8/51.

19. Evans-Pritchard, 1940, p. 179; 1951, p. 27; Howell, 1954, p. 31; and others.

20. *Misumba* is also used to describe an unmarried man, or a man who has lost his wife, but these meanings shall not be considered here.

21. Ramula Court proceeding: Ramula L. C., 50/50, and A. A. C., 117/50, D. C., 8/51.

22. Ocholla, 1973, p. 29; Mboya, 1938, p. 39.

VI. Normative Beliefs and Rules of the Luo Marriage

In this section an investigation is made of how normative beliefs and rules define right conduct in the Luo marriage customs. The beliefs lay down rules and norms of what ought and ought not and how something ought and ought not to be done. If there is any institution in which the concepts of “ought”, “right”, and “obligation” can be clearly explained, I think marriage and family institution is one of them. As has been assumed earlier, generally or specifically, normative beliefs cover man's conduct towards man, towards nature, towards culture, and towards the unknown aspects of the universe. In this chapter, it is a conduct between people of opposite sex expressed in terms of “ought and ought not”, or “must and must not”. These concepts will naturally imply further concepts such as rights, obligations, principles and duties.

The rights and freedom of the youth

Traditionally a Luo girl was free to have as many boy friends as she pleased provided that the boys were *not* from the same village or provided that both boy and girl were *not* from the same clan or same sub-tribal group. Boys were free to invite their girl friends into their dormitories called *Simba*¹ whenever they pleased. Such types of visits were called *Wuowo* or *Chode*. It was a common belief that boys and girls *ought* to learn something about sexual knowledge through such visits. The “imaginary” sexual game that used to take place in the boys' dormitory never led to actual penetration of the girls, which was *not* permitted. The consequences of misusing that freedom were great and could be lifelong, as will be shown. The education of how girls must protect themselves was provided by the grandmother at her house. The grandmothers' houses were normally used as girls' dormitories and that is why they were called *Siwindhi*² (sing) *Siwindhe* (pl), (see chapter II). In the *Siwindhi*, girls were instructed by *Pim* (an old woman who had passed the menopause stage) and whom they generally called *Dani* (as most of the South Nyanza Luo do) or *Dana* (a more intimate term used in Central Nyanza) which simply should mean grandmother, how to protect themselves from the actual penetrations of the boys. The protection against actual penetration was a must because the girls were expected to preserve their hymen, proving

virginity at the time of marriage. The absence of *Giringre*, the property of the girl, is a shame that remains a stigma to the girl throughout her life, and her co-wife would use it as an insult whenever they would quarrel. The *Simba* education for the boys was permitted on the ground that a boy may not prove his ignorance to execute his duty at the time of marriage. This was regarded as shame to his parents and relatives as well. The *Wuowo* practice *never* permitted a quarrel between boys over girls, nor did girls' parents quarrel provided they came back on time to enable them to fulfil their domestic duties of assisting their parents. The girls and boys were expected on duty very early in the morning, as usual and without excuses.

It has been correctly reported by Evans-Pritchard that during such visits, "occasionally the lover employs a harpist to entertain the girl and friends, on one of the girl's visits, and there is singing and dancing. Between the songs youths and sometimes girls also, stand up and boast their virtues, of the number of friends and sweethearts, of their cattle wealth, and of their families and lineages, and when they have finished they throw a gift to the harpist . . ."3 The virtue boasting, *Pakruok* is a characteristic of the Luo normative behaviour which explains their "individualistic familism", a concept which we shall examine at a later stage (see also chapter II). The "virtue boasting", *Pakruok*, appears to be stressed with more regularity among the Central Nyanza Luo who emphasize physical strength, friends and sweethearts, (e.g., in Alego, Ugenya, Gem and Sakwa), and among the South Nyanza Luo, courage, wealth, bravery; but generosity, and hospitality are stressed both in South and Central areas: honour, and dignity, courage and wealth can be observed in "virtue boasting" places, (e.g., in marriage ceremony, dancing party, sports competitions, in war, and also in entertainments).

Normative rules of marriage

The Luo are a patrilineal exogamous society as commanded by their normative beliefs. All marriages *must* take place outside sub-tribal groups. If any marriage took place within the sub-tribal group, it must be between latecomers, the people with whom they have no knowable links in the past. That is, they have no clan linking them directly with the clans of the sub-tribe in which they now live. And these are grouped as "strangers", under the term *Jodak* or *Jobedo* depending on how long they had settled. The term *Jodak* has been earlier defined as people who come to settle, or land clients. Without these people perhaps, the Luo system of exogamy would have run into difficulties much earlier, since the need for social reproduction would have not been achieved. The importance of this will be mentioned in the political section. A man was forced to marry outside his sub-tribal group even at a time when they were at war. In such circumstances *Jagam*,⁴ "go between", had to be a woman, because women were not molested during wars, and could be allowed to pass with bride wealth cattle. The Luo do not permit a marriage

between members of the same sub-tribe, or even worse, within *related* clans, *Dhoudi*, which is considered as catastrophic and certain to bring supernatural effects of incredible consequences to the whole group. Even though the relationship in terms of genealogical descent is distant—four, six, seven or ten and more generations it does not matter, unless it is known that a group came as strangers.

A marriage within the sub-tribe evokes immediately a group sanction. Before the European time, both parties were liquidated or driven from the land and the village and their houses burned. This was an effective sentence of death and those who did survive were banished for life. In recording the case, Wilson once stressed, "No other crime in Luo was treated as seriously or as immediately or as effectively as the law of incest".⁵

A second strong rule with a similar collective sanction carried out in the Luo marriage is the belief and fear of witchcraft, sorcery, madness, and murder. No marriage may be entered when such a case is suspected, and it may take a long time to prove or disprove it. A third fact is linked with certain diseases which they consider to be inheritable, such as leprosy (*dhoho*), TB (*kahera*), epilepsy (*ndulme*), sleeping sickness (*tho nindo*) some of which we know are not inheritable, but that was the Luo belief. It was (and still is) difficult for a marriage to go through once one party to the marriage was suspected to have had witchcraft, or diseases they call "death" (*thoye*), and which, as mentioned before, were believed to be inheritable. It was, therefore, possible for someone to stop a marriage by making allegations of this nature.

The concept of *Jasem* in the Luo marriage

The *Jasem*⁶ can be defined as a person who tries the best he/she can to discourage the success of a marriage by either genuine reasons or the negative propaganda already mentioned, witchcraft, sorcery, theft and all sorts of anti-social activities. There is no Luo marriage where a *Jasem* is not inferred. The attitude of a *Jasem* is that which explains "individualistic familism" and more simply as "individual jealousy. If a *Jasem* says that "they are (*wade*) relatives", this will almost bring the process of marriage to a halt, because *Wat* cannot enter into marriage affairs. *Jasem* may also allege that one of the party to the union suffers anti-social diseases: the one which they know for sure is coming to kill and is not an ordinary illness.⁷ Some of the allegations of *Jasem* are centred about the manners and behaviour of the parties to the union. A *Jasem* may allege that the man or woman is "such a greedy fellow they have ever seen!" He may say to the girl that the man to be her husband is such a coward that he can never go out to urinate because of darkness. He can also say that the man is a great liar, or that he is a thief. If the allegations of the *Jasem* appear strong and cannot be disproved by persons who claim to know the two parties (that is *Jagam*, the gobetween man or woman), the marriage process may break. Since the Luo marriage process lasts so long a time (three

months or even a year) those marriages which resist *Josem* (pl) are capable of becoming permanent. *Josem* actions are also intended to test the seriousness of the two parties to the union. Sometimes it happens that the love between the two parties is too strong for *Josem* to break through, but later their words are proved to be true. If it is regarded to be a very serious allegation, the marriage may be dissolved, but if they are minor ones such as "the woman is lazy", "the man is greedy" it may result only in an unhappy family, but divorce may never take place.

The concept of *Sem* in one way stresses jealousy or envious feeling that someone is going to have something "more or better than what oneself is having", in one way it stresses that normative values, rules and beliefs must be respected in every social or cultural structure (i.e., institutions). *Jasem* tests steadiness and respect for the rules of the marriage institution. It reminds the parties to the union of all possible grounds for future conflict.

The duty of *Jagam* in a marriage

In consideration to the activities of *Jasem*, which tries to allege that normative rules have been violated or are going to be violated, a *Jagam* (gobetween person) must also recall the existence of *Nyiego* (envy and jealousy) that may be accompanied with these allegations. A *Jagam* must therefore see to it that the truth is established for the validity of those anti-social and anticultural behaviour. In all normal marriages, the Luo cannot carry it through without *Jagam*, because in all marriages there will always be a *Jasem*. It therefore becomes necessary to clear up all allegations which may prevent the success of a marriage.

The duty of *Jagam* is not only to clear up the doubts and allegations of antisocial behaviour, (e.g., witchcraft, sorcery, and so on), and other forbidden relationship, or illness, such as those I have given above, but also he acts as a witness who must record in his memory all the ceremonies, all the number of cattle and sheep or goats slaughtered during those numerous ceremonies, and also the number of cattle and their colour, sizes, shape of their horns which are given as bride wealth. The *Jagam* is therefore considered as chief witness in the future negotiations, should a divorce be necessary, and a return of the bride wealth demanded. In order to reduce the unfortunately ugly and complex state of the Luo divorce, it was best to check the most obvious normative rules that must not be violated by sheer love or by mistakes. *Jagam* had to assure the two parties (parents of the girl and of the boy) that there were no obstacles to the proposed union. He must be a person who knows the two parties, or some of their extended lineage relatives, or has a means of knowing the two parties, enough to guarantee that no obstacles exist. This is always a difficult task, and may take a long time. It sometimes happens that the young men and women are not so patient as to wait for all the details, because of the distances that may be involved from the fact of

exogamous rules, that marriages must be outside the sub-tribal group, and also because of the lack of communication. The youth will definitely lose patience and may elope. If the elopement takes place before the marriage process begins, that is before any cow is sent as bride wealth, then elopement (*Por*) remains a bad stigma to the girl in her new home for the rest of her life because she has violated an important normative rule of marriage. It was therefore important to wait for the word of *Jagam*, granting the go ahead. The prospective groom was then invited by *Jagam* to the village of the bride for a final discussion, where he is told officially that marriage should begin. If he/she is related to both sides the *Jagam* facilitates the arrangements and often goes together with the prospective groom to the village of the prospective bride accompanied by two more persons, one of them must be senior to the bride. The senior member reports back to the boy's family on what he has seen of the girl's lineage.

*Jagam*⁸ is an important witness at future claims should these prove necessary through divorce, separation, or the custody of children. It is true, as Wilson reported, that "there are certain ceremonies when the groom must be present but, customarily, he must remain silent and leave the talking to the *Jagam*, and often the *Jagam* is able to proceed on his own".⁹ Luo investigate the family of the girl carefully for signs of witchcraft, for evidence of blood feud, for a history of twins in the family. Twins are regarded to be weak, so that if they can be avoided the better, but once they are born, nothing could be done about it, but to show that they are liked. Other reasons to consider marriage as being infertile is the state of being last born; *Chogo* of a woman would not be allowed to marry a last born child of another, and the same of first borns, *Kayo*, who are not allowed to get married. The only child in a family could not marry a girl who was also the only child even if the mother had had other children who had died.

Marriage moral diseases

The most important function of the *Jagam* at this stage is to establish through the elders of both parties that the marriage is able to take place, and that consanguinity cannot be traced between the couple, and that neither group is suspected of witchcraft, and that no inheritable diseases¹⁰ such as those already mentioned above can be traced in either lineage. When these facts have been established and the parents of both the girl and the boy agree to establish "*Wat*" relation,¹¹ then the process of the marriage ceremonies begins. It happens that after this agreement, elopement may take place, but this by no means was the approved process of Luo marriage.

Approved go ahead in the Luo marriage

Sometimes on the advice of *Jagam*, the boy may organize a party to "capture" the girl, *Meko*, which appears to take place by "force". It does not follow that

a girl had not agreed to marry the boy, but because according to Luo tradition a “captured” *Meko* has a higher status than a woman to be reminded later that she was concubine girl. Her respect in her new village shall be minimized. A *Nyathuon* “the daughter of the brave one”, she must show that she is capable of fighting a real war on the day she is taken to her new home. In a more normal marriage process, ‘capture’ *Meko* used to take place before a number ceremonies in which cattle were sent to the girl’s parents. Among the South Nyanza Luo, it usually took place at the delivery of the fourteenth or sixteenth animal. A “capture” *Meko* before any cattle were sent may imply that either the boy’s parents had not enough cattle for bride wealth or there was something they wanted to cover up by making the girl a woman before it was discovered.

The normal traditional marriage is called *Meko*, meaning, “a force escort”, but *por*, is the opposite. *Por* is a type of marriage which can be directly translated as elopement which today appears more popular among the young educated Luo. It was practised in pre-European times by the couple who sincerely believed they could in fact provide bride wealth, but poverty or some other circumstances prevented them temporarily from doing so. William reported in 1961 that “Today, however, these unions take place without sincerity”.¹² I share this opinion with William. This was and still is the most *despised* form of marriage among the Southern Luo people. It was believed that a girl who had eloped is always “guilty of something”, and they say: *Wangi riadore ka wang nyar por*. Her co-wives would always point it out to her whenever there was a quarrel. A general interpretation for such a marriage was cultural rebellion from the normal process as found in the rules laid down by cultural structure as follows: A pregnancy before marriage, *Mako ich Simba*, was looked upon as very unfortunate. The girl would always find difficulties in getting married, and in most cases such girls were taken as second or third wives by a married person. It was also possible that the parents of the boy refuse to grant him permission to “look for a wife”, *Dwaro Nyako*, on the grounds of poverty or that the time was not conducive. Another reason is that he may be refused permission on the ground that he is a younger son. According to the tradition, marriages should take place in order of seniority of the sons, and in order of the seniority of the daughters. The boy’s parent may also refuse to let a marriage proceed on the ground that the girl comes from a lazy family. Another strong reason often given is that the parents of the girl may have reasons based on incest or the laws of exogamy, and refuse to allow their daughter to be married with a particular boy who wished to marry her. It may be that an elder son or daughter is not so attractive or has some physical deformity which makes it difficult for him or her to get a husband or a wife as normally do other girls or boys. Then knowing that the next eldest will never be permitted to pass the elder one, the only solution is to elope.

The fifth reason may involve a “friend’s daughter”, *Nyar osiep*. Parents may try to force their son to marry their friend’s daughter. The son may refuse to honour their agreement because he has another girl in mind who is

determined to become the senior wife, *Mikayi*. If the boy runs away with his girl friend and made her a wife she will be regarded as *Mikayi*, if he wishes to fulfil his parents, earlier wishes by marrying the parents' friend's daughter she will be called *Reru* or *Nyachira*, but this will be degrading to the parents' friendship, because by custom, *Nyar Osiep*, the daughter of parents' friend, must be married first and must be *Mikaye*, senior wife.

According to the information I got among the Acholi, Lango and Paluo, conditions there are similar to those I have studied among the South Nyanza Luo, particularly in Kadem, Karungu, Kanyamwa, and Sakwa. The concept of "forced escort", *Meko* goes back to the time when the Luo used to raid their neighbours for cattle and women. This can be understood from the rigid nature of the patrilineal exogamous system at that time. When the favourable conditions for raiding were over, the practise of obtaining women and cattle by showing bravery was reduced to what sometimes is called "capture", or as I have called it "forced escort" with its original term *Meko* still conveying the same interpretation. It still characterizes a sign of bravery, on some occasions a real fight between the girl's brothers and the boy's brothers took place. In the past, a person may be killed during "*Meko*" but it was regarded as an accident, though the marriage had to be cancelled because of the letting of blood resulting in death.

Granted absolute no (*Nyako Odagi*)

A girl may resist a marriage arranged through her parents. She may postpone the marriage temporarily under what they usually call "I am thinking about it", *Pod aparo!* Or she may have it abandoned altogether during "forced escort", *Ywecho* or *Meko*, or sometimes after she has reached the boy's homestead "*Nyako odagi*", "the girl has refused". She can show her flat no by holding a Euphobian tree called *Bondo*.¹³ A girl may also show her flat negative willingness to enter the marriage by "eating" the earth, *Chamo Lowo*, or a handful of sodom apples, *Otange*. She may climb over the anthill and swear "never to be married in that village" or she may show it by an ultimatum that unless her refusal is granted then suicide is the next alternative. A girl may show her refusal by running to a village where there is mourning, or to a village where another wedding has not been completed. If any of these cases appeared in her refusal, marriage is cancelled automatically. The mother of the girl may also show absolute no for the marriage of her daughter by turning her back on the members of the would-be husband's clan. She may throw her cloth at them, or climb an anthill and swear "Never will my daughter be married at that village". If this happened she was given her daughter to take back with her. The refusal of brothers was never considered serious, and cannot stop a marriage of a sister if the sister wants it. Reasons for the girl's or parents' refusal are witchcraft, physical unfitness, poverty, inheritable illness, marriage within the same sub-tribe, or if it was

that killing had taken place in the boy's lineage some time back, it was enough ground for absolute no for the parents, though that may make no sense to the girl. A girl would also refuse to enter a marriage on the ground that she does not love the man, or that the man is not handsome.

Grounds for divorce

We have more or less treated the factors which may prevent a marriage from taking place. These factors are also grounds for divorce but do not include binding acts which come up during the marriage life. Traditionally divorce was unknown except at the early stages of marriage ceremonies and negotiations. Considering all scrutinies that take place before marriage ceremonies were started and the duration before the final marriage ceremony that takes place after the first or second child has been born, it took a period of one or two years before the woman was confirmed as wife. This confirmation takes place at a *Riso* ceremony, the final wedding ceremony of the Luo marriage. After this stage, separation cases were the only ones discussed. Wilson correctly distinguishes between "divorce" and "separation" in the Luo marriages, (Wilson, 1955:130). The former was relatively unknown in the past for couples who had completed *Riso*. "Separation", he says, "has it seems, always been relatively common". It is also true, as he has pointed out that "prior to the Mission (i.e. the church) influence, it made little difference to a man if his wife went away with someone else, because he knew that she must some day come back to him because her father would not dare to accept second bride wealth cattle".¹⁴ Under the Luo marriage custom, cattle are never mixed unless full divorce takes place and the father of the girl cannot accept bride wealth from another man who falls in love with his daughter. And should she have children with her lover, illegally, they will belong to her former legal husband. And in fact her lover knows well that there is nothing he can gain by their actions. The essential feature which distinguishes "divorce" from "separation" is the return of bride wealth. I quite agree with Wilson on this point. But it is not always easy to return bride wealth, partly because half of them are distributed among agnatic lineages, and partly because a large number had entered ceremonies of marriage process which lasted about a year. It was on these grounds that a genuine reason for divorce must be provided before the return of bride wealth.

If either party was able to prove that the other was in fact a witch, divorce shall take place. Witchcraft is *anti-social* and therefore will command an overwhelming yes vote for divorce. A wife may report to her parents that the man is impotent, *Buoch*, this was traditionally sufficient reason for divorce since there is no guarantee for social reproduction of the lineage. But there is room for reconciliation on this point. A number of old men reported to me that in the past, if it happened in the village where the impotent man had brother's the wife was persuaded not to disclose it, but to look for one of her brothers-in-law or clansmen in the relation of brother-in-law to cohabit

secretly with her. Children produced through this act are legally and socially children of the husband. Under no circumstances should there be mention of this man's activities, and such cohabits must take place within the clan and among those standing in the line as brothers-in-law. Should this woman cross to another clan, *Libamba*, it would be used as an insult whenever a quarrel took place between clans, or sometimes even indirectly at dancing parties or beer parties including other *Libembni* (clans). Another factor which may cause divorce is that if a woman is *Luor* sterile or barren. But even here a man may demand *Nyar Ot*¹⁵ instead for asking for divorce. The difference is that in this case normal bride wealth must be sent as at any other marriage, though there will be no hurry. If the woman does not accept having a "secret" lover then divorce was granted, and *Wero* takes place (the return of bride wealth). It was permitted to try a secret lover because the Luo believe that it may be that their blood does not agree. In some cases a young woman may be advised by some old women to try to copulate with one of her brothers-in-law, but secretly.

In South Nyanza, especially Kadem, Karungu, and Karachuonya a case which appears commonly stressed is the *Kisoni*. A woman who habitually loses children is called *Jakisoni*. If a husband is able to prove that their children die always shortly after birth because of his wife's habitual adultery, *Terruok*, he may be easily granted divorce. It is a great "sin", *Chira*, for a woman with a child to have any sexual intercourse with another man, and even worse if the man is married.

Anti-social acts are good grounds for divorce among the Southern Luo. They are also sufficient reason for removing a man out of his clan or sub-tribal group. In the case of divorce, any act which is traditionally regarded as carrying the sanction of banishment is more than enough to permit divorce. In both Central Nyanza and South Nyanza Luo the following acts carried the sanction of banishment and are enforced by the elders of the tribe: Incest within the clan unit; sodomy; homosexuality; bestiality; to be caught in the act of witchcraft, (*Ido*); premeditated murder of a tribesman (*Janek*); continual troublemaking within the clan, (*Sihwawo*); perpetual or persistent theft (*Jakwo*); robbery (*Mecho*) or a woman may accuse her husband of trying to force her to use magical medicine to persuade her to run off at night with him, (*Dhi-ido*). Witchcraft as a ground for divorce was rather common in Ugu, Mhuru, and Chula in South Nyanza; and in Gem, Alego and Ugenya and also Seme in Central Nyanza. Witchcraft accusations are common in large polygamous villages and also in areas with high population concentration. It also follows that divorce is high in these areas. But I found that the Luo fear people who live isolated life, since they are regarded as possible *Jojuogi*, (witches).

Normal wedding process

In a successful wedding, an hour or so after dark is often chosen as the time for the defloration of the bride. Inside the house, two young married men and

two young married women remain with the bride and groom in the room to witness the defloration. If she was found with hymen she was declared virgin, and the women of her village immediately begin the celebration which continues to her parents village. But if she was found without hymen, it was a moment of shame and the girls of the village sing "an empty thing" which means in Dholuo (in Luo language) *Hududu Fuong*. This remains a stigma with the girl all her life and will be thrown at her by her co-wives *Nyieke* any time they quarrel.

At the defloration, a man may be unable to perform the act through nervousness or just that he was physically abnormal. This is even more serious than that of the girl because it can be sufficient ground for divorce. Even if it was only a temporary failure, it was still shameful to his parents and relatives. According to the Luo custom and tradition the defloration ceremony was one of the most important of all in the series which makes up the act of marriage. The importance of this ceremony is seen when a girl dies before the wedding or just before her marriage in which case an old woman, *Pim* was brought from a "despised" group to "deflower her before burial",¹⁶ as if she had been married. Unless the act which characterizes the defloration ceremony was completed, it was believed that her ghost would return to hound the members of her family and her agnatic lineage to demand the reason why she had to die before having tasted the pleasure of man. A similar case is found when a widow dies before she was remarried, *Ter*, a stranger from a "despised" group *Owiny* was brought to deflorate her at night before the burial. An old woman was to stay to affirm that he actually did it, because the ghost of the dead woman was once married and can tell the difference between a man and a woman. After the act the man receives a cow and a sheep, and the old woman a goat with which to cleanse themselves at the medicine-man, *Ajuoga*. This was a precaution against "*Chira*" (sin). This was because it is established in the custom that whoso ever sleeps with a dead body or an animal committed a great sin, *Chira*, which is forbidden, *Kwer*, and has to be eliminated out of the society. In 1940 a girl died suddenly just a few days before her wedding in Gem, Central Nyanza. Though every ritual ceremony was done to let her ghost rest, it was still believed that her ghost always returned after people had gone to the garden to ask the children and old people who usually remain home while the others are at work, why her marriage was not completed according to the rules and customary law (see full story in page 180).

The ghost of a girl who dies before marriage was believed to come back to demand to know the reason why her parents and lineage folks had allowed her to go to the grave before she could enjoy the pleasure of a husband. This is considered the worst kind of ghost. This also emphasizes how necessary it becomes for a person to get married before death. We have seen how it is essential for a girl to be married. The same is also true with a man. If a man over the age of eighteen dies before marriage, he cannot be buried inside his father's homestead. The burial will take place outside the homestead fence. However, *Ajuoga* has still to perform certain ritual ceremonies to put things

in order. The ghost of a man dying before marriage will hound those responsible for his death or those who delayed his marriage too long. It was therefore necessary even to give a slave cattle to pay bride wealth to a lame girl within the clan to marry, because should the slave die before he was married his ghost will behave in the same manner as the ghost of the son of the village.

Status marriage

The Luo custom of marriage ideology established a principle that death alone does not dissolve the marriage contract. A husband may die, but the wife still remains the legal wife of the dead man and is expected to raise children to his name through her leviratic husband, that is, a close agnatic kinsman of the dead. This man must be in the line of brother-in-law, *Yuore*, and is carrying on the act of *Ter*, (caretaker).¹⁷ If it was the wife who died before giving birth to a child, her parents or kinsmen will supply the daughter of the house. A girl may hold the status principle of marriage contract as a widow (*chiliel*), even if she had not began a married life with the prospective husband, provided that bride wealth had been sent.

I have mentioned earlier that the old traditional marriage of the Luo is that of *Meko*, "forced escort", and the escort had to be provided by the groom's kinsmen. In the case of *Nyar Hidho* "caretaker", she has to go peacefully or voluntarily because although she is in body a different girl, her spirit and that of the dead are close or are being guided by the same interest. The formality of "forced escort" had been done in the first marriage and as we said earlier she had to start from where the dead one left off. But the "*Meko*" ceremony is the first step in the wedding ceremony which takes the woman to her husband's homestead, and therefore is not repeated by *Nyar-Hidho*.¹⁸

When we refer to status position of the "caretaking" woman, *Nyar Hidho* we also refer to the physical position of arrangement of houses in the homestead.¹⁹ The houses are always arranged in the order of seniority. This order of seniority is strictly followed in the division and inheritance of land, in the marriage of their children, in determining who shall take over the lineage leadership and so on. In the village structure (see fig. 3), the house of the senior wife *Od Mikayi*, occupies a space directly opposite the gate, *Rangach*. From the position of her door, all the village houses have their frame of reference. From the right side of *Mikayi's* house is situated the house of second wife, *Reru*; and from the left side of *Mikayi's* house is the house of *Nyachira*, the third wife. The rest of the other women which might be married in the village draw their status from the first three, and are called *Nyi udi*, which means daughter of the houses, but their houses continue with the arrangement. Their status position in inheritance also goes along that of seniorities for the first three, and later attachments to those houses. The position of the houses in the Luo village are normatively allocated, and must always follow that order.

Rights and obligations of a barren woman

The term used to denote a barren woman is *Migumba*,²⁰ and it would be a big insult to use the term *Lur*, which is used for barren animals, to a barren woman. But it is the term that cowives would prefer to use during a quarrel. The status of *Migumba* is that of lasting sorrow and bitterness. In order that this bitterness be reduced, a woman brings a girl from her lineage kin to marry her husband. Such a girl was called *Nyar ot*, "the daughter of the house", but this term is normally used to cover all women attached to the first three sets in a polygamous village, and therefore does not have a specific meaning. The correct term should therefore be *Siweho*, which means a girl brought by a married woman to her husband because she is either already too old to take care of the village, or she cannot give birth to a son. In most of Luoland she can be called *Siweho* only if the wife goes to her kinsmen to look for a girl for her husband to marry. Such a *Siweho* girl occupies position of *Nyar-ot* in the village, but does not compete with the woman who brought her, because they share the same lineage and therefore share the same interest in competing with other women from other lineages.

The *Siweho* girl can be the sister of the wife, but in most cases her close agnatic relative, *Nyar-Owadgi Wuon*, or *Nyar Wuongi Madire*. It is also customary for the Luo women to bring young girls (of about fourteen years of age) from their own villages to act as a nurse (baby sitter), *Japidi*,²¹ for their own child. The *Japidi* lives with the family as a sister-in-law and in the course of years gradually begins to perform the functions of a wife. This girl is called *Nyar-ot* when married, but since linked by kinship love joining them in their lineage, they do not compete as those from different lineages.

It so happens that among the poor people the bride wealth was still too high for them to pay at once, as well as to carry through all the marriage ceremonies. A verbal contract was then reached between the girl's and boy's parents that permitted payment of bride wealth to be delayed until after the new couple's daughter was married.

If, however, the bride wealth of the mother is not paid when the bride wealth of the daughter has been received, the parents or relatives of the mother can take the cattle by force without retribution. Wilson stresses that this custom is not permitted today, so they frequently sue in the courts. In most cases, however, bride wealth is readily paid because it would be *Chira* to a high degree for a woman to die after her daughter married and before her own bride wealth had been fully completed.

Although the Luo welcome the birth of twins, it is believed that in some way their birth is connected with some supernatural consequences and, unless the proper precautions were taken, the birth of twins may bring *Chira*. Some traditions of tolerance are very localized to a particular lineage, and breaking them may involve *Chira*. For instance, if it is a tradition in a lineage that the ancestor took cattle by force to pay for his bride wealth, it must be maintained, otherwise it may cause *Chira*. If a father tried to prevent his son from taking cattle for bride wealth, and should the son commit suicide, it is the worst *Chira* to the lineage, *Anyuolagi*.

Physical virtues in marriage

Girls who are lame or deformed in some way or “who are not in possession of their full physical faculties do not normally demand higher bride wealth among the Luo”.²² But the lame or deformed girl *Nyako ma Mirema*, is esteemed, because there is a belief that she often bears brave men. However, this belief appears to be less effective at the time of considering bride wealth. And her relationships with other co-wives (if at all married in such a home) at the time of quarrel is that of teasing and reminding her of her physical faculties, with words such as *Rabambni*, for a lame; and *Rachierono* for bad eyes or *Agili* for one eye. Sometimes this is also expressed to her children when they quarrel with other children. It often happened therefore, that a deformed girl would marry a deformed man or someone who is handicapped in some ways *Rangol Nyomore gi Rangol wadgi*. As regards a dumb girl, William rightly observed that she was not fully in the same category with *Rangol*. There is a belief, of which he writes that “it was a virtue if one’s wife cannot speak back or continually gossip”.²³ From the cases I observed, fully dumb girls were married to old men or to those who are already married; more often by men with difficulties in finding girls. This category of men valued a hard-working girl for a wife, because there is a belief that dumbs are hard-working people. It appears that stammering, *Radual*, is less discriminated, even among the young men. A girl who is *Radual* can be married to any person without implying physical deformity. In Kadem and Karungu I found that the term *Raduandni* is employed to offend someone with speech difficulties whenever there is a quarrel. But because they are reputed for their fiery tempers, offending them without real cause is often avoided.

It is *Kwer* (forbidden) for a marriage to be declared complete without a cow for a bride wealth being involved in the marriage. It therefore happens that even in the marriage of a lame girl or a girl without possession of her full physical faculties, the bond is completed by sending one or two cattle at the least. But if it is the boy who is lame or possesses physical deformity the bride’s wealth is higher than in normal case to cover up his *Ngol*. The cow sent in such a marriage is a symbolic cow of *Kwer* and unless that is done no cow shall be sent directly to the girl’s parent homestead at the time of the daughter’s marriage. To send a cow to the homestead may bring *Chira* (sin) which may kill the newly born. This is considered a serious case when the mother of the girl should die before any cow was sent to her marriage. Her ghost shall demand to know why her marriage was not completed, and it is believed that it can cause a lot of harm, by making the girls of the lineage barren, children die at birth, and so on.

Kwer and Chira

Although we have mentioned the terms *Kwer* and *Chira* in the preceding pages, as concepts they have not been given enough interpretation in the Luo beliefs and ideologies. *Kwer* and *Chira* underline the Luo moral code. The

two concepts can be better understood from “a moral familism” and a “moral societalism” explanations. The Luo model human destiny in three types of programmes: for himself—for the instinct of self-esteem and preservation; for family—instinct of preservation and lineage reproduction; and for society—tribal preservation and esteem. The *Chira* will underline all moral acts, the consequences of which may inflict misfortune, suffering and punishment upon the individual and his family. The breaking of their law may cause death to the children, may prevent a family from giving birth to children, or may prevent a family from producing one sex, female or male children. *Kwer* on the other hand defines all moral acts and obligations the consequences of which may inflict suffering or/and cause the extinction of the whole society. The *Kwer* acts may be committed by individuals or a group, its consequences will be slow, but when it comes the whole nation shall bear it. The punishment may be in the form of calamity, defeat at war, long drought, famines, epidemics, and extinction of the whole tribe. *Kwer* may also wipe out a lineage, a village or a clan.

The beliefs about a life after death appear to have solved for the Luo the question of “What is there after death?” The Luo believe that “life now and after death is the same or similar”. The primary goals one wishes to live before death must be long life, for old age is wisdom. Wealth (includes children, woman, and cattle), is a means to high prestige and honour. These are expressed under the terms: *Rieko*, (wisdom) *Mwandu*, *Moko*, *Mew*, *Pith*²⁴ (different forms of wealth): *Nying*, *Ber*, *Chuny*, *Thuon*, *Teko* shall be given detailed study. One of the basic Luo ethnical generalizations is perhaps that of respect of age: “Behave to everyone elder to you as if they are your guardians or relatives”. In the rules of marriage, respect of age is strictly followed. The seniority considered here is a twofold: one expressing actual age by birth, and the other based on the inheritance. Thus a son inherits his seniority from the fact that he is the son of the senior wife. And a senior son of a senior wife should be married first even if in actual age he is younger than the son of a junior wife. In the polygamous homesteads, it sometimes happens that the senior son of the senior wife is chronologically younger than a son of a junior wife, in which case the father must begin his marriage process by sending a cow to a friend with a daughter. This act is called “*Wuon mare oriembone dhiang*”,²⁵ which is sufficient to allow the older yet junior son to complete his marriage. If the procedure was not followed it was believed to bring *Chira*, which entails supernatural consequences to the village because of an act contrary to customary laws.

If, however, a junior son, junior in status or years, elopes, *Por gi Nyako*, *Chira* does not come to the village, but follows the son.

Kwero kelo Chira

The first-born child, *Kayo*, of a woman would not be allowed to marry the first born of another. This is *Kwero*, forbidden. Similarly, the last-born,

Chogo, could not marry another *Chogo*; a boy who was the only child, *Miderma* could not marry another *Miderma*, a girl who was the only child even if there had been other children who had died. These were considered as *Kwer*, forbidden relationships which bring *Chira*, destruction and misfortune (see page 146).

It is *Kwero* for a girl who objects to go through a marriage to run into a house of mourning or into a village where she knows there is another bride who has not been through *Lupo* ceremonies. If this happened, it will cancel the wedding completely, and the girl can never go through *Meko*, the first wedding escort, when she does eventually marry. She must elope, *Por*. Her children will also never go through *Meko* either, and so the stigma remains for generations. The *Kwer* remains with the village and the family of the girl. The Luo practice symbolic parental ritual at the wedding night of their son's and daughter's marriage. The parents of the bride and of the groom remain in their respective villages all the days of the wedding since this period contains one of the greatest risks of *Chira* for the bridal couple during their lives. Early in the evening both couples must have symbolic intercourse before the ceremony of defloration takes place in order to avoid the *Chira* which is inherent in the act of breaking the hymen of their daughter or daughter-in-law. The father must sleep with the mother of the girl, and also the father must sleep with the mother of the boy even if both have reached retired age, *Osea e Ria*, they must have a symbolic intercourse to clear up *Kwer* and prevent *Chira*.

During the last stage of the Luo marriage ceremony called *Riso*, purification of the bride must take place before the girl enters the village and to allow her to eat once again with her parents. If a sacrificial spilling of the blood was not carried out according to the custom, it may bring *Chira* to the village. The ceremony of "*Ngolone Gweno*" that marks the transition of a young girl from childhood to womanhood, and that of tying of the *Chieno* (public dress) which also marks the transition, must be observed to prevent *Kwer* and *Chira*. A young married woman must not open the door she enters or enter the granary which belongs to her mother or to anyone standing to her in that relationship. This is *Kwer* and brings *Chira* to the girl and the village in particular. And after a girl has been married she cannot be beaten by her parents. This is also *Kwer* and may cause very bad *Chira* to the girl and the village.

If a man or woman, commits adultery, he/she may not touch his/her child without *Manyasi*, (cleansing medicine). Otherwise *Chira* will kill the child. *Chira* has been considered more serious than *Kwer* according to William in 1955, but this is not very accurate because at certain levels *Kwer* is what brings *Chira*. We say "*Mano Kwero kelo Chira*", which means "it is *Kwer* that will bring *Chira*". William writes that "*Chira* is more serious than *Kwer* and is more closely connected with moral tradition than *Kwer* and its consequences are more drastic".²⁶ I must make it clear, that in order that *Chira* should be considered serious and drastic it must have been a strong *Kwer* at the family, lineage or clan level. *Chira* is an end result of breaking *Kwer* and this end

results in what marks two levels of *Kwer* which I have specified as "Lower level *Kwer*" and "Higher level *Kwer*". The lower level *Kwer* affects only individuals, family, and lineage, at its highest it affects the clan. But a higher level *Kwer* is inferred from "clan, its subtribe and the tribe as a whole".²⁷

In the formal marriage, after the first cow has been "sent" (as we say "*Tero Dhok*") and not "paid" (*Chudo* or *Chulo* which is never said in the process of delivering bride wealth), the cow is often referred to as *Dher Kede* or *Dher Gonyo Chip*²⁸ for the removal of the girl's public dress, *Chip*. The girl may now visit her premarital lovers and may enjoy full intercourse. These lovers are her former *Chotne* (sing) *Chodene* (pl). They are those friends who for years she had visited in the *Simba*. Up to then they have only practised the love making of youths, *Chodo*.²⁹ From this last visit to her former lovers it is believed that the biological father of the first-born child is never known, but even if it is known that the father might be one of the lovers, there is nothing they can do about it, since she is already married and cattle have been sent for the bride wealth. The child remains the true and unquestionable son or daughter of the husband of the mother.

Once a girl is pregnant she was recognized as a full wife of her husband and the marriage was recognized as final for them, it becomes *Kwer* that can bring *Chira* for agnatic kinsmen of the bride's husband's stepbrother or her former lovers to have further intercourse with her. If they do, the act will bring *Chira* to the union.

The ancestor may also invoke *Chira* on the lineage of the party who breaks the contract of a child marriage *Nyar Osiep*, if one of the fathers to the contract dies before realization of the contract and the remaining party decides to terminate it. The effect of this *Chira* will make the lineage fade away completely, *Kari Tho*.

A woman who wants a valid divorce must return to her father and *Wero* must be completed, the retransfer of bride wealth. According to the Luo tradition bride wealth cattle from two villages are *never* mixed. The mixing of cattle of two bride wealths for the same woman is regarded as *Kwer*, forbidden acts. And acceptance of cattle by a father for a daughter before the legal husband has agreed to divorce is a criminal offence, and morally disapproved of by customary law, because it is regarded as dishonesty in establishing a marriage contract. The consequences of dishonesty in marriage and family life go beyond the two parties to the contract, but will affect the welfare and relationships of other close members of the lineage or clan.

Summary

The normative rules of the Luo marriage and family institution are built partly upon on moral laws of *Chira* (sinful consequences) and *Kwer*, (forbidden acts) and partly on the rules of respect and rules against anti-social behaviour.

In the Luo marriage process, we observed that there are numerous rules connected with the establishment of a marriage contract and the institution-alisation of the family as a basic normative unit. The binding rules and standards of behaviour are necessary if a husband and wife have to enter a relationship which is bound to produce a young and helpless species which will take many years before it could be able to help itself. These rules and standards of behaviour, are extended to and are binding to those closely related to the parties in the marriage contract (husband and wife), since in case of death a child and the property of the diseased must be protected.

The *Chira* and *Kwer* categories protect the human species from perpetual destruction or discontinuity. One of their important characteristics is the ideology of exogamy which carries numerous ethical and customary rules.

In order that a true new family be created, all anti-social behaviour must be checked out, since anti-social behaviour creates an unfavourable atmosphere for the unity and love among men, and units. In order that a new family life begins, a *Jagam* examines all obstacles and genuineness, or tries to confirm or negate the allegations of *Jasem* who, on each occasion, says that the two parties to a marriage contract do not fulfil the necessary and sufficient conditions of a marriage, or are not responsible enough to create a new social unit of their own.

The Luo marriage law appears to confirm the belief that all males and females are born to unite in order to create a unit of their own so that their lineage may not perish. This unit is but a continuity of the existence, of the group and it is the link which binds them with their ancestral spirits and the underworld, as we shall observe in their concept of religion and afterlife.

Notes

1. A. B. C. Ocholla: Manuscript (entitled "The Luo Culture, Vol. 1) describes in full detail *Simba* and *Siwindhi*, their construction and functions in terms of cultural pattern of the Luo; See also the third chapter of the process of socialization.

2. Evans-Pritchard's article on the "Marriage Customs" of the Luo of Kenya in Africa Vol. XX, 1950, p. 132, he writes of "codo" but *chodo* or *chode* should be used.

3. Evans-Pritchard, 1949, p. 132.

4. *Jagam* is further discussed below under "The Duty of *Jagam* in a Luo marriage".

5. G. M. Wilson, 1961, p. 137.

6. I have defined *Jasem* as a person (in the Luo marriage) who tries as much as he/she could to discourage or spoil altogether a marriage by either genuine facts or sheer lies alleging that one of the party to a marriage falls outside the normative rules approved for marriage. His activities may be also for sheer jealousy called *Nyiego*.

7. A. B. C. Ocholla, (*Dubl. Unpl.*) "Medicine not magic" discusses some African medicines and diseases which used to be treated locally, and the classification of categories.

8. *Meko* "capture" or "forced escort" is closely linked with the old tradition of raiding. The Luo used to raid for cattle and in some raiding women were captured. This must have been an old tradition of exogamous society. It still conveys a meaning of bravery to the parties who use it in their marriages and prestige to the woman in the future if her clan's youth resisted effectively. The term *Jagam* may be defined as "gobetween", or "hands over", sometimes *Jatielo* "the man

who foots it" *Jayo*, "the man of the path" or "the man who clears the path" are all terms used to describe this person.. He may be of either side and may be a male or a female; see also Wilson, 1955, p. 93.

9. G. William, 1961, p. 93.

10. A. B. C. Ocholla (Nepublikovana Práce, Praha), 1970, p. 180.

11. *Wat* is social relationship which is either established through marriage ties or kinship relationship, *Osiep* may be just friendship which may or may not lead to the establishment of *Wat*—such as that of parents establishing *osiep* with a hope that their children will one day get married thereby establishing a higher relationship of *Wat* between them.

12. G. William, 1961, p. 118.

13. Bondo is a tree believed to be the dwelling place of the spirit of the cult called *Obondo Mumbo*, whose prophets are strong medicine men. Discussed further in the section on religious cults.

14. Wilson, 1955, p. 130.

15. *Nyar ot* is the correct term for a woman who comes to assist her "sister" or lineage kins to produce children by their husband and therefore save their lineage. Divorce is possible should there be no *Nyar or* (daughter of the house).

16. This ritual practice (*Golo-Kwer*), "removing a forbidden marriage law" before burial of an unmarried girl was important, since the Luo believe that the ghost of the girl will return to demand her marriage right, which the Luo marriage laws prescribe. When she (her ghost) comes for this respect she is a malevolent ghost, which will either cause barrenness to her female folks or may cause their death before their weddings. Her ghost may be malevolent to both affinal and agnatic female kinsfolk alike.

17. Although a "caretaker" woman resumes the status of the dead, she does not do so until after she has given birth to a child, or she has to take the status position of the dead woman. Her house will also be built in the same seniority position as of the dead wife.

18. "*Nyar-Hidho*" simply means a girl who comes to continue the uncompleted marriage contract of the dead wife. It is incorrect to call her replacement wife, because she simply continues the dead wife's marriage contract.

19. Ocholla, MS, The Luo Culture, Vol. 1.

20. The state of *Migumba* is a sorrowful state to a woman who reached menopause stage without having given birth to a son. Sometimes the woman may have bitterness which after death may be considered as *Chien*. Or it may make her act irrationally while still alive. A case was reported in Kabuoch during the late 1940s that a woman with her only daughter tried to kill a son of her co-wife in order that they may be equal. According to the Luo tradition small boys and unmarried girls sleep at their grandmother's house. The mother having learnt where her daughter slept came one night with a knife to kill the son of her co-wife, but unfortunately, that night the positions were changed, and her daughter slept on the same position normally occupied by the son of her rival co-wife, *Nyieke*. When she came in the darkness, she stabbed her daughter with the knife and ran quickly to her house. But when light was brought and all villagers came to find out what had happened, it was her daughter which was dead. She had to disclose it when she was mourning that "*Anegra kenda!*" "I have killed myself!" The woman was considered as a murderer and *Nyiego* of a high degree.

21. *Nya-Siweho* is the girl who comes to support the status position of her kinsmen women, because she cannot give birth to a son. The term "replacement" has been used by Wilson, 1955, p. 119, to describe a girl brought in to marry the husband of the barren woman in order to raise seed for her. This term, however, does not give the correct meaning of *Siweho* girl. The *Siweho* girl is supposed to fulfil the marriage contract from where it was broken off, it is also supposed to save the barren woman from shame. It does not replace her, because she remains the wife of her husband, but together with the *Siweho* girl they work for a common goal.

22. Strictly speaking, it was meant to describe a woman who reached menopause without having given birth to any child, or died after losing all her children.

23. William, 1961, p. 120.

24. Ocholla, (Public.) Msc Thesis, 1970, discussion of the Luo Economic Stratification with the following concepts: "*Jachan-kurr*", "*Jamfuadhi*." "*Jadhetho*", etc.

25. William, 1961, p. 119.

26. William, 1955, p. 105, where he says that "*Chira* is more drastic than *Kwer*". It is more correct to say "what is *Kwer* brings *Chira*".

27. I have made this point clear in this text where I have attempted to define the two concepts of *Kwer* and *Chira*. It should be observed that *Chira* is an end result of breaking *Kwer*, a level of *Kwer*, which is effective at an individual family.

28. *Dher Chip* is a cow for the removal of the public dress worn by the bride after the defloration. See also William, 1955, p. 108.

29. *Chode* in *Simba* has been clearly defined in the text, (cf. chapter III), and *Simba* is illustrated further in my manuscript, "The Luo Culture".

VII. Normative Structural Aspects of Sorcery, Witchcraft and Medicine Men

The Luo apparently make a distinction between sorcery and witchcraft, but the difference between magic and natural "spirits" is not very clear. In magical practices no appeal is made to spirits. But it must be made clear that the practice is based on the belief that "spirits" of nature dwell in natural objects, or more as it is held that all living creatures and plants have some forces in them. It therefore occurs that the desirable end is believed to be achieved directly by the technique, i.e. by the use of the appropriate actions, objects, or words. In this process, natural forces can be manipulated by those who know how to do it. The action of a magician, by a certain formula or object, is believed to have dynamic power which may set these forces in motion by the ritual volition of someone who has the necessary knowledge.

The importance of magic takes many dimensions: the first is based on the fact that many religious experts practise magic, and much religious ritual contains magical elements. Second, important systems of magic apart from religion may figure in the life of a people, especially in connection with economic activities, law and justice and also with medicine.

The Luo have also used magic as a means to fortify the individual or community in any or some undertaking such as *Bind Hera* (magic for love), *Bind Lweny* (magic for war), *Bind Dwar* (magic for hunting), and other economic pursuits, such as *Bind Moko* (magic for wealth), etc. The virtue of the magic according to the Luo may be held to lie in the objects used, the oral formula (like gentle spitting, for blessing, and harsh spitting indicating curse), in the magician's eyes, or a mixture of spells and material objects, i.e. minerals, animal body, plants, etc.

The Luo use two terms for charms

Bilo is a medico-charm normally used for the good of the individual, the family, or the community as a whole. It is a protective charm; whereas *Nawi* is a destructive medico-charm. But both of them may be regarded as charms because they are objects invested with medical power. The term charm may at points be weak to apply to some of them, as we shall see later.

I have tried to use the term "magico-medicine" because some of them are real material medicines or poisons that may cure or kill without inferring magic in them. Perhaps there are others in the category of charms or spells, such as evil eyes, *Sihoho*, or words that may cause bad luck. Some of the "magico-medicine", such as *Bilo*, are protective against other destructive charms. For protection, they may be used to give power, luck or keep one's good health. Most of the protective charms are given to children rather than grown up persons. Magical practices principally imply the manipulation of "natural forces", existing in the living creatures and plants. Some of the creatures utilized by magicians we find to be feared and never eaten and considered as dangerous by the people. The animals such as leopards, crocodiles, lions, or snakes like the cobra, the mamba family, certain species of birds, such as the red-eyed eagle, (koga and others like *arum tidi*, owl, *tula*, etc.), are not friends of man. Magicians are able to manipulate the forces which these creatures possess, and direct them towards their enemies for evil purposes.

The belief that like produces like prevails in order for one to protect himself against similar forces, he must carry a similar object containing a similar force to neutralise that which may be directed by i.e. an enemy. The magical belief of the Luo reveals two important aspects: the first is that an object acquires the characteristics of the forces that creatures have when still alive, and can be used either for destructive purposes or as preventive medicine; a second aspect of the belief is that by associating an object with its original whole, an object may be manipulated to give a desired end.

The relationship which we have just mentioned to exist between objects, which were once belonging to the same creature or plant, or the forces which they still carry with them or link them with those creatures, can be found to exist between man and a part of his body or belongings. According to the Luo, there is some close connection between the personality of an individual and parts of his body. This can be deduced from the belief that a person's hair, nails or clothes may be used for his destruction by relating them to evil spells recited or evil forces of evil objects.

It is also believed that some of the charms may be used to tame wild beasts, and that there are some wild people who possess the knowledge of such charms, and keep that knowledge secret from others. Lindskog (in 1954) made a general study which covers the whole of Africa, and confirmed the belief of "metamorphosis", the belief of transformation that "some men could turn into animals and in that state may injure an enemy".¹ This idea in human belief is an old one and has also existed among Europeans, as Hill's study has revealed.² In the Luo folk tales, we find some animals transforming themselves in order to deceive man. Several Luo folk tales depict the hyena to have assumed the form of a human being and went to deceive children to give him food, or take these children out in the forest and eat them while he (the "hyena man") is in the shape of hyena. In some cases the story tells that it was medicine men who helped transform the hyena into a human form.

The Luo great magician called Gor Mahia was believed to possess the

charms (*Bilo*) which could change him into an old woman, a child, a tree or any other object. During the war, he could turn into an object so that his enemies would not know who it was.

Since there was a belief which considered man and animal to possess some spirits and/or some dynamic forces; the spirit of a man may temporarily enter a totem animal and direct it to do injury to an enemy. Similarly, the spirit of a totem animal may enter man to appear to others who know him as a different being or creature altogether.

In order to carry out these magical forces further into general applications, we shall have to look into the different ways in which they were manipulated, and by what types of people and to whom.

Sorcery and witchcraft are ritual means of working harm against an enemy. Though they are usually considered to be anti-social, in the Luo practice, they are not necessarily always so. It is permissible to seek revenge on an evildoer by injuring or killing him or a member of his lineage group or family by magical medicine. A sorcerer is a person who wittingly directs injurious magical medicine on others for revenge or for some evil jealousy. He may be able to injure by the power of cure, or may have the evil eye or transfer magical power through certain objects. Such a person may keep their powers secret, or it may be known and others may derive power from him. They may be regarded as public enemies, or may be tolerated and employed to wreak evil on personal enemies, or to restore good health upon those suffering from such destructive magical powers. Witchcraft on the other hand is considered by the Luo to be a power more for evil than for good. This power is lodged in an individual himself. They consider witchcraft to be inborn, hereditary or occasionally may be acquired by undergoing special rites. I have not seen a case directly, but some old men told me more than once that if a girl was married to a village of a witch she was to undergo special rites, e.g. by feeding a totem beast used by the witch, etc., before she could become a wizard if she did not possess that power before. And in case of failure to go through these rites, there was a danger that she may be killed.

In the coming sections, I shall be using the Luo terms in order to make categories of the Luo magical beliefs and practices clearer. The Luo use the following terms: *Jandagla*, *Janawi*, *Jamkingo*, *Jasihoho*, *Jamirieri*, *Jabilo* and *Jajuok*,³ all to mean relatively different specialists practicing magico-medicine in some different ways. Within this category, one of the most important ones which must be included here, is *Ajuoga*, (the medicine man) (see fig. 6, p. 174).

Jandagla

This is a sorcerer believed to bring harm to his enemies by the anti-social and illegitimate use of destructive magic. *Jandagla* brings his magico-medicine with a dead creature, i.e. it may be brought with a dead snake, usually black

cobra, or it may be put on a dead wild cat, rotten eggs and the like. The *Jandagla* is one who is believed to harm others by planting destructive medicine or performing rites over these objects to make them effectively destructive. In order to perpetuate his evil deeds, he carries on his activities during the night when no one can see him. He may do so because of anger or malice of a passing kind, usually jealousy, or he may do so by the advice of a medicine man in order to divert a pending misfortune on his family or village. The term *Ndagla* is an object, usually a dead creature or rotten eggs, containing magico-medicine. The magico-medicine, put on these objects to make them *Ndagla*, was obtained from a medicine man called *Ajuoga*. According to all the information I got, *Ajuoga* personally does not carry *Ndagla* objects for the people who ask for it, but gives them magico-medicine and instructs them what to do. In this case it is the people who go to *Ajuoga* to obtain *Ndagla* that are called *Jondagla* (pl.), *Jandagla* (sing.). But I think it should be correct to include the medicine man who provides *Ndagla* as a *Jandagla* medicine man, since he is the expert on that type of destructive medicine. In wartime these medicine men (*Ajuoge* pl.) were believed to be able to divert misfortune of war to the enemy by sending *Ndagla* to the enemy frontline. In this context, *Ndagla* could be used for the good of the society as a whole.

Hauge says that “any medicine man can be called “*Jandagla*”, but on this point I believe he was misinformed. He must have meant the people who go to obtain *Ndagla* medicine from *Ajuoga*, but obtaining medicine from a physician does not make one a physician, does it? *Ndagla* is considered to be *Ndagla* if, and only if, it is brought with a dead animal; usually those categories of animals feared and never eaten. It is also incorrect to say, as Hauge does, that “*Jandagla* is a common name for medicine men”.⁴ The people who obtain *Ndagla* medicine from *Ajuoga* pay for it, and for the instruction of how to use it. The medicine man with the knowledge of *Ndagla* is the *Ajuoga*. *Ndagla* objects are placed by the road, beside the house, at the gate entrance, or in the opponent’s field as the *Ajuoga* advices, so that when an opponent sees it, he would be frightened and this may result in his getting sick, or members of his family perhaps with death as a result. This makes the activities of *Jandagla* rather different from that of *Janawi* for instance. We shall be able to observe that various specialists handle their magico-medicine differently, and the contents of their medicine also differ from that of *Jandagla*.

Janawi

Janawi appears to be the most feared sorcerer of the Luo medicine men. *Nawi* is a powerful destructive offensive medicine. I do not think it is a mere “spell”,⁵ as Hauge has called it. My close investigation of the composition of *Nawi* revealed to me that *Nawi* is not just a “spell”, or “magic” as has

originally been believed. The composition of *Nawi* contains some of the most poisonous plants and other minerals known to us, for example I discovered that the *Janawi* uses gall juice of the crocodile in his mixture together with other poisonous herbs. Crocodiles' gall juice is in fact so very poisonous that people who kill crocodiles never open them in public, because they fear that they may possibly inhale it. And even a small dose mixed up with other poisonous herbs is capable of killing a cat or a dog in just a few hours. Some of the plants the medicine men use include "rabuor", and "ratiglo" which both are only nicknames. These plants in their natural state are not eaten even by animals, because of their poisonous nature.

Nawi is a substance that appears in the form of powder, usually kept in an animal's horn. In the house it is kept on the roof high up out of the reach of children. It is also kept with the strict order that no other member of the village or family may touch it. This also shows the awareness of its destructive nature.

It is, however, not very clear how an enemy gets into contact with ashes containing *Nawi*, since it was either buried at the gate, at the house entrance, or at the centre of the house. Sometimes a *tung* (horn) containing *Nawi* was hidden on the entrance roof in front of the house, or it may be buried on a path where an enemy is thought to be passing. One theory that might explain how *Nawi* poison enters the body is that since people often walk with bare feet, one may easily step on *Nawi* which is shallowly dug down at his gate or at the entrance of his house, or if it is buried at the centre of his house so he or any member of his household may step on it. Furthermore when the room is swept, the dust of the poison may easily be inhaled, or when the food drops on the floor, it may be contaminated.

The action of *Janawi* depends on material substances more than specific verbal spells that might accompany it. It is always thought that *Janawi* uses his *Nawi* against someone who had quarreled with him, or someone who is also thought to have *Nawi*. In the latter case, it is more of a competition of who has the strongest *Nawi*, and is therefore more famous than the other. A person may call a *Janawi* if he thinks that his opponent is planning or trying to kill him. It may be that one is becoming richer than the other, in this case it is jealousy. There have also been cases which are linked with destroying *Janawi* property, i.e. cattle destroying the field, a thief stealing a *Janawi*'s property, and other forms of disputes, such as those involving land.

Janawi usually possesses anti-*Nawi* remedies, and when he acts in this capacity he is considered as *Jahoso*, which simply means curer or the man who cures. This shows that even *Janawi* has a dual character; the first main one is meant to do harm, and the second, which is always less stressed, to do good. We have noted that a *Janawi* may harm his fellow men consciously and so deliberately through *anger* or after a quarrel or a dispute, or simply because of jealousy, or because it was rumored that someone in the country had acquired a stronger *Nawi* than his. The two men may then challenge each other to test their supremacy, so that they may establish the strongest man. An example of this was that reported in South Nyanza, in which a *Jajouk* with

magico-medicine (*Bilo*) challenged a noted *Janawi*, by directing a crocodile to catch a *Janawi's* most beloved ox. The two men then boldly stressed their virtue names in public, by these words: "... *An e Ohunga kimuom*", which means, "I am the fish cage which can never be passed"; the other fellow also uttered his virtue by saying, "... *An e Rabolo kiyidhi*", "... I am the banana stem, that cannot be climbed". The people waited to see whose *Nawi* or *Bilo* will be as effective as their virtue utterances. The "*Rabolo kiyidhi*" won, because it was not long until "*Ohunga kimuom*" was found dead lying over a rock in front of his village, (see Virtue names in ch. II).

A man who has an enemy and wishes to destroy him, may consult a *Janawi* who will give him mixed powder, *Buro* or *Yath*. The colour of this mixture is always very black, because the plants used are burnt, and ashes mixed with other liquid such as that I have mentioned (crocodile gall juice) will give the ashes a glittering black colour. This substance is always kept in animal horns (horns of the antelope). *Janawi* will then hand to his client this horn with instruction how and where to hide it, as has been mentioned earlier (i.e. bury it at the gate, at the court yard, in cattle kraal, or if possible at the centre of an enemy's house). The effect of *Nawi* does not take long before it is felt, a member of the family may get sick and die suddenly, or his cattle may die or even the enemy himself may die suddenly.

The payment to *Janawi* for his medicine, either for destruction or for cure, is higher than that of most medicine men. The maximum payment is an ox, or a cow, but nothing less than a cow. *Janawi* can also harm his enemy by simply pointing at him. Another category of these medicine men possessing destructive magico-medicine is *Jamkingo*. Sometimes it is difficult to draw a line between *Jamkingo* and *Janawi* since both are specialized in destructive magico-medicine. If we look into the root meaning of *Mikingo* it is an object of magico-medicine, and *Kingo* is to cast a spell, because we say "*Kingo puodoho*"—"to put a charm on the garden to keep off hail, animals etc., or we can say "*Kingo ot*", "to set a charm on the house (village) to keep out thieves", etc.; so that if they come they will not escape. *Nawi*, on the other hand, is not a protective magico-medicine of this kind, but in a way that people may be naturally scared to touch his property. We do not say that a *Janawi* has placed *Nawi* for his protection, but that a *Janawi* waits to act after someone has offended him or provoked him, before he could apply his *Nawi*.

If *Nawi* is not used with care, it may kill even the owner, and therefore a *Janawi* cannot place his *Nawi* in his house, garden or village to protect him as *Jamkingo* would do, otherwise his *Nawi* may kill him.

Jabilo

A most important medicine man with protective magico-medicine against destructive medicine is *Jabilo*. As we have noted earlier, *Jabilo* uses his *Bilo* in two main categories, the first and most traditional practice of *Jabilo* was that

connected with prophecy: they can foresee the future, help the community against drought, plague, and direct the course of wars in former days,⁶ all *Jobilo* (pl.) were at the same time *Jokor*. *Jakor* (sing.) was a specialist in foreseeing the future, he foretells or makes prophecies about going what is to happen. Second, *Jabilo* possesses *Bilo* used as anti-*Nawi*, anti-*Mkingo*, and many other forms of destructive medicines.

Jamkingo

When a *Jamkingo* uses his spell to foretell the death of someone as it is believed to be so in Uyoma (Central Nyanza) during the beginning of harvesting, or of ploughing, then *Jandagla* is a *Jakor*.

Jamkingo has both bad and good aspects. If the intention is meant to destroy harmless good citizens, he is then considered to practice evil magicomedicine, but if he uses it to save life, or protect property, he then receives moral support for his action. The *Jamkingo* also keeps his magicomedicine in the form of dust or powder, or as an object.

Before we come to discuss those magicomedicine men who devote their time for the good of man only, we may discuss a few more anti-social magicomedicine men.

Jasasia

A *Jasasia* is a magicomedicine man who claims to have the power to create hatred between people, particularly in a village. The *Sasia* is the magicomedicine which if planted in a village or a house, would make the members quarrel, fight and hate each other. It is most effective at house or homestead or village level. When a *Jasasia* acts in this manner he is anti-social. But when he is able to create friendliness between people, as between members of a family, wife and husband, or among the villagers, then he is called *Jasiuria*. It should not be understood that *Jasasia* is one person and *Jasiuria* is another, it is the same person who assumes either of the two aspects depending on what he does at at particular moment. The two terms appear as distinctly different medicine men in Hauge's book.⁷ In some places where one prefers to practice either of the two, one may say that an enemy has required *Sasia* magicomedicine to cause disharmony between the members who unite for the good of the group. The elders of the village or a family head may visit a *Jasiuria* to get magicomedicine for peace and harmony of the group. It so happens that they go to the same person to acquire different magicomedicine, but for different purposes. We have so far observed that in every category of the above group of magicomedicine men, we can see that they use their power to

destroy or to help others in danger. This category of magico-medicine men draw their power from "natural forces" which are never directly linked with *Juok* as those we shall be considering in the coming sections of this chapter, (see further illustration, fig. 6, p. 174).

Juogi

The next category of magico-medicine men shall be in one way or another connected with spirits (*Juogi*). It is the term we have referred to in the next chapter as spiritual forces which also have the supreme spiritual being called *Juok* (see p. 170). There are many different *Juogi*,⁸ and a person may be possessed by any of them. Since we have discussed a number of these spirits in the next chapter, we shall in this section be concerned with priests or persons with power or knowledge to direct or manipulate them for the benefit of their fellow men. A person may be possessed by *Juok* in two different ways: the one possessed by bad *Juok* direct him for evil deeds, this category is what the Luo call *Jajuok*, (witch or wizard), or *Jasihoho*, (evil-eyed witch).⁹ And the one possessed by good *Juok*, are those of *Ajuoga*. The men possessed by good *Juok* are diviners, prophets, or priests. They are wise in helpful magico-medicine. They can foresee the future. The *Ajuoga* and the *Jajuok* are completely different people practicing different functions.

Jajuok

Earlier I have said that the *Jajuok* represents an anti-social witchcraft. To be more specific, he is sometimes known as *Jajuog-Otieno*, which means "the night runner" or "night witch" and is commonly used by a *Jasem* to break a proposed marriage by asserting that one of the party to the marriage is a *Jajuok*. A *Jajuok* is believed to have the power to tame wild beasts and use them by night to frighten whomsoever he meets on his way. It is believed that they haunt graves to look for some parts of human beings such as arms or legs (*bad dhano*) in order to use them for beating men in the darkness. It is said that they can tame leopards, crocodiles or hyenas and lead them around by night.

A *Jajuok* may kill his victim by suffocating him or drowning him or he may probably use a weapon such as a club. He may give his victim medicine which could make him mentally unbalanced. But normally a *Jajuok* does not use poison to kill his enemy. This point, however, is not agreed upon by many; some informants say that *Jajuok* can kill one with poisoned food, and in fact many have complained of poisoned food, but this belongs to a different category of *Jajuok* known as *Jasihoho* or *Jajuog-Wang'*.

A *Jajuok* inherits his *Juok*, it is an inborn faculty, although one may acquire it by undergoing special rites, as has been mentioned above (see page 142). *Jajuok* is considered by the Luo to be anti-social, and no one wishes to talk of any "good" that *Jajuok* may have. However, there is one proverb which says that "*Jakuo oromo gi Jajuok*", which means "a thief met a *Jajuok*", each one runs thinking that he is caught. The presence of *Jajuok* somewhere will definitely discourage a thief from going there or even passing near the area, since he will be afraid that he himself may meet a *Jajuok*.

Jajuog Otieno, night witch, known in Maragoli as *Omulogi*, differs in some degree from that of the Kikuyu, "*Oroggi*", who uses poison. The Luo *Jajuok*, the Maragoi *Omulogi* and the Kikuyu *Oroggi* are all anti-social and in former days, before the advent of the Europeans, they were executed. If a man was caught in the act of *Ido* (bewitching) he was executed by an iron bar called *Mulo*,¹⁰ which was forced through his anus. The description given both in Luo and Baluhya is so similar that it is difficult to say from where it might have originated. Both believe that *Jajuok-Omurogi* keep some wild animals which they use at night, both believe that they run and dance naked in front of other people's houses, that they kick doors; they also say that *Omurogi* never takes a bath. The Luo say that even if they do take baths, they still have white bodies and have abnormally red eyes. The Luo also believed that the *Jajuok* uses a pot containing fire, which he opens at intervals and that the *Jojuogi* (pl.) know certain herbs which they chew in their mouth or rub it in their hands, and if they open them the fire comes out in flames. There are people like "*Otit*", fire insects, which store "fire" in their abdomens and release it at intervals, as they fly in the darkness. There are many beliefs as to what the *Jajuok* uses. Some people say they carry "*Bad Jachien*", "a ghost's arm", or the skull of a dead person, which they took from a tomb. According to the Luo they can fold a person with a mat while asleep and take him into the bush or to the seashore. If a *Jajuok* meets a person alone in the night, he may kill him. In this respect it seems that they kill physically rather than through magic as that of the Kikuyu *Oroggi*.¹¹ It is believed that they can beat a person with *Bad Jachien*, "a dead person's arm" so that the person might die (cf. *Bad Jachien*). If a man knows that he is being bewitched, he may also look for a strong *Jajath*, *Jamkingo* or *Janawi* to counteract the bad magic and save himself and his home and property. He may first call *Jamirieri* who is an expert in discovering bad magic. *Jamirieri* searches the whole village, and house to find out where something was planted. If he finds it then, he himself, may clean the man and his village. If it is something directly brought, like *Ndagla*, to kill the man and it is placed in an open place, he may then call *Jamkingo* or *Janawi* to destroy his enemy. In this respect this category of magicians can use their power to help other persons in danger.

Jasihoho

This sorcerer bewitches through his eyes. In Luoland they are normally female. They bewitch food by looking at others while eating. Sometimes is is

believed that they can bewitch even animals, i.e. they can bewitch a cow so that it will fail to produce milk. It is also believed that they have the power to bewitch even uncooked food, such that the food cannot get cooked. Bewitched food when eaten may not get digested, but remains undigested in the stomach. Such food may be removed from the stomach by surgical experts called *Jatak* (pl.), *Jatak* (sing.). If a person was given *Sihoho*, he was then taken to the *Jatak* to remove undigested food.¹² The operation was then followed by a strong medicine both for stomach ache as well as for stopping pains and curing the wound.

Once it became known that in the village, or in a neighbouring village there lived a *Jasihoho*, the children were given preventive medicine called *Rongo*, which was either carried by individuals, especially children, or placed in an open place in the village. This medicine was thought to be able to burn out a *Jasihoho's* eyes. *Sihoho* is an inborn magico-destructive power, which can only be inherited by female folk. It is not possible to acquire *Sihoho*, and one whose mother or grandmother was not a *Jasihoho* cannot become a *Jasihoho* (see pages 154 and 160).

This power of bewitching by eyes was the origin of a custom of tasting food, even if it wasn't wanted. Every person arriving in the home while food is on the table or being cooked must wait to taste it at least, even if he has eaten and does not want food. One interpretation is that of respecting the rule of hospitality. But more connected with *Sihoho* sorcery is the practise of tasting food in front of the guest when you give him food that he eats alone. *Jasihoho* transmits his *Sihoho* through some mysterious magic, which should be further investigated. I have not personally seen how they do it, though I have seen many cases of operations linked with *Sihoho*. I have seen a number of persons taken to the *Jatak* (surgeon) to remove the food from the stomach, but whether the actual object is really removed or not, belongs to another discussion.

There are, however, people who suffer from social exclusion, or inferior social status, because they are regarded to be anti-social these men or women are at their worst when they are categorized as witches, *Jojuogi*, since they are considered to manipulate the power of *Juok* for evil purposes. *Jasihoho* intentions are considered to be driven by envy and jealousy of the success and prosperity of neighbours, especially of the co-wives (*Nyieko*),¹³ in the polygynous villages, where in the competition and intrigues of each family group, each endeavours to destruct his or her opponent's progress.

The Ajuoga

Ajuoga, with a meaning of medicine-man is the curer of illness. Although he does not claim to give victory in battle, or be asked to bring rain, or any national performance he was also consulted during the war. Those are the works of *Jabilo*, *Jakor*, *Jakoth* (discussed earlier in the text). *Ajuoga* also, as

already stated, cures both by magic, and treats the sick person by certain material medicines. The *Ajuoga* always advises on all matters concerning ceremonies and removal of bad *Yath* used by *Jamkingo* or *Jandagla* or by *Jasihoho*. The *Ajuoga* manages ordeals which are used to settle a dispute. In oath-taking the *Ajuoga* organizes and manages all types of oaths: the water ordeal, carrying of the skull of a dead man, eating the earth, and so on.

In most cases the *Jothieth* use dual treatments: magical as well as material medicine treatments. One is meant to cure the body, *Del*, and the other to calm harmful *Jojuogi* which cause these bodily injuries. Once I asked an old man how do they know that there is always the causer of events, illness, accidents and so on; that nothing can happen without a cause. The old man pointed at a child who had just fallen down after having stepped on a banana which someone had dropped. The child was running towards her mother who was coming from the gate. The old man then said to me "if the banan would not have dropped in that particular spot, the child would not have fallen down, and if the mother did not come at that time the child would not have run towards the gate and the child would not have fallen down. There are so many such events that we cannot see, except wise men"—he meant, *Ajuoga* is able to see those which are hidden to us, or placed by *Jochiende*. The *Ajuoge* are essential to the community as diviners and they have the ability to ward off evil spirits and bad magic.

Ajuok-Nyakalondo often possesses a gourd in which he is said to keep some spirits. Inside this gourd he places some pebbles or seeds and when shaken the rattles are accompanied by song and talk. *Ajuoga* is then believed to be talking to spirits and may even call them to him from the distant sea or mountains.

Ajuok-Nyakalondo or *Ajuok-Sepe* are in fact the same thing; in some regions *Janyakalondo* is stressed, in others *Jasepa* is stressed, but both names are known to all Luo sub-tribes in both Central and South Nyanza. The power of *Jasepe* is believed to be a periodical possession of a spirit. When the *Ajuok-Sepe* (*Jasepe*) receives his power (when he is possessed by a spirit) he becomes ill and has dreams, talks to himself and to the spirit, *Sepe*. If a person inherits spirits from his/her grandmother or grandfather, and he or she is still young, the attempt is made to keep them dormant until the child has grown up; and especially until after he/she is married. A young person may be suspected of having *Sepe* if one of his relatives had possessed it and the young man occasionally has many dreams of long gone dead people, sometimes followed by a severe headache. The patient may also talk to himself, about things that he cannot remember in his normal senses. On consulting one who is already in the profession, he is told that he has in him a spirit of "*Sepe*". The professional *Ajuok-Sepe* (*Jasepe*) may, on listening when the young man's *Sepe* comes to talk to him, determine from experience whether they are "*Nyalanḡo*", the Maasai cult spirits from the woodland, or whether they are *Mumbo* from the sea, lake or river, or whether they are directly from another world. Not anybody who is possessed by some of the spirits can be called on to treat or calm some of these different types of spirits from different worlds.

Thus *Jamumbo* can only help someone possessed by *Mumbo* spirits and *Jalaongo* likewise must be calmed with *Jasep-Lango*, while *Jasep-Munde*, which only possesses members of the blacksmith clan, must only be calmed by *Jamunde*.

As we have mentioned earlier, some professions are inherited and others are acquired. Special ceremonies were performed and the man began to practise in his professional capacity. The power possession of spirit is frequently hereditary and a son or daughter or even a remote relative may become possessed by *Juogi* which becomes stronger as one gets older.

Many medicine men were specialized in different branches of treatment, for instance, *Nyamrerwa* or as we should call her *Ajuok-Nyamrerwa* was specialized in women's and children's diseases. *Nyamrerwa* is sometimes used to refer to herbalists whose treatments may or may not be linked with magic. If it was more of a general nature *Ajuok-Nyakalondo* sees into it.

Jadil

This medicine man can be regarded as being only an expert to calm bad spirits and ghosts who came soon after the death of a person to cause trouble to his or her close relatives, or friends, or other persons who might have wronged his physical being. *Jadil* is the expert in ghost's and demon's affairs. But *Jamirieri* was a medicine man or woman who investigated by putting medicine in his or her nose and was able to smell where the bad medicine was placed. Boiling herbs in a pot also enabled them to see hidden dangers and harmful medicine. They use various techniques and methods. Some, however, have been used to reveal thieves and murderers. His or her treatments were mysterious, because of the complex mixture of spirits and medicine. Here I have not included material medicine, which I treated in my earlier manuscript. Their importance can be realized when both a real and a magical world are included.

Summary

In summary we can note some important ethical implications related to sorcery, witchcraft and magico-medicine men.

1. We find that, magic (*Bilo*), poison (*Nawi*) or (*Kwiri*) can be used for the good of society by good practitioners or they can be used for evil or destructive purposes by evil men.

2. We also find that not all men have knowledge of these medicines or poisons. Their powers are drawn from "magico-motive force" or are inheritable like that of *Sihoho*, *Bilo* or *Juok*.

3. We note that angry men or jealous men may approach persons with the knowledge of destructive medicine in order to destroy their enemies or their opponents.

4. It is interesting to note in the case of *Sihoho* and *Jajuok* that some men may be born with "evil magic" or "character" such that they are by nature antisocial. Similarly, some men are born with good magical power to do good to the society.

5. Two categories of magico-medicine men have been determined as follows: i) those who manipulate *Juok's* powers directly, e.g. *Ajuoga*, *Jajuok*, *Jasihoho*, *Jasepe*, *Jamirieri*, etc., ii) those who have knowledge to manipulate natural power through material medicine or objects, e.g. *Janawi*, *Jabilo*, *Jandagla*, etc. (see fig. 6, p. 174) which also sums up the persons discussed in this chapter, and the way they draw their material and/or their magico-powers.

Notes

1. B. Lindskog, 1954, pp. 145-158.

2. D. Hill, 1970, pp. 9-39, has described the belief in Europe whereby men transform themselves into wolves or vampires, demons and ghosts and in that state either terrify their enemies or punish those who once wronged them. Hill's studies cover all Balkan countries and central Europe; also ghost hunting stories from Britain, Germany and the United States are included in Hill's work.

3. In order to get a clear meaning of the Luo terms, the prefix "*Ja*" is a pronoun which stands for the expert on "*ndagla*", "*nawi*", and so on. These persons are the experts capable of manipulating "*jouk*-motive forces" in magico-medicine, or magico-poison that each practices.

4. Hauge, H. G., 1974, p. 51.

5. *Ibid.*, p. 51.

6. Ocholla, A. B. C., 1970, pp. 175-187, however, it is not accurate to stress, as Hauge has done, that *Jabilo* alone conducts public sacrifices to god, *Nyasaye*, since public sacrifices performed by *Wuon-koth*, or *Jakoth*, rain-maker, is not the type of *Jabilo* performed.

7. Hauge, H. G., *ibid.*, p. 50.

8. The term *juogi* is used to denote all spirits in the category discussed in this work, i.e. those associated with cults, as Mumbo cult, (*Nyakalondo*), blacksmith cult, (*juog munde*), etc., (see fig. 6).

9. The *Sihoho* as described by the Luo and the Abaluhya appear similar in several respects, e.g. both Luo and the Abaluhya believe that *Sihoho* is transmitted only by females, and inherited by females and not men, both believe that it is transmitted by eyes, both agree that women who possess that power can bewitch cooked or uncooked food, etc.

10. Stories about the execution by *mulo* are well spread throughout Luoland, although I personally have not witnessed the execution of *Juok* by *mulo*.

11. Kenyatta, J. 1959, pp. 299-308.

12. The techniques and process of the operation carried out by a *Jatak* (a surgeon) shall not be included here, since I have described it in a more detail in the coming work entitled "The Luo Material Culture Pattern, Vol. I," (MS).

13. The jealousy called *Nyiego*, is one which begins between houses, clans and sub-tribes. It is more apparent at a polygynous homestead level, from where it is carried by individuals in all socio-political relationships.

VIII. Religion and Beliefs of Transcendentalism

Religious Beliefs and Ethical Prescriptions

The religious beliefs of the Luo are centered on a few questions which seem to be common in all religious beliefs elsewhere. These are the questions of the origin of man and of his destiny; what will become of man after his death? And what are the causes of man's sufferings and remedies to them? These questions are crucial to religion, and there are several ways in which they have been answered in different societies. These complex questions call for answers which are based on man himself since it is only man among all animals that can imitate the arts of making, or try to cure, try to change nature. The one who created them so must in some way be in the form of man himself. In many languages we find this man as "God", in the Luo language he is known as *Juok* or *Nyasaye*.

A discussion of the Luo religion, in relation to ethics and ideology, may be focused on two key concepts. The Luo believe in the existence of a supreme being, *Nyasaye*, and a supernatural spiritual force or power, *Juok*. In order to understand the range of both concepts, we shall discuss each separately. In relation to *Nyasaye*, the Luo hold the following fundamental premises:

1. The entire universe was created by and continues to be sustained by the supreme being.

2. Everything that happens does so because it was willed to be so by the supreme being.

3. Man is the centre of all creation, and all things were given to him by the creator. The etymology of the word *Nyasaye* has, however, not been clearly understood. Wagner's early reports from Nyanza say that "both Bantu groups (Nyole, Kisa, Tiriki and Idakho) and the Luo use the terms "*Nasaye*" and "*Nyasaye*" respectively to mean "God".¹ The term is however never used in this sense among the Northern and Central Luo, while among the Southern Luo they currently use, for example, the expressions: *Nyasaye oresi*, or *Were oresi*, "may God rescue you". In Hauge's interpretation of etymology, *sayo* means "to beseech, beg, or implore". And consequently *Nyasaye* stands for an entity which people beseech, beg, or implore as a great provider of gifts.² On the other hand Onyango-Ogutu and Roscoe examine the term *Nyasaye* from two roots. The prefix "*Nya*" which is attached to many Luo words has a long linguistic history. It denotes diminutive symbols: "the small of", "the young of", "the daughter of", "from", which in fact do not indicate attributes of God. Whisson therefore suggests that *Nyasaye* is a word borrowed from

Bantu.³ But Onyango-Ogutu further suggests that *Nyasaye* may be linguistically akin to the Maasai word "*Atasaiya*" which means "to kneel down to pray or homage".⁴ And the word "*Asai*" in the Luo language means "I pray you", or "I beg you", but the Nandi and Kipsigis, "Nilo-Hamite" groups, whose languages are akin to Maasai and the Luo have also something similar, e.g. the Nandi word for God and also for sun is "*Asis*" or "*Asista*".⁵ Orchardson writes that the Kipsigis God is also "*Asis*" and "*Asista*" for the sun.⁶ We do not know whether *Nyasaye oresi* or *Were oresi* or *Oresi* of the Luo have any direct linguistic relation although they appear to be referring to begging for God's guidance. But it is important to note that the term *Nyasaye* appears both in traditional and Christian usage as the current term for providence, i.e. divine guidance and sustenance, and also as the creator, maker of life and other things.

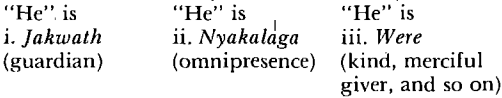
None of the earlier attempts at etymological explanations depict *Nyasaye* as originator, creator or source of life. However, the Luo concept, which seems fundamental, conceives in fact of *Nyasaye* as the originator of life. In the Luo sacred usage, *Nyasaye* means *womb* or *uterus*, i.e. the locus where life begins and grows. In order to give a clearer explanation of various usage of *Nyasaye*, we may present it diagrammatically as follows:

1. Biological and physiological meaning of *Nyasaye* is a womb or uterus (a place where life begins to grow in mammals, e.g. in humans);
2. The first religious meaning links it with creation, as *Nyasaye-Jachwech*, (God the creator);

Nyasaye = Womb or Uterus

The locus where life begins and grows. *Nyasaye* as the creator.

3. The second religious meaning is given below (i., ii, and iii.)



The prefix of "*Nya*" as used here has a philosophical interpretation.

As far as I understand the term *Nyasaye* has, in the Luo religious context, strong bisexual connotations, in spite of the current usage which often refers to the creator in the idiom of parenthood as "father" (*Wuoro*) with a pronoun "He", which does not exist in the traditional Luo language. In the context of creation *Nyasaye* is *Jachwech*, i.e. "moulder" or "maker", in the idiom of pottery or basketry, which are female activities among the Luo. But *Nyasaye* appears also as *Jakwath*, i.e. as a herder or guardian, in the idiom of cattle herding, which is a male activity among the Luo.

With reference to its grace, mercy and kindness, *Nyasaye* is known as *Were* (*Wele* among the Abaluhya). With reference to its quality of an omnipresent guardian *Nyasaye* is known as *Nyakalaga*.

With regard to its quality of being a universal parent *Nyasaye* is commonly

referred to as the Father (*Wuoro*), exercising paternal authority and care over everything. This supernatural paternalism intimately relates to a social situation in which ownership, leadership and inheritance have been predominantly linked with male roles and with patrilineal descent.

The creation of the universe is variously elaborated in Luo mythology (oral tradition) which describes how *Nyasaye-Jachwech* made the sky (*polo*) and the earth (*piny*), and how he equipped these two spheres with all the natural attributes that are variously useful for man and particularly for the pastoral Luo. According to one mythological version all animals were created first, then *Nyasaye-Jachwech* made man to be the herder. Another version maintains that *Nyasaye* made man first and then animals for men to hunt. In the mythological context *Nyasaye* made things by his own hands, moulding them like a potter (*jachwech*).

It should be emphasized that the concept of the supreme being, the divine creator, has been, among the Luo, part of an orally transmitted wealth of proverbs, songs, prayers, myths, religious ceremonies and various rituals of the daily life.⁸

Nyasaye is conceived of as a dominant universal power, that knows everything, sees everything and hears everything. It moves slowly in a human's body. Indeed it can be too close to be touched, but sometimes too far to be reached. It is unknowable and invisible. The Nuer maintain that things are as they are because "God made or will it so".⁹ The Luo of Kenya believe that *Nyasaye* knows best, "God is a good judge" (*Nyasaye majabura*). The statement, "He will separate us" (*en ema nopoowa*) is often the final pronouncement of a party to a legal case, who feels that injustice has been made to him. For fundamentally it is believed that justice is for *Nyasaye*. Moreover, greetings are for *Nyasaye* (a reason why one must not fail to reciprocate a greeting). And children belong to *Nyasaye*. The murderer of an adult is punished by *Nyasaye*, but the killer of a baby is even more severely punished. Wealth and fertility belong to *Nyasaye* (*mwandu gi pith gin mag Nyasaye*). Luo proverbs emphasize that wealth and children can be taken away from you at any time since ultimately they are not your property. "*Nyasaye-Were* is merciful" (*Nyasaye ngwon*). "*Nyasaye* has the cleanest heart" (*Nyasaye chuny ler*). "*Nyasaye* is a comforter" (*Nyasaye majaduog chuny*). "*Nyasaye* remembers his children" (*Nyasaye majagol wich kuot*). *Nyasaye* removes shame. "He" punishes and rescues. The instruments of his will are death, droughts, floods, locusts, earthquakes, and other natural calamities.

Death is the final negative sanction of the divine will. Rain is an act of divine reward and blessing. *Nyasaye* heals the sick; receiving prayers, sacrifices and offerings.

The powers of the supreme divinity are currently suggested in the idioms of blessing and prayer. Take the following examples: O God may you help me (*Yaye Nyasaye konya*). O God may you help the daughter of so and so (*Yaye Nyasaye kikonyie nyar ngane*). O God bless us (*O Nyasaye konywa*). O God may you take us out from the suffering (*Yaye Nyasaye gol was ethaoruok*). O

God cure, restore to health our illness (*Yaye Nyasaye bed jathieth maber*). O God may you repel the evil men who bring evil to my home and to my people (*Yaye Nyasaye riemb joniaricho makelo*). Let God protect you (*Nyasaye oriti maber*). Let God help you (*Nyasaye okonyi*). Let God bring you good fortune (*Nyasaye oniyi hawi*). Let God be with you or lead you (*Nyasaye obed kodi*). May God reward you (*Nyasaye oresi*).

The Luo do not ask God to revive the dead, neither do they specify when or where the God has taken/killed the person. When a man is dead it is simply concluded: "It is how He has decided" (*Ekaka nose wacho*), or "That was what was predicted" (*Ekaka nose kor*). It is believed that since your death was arranged on the day of your birth, it cannot be changed. Some say "*Nyasaye* created only life and death. How one lives through life is with the help of other forces." A proverb recalls these other forces: "A man is not complete without *bilo* (magical power)", *Wuoi imedo gi ariyo*.

Nyasaye may strike men individually or collectively. Calamities such as epidemics, locusts, invasions, drought, defeat in war, floods are believed to be meted out by *Nyasaye* as punishments for various crimes or forbidden acts. Although the Luo may initially put the blame on a particular human agent it usually does not take long before the ultimate responsibility is shifted to *Nyasaye*, and it is said "*Nyasaye* has taken him" (*Nyasaye okowe*). The previous accusations are thereby ruled out.

It is believed by the Luo that death reflects *Nyasaye's* wisdom, since how could life go on without death? The earth would soon be filled up. There would not be enough pastures for the cattle, not enough land on which to build houses, not enough fields to cultivate. According to a common saying: "When a child is being trained or educated it may think that it is being maltreated, but an adult understands the purpose. In the same way one must see the relationship between *Nyasaye* and his creation, including man".

Among others Mbiti says that "African man lives in a religious universe so that natural phenomena and objects are intimately associated with God".¹⁰ The Luo understand the creator god in terms of a culturally defined universe which is believed to reflect the will and the various attributes of the supreme divinity. Mbiti also characterizes African religious ontology as "anthropocentric".¹¹ The Luo for example, after looking around, may conclude: "It is only men that imitate God's work, building, moulding, speaking, and even attempting to save life or destroy it. Man must be a small god, with very limited power accumulated by God".

In the context of prayer the Luo address the supreme divinity as a personal father, as *Nyasacha* (my God, my Father). According to the Luo taboo of food, many animals and birds, insects and plants cannot be eaten. They are *Kwer*, forbidden. All dog and cat families are *Kwer*, all insects except certain types of ants and locusts are *Kwer*, all the snake family is *Kwer*, forbidden to eat. In short, from the animal kingdom, they eat only animals which live on grass, but not elephant, rhinoceros, tortoises or flesh-eating beasts. They do not eat birds that live on other flesh or scavengers, they eat certain species of birds that live on grains.

In one myth on the origin of domestic animals, the Nuer and the Dinka narrate that once God offered men a choice between cattle and rifles. The Nuer and the Dinka chose cattle, but the Europeans and the Arabs chose rifles. The Maasai believe that at the beginning when the earth and the sky were separated by *En-Kai*, he (God) gave the cattle to the Maasai and nobody else had the right to own cattle. The Luo say that a long time ago when the cow was still living in the forest she was left to look after the water pond, and the child of the lioness remained with her. It however fell into the water when it tried to drink. The cow and her son were terrified and they concluded that they must run away before the return of the lion and the lioness since they were afraid that the lion would hold them responsible. As they ran they asked all the animals and people to help them, but on hearing that it was the lion whose child had been killed they were all afraid. At last the cows came to a Luo warrior and his girl friend who received them and eventually killed the lions. The cattle in return promised "that your child and my child shall feed on my milk". Cattle, goats and sheep are used for sacrificial and other religious purposes. For almost all the Luo tribes, i.e. the Northern, Central or Southern Luo, every bull or ox is ultimately destined for sacrifice or an honorific ceremony. It is sometimes difficult to distinguish between sacrifices meant exclusively for *Nyasaye* and those meant for other spirits. However, it is clear that the sacrifices of the great public ceremonies for rain, drought and other bigger natural calamities, are for *Nyasaye*. Only on rare occasions does the individual Luo make sacrifices directly to *Nyasaye*, though *Nyasaye* is prayed to by the individual directly. The Luo old men meet the rising sun by spitting gently to him, "Thuu, thou has given me a good night. Give my village a good day!" "Thuu! Thou has given me a good day. Give my village a good night".

Most Luo offer prayers through the spirits of their forefathers and ancestors. Individuals may pray to *Nyasaye* but often the head of the family prays on behalf of the household or of the people.

The concept of *Nyasaye* explains at least in some ways the creation and the origin of man. But the destiny of man never appears in the beliefs related to the creator. Explanations of the destiny of man are closely related to the concept of *Juok*. Under this concept we learn more about various other spirits and their contributions to human activities. We encounter the activities of the priest, and we see the relationship between life now and life after death.

The concept of *Juok* which some recent researchers on Luo religion do not think occupies the position of "God"¹² is still very much alive among the following Luo groups in Uganda and the Sudan: The Acholi, Anuak, Lango, Dinka, Shilluk, Mao, and Kunama and others.¹³ The term *Juok* or *Jok* mostly refers to "supreme spiritual power" or "Being of Supernatural Power". There are three basic premises related to the concept of *Juok*.

1. All living creatures as well as non-living material objects contain some forms of power.
2. Man and animals possess spirits, soul and shadow beside their physical forms.

3. The spiritual attributes of man and of animals continue to exist after the decomposition of their physical shapes.

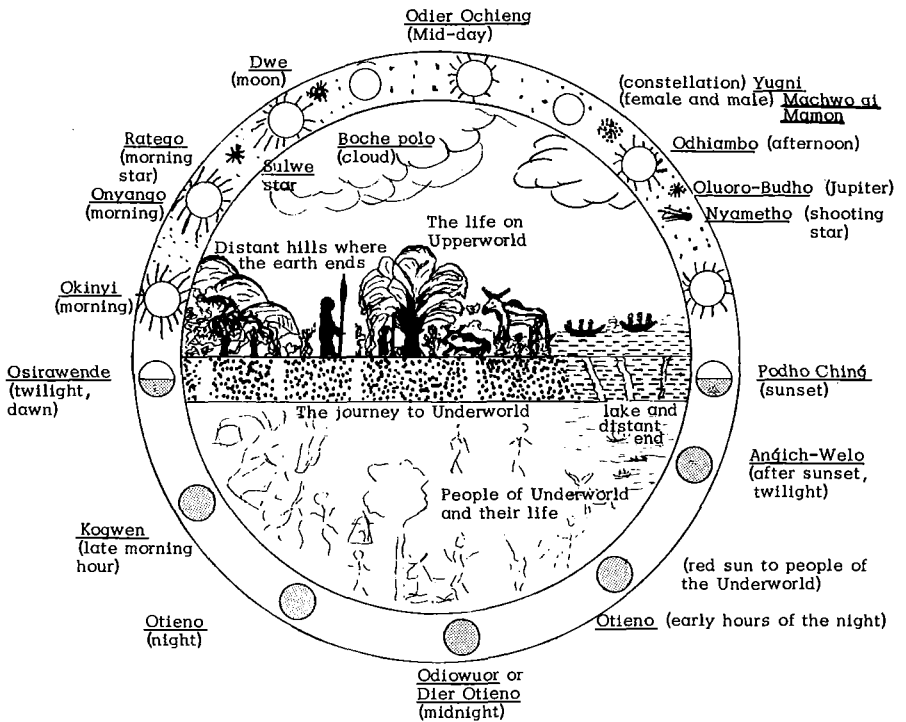
Sometimes the Luo identify *Juok* with the wind or the air. It is the elders of the spirits which determine human destiny. Animals, plants and various natural phenomena and objects constitute the environment in which man lives. They provide the means of human existence and since they also have some power and spirits of their own, certain ritual relationships are found to be established with them.

Man is above animals because he has more supernatural power. Some human beings have the special knowledge and ability to accumulate and/or manipulate and use powers: the magico-medical experts, i.e. *Ajuoga*, *Jojuogi*, *Jobilo*, and others (see chapter VII). Some use supernatural forces to achieve ethically good ends, others use them for evil purposes. Within this concept of *Juok*, it is believed that there are two worlds: the world of the living, "Upper World", *Piny man malo*, and the world of the dead or the world of the spirits, *Joman Piny*. These two worlds are alike in many respects (see fig. 5). In many stories people after having visited the world below return to tell what they have seen. According to the Luo beliefs concerning afterlife, everyone goes to *piny Juok*, "the land of spirits" to join the ancestors of his clan. The land of the dead is below the sea or below the earth.

In the underworld the life of a commoner is similar to the one he lived in the upperworld. They do not suffer want, but carry on with their favourite activities: herding, hunting, fishing, dancing and so on. Similar views are reported by Crazzolaro, (from the Nuer); Hofmayr, (from the Shilluk); Vanneste, (from the Alur).¹⁴ Crazzolaro reports from the Nuer that "the land of the dead is situated in the bowels of the earth. There are villages, steppes, fishing waters and so on, in which there is of course "a *lwaak*" or cattle-byre. Only the spirits of men killed by lightning go to the sky".¹⁵ The South Nyanza Luo have a similar story. A hunter followed an antelope with a broken leg to the underworld. He saw the people of the underworld, but eventually was able to return to the upperworld. When he returned he found people preparing his second mortuary ceremony, "*Yueyo liel*". Luo proverbs assume a link between the two existential levels, for example: *Odhi kanyand Gwogi*, means "he went to the underworld". It is also said that "Those who waste a legacy do not go rotten".¹⁶ This means that after a long absence from home a man can claim his legacy. Literally it is assumed that even dead people may return to claim their rights.

According to some beliefs the souls of the dead come soon after dawn to visit their old homes, *Gundni*, i.e. in the ghost hours of cooking, it is said "*Jochiende koro tedo*". It is also said to people who leave their homes too early in the morning for a journey that "they will one day meet a ghost", (*Iniom gi Wanahon-Jachien*). We shall discuss some special links between people of upperworld in a later section after we have determined the types of persons who maintain such links.

In one case of a divorce in the land of Sakwa, a member of the marriage party (*Jonyombo*) decided to place food under the bridegroom's chair while



Note: We can note that in the Luo philosophical thinking, life is conceived as a continuity. Natural objects such as the sun, stars and the moon can be utilized by man, i.e. the Luo system of naming, the way constellations are used to determine season, periods of rain, of cultivation, of harvesting.

FIGURE 5. CHART OF THE TRADITIONAL LUO UNIVERSE

they were eating in the darkness. When the guests had completed the meal, they left the room to allow the food and the plates to be collected. The man who placed the food under the bridegroom's chair did not leave immediately but remained for a while in order to comment on the behaviour. He said: "Joman Piny thago wuodwani marach! N'guonneuru kaok otimo kamano to ginyalo kata mana deye gi chiemo", which means "the people below are troubling our son, should he have failed to make the offering, the food might not have passed through his throat". The bride overheard it and took the matter to her parents and the process of marriage was broken the next day without the groom knowing in detail what really happened. The truth was revealed later that it was the work of *Jasem*, but by then it was too late.

Many Luo stories describe how man came from the underworld through a hole. Upon the death of a person it is said "We have sent him where he came from". This is the final statement expressed after burial, and it is with these words that a body is lowered into the grave, and until the burial is completed no one is permitted to mourn or cry. It is the moment when the link between upperworld and underworld is observed. This is one of the aspects of the Luo beliefs and which Baumann has dealt with among the Northern Luo in the Sudan,¹⁷ i.e. the idea of an underworld or the existence of another world under the earth where life is similar to that on the earth. This idea we find only in beliefs connected with *Juok* and not with that of *Nyasaye*. The belief in the existence of another older world beyond this one is found among the Luo subgroups both in the south and in the north. It is located below the earth or the opposite side of the earth (see fig. 5). Those who have seen it maintain that it is as far as one would see by looking at the sky through the water. But it is like the earth. It is illuminated by a red sun which makes the land look red so that this land is not bright and green. Nevertheless, the people who populate it have got everything they want.

From the concept of *Juok*, we can observe that the Luo spirits belong to a dualistic world view which assumes that dual characteristics of man exist, i.e. his spiritual element, and its bodily counterpart were created as such and grow in the same ratio. So that in the spiritual world some are older than others.

The infinitely oldest of them all is *Juok*. He represents the very belief on age as the accumulation of knowledge and wisdom. He is the wisest, the one who has knowledge beyond our knowledge. He is the source of supernatural power and the one with the highest power, (see fig. 6).

The divinities of the underworld are personifications of *Juok's* activities and manifestations of natural spirits and heroes including mythological personalities, and of all other forces derived from *Juok*, so that we can diagrammatically represent the ultimate differentiation as follows.

(Many terms which appear in figure 6 were further discussed in chapter VII.)

The divinities which have been mentioned earlier are thought to have been created by or form parts of *Juok*. In the same manner they form part of man in the belief that every living organism (including man) has its three properties: 1) *Del* because the Luo say "*dend dhano*", (human body); 2) *Chuny-soul*¹⁸ 3) *lipo* (shadow) which can move away from man. We say "*ineno tipona*" which means, "you have seen my shadow". These elements of the spiritual entity of man are also collectively called *Juogi* (pl) and *Juok* (sing.)

The Southern Luo, particularly, (the Luo of Kenya and Tanzania) use the terms *Mumbo*, *Sepe*, *Juogi*, *Tipo*, also *Jochiende*, to refer to the spirits which belong to the lineage, clan, or the tribe members who died back in the past. Various aspects of human life are controlled by them. They may bring blessings or may alternatively be malevolent. We have mentioned earlier that some of these forces live directly in the "underworld" (the world below in lakes, mountains, jungles) and others live in the sky. All that possesses life in

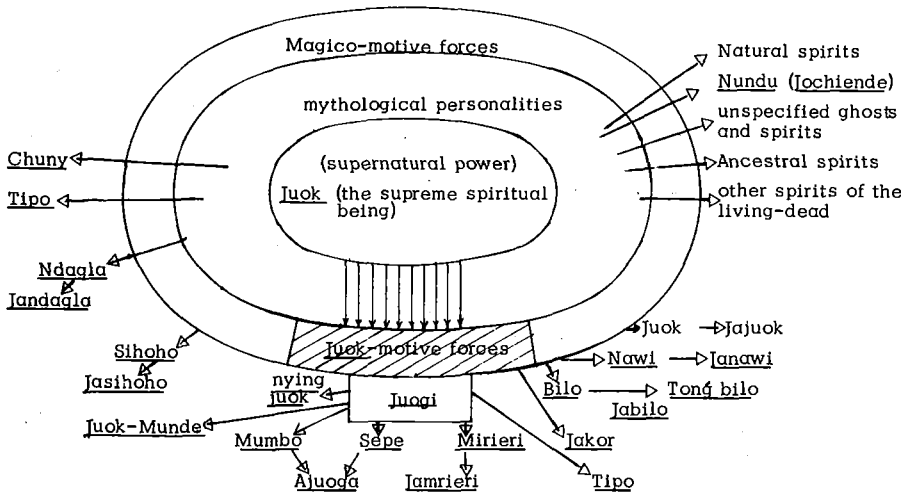


FIGURE 6. JUOK: THE SUPREME NATURAL POWER AND JUOK MOTIVE FORCES

some way or another also have their own *Juogi* (spirits). And that is why we were able to notice that people in the underworld have cattle, goats, and even places for hunting and fishing.

Every individual has his own *Juogi* (spirits) and it is noteworthy that both malevolent and positive *Juogi* exist in the same individual. The evil *Juogi* assumes the name of *Tipo* or *Jachien* if a man is dead, while *Chuny-Marach* if he is still alive. The good is *Chuny-Maber* which means "good spirit". We have mentioned above that all that possess life have their *juogi* (spirits). In 1973 Odhiambo, when writing on Uyoma boat building, says that "The tree from which *Migongo* (means centre keel) is made, and water on which it will sail have their *juogi*".¹⁹ The ceremonies I have observed concerning boat building at Aneko, Got Kachola, Kabuto in Kadem also suggest the existence of the belief of the natural spirits. Besides that, *juogi* of the steppe and lake collectively may be called *Juok-Mumbo* or *Juok-Nykalondo* (see fig. 6). *Juok-Mumbo* which resides in the euphorbian wood is sometimes called *Obondo-Mumbo*; and *Juok-Lango* which resides in the far distant steppe-forest of Maasailand; *Juok-Munde* which possess the blacksmiths, *Jotheth*;²⁰ *Juok-Nykalondo*, which possess a medicine-woman who communicates with various spirits.

The dead parents or guardians have ancestral *Juogi*, and are referred to as *Juok-Kawaro* if from the grandfather's side or *Juok-Dayo* if from the grandmother's. If a child assumes the name of his grandfather or grandmother we say, he has the spirit of grandmother or he has *Nying-Juok*, the name of *Juok* (or the name of his parental spirits).²¹

In the Luo boat building one can see boat spiritualization. The boat may be named after a grandmother, a grandfather or a married daughter, *Migogo*, or a country (e.g., *Nya* . . . , the daughter of . . . qualified with the name of the daughter or the country). The choice of the man's or woman's name, his or her spirit enters into the boat and possesses it. From the time of the ceremony of naming the boat, it will no longer be considered as a thing, but as a spiritual personality. Each boat has its own priest ("*Nyamrerwa*").²⁹

The launching of the boat is a big ceremony called "*Nyasi-yie*" (this is understood by both Luo on either side of the Gulf), where ritual ceremony also takes place. The appeal is to both the *Juok* of the boat and the water (lake) to accept the boat "*Yie*" as worthy. Odhiambo has considered this act as a "rebirth of the *Juok* after whom the boat is named".²³ The ceremony of the boat, "*Nyasi-yie*" is conducted in the same manner as that of bride to the groom, metaphorically speaking.

At the ceremony, the owner of the boat and the priest direct the ceremony. The priest first enters the boat carrying "*Kong-Yie*", beer for the boat's spirit, specially brewed for the boat ceremony. The owner of the boat pours some on the inside of the front of the boat for the *Juok*, generally on the left hand side, "*Bat-kor-jachien*", the side of spirit. The remaining beer he tastes and passes the rest to his close friend who drinks it all. The boat builder, *Jachuog-yie*, then cuts the ropes that fasten the boat on the pegs, *Loye*. This is a symbolic ritual of cutting a baby's cord that joins it with the mother or for the boat that joined him/her with the earth after the burial of the person whose name the boat assumes: his or her name.²⁴ "In its solemnity", says Odhiambo, "it is comparable to a rebirth ceremony, essentially he is releasing the *Juok* of the boat into the land of the living beings."²⁵ The boat builder, *Jachuog-yie* must settle the score with his own *Juok* of his ancestors, because if not properly atoned for, *Jachuok*, the boat builder may himself be harmed. On the southern side of the Gulf, among the Kadem, Karungu, Karachuonyo, Rusinga, we have a belief that the boat may one day be hostile if the accord between *Juogi* is not reached. I noted a case when the boat in which I was a crew was stopped from going to the Lake because its *Juok* had demanded the removal of a man who did not keep the regulation of that boat. *Tudo-yie* is the act by which the boat owner's enemies may treacherously act to bring harm to the boat and his owner. These men may take some soil from the place of construction or even just where boats are kept and bless it with an evil spirit to take charge of the boat. Soil is a symbol of death in the Luo oath-taking ceremony, such that when a man curses you by pointing to the earth, for instance "*Kitugo doka to ka!*" ("thus if you play with me, then here to the earth, pointing to you the earth"), he means that "he may kill you if you offend him".

The boat owner, "*Wuon-yie*", tries to counteract any treacherous acts and activities related to the soil of the boat construction site being used for a bad purpose, by collecting some of the soil both from the bow and stern, and throwing it into the boat without actually touching the soil. This is meant to cleanse the boat and is called *Dino-Yie* or as Odhiambo calls it "*Dino-*

Juok”,²⁶ i.e., burying the evil-witched spirits that might be possibly planted in the boat. It was only after all the rites of the ceremony are completed that the people are ordered to “*go-yie epi*”, to launch a boat.

The boat is considered not as an object, but as a living being, which is ready to accept the blames and responsibilities. The ceremony that takes place before launching is that similar to the final ceremony in the Luo marriage—called *Riso*. A woman is called *Riso-Dhako*, a boat is called *Rise-Yie*. The spiritual mother of the boat is always appointed after her spirit has revealed herself in a dream or in some other ways. It may also be a spiritual father if the boat is named after a grandfather. The grandfather presents gifts like beads, men’s ear-rings, plumes, bangles, dol (necklace) and other objects we find with the old men or old mothers. Lastly everyone else throws in whatever gifts he or she has brought for the boat: money, baskets, fruits, goats (but never sheep). This is the final *Riso* party celebration. The meaning of the *Riso* is to tame the *Juog yie* to be in harmony with *Juok pi* (the *Juok* of the boat is at peace with the water *Juok*).²⁷ But the *Rueko* ceremony is to welcome the *Juok* of the boat. This is before the boat, *Yie*, assumes the day-to-day activities with the other boats. In fact the boat receives offerings and smaller ceremonies from time to time, but these are conducted at the family level of the village. Odhiambo writes that “the usual gifts are: a cock of a colour chosen by the *Juogi*; he-goat of a colour chosen by the *Juok*; and beer.”²⁸

The construction of the boat-launching and the boat’s day-to-day operation involves one of the continuous acts of worship and reverence. The boat is specified with some specific *Juogi*. The boat is a bride, it is a married daughter and is welcomed back home and adopted as one of the family members after the *Rueko* ceremony.

If an accident took place in the lake or river, in which some persons are killed the “boat is paddled ashore with the stern facing land”. The people ashore will then know that an accident has occurred. Such a death is regarded as like one kinsman killing another. The *Juok* of the boat is blamed for this, and the ceremony of this kind is called “*Gudo-yie*”.²⁹ In this ceremony a black ram, a cockerel and medicinal ashes “*Bilo*” are used. The “*Ajuoga*” speaks to the bad “*Juok*” and orders it off, reprimanding it for the bad deed. A very important idea implied here is that *Juok* has good and bad aspects just as the living beings. The bad *Juok* (demon) causes suffering, and is called “*Jachien*” (sing.), “*Jochiende*” (pl.). As in *Sihoho* case (witching by eyes), a jealous rival may cast a spell of bad *Juok* on the boat so that its nets may not draw any fish. This act is called “*Tudo-yie*”. In order to cleanse this “*Jaluoko*”, the medicine man is called and he carries “*Aguch-bilo*”, the pot in which magico-medicine is kept. This medicine is sealed and heated until the steam starts coming out, then poured into “*Tawo*”,³⁰ an earthen basin. The *Jaluoko* then takes “*Owino*” leaves dipped in the medicine and splashes it in the boat. If something is stolen, he looks in the water and is able to determine what the object was and where it was taken. Sometimes it comes to the owner, or to his wife or to the spiritual mother of the boat, *Omwasi*, in a vision or dream. On such occasions the *Juok* of the boat speaks, while the

person sees the boat. Sometimes a boat may come through his or her *Juok* to warn the owner of impending disaster or a significant future event. The *Juok* of the boat may at some time demand offerings or sacrifices, which "she" may indicate in dreams or in some various ways understandable to the fisherman or owners.³¹

The spiritual being, *Juok*, is normally a totality of spirits, souls, shadows, and ghosts. *Juok* manifests itself either through a living organism, i.e. a totem or through a vision, natural phenomena, or dreams. The ancestor spiritual being, *Juok* may dwell in a large rock, i.e., Lwanda Magere, the Luo war hero Nyakach who turned into a rock after being killed in the battle field during Luo-Maasai war. The rock Lwanda which he turned into is believed to contain his *Juok*. Hunters go to sharpen their spears on this rock, and it is believed that a spear sharpened on the Lwanda Magere rock does not miss an animal during hunting. The animal speared with a spear sharpened on the Lwanda Magere rock dies instantly. Some of the ancestors' leading *Juogi* reside in certain hills, such as: Usenge in Yimbo, Got Kachola in Kadem, Gogo in Kanyamkago, Ramogi Hill, Agoro north of Lake Nyanza, and others. They can be easily traced throughout Luo lands. The spirits of the ancestor may come in the form of a large snake, as those of the blacksmith clan. Among the Maasai if a snake known to them comes to the house, it must be offered milk. From information I got, the Luo also offered milk to their totem snake.³² The most famous totem snake in Luoland is that of *Nyangidi*, which is believed to reside in the Island of Migingo, and visits the mainland after a certain number of years. Some people say that *Nyangidi* visits the mainland after every five years. *Nyangidi* never kills when it comes but waits for offerings, which are brought to him, elders kill goats, chicken, and even bulls for offering. The name *Nyangidi Thuond Kadimo* suggests that it was a spiritual being *Juok* of Dadimo, a Luo sub-Tribe in Central Nyanza, but it travels to visit Luo in the Southern part of the Nyanza Gulf as well. *Nyangidi's* visit is followed by great harvest, and a long period of prosperity.

The smallpox, *Nundu*, is now regarded as one of the worst epidemic diseases. In the past the Luo regarded *Nundu* to be ghosts, *Jochiende*, and not ordinary diseases. They were heard talking as they came to a village or as they passed to neighbouring villages. Some people (of course old men and women) maintain they could sing as they pass.³³ The belief that ghosts can cook was maintained with *Nundu*. It was believed that *Nundu* are cooking and their food could be smelled, and that the path they follow could be observed. But I never heard any story during this investigation that could suggest that *Nundu* were ever seen, despite all their humanlike behaviour. One information I got was how *Nundu* kill. *Nundu* was believed to cook, from this belief come another belief that they generate heat when they enter a village, and it was this heat that burns a person from inside. If you received an external burn, it would appear as though the heat of *Nundu* did not enter the body. This is really interesting from the point of view of the nature of smallpox. It often happens that if the smallpox comes out in a form of sores one would not normally die, while those whose sores remain internally

would often die. Smallpox also generates heat in the body which raises the temperature until the patient dies.

Nundu were believed to travel by night and in bands, because as they go their way they often talk, but it was possible to deceive them by maintaining silence in the night. Another way of deceiving *Nundu* was to make a mark with ashes or grain flour at the cross-road pointing in the wrong direction. *Nundu* were believed to be "shadows" from the underworld who invaded the upperworld.³⁴ The *Nundu* were classified as *Jochiende*, (ghosts). *Jachien* have no mass body to be touched although they may appear in human shape. There are many statements which suggest that *Jachien* is a massless being which may appear in the form of a human being. Sometimes when a girl is thought to be unusually beautiful it is said "she is as beautiful as *Jachien!*"³⁵ The priests who were directly concerned with *Jachien* were either *Ajuok-Nyakalondo* or *Jadil*. The former was believed to be capable of communicating with the *Juogi* (spirits) and even capable of keeping them both in his/her body from where they can be heard talking, or in a gourd which was kept always at the darkest part of the house.

Sources of Spirit Called Jochiende

Some deaths are considered to be abnormal deaths of persons whose bodies may house *Jachien*. A person who commits suicide was feared that he may become a ghost. The body of *Ngamodere*, (suicide man) had to be punished by whoever comes to his funeral. The body was slashed by a twig from the *Powo* tree. This was done to remind his *Tipo* (spirit) that it was the fault of his own man, and not someone else. If suicide took place on a tree, that tree was cut down and burned. Although the Luo had a number of grievances which might carry a person to commit suicide, it was strongly disapproved. Two girls committed suicide, one in Yimbo in early 1950s and the other in Karachuonyo in 1957, simply because their fathers heard them speak of how they had made love at *Kachode*.³⁶

Death at sea: *Ngamotho e Pi*. When this occurred it was considered that one's *Juok* had preferred to live in the water. It has been mentioned earlier that if a person dies his soul or spirit goes to the underworld perhaps after a few days or weeks.³⁷ The underworld has been determined to be 1) at the centre of the earth, 2) at the bottom of the sea, 3) in a far distant steppe 4) down below the mountains. The spirits are assumed to come from the underworld through totems or other means for their temporary stay on the earth.³⁸ It was therefore proper to bury a body of a person who has died in the water quite close to the water concerned. And this is still being done. The soul of a person who dies in the water is considered to have chosen to live in the world under water, and it would be offending his *Juok* to bring his body back to the earth. It is therefore necessary that a body of a person who dies in the water, *Japi*,

must be buried by the lake or river side.

Jachien is the troublesome ghost. *Jachien* may be aggressive when it is unhappy among other *Jougi* and may come to punish those who wronged it in life. He may come to demand his rights, to punish or revenge those who wronged him. A man who is being punished by the *Jachien* is referred to as *Ichiene* and the process of ghostly vengeance is called *Chien*.

Evans-Pritchard's article on the ghostly vengeance among the Luo lists a few reasons for a dead person haunting his kinsmen: "a man is killed and his kinsmen do not exact vengeance or compensation for his death"; "a man dies unmarried owing to lack of cattle"; "a man is blamed for some action and commits suicide"; "girl is forced into marriage and commits suicide"; "a son dies while resentful because his father has favoured his brothers"; "a married woman dies after being accused of witchcraft and beaten"; "a man dies in a state of shame for some action of his, or in resentment for some affront"; "a woman dies after an unsettled quarrel with her husband or one of her co-wives"; and "a ghost is forgotten by its kin".³⁹

In the past *Jachien* was one of the powerful sanctions of conduct within the family and kin. This could have been true because of the beliefs that *Jochiende* is one of the major causes of sickness and misfortunes and since it was believed that any significant wrong done to a person may be punished by him after his death. The *Juok* of the victim may return to ensure that the killer is brought to justice or revenge itself by terror, or by causing other misfortunes.

It has been mentioned that quite often some sicknesses are ascribed to *Jochiende*⁴⁰ (ghosts). A prolonged illness in a village is ascribed to the activities of a *Juok* called *Jachien*. Another illness caused by accident, if repeated in a village, will be considered as the work of *Jachien*. When such illnesses have been noticed in a homestead the homestead's elder, *Jadung Dala*, may get a diviner *Ajuoga* to discover the cause. And if he says that the sickness is due to a particular *Jachien* on account of some grievance they hasten to compensate the *Jachien* for the wrong they have done him, they will sacrifice a fowl for a sick child and a goat for a woman, and a sheep for a sick man. This type of *Chien* is not considered a most dangerous *Chien*, as that of a girl forced into marriage and who commits suicide or a girl who dies just before her *Meko* ceremony and others (discussed in page 148). Several sacrifices may be done to those dangerous *Jochiende*, but if *Jachien* was not appeased by the sacrifices and continues to cause trouble they may summon *Jadil*. Often *Jadil* performs sacrifices by an ox and warns the *Jachien* that if he continues the grave will be dug up and its sanctuary (the body where *Jachien* still dwells) shall be burned and the ashes thrown in the lake or papyrus on the river bank. The Luo themselves do not actually dig the grave to unearth a dead body, instead they call a distant *Mugalu* that is *Jadil* of another tribe to do that for them. We were told a story that a *Jadil* once came to dig a grave of a very troublesome *Jachien*. The *Jachien* was waiting until the grave was large enough and then the skeleton of *Jachien* got hold of *Jadil's* hand and quickly jumped on the *Jadil's* back. The *Jadil* ran away and died on his way home.

Some "Jochiende" come for their Rights

The belief about legitimate rights over property is that which is so deeply rooted in the Luo belief that even the ghosts demand it. The *Juok* of a man who demanded his money is found in a story known in Gem, Central Nyanza. Not long ago after the first world war, a retired soldier from Ugenya was killed near Dhawa in Gem as he returned from Ramula where he used to collect his pension each month. His body was buried under the papyrus, but after a while his head came rolling along the river bank crying "*Miya mana Shillinga! Miya mana Shillinga!*" That is "Give me back my money! Give me my money!" The ghost came to claim his legitimate rights.

According to the Luo tradition and custom, it is a right for a girl or a boy to marry after the puberty stage (after eighteen years of age). And it is the duty of the parents or guardians to see to it that it comes about. Should a girl or a boy die after that age, before his marriage, his/her ghost is expected to be troublesome, and would return to demand the reason why he or she was not permitted to marry while it was his right. There is an interesting story in Central Nyanza where in 1940 a girl died just before her *Meko* ceremony. Many *Ajuoge* were called to calm her *Tipo* but all were in vain. At last a *Jadil* was called. He arrived during the absence of the parents, but found a girl working in the cattle kraal. The ghost of the dead girl welcomed the *Jadil* and prepared him food. When the parents of the girl returned they found that their guest had eaten. The guest thanked the parents and the girl whom he thought was at the back of the house. The father of the girl paused for a moment, and told the *Jadil* "*Mano nende e En*" that is "That was the girl you came for"—which means it was the ghost of the girl you had come to calm! The *Jadil*, having heard that, took up his things and went away as fast as he could.

It is the right of an old man or woman to be taken care of by his/her sons or younger brothers, and it is their duty to care and protect the old man or old woman. If any old person feels neglected he may remind a relative by the threat "*Chiené nunea*". "One day you will see me" meaning that after his death he will haunt to demand his rights to be respected. This feature of man appears to have existed with him before his death, otherwise he should not have known what had happened to him earlier before death.

From the dualistic nature of man, a ghost is one of the spirits dwelling in a man even before his death. It is held that the ghost (*Jachien*) of the victim can return or follow his killer to his country to ensure that the killer is brought to justice. A man who killed a person does not return home through the gateway since the following ghost will know the entrance to the village.⁴¹ We have mentioned earlier that spirits, like men, grow stronger and more powerful by age and remain in that state after the men who carry them are dead. The hierarchy of power is directly in the same ratio of age as of the men who hold it, and in proportion to his activities during life (see fig. 7). Their age is greater than that of human beings and compels man to give them respect in the same pattern as younger people give respect to older men and women. These past

spirits are reborn again so that the ratio of spirits in the underworld balances with those in the "world above". Spirits do not appear to men as often as *Jochiende* (ghost) or demons, neither do they harm men. Although spirits have powers, they do not become greater than *Juok*—the "Supreme Spiritual Being"—(see fig. 6).

All other natural objects are considered to possess their power in the same way as Man and animals do. But some natural objects such as rocks, trees, mountain, rivers and lakes also become natural dwelling places for human spirits, as mentioned earlier. In this way their importance as objects of religiosity can be observed. One of the natural objects which is sometimes thought to be the dwelling place for *Juok* himself is the sun.

The Luo do not have such a direct link between God and the sun. It is because of the lack of this direct link that most writers conclude that the sun is not an object of religiosity among the Luo. In this section we shall look into some of the Luo "indirect links" with the sun as an object of religiosity.

Chieng as an object of religiosity

Under the concept of *Juok*, names have religious meanings; mountains, rivers, lakes and sea, as well as the sun are not just empty objects, but possess "*Juok* motive forces" and therefore are religious objects. As Mbiti has underlined "the eclipse of the sun or moon is not simply a silent phenomenon of nature, but one which speaks to the community that observes it, often warning of an impending catastrophe".⁴² Some Luo believe that *Juok* looks on the earth through the sun which is regarded to be his eye. They say "*Juok ok ne wange*", which means "No-one can ever look into God's eye". This could be interpreted as implying "God's eye is the sun".

There is a belief that the sun travels by night to the east. The men and women who are very lucky or very unlucky may see it go back to the east by midnight. If one is very lucky one is given "cow dung" or "a rope" to symbolize cattle wealth, but if one is very unlucky one is given "a hoe handle" to symbolize the sorrow of burying children or making one's living by digging the earth. An elderly Luo must utter some words of prayer to the setting sun and the rising sun each day. The sun must not rise up while an old man is still in bed or set while he is in the house.

According to Luo tradition a male child is taken out to the sun three days after birth and a female after the fourth day. It was on that day that an animal was slaughtered for the mother, after what the Luo call *Golo-Kwer*, "removing forbidden".

Another important belief linking the Luo with the sun is what they refer to as "*Chieng ogero Ode*", meaning "the sun has built his house" (*Corona*).⁴³ The moon is also believed to build her house, as a symbol or sign of an impending catastrophe, often warning of impending death of an honourable

member of the community, an old man or woman that will soon die. The wise men and women may even try to discover the direction of the gate of the sun's house which must correspond with the direction of the impending death. Sacrifices were then performed according to the direction of the sun's or moon's gate.

When a strong medicine man, e.g., *Janawi*, quarrels with his enemy or opponent, he may curse him by saying "*Opodhnie to e*"! Which means, "if it (the sun) sets for him well, then his magical medicine is not more active"! It appears that his magical medicine will prevent evening prayer to the sun from being effective or reverses it so that the sun offers a curse instead of a blessing.

Perhaps the most farfetched link with *Chieng* (the sun), and most complex relationship which shows some spirits coming from the sun to dwell in man is through the Luo "solar system" of naming the newly born baby.

Naming children

The Luo refer to the forces or spirits which exist beyond the immediate presence of life on earth as *Juogi*. As we have noted earlier, when the living are dead they are referred to as *Juok ka Kwaro*, the spirits of the ancestors. Therefore, if a child assumes the name of his grandparents, it gets the names of *Juogi* or simply *Nying-Juogi*, which means names of spirits.

The basic principle on which the Luo acquire these *Nying-Juogi* is directly from the sun's different positions in relation to the earth. If a child is born at sunrise, its name is *Okinyi* for a male and *Akinyi* for a female. To a great extent the Luo names are based on the principle of the sun's positions during the day and its corresponding positions by night (see fig. 7). Thus, a child born between 5 am and 7 am is named *Okinyi* for a boy and *Akinyi* for a girl; a child born between 7.00 am and 9.00 or 10.00 am is named *Onyango* for a boy and *Anyango* for a girl; a male child born between 11.00 am and 1.00 pm is named *Ochieng*, and *Achieng* for a female; and a male born between 2.00 pm and 5.00 pm is named *Odhiambo* and *Adhiambo* for a female; a male child born after sunset is named *Otieno*, and *Atieno* or *Athieno* if female; and a child born at midnight is named *Odiwuor* for male and *Awuor* for female; the one born after midnight to 4.00 am is named *Ogweno* for a male and *Agwena* for a female.⁴⁴ Other names which do not fall under this system are either names of special events, such as of harvesting, rain, eclipses, or a child's birth place, how the child came out at birth and so on. A name such as *Ocholla* is a spirit name—it means one who is born after the father's death. Many names may be borrowed names, foreign names. We can now find many foreign names among the Southern Luo, indicating a strong degree of integration and assimilation of other cultural elements.

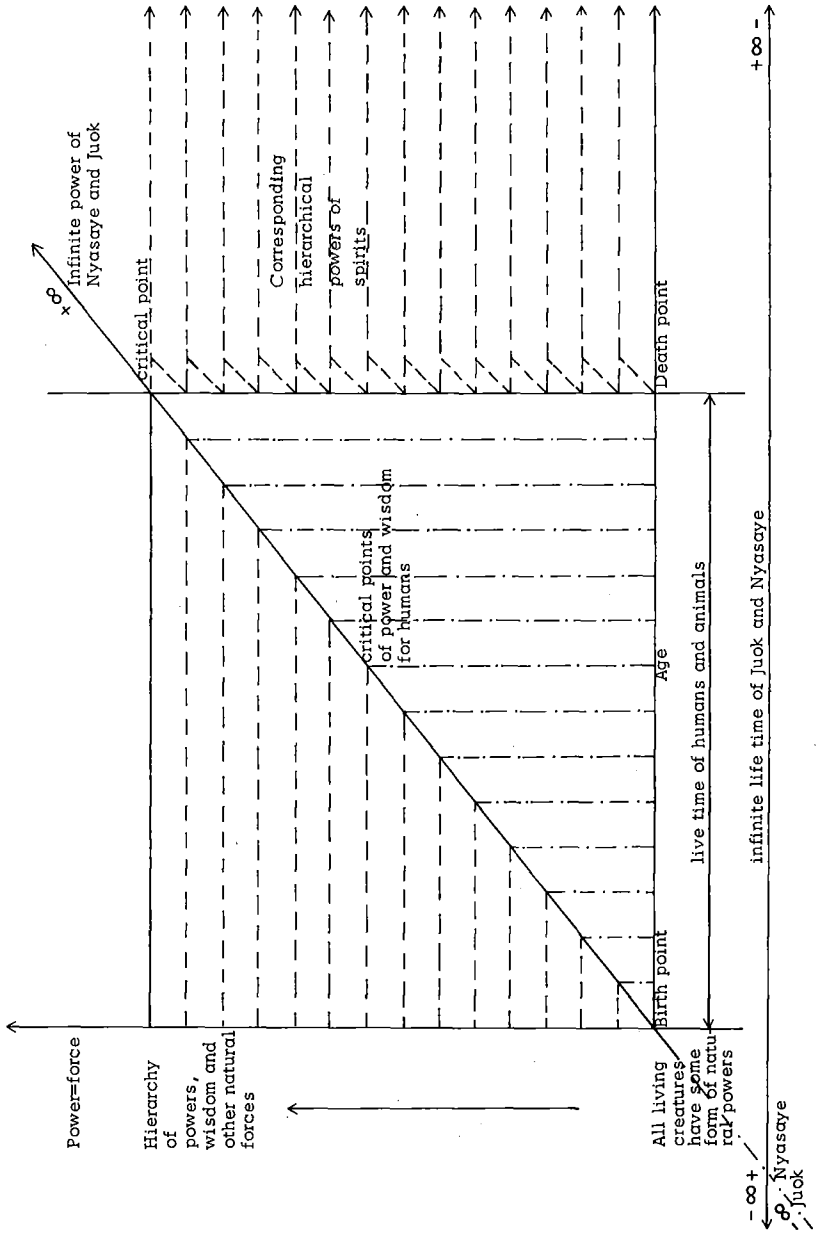


FIGURE 7. HIERARCHY OF POWER AND WISDOM BY AGE IN RELATIONSHIP TO MAN, SPIRITS AND JUOK

Many African people attach very great importance to the knowledge of a person's name. According to the Nubians and the ancient Egyptians, "the knowledge of how to use and make mention of names which possessed magical powers was a necessity both for the living and the dead".⁴⁵ The name of a man enabled his neighbour to do him good or evil. From other peoples it has been reported, for instance, that a child has a public name and another, which is kept secret. The name that was the object of a curse brought down evil upon its owner, and similarly the name that was the object of a blessing or prayer for benefit secures for its master good things. The Luo hold that if a man has a child or a dog with a bad name, it is he who will himself automatically get a bad name, and possibly those of other members of the village. To the Luo the name was as much a part of a man's being as his soul and his body. This view is often held under the concepts of: *Rito-Nying*, to preserve one's own name; *Pakruok*, names for virtue boasting; and *Luor*, respect for one's being. They regard a man's name as an essential part of him, so that the blotting out of the name of an individual was synonymous with his destruction. The Luo argue that without a name no man could be identified in the legal procedure, and as a man only comes into being upon this earth when his name had been pronounced and is taken out to be introduced to the sun. Then the future life could only be attached after the name as obtained from the *Juok* or *Nyasaye* of nature.

The Luo system of naming children by the "solar position" is one more important fact in their relation with the sun, as an object of religiosity. This point, together with those I have discussed earlier, has not been considered by those who rule out some important religious links with the sun. The fact that children are named by "solar position" is confirmed in other names from the Luo in the north, east and west (Sudan, Ethiopia, Congo, Chad) or the central Luo of Uganda. The Luo would be considered as well to draw their soul name, that which we have called *Nying Juogi*, from the positions of the sun. *Juok* has been explained to mean Supreme Spiritual Being. But *Juogi* means spirits, and obtaining spirit names from the sun positions would probably only imply that *Juok* is either living in the sun or is the sun itself, to whom old men offer a gentle curse: "Thuu! Bless me, Bless my village! "Go down well for me"! And at sunrise the same is repeated by old people who are the intermediaries between *Juok* and the junior members of the family or lineage. Whether it is God or not, the Luo prayer suggests "him" to be close to that rank. The relationship of the sun to the Luo is a special relationship, not similar to that with other heavenly bodies such as the stars. The Luo use *Yugni*, constellations, to determine seasons for cultivation, harvesting and weeding or when they should expect rain, but never as an object of prayer. Shooting stars may be considered as bad spirits and cursed by uttering some words suggesting "never to come back", and then throwing fire after them. This practise suggests that shooting stars are considered as bad omens (see fig. 5).

Summarizing the Luo relationship to *Chieng*, the following facts may be noted:

1. In relation to *Chieng* (sun) we have observed some form of restricted prayer uttered by elders.

2. The prayer is an appeal for blessing from *Chieng*.

3. A magician may also point out the *Chieng* to his victim as a caution.

4. The Luo receive their spirit's names from *Chieng*. The naming system by the position of *Chieng* and its corresponding positions by night are the Luo spirit's names called *Nying-Juogi*. *Juogi* are forces or spirits that live beyond the "outer world".

5. *Chieng* may directly symbolize an impending death or national calamity.

A sixth point which has not been discussed here, but may be added, is that it was an important symbol in war. Before the Luo went to war, they observed the general form of *Chieng* to see that it did not give any sign of impending catastrophe in war.

We have noted the existence of bad and good spirits in man. The spirit of a dead member maintains honesty, faithfulness, right and duty and obligation in the same way as when his body was still alive. A man died in Sakwa before he could marry a wife to his *Misumba* (slave). After the last burial ceremony his ghost returned to remind his eldest son not to let the father's *Misumba* die without giving him some cattle to marry a wife. The *Misumba* was already being neglected soon after the father's death. The ghost of an unmarried *Misumba* is considered very troublesome. In Gem, the ghost of a rainmaker *Jakoth* returned to visit his son during a rainmaking ceremony to instruct him about what to do and also to show him where he had hidden his rainmaking secrets. In Kadem, some Sukuma and fishing tribes of Tanzania used to come to fish near River Kuja or Ratienyi, and one of them told us that not long ago (by then it was 1949) his brother with whom they had been fishing in the area died. "His spirit came back a few days after the burial and told him that the first *Monye* (mudfish) he will catch after the dead man's mortality ceremony, he must give back to the man he had stolen fish from months before his death. When his brother went fishing and caught his first mudfish, *Monye*, he returned it as the ghost of his brother had instructed him to do".

Among all races, folklore and anthropological studies confirm that the belief of ghosts exists, even if they have never been proved by physical research. The general description of folklore ghosts in tales and stories, or given by those who are able to communicate with ancestor spirits, always concerns a "true" apparition, which does not leave physical traces (like footprints), nor can they be photographed, because they have no solid physical presence. Yet they seem totally lifelike on the whole, distinguishable from living persons only by the ability to disappear. They are rarely transparent and never monstrous, their lifelike aspect is so complete that they will even cast a shadow, and will appear to open doors, pick up objects and even make food. What the Christian calls guardian spirit, the Luo has called *Nyakalaga* or *Jakwath*, and they strongly believe that every person has his own *Jakwath*, *Nyasaye-Nyakalaga*, *Nyasaye-Nyakalaga* can be translated as

“God omnipresent”, and corresponds to *Juok* spirits. A meaning conveyed here is similar to what I have explained in the belief in the composition of man: body, shadow and soul or spirit. So that one of them could be the guiding spirit, *Engale*, since after death it is the one considered to come to protect the family or to punish those who had wronged them during life.

The Luo seem to agree on death apparitions. For example, a dying person is sometimes said to appear to a living person many miles away, even though the perceiver does not know that the apparitional person is dying. Here they believe that a dying person sends his shadow to friends and relatives. They believe also in apparitions of one's self (own-shadow-soul) interpreting an omen to one's own fate. The Luo self-shadow, *Tipo*, or soul or *Chuny* reports to a person on his own fate or what is going to happen to one, good or bad. The Luo believe, however, that the body is not the soul, but that every living body has a soul and a shadow (*Chuny* and *Tipo*). A totem object may be dedicated to the village soul because its spirit is in harmony with that of an ancestor spirit. It has been misunderstood by those who have thought that some tribes worship trees. I do not believe it is correct to think that any tree is worshipable, even if it is really giant. I observed once after my grandfather's death, that a tree called *Olwa* was planted at the foot of his grave. This tree is now more than thirty years old, and its trunk is enormously large, and it is about two hundred feet high. There are however much larger and taller trees standing near by, but if any sacrifices had to be made under this tree, it is not because it is so big, but because its value is vested from the fact that it was planted on the grave. As long as it is still alive, all the lineages shall value it more than any other tree around. Hauge recently wrote that “extraordinarily large trees are respected and are not allowed to be cut down, because it is believed that a strong man who had died might take the form of a large tree”.⁴⁶ It could be more accurate to say that it may be a dwelling place of the ancestor spirit. Since the tree has its own spirit, it could be thought that they are in harmony. According to the Luo belief, every living matter has its own soul or spirit, just as there is no object without a shadow.

But the importance of spirits and their power can in many ways be stressed from their original social prestige position they reached before bodily death. It will therefore be apparent that some spiritual beings are more important than others. In this consideration the Luo do not consider all the dead people ancestors, because ancestor means guardian.

I have stressed earlier that the Luo do not consider any youth who happened to die to be called “ancestor”.⁴⁷ On this point, Mbiti has also pointed out that the use of “ancestral spirits” or “ancestors” are misleading terms since they imply that all spirits of the living-dead are ancestor spirits.⁴⁸ The term ancestor spirit refers only to those spiritual beings who were once the guardians or leaders, fathers or mothers during their life-time, but the rest of the other spirits which Mbiti called “spirits of the living-dead” did not qualify to become ancestors. They are the spirits of the children, brothers, sisters, barren women, slaves, and such like. Mbiti tried to get rid of the random use of “ancestors” and “ancestor spirits” by suggesting the use of

“spirits” and the “living-dead”,⁴⁹ but this is not fully clear either. The Luo may specify the following spirits: spirits of the living-dead in general can be divided into three groups, 1) spirits of real ancestors, comprising those who were once heads of their lineages, families, clans or tribes or great warriors, great *Jobilo*, magicians and diviners, 2) Spirits of ordinary members of the family, clans, or tribes, (e.g., children, barren women, slaves, unmarried girls, warriors who died before marriage and the like). 3) Spirits of those who died with grievances, i.e. men and women or even children whose rights were violated, some of whom were coming back to seek for legal redress, justice or to punish some one by terrorizing them. And 4) a category of spirits not less known, the natural spirits, (spirits of the animals, beasts, snakes, mountains, rivers and lakes and also jungles). The spirits of the living-dead may also live in the above-mentioned objects, but that does not rule out the belief that they have their own spirits. Hauge says that “natural spirits do not exist among the Luo”.⁵⁰ I have stressed from the Luo beliefs that “every living organism has its own spirit”.⁵¹ Odhiambo also says so in the paper discussing “Some aspects of Religiosity in the Uyoma Boat”. He declares that “spirit of the tree to be used for the centre keel of the boat must be harmonized with the spirit of the man or woman or country whose name the boat will take”.⁵²

The spirits of the ancestors, or those of the living dead, may dwell in natural objects such as rock, like that of Lwanda Magere in Kano. Lwanda Magere, the rock of Magere, was once a great Luo warrior who was killed during the great war between Maasai and Luo. Lwanda Magere was a man whose body could not be penetrated by a spear. The Maasai tried but could not succeed, finally they decided to make peace by giving Lwanda a woman for peace. The dam such as Simbi Nyaima contains spirits of the villagers who drowned in it; Simbi is a submerged village a few kilometers from Kendu Bay in Karachuonyo; spirits of the bulls of Wanyama and Ware, the Rueth Kanyamnyam are bulls who fought and turned into two rocks and the young man who was looking after the cattle also turned into a rock besides them. The Rueth Kanyamnyam are rocks off the coast of Rusinga Island in Kisumu Gulf at Lake Victoria Nyanza. Ruoth the King is a huge rock in the lake off the Homa Gulf. It is believed that it was a sailor who drowned. Sailors are advised never to ask what it is when they are off course, because they may be drowned.

The Spirit of Nyamgondho Kombare is at Wasi. Nyamgondho was once a fisherman who got wealth after finding an old woman in his fishing trap (for full story see chapter III).

There are several natural objects which are believed to contain spirits of those who were once real living beings. Sacrifices are performed under or near such rocks, trees or mountains because they are thought to house ancestor spirits. The Luo do not respect or regard any natural object as a religious object unless it is stated by local legends or stories, that once they were real men, or that the tree in question was planted at the grave of an ancestor, etc.

Summary

1. The relationship between *Nyasaye* and man is asymmetric. Man must give *Nyasaye* his due respects, honour, praise and keep his constant sacrifices, follow rules and law of the society, for the law and rules of the society are his law and taboo.

2. *Nyasaye* in turn gives man good health, wealth, prosperity, and he extends his mercy upon man, gives his blessing and establishes his good judgement and peace among men.

If *Nyasaye* is wronged by a person's failure to give him his due respect, honour and sacrifices, or by his breaking the law, custom or tradition of the society he withholds his blessing and prosperity to man.

3. There is no way of clearing up the feeling of having wronged another person once the offended man is dead. Own conviction of guilt is one of the sources of ghostly hounding.

4. There are other beliefs of the Luo that determine body, shadow, spirit, and soul of a man. These beliefs go further to suggest that wrongdoing to a man while alive is held by his soul wherever it may be after the decomposition of his body. Those to whom the ghosts are hostile and malevolent know that they have offended his body or soul during life time.

Religious devotion was paid to the ancestors' spirits or the spirits of tribal forebears who were usually regarded to be guardians of the tribal ethics, and spiritual welfare.

Their *Juok* would be quick to punish transgression of tribal law and taboo, and also to punish any slackening in the constant honour and praise that is their due.

Honouring the *Juok* of the grandfathers opens up a whole area of religious ethics that can be described as keeping the *Juogi* happy or making them happy again if someone has offended them.

The *Juogi* who deserve respect are those who by their social positions during life stand as heads of the family, of *Wuoro*, clan of *Jodong-Dhoot*, or tribe; or those who either were prophets, *Jobilo*, chiefs, *Ruodhi*, or medicine men or women, *Ajuoge*, etc.

To these men respect and honour is their happiness. To show respect and honour one has to offer one's guest the best one could. According to the pastoral tradition, the most valuable objects are livestock: cows, sheep and goats. All offering must be made from animal flesh.

We have noted earlier that respect for age is a typical pastoral way of obtaining some respect and honour, while one is still alive; inheritance of leadership is that of who comes first in the line of seniority; courage and bravery also count in obtaining respect and honour in leadership; and wisdom needed for becoming a good judge is either obtained through age or inherited.

These are facts which still link the men and *Juogi* of those once dear to them. *Juogi* therefore do not come to the upperworld because they lack

anything in the underworld. We have seen that, according to the beliefs, the world beneath has all things that we have in the upperworld. But honour, love and respect are some of those values one would seek anywhere. If happiness is the goal of ethics, and if it is understood by the Luo to mean love for one's own kin, honour, and respect, then it is a continuity we find extended to the underworld, *Joman Piny* and to the upperworld, *Joman-Malo*. If love, honour and respect make up the happiness of those who stand in the position of guardians, then they still have to struggle, to maintain happiness, in the after life.

But in the Luo system, happiness means love, honour and respect. This is clear from the fact that they keep their *Juogi* happy with elaborate systems of offering rituals and ceremonies intended to honour, or show love and respect to *Juok*. In turn *Juok* may give his blessing, or prosperity, long life, wealth, good health and so on. Again, according to the tradition, blessing can only be given by those who stand in relation as guardians, fathers, elders and so on. We again find that not all those who happened to die can be ancestor-*Juok* capable of being honoured, or giving blessing to the upperworld. A person must hold and fulfil certain social obligations before he could claim the rights of normative prize that could be awarded to any competitors.

In this category, all unmarried men and women cannot be honoured after their death, the same is the case with children, and those who have violated traditions and customs of the society.

We have observed that *Juok* can be made happy by giving it the name of a boat or a living member of the family, lineage or clan. Those who receive the name of a *Juok* must protect it.

We can now formulate the following propositions:

1. that spirit and body can exist independently, but the area of operation is a space between body and heart.
2. that the only absolute relationship is that of kinship and even the spirits of the dead still live to come to visit their kinfolds;
3. that the worlds below and above are similar;
4. that the power and blessing of the ancestors' spirits are limited and operative only within the living world;
5. that honour, love and respect are the Luo sources of happiness and are also found practiced with the spirits from the underworld;
6. that spirit and ghost are not the source of a person's happiness, but they demand their due respects;
7. that the rights which the ghosts demand is that which is traditionally and culturally established by the society it came from.
8. The following figure (fig. 7) is to show (i) that the origin and the end of both *Nyasaye* and *Juok* are unknown, because we do not know when they were born or when they will die; (ii) Power is hierarchized by age, so that the oldest accumulates the greatest power; (iii) spirits which formerly dwell in men or animals are also hierarchized according to their physical being before transformation; (iv) animals cannot increase their supernatural powers since they cannot manipulate natural powers. It therefore follows that man is

capable of reinforcing his power by being able to have links with the spiritual world.

9. The relationship between man and *Nyasaye* is that of a father or mother and a child. *Nyasaye* expects man to have good relationship among themselves and respect him. He does good to men when they respect him, and punishes them when they do not. He loves his creation and takes care of them.

10. The natural forces of *Juok* expect men to maintain good relationship, and to respect the rules, customs and traditions of the society. If spirits of *Juok* come to punish, they do so because certain rules have been broken or forgotten by man. If one offends spiritual beings of another person they will remain offended even in the underworld, and will come back to demand rectification. Evil men may manipulate offended spirits or other natural forces to do harm to their enemies.

Notes

1. Wagner, G., 1949, Vol. I, p. 175 f.
2. Hauge, H. E., 1974, p. 98.
3. Whisson, 1964, p. 3.
4. Onyango-Ogotu and Roscoe, 1974, p. 155.
5. Holis, A. C., 1969, p. 40.
6. Orchardsson, 1969, p. 20; Harjula, R., 1969, p. 60.
7. The interpretation of the Luo philosophy of creation of the universe is that all that exist (living or non-living, great or small, powerful or weak) begin as "*Nya*", The Luo reason that everything that we may consider as great once began as "*Nya*" ("from little", or "from a tiny state"). It is a "tiny state", which comes first.
8. The example is the ritual of gently spitting to the sunrise and to the sunset.
9. Evans-Pritchard, 1949, II, p. 6 f; Mbiti, 1969, p. 41.
10. Mbiti, J. S., 1969, chapter 8-13;
11. *Ibid.*, 1969, pp. 15-16, 48.
12. Hauge, 1974, p. 98 see p. 18.
13. Ogot, B. A., 1961, pp. 123-130; p'Bitek, 1963, pp. 15-29; Lienhardt, 1954, p. 155; Mbiti, 1970, pp. 327-332.
14. Crazzolaro, 1953, p. 186; Hofmayr, 1925, p. 208; Vanneste, 1949, p. 90; 1953, p. 25, cf. Per Säfholm, MS, Fil. lic., 1958, pp. III, 122.
15. Crazzolaro, 1953, p. 186.
16. Similar proverbs to this proverb were first collected by Doc. Bertil Söderberg among the Bemba in the Congo. My personal communication on his note-book records.
17. Baumann, H., 1934, pp. 186, 193, 219; Mbiti, 1969, pp. 93-94; Ocholla, Dupl. thesis, 1970, pp. 173-178; Säfholm, MS.
18. *Chuny* is further discussed in chapter II of this work.
19. Odhiambo, 1973, p. 16; Ocholla, MS, discussing boat tradition in Kadem, Karungu, and Karachuony, South Nyanza Luo, is a confirmation of religiosity of the boat as observed by Odhiambo among the Uyoma in Central Nyanza.
20. Ocholla, MS, discusses the blacksmith clan, and their exclusive powers; see also "inherited education" in the third chapter of this work.

21. The implication of this naming shall be important in other considerations, as given in Fig. 3 and pages 182-184.

22. Odhiambo, 1973, p. 16; More about the religious aspect of the boat is given by Odhiambo in this article "Uyoma Boats"; and other categorisations of *Jok* in Acholiland is given by p'Bitek, in "Is *Jok* God", 1972.

23. Odhiambo, 1973, p. 17.

24. Ibid., 1973, pp. 19, 17; Ocholla, MS, The Luo Culture, Vol. I, unprinted.

25. Odhiambo, 1973, p. 19; I have said in the beginning of this chapter that a man exists in three forms: his physical body (*Ohano* or *Del*), his shadow (*Tipo*) and his soul (*Chuny*), and it is the *Tipo* which is sometimes called *Jachien* when it is malevolent.

26. Odhiambo, 1973, p. 18.

27. Hauge, H. E., 1974, p. 77, writes that "the Luo do not believe in natural spirits such as water, river or tree spirits", but a deeper investigation reveals some aspect of religiosity of the Luo in boat building and subsequent use, which I have mentioned in the existence of spirits in all living organisms.

28. Odhiambo, 1973, p. 19. See also the section on Marriage, the Riso ceremony (the last ceremony of the Luo marriage).

29. Odhiambo, 1973, p. 19. To a great extent, the "religiosity of the boat" from Uyoma as observed by Odhiambo is identical with my observations concerning the Luo of South Nyanza.

30. Ocholla, MS, The Luo Culture, unprinted—the section of pottery; Odhiambo, 1973, p. 19.

31. Odhiambo, 1973, p. 19.

32. Although I have not personally witnessed a totem snake being offered milk, I have twice been stopped from killing certain species of snakes by those who regard them as their totem animals.

33. The stories told by my grandmother are compared with those I later got from one of my chief informants, Rabet Wuon Oliech. He strongly maintained that *Nundu* did in fact talk and sing, when they went to other villages. All the informants confirmed that *Nundu* travelled by night, at dawn and by twilight—*Angichwelo* and *Kogwen*.

34. See more on the section of upperworld and underworld as illustrated in fig. 5, p. 172.

35. When a girl is too beautiful to be true, the Luo say "*Mano ber ka Nyar-Jachien*", which means "as beautiful as a ghost"—a ghost is in a position of making itself extra beautiful, since it has the power to do so. See Onyango-Ogutu and Roscoe, 1974, pp. 149, 150-151.

36. The term *Chode* is discussed under Marriage Customs. It is a system under which unmarried girls go to visit their lovers in *Simba* (boy's dormitory).

37. The duration a spirit takes before proceeding to the world below could be better studied in the number of days before the ceremony called *Yweyo Liel*. This takes place after three or four days, and *Limbo* after a few months (three or four). The numbers three and four are important numbers, which also mark the days a male or female child has to stay in the house before it could be shown to the sun.

38. See Figure 3, illustrating the imaginary position of the underworld and life as lived.

39. Evans-Pritchard, 1950, p. 86. He adds "that it is said that if a corpse smells, it is a sign that the dead person is ill-disposed. The Luo believed that *Jochiende* are the principal causes of some sickness and other misfortunes".

40. I have discussed elsewhere the concept of *Jouk*, thus, the human being is believed to possess the body (*Del* or *Dhano*), because we often say "*Dhano mangima*", or "*Dhano motho*", which means "a living being or a dead one", *Tipo* becomes *Jachien* and *Chuny*, soul or spirit, known in its good capacity as *Juok*.

41. If this is meant to deceive the ghost, then it is contradictory to the proverbs that say "*Jachien ongadonam*", or "*Jachien Kiyombi*", which means "A ghost can cross even the sea", or "You can't escape the ghost".

42. Mbiti, 1969, p. 15.

43. *Corona* appears to have the same meaning among the Scandinavian people as it does to the Luo. It is symbol of an impending catastrophe. This information I got from Prof. Lindskog (personal communication).

44. Ocholla, 1970, pp. 122-123. "Birth and Naming" are here discussed in relation to "Marriage and Divorce". The System of Naming Children Among Certain East African

Communities, MS.

45. Budge, 1971, p. 157, Nubian and other North African tribes are mentioned here.
46. Hauge, 1974, p. 77.
47. Ocholla, 1970, pp. 189-194.
48. Mbiti, 1969, p. 85.
49. Ibid., 1969, p. 85.
50. Hauge, 1974, p. 77.
51. Further discussion is in this chapter, p. 175 also pp. 181-183.
52. Odhiambo, 1973, pp. 16-19; see also page 177 in this work.

IX. Political Organization

Rules of the Luo political system

The ideology of a political structure and its environment together constitute a political system. Structure in terms of rules can be defined as a set of rules about behaviour and political activities. These rules will list or define rights and duties of particular roles. They say how and who can be a chief (*Ruoth*), a judge (*Jaduong-Bura*), a diviner or a prophet (*Jabilo*), a religious and medical practitioner (*Ajuoga*), a father (*Wuoro*), a mother (*Miyo*), and so on; and what their duties and obligations are. Bailey writes that: "... rules also regulate or define what the prize shall be: whether a honorific symbol, a position of power, and so on ... they also say what actions or qualities shall be deemed to have merited the prize or goals ..."¹ In politics a prize is culturally defined. It is a value like honour, power or responsibility. The prize is always normatively respectable. The ideology that lays down rules and goals in the Luo political system is partly based on that which explains their social structure, and partly from other individual performances. If we take up first that which deals with social structure we shall come to who can be what in terms of role.

Social structure

In order to understand the Luo rules of political structure, it is best to follow it from their social structure. Social structure is the whole network of social relations in which the members of a society are involved. It can be looked upon in terms of economy, kinship, military as well as religious rules.

Like most African societies, the Luo are basically composed of clans and lineages. An explanation of clan formations shall be given later, but within each "tribal state" some of the patrilines that claim descent from the *senior* line of the house founded by the "tribal-ancestor" enjoy a somewhat higher rank than those descended from the *junior* line, or than the smaller sub-clans which split off or were assimilated a few generations ago. And which are now [above all] in the process of establishing their independence, which is marked by their asserting themselves as an exogamous group of their own.

The principle of seniority both in age and in descent, on which rank as well as authority and prestige are at point based, is carried right through to the smallest social group (*Keyo*), and individual family (*Joka-Wuoro*), as has been

explained in the section on socio-economic structure (see page 120). Both as regards succession and inheritance, seniority sets an order of precedence. A man's rights and privileges, as well as his estates, are passed upon his death first to his brother as his senior relative and then to his eldest son or senior son, who acts as the guardian of his younger brothers.

According to the Luo, seniority, however, is not the only factor which confers rank or authority. As we shall later see, military performance, the possession of wealth, a large family, or an honourable character are contributing factors of major importance. Wealth, of course, in any country may enhance a man's status but from the Luo point of view wealth, large offspring, and hospitality together with other factors form characteristics looked upon as an integral complex because they offer visible proof that a man who possesses them enjoys a higher ritual status than less fortunate persons.

From normative premises of ideology of seniority, we may therefore assert that all senior members of the Luo society form a rank which is hierarchized from the lowest to the highest principal clan, whose senior member not only leads that clan, but also leads the rest of other junior clans that form a "tribal-state". At the "tribal-state" level, it is the clan that is junior or senior and not men, and at the lowest level, it is the lineage which is senior or junior and not the age of a person that leads the group, and similarly at the village level, it is the house that is junior or senior and not the men that lead the village group. If the leadership falls upon a man who possesses both seniority in age as well as in descent it was well appreciated, but it was not a must, as we have observed in the section of marriage or in the socio-economic law of inheritance, (see pages 129 and 125, 130). An examination of the Luo clan formations gives us, however, various different categories of clans not necessarily based on seniorities.

Clan structure

The Luo clan formation is in fact a bit complicated. To say that lineages that trace their descendants from a common eponym may eventually be called a clan, as Evans-Pritchard (1949) and Wilson, (1954, 1961) have done, is far from complete. A critical study of the Luo clan formation shows that there exist various clan formations not directly based on lineage or kinship ideology of segmentary principles. I have identified clans based on inheritable professions such as the black-smith clan, the medicine-men clan, or the rain-makers' clan, and so on. The members of some of these clans are spread throughout Luoland, and may not be found in large district groups, but wherever they appear either as individual families or lineages or as distinct groups of clans they are respected for their specializations. A second class of clan and which is commonly known to most of the Luo "experts" is that based on lineage segmentary units of the male descendent. This has

dominated the existence of the other formations, and has in fact become a stereotype. But even here a proper distinction has never been made as to whether that male descendant is from a monogamous village group or from some different houses in polygamous village groups, (pp. 120-123).

The original statement by Evans-Pritchard, which has become stereotype reads as follows:

"All the Luo clans ultimately trace their descent from the same mythological name called *Podho* and *Ramogi* so that it would be possible to place them all on a single chart of descent . . ."² This idea has been repeated by other later writers, for instance William and Wilson write that: "The Luo tribes, like Nilotic Tribes, are segmentary societies made up of a series of agnatic lineages all of which trace real or mythical descent from a common ancestor, usually the eponym. Thus the people of Alego trace descent from Alego, and the people of Kano from ancestor No, and so on for the rest of the tribes which make up the Jo-Luo as a whole"³

In the larger formation of "tribal-state groups" Ogot shows in his historical texts that there are several large groups, called "miscellaneous groups"⁴ who did not have any direct links with "*Jaka-Jok, Ramogi o Podo*" as it has been always thought to be the case. He also shows that some Luo clans came to existence only after the wars. The groups that were swallowed up or cut off from the main cores as a result of wars, if large enough, were not removed from their villages or lands taken from them. But through the process of acculturation, they learned the Luo language, and practiced Luo customs and traditions. These groups form distinct clans among Luo tribes, they may even form a "tribal-state" of their own.

A third class of the Luo clan is that formed by land clients called *Jodak*. These are people who for some specific reasons left their "tribal-state" land and went to seek land in another "tribal-state". Although these people may belong to the Luo-speaking people from the national point of view, they were still regarded as strangers since the rest of the members from the clans that form this receiving "tribal-state" could marry them and the *Jodak* could marry the members of the nation, since they were always regarded as an in-laws' group. This type of clan was made possible from the Luo ideology of exogamous principle. Since their population increased by marriage, and reproduction, they became more and more distinct as an entity group, within the same "tribal-state". In the past this group may form a subtribe of their own when the possibility arose that they could expand their sub-tribal land. If their number was small, or they were simply scattered throughout the new "tribal-state", they may be swallowed up, but it so happens that even if it was only one village of that kind in the whole clan, or "tribal-state", their lineages were still distinct, and their name never dies. They instead become larger and larger by marrying members of other clans within the same tribe. Since the sons of this village will marry from other clans of this "tribal-state" and their daughters are married in the tribe, the rest of their identity becomes even stronger, and larger. Many Luo clans were formed in this manner, because a lineage group of a people once formed never dies, unless swept away by

epidemic, or other natural catastrophe. A little more discussion may, however, be extended on the clan formation based on "lineage segmentary principle".

Earlier writers have stressed that the Luo clan formation is based on the "agnatic lineage all of which traces real or mythical descent from a common ancestor, usually the eponym", as it appears in the work of Evans-Pritchard and Wilson. If we look into the Luo clan formation originating from polygamous villages, we find that they are formed from the same grandmother, and in many cases they carry the names of their grandmothers with them while making themselves distinct from close clans with whom they share a remote common agnatic ancestor. The names such as Kanyamwa, though we know that they are attached to descendant of ancestor Chwanya, for example, seem to have traced descent from a woman (Nyamwa), who was not even a Luo but the daughter of an alien. The same also can be said about the Kanyamkago group, who represents the daughter of "Mkago", which also sounds like a Bantu name, but the origin of Kanyamkago has been given to the "Nilo-Hamites".⁵ These were descendants of groups which Wilson once referred to as: "The groups which rally round the house of a mother in a polygamous village".⁶ They are groups that at village level were called *Jokamiyo*, in the second or more generation in depth, they are *Jokadayo* lineage. In a polygamous village they are always referred to with the name of their mother, e.g. *Joka-Nyar*—so and so, which means "the people of the daughter of so and so", always to be qualified with the name of the country of their mother, or name of her father. It has been taken for granted that all Luo tribes or clans carry the names of the apical male ancestor. But the principle just mentioned above suggests that many groups which originally rally round the houses of their mothers do not carry the names of the apical male ancestor, but that of the female ancestor: Kanyamwa, Kanyada, Kanyamkago, Nyakach, and still many other clans can be located throughout Luoland.

The kinship principles of the Luo are related originally to a patriarchal clan system. We can see that from the point of view of clan formations, it is the latter which are modifying under immigration's warfare, conquests and the subsequent assimilations and acculturations of non-Luo, which lead to different political structures in many "tribal-states" (*Ogendni*). These together with the principle of *Jodak* (land client system) have complicated the study of the Luo political life. Both Southall and Evans-Pritchard found it difficult to differentiate, and only stressed the kinship principles as they operated in traditional Luo society: Both of them have belittled or paid scanty attention to the idea of the "Ruothship principles".⁷ Evans-Pritchard, for instance, writes (after six weeks in Kenya, of which only four were spent in Luoland near Kisumu): "There was nothing that can be described as political office in the Luo Tribe. The Ruoth was an influential person, but no more. He was richer than his fellows in wives and cattle, and people came often to his village to eat there and discuss affairs of the state".⁸ I find myself to be in accord with Ogot, who finds it difficult to accept Evans-Pritchard's simple

interpretation. In actual fact, with this simplification Evans-Pritchard brought out three important aspects of Ruothship which we shall discuss later, and these are: 1) the Ruothship institution must be occupied by the richest member of the tribe; 2) the centre of the state or the seat of the Ruothship is the Ruoth's village; 3) the affairs of the state were discussed at the Ruoth's seat. These are indeed aspects of an office which, when compared with British institutions by early writers, was considered to be less organized and not worth spelling out specifically. In studying the Luo political system, I should suggest that attempts be made to specify whether a presumed "tribal-state" was under a military leader called *Thuon* or a diviner/prophet called *Jabilo*, or if it was under *Ruoth*, which appears to be more traditional in the sense that the term *Ruoth* is linked with chieftainship.

In the Ruothdom, the *Ruoth* was the jural-political leader of *Piny/Oganda* (nation). In *Ogendni*, "tribal-states" such as Kanyamwa, Kochia, Kisumo and others, the *Jobilo* assumed power during the wars, which appears to be natural. And this should not imply that the idea of *Ruoth* was absent among these groups at the time when the British first had contact with them. In the "tribal-states" (*Ogendni*) where Ruothship was operating, there was a hierarchy of elders to the office of Ruoth, and the hierarchy of clans to the *Ruoth* clan. This view was first noted by one of the earliest British administrators in South Nyanza, G. A. S. Northcote, who wrote about the traditional chiefs: He says, "Each chief subdivides his territory, placing each portion under a sub-chief".⁹ The first written contribution on the subject is that of Paul Mboya (my teacher on African tradition and customs), who is an authority on Luo culture and history. He was also Southall's chief informant. I am referring to his book: "*Luo Kitgi Gi Timbegi*".¹⁰ In a lecture, which draws on this book, he says that a chief has his sub-chiefs, who also controlled units of elders below them. He says: "*Piny ka Piny nenigi Ruodhe, kendo Ruoth ka Ruoth nenigi Jalupne. Jalup-Ruoth gi Jodonge, nebet ebuch, Ruoth. Ebuch Ruoth ne nitie Ogaye, Jabilo, Osumba, gi Jodongo . . .*",¹¹ which means, "every nation (tribal-state) had its own chief, and every chief had his own deputy, who in turn had his assistants. Each chief had his own councillors. In the chief's council were Ogaye, Jabilo, Osumba and Jodongo . . .". Wilson says: "The indigenous political structure varied from tribe to tribe, (he means the Luo tribal states). At the time of European ascendancy some of the tribes appear to have developed an embryonic form of centralized chieftainship . . . Each *Oganda* or *Piny* had one or more chiefs in the past and the term used today, was *Ruoth* . . . *Ruoth* in indigenous sense . . . the main function of the *Ruoth* was to act as the jural-political leader of his tribe. In some *Ogendini* he, the *Ruoth*, was also a diviner (*Jabilo*)".¹² Wilson's remark is better structured than Evans-Pritchard's though he did not consider the political structure of chieftainship principles. He thought that "kinship" was a clearer definition. What I object to in his work are the categorical assumptions, and the ethnocentric typology. I do not claim that Evans-Pritchard is totally wrong, but I think he is misled by his a priori suppositions.

Even Wilson's analysis, which shows more awareness of the complex nature of the problem than previous writers such as Southall and Evans-Pritchard, does not appear to notice the importance of the existence of the centralized chiefship of the *Ruoth*. Ignoring the possible influence of external factors, he puts it in this form: "The development of a form of chiefship when the tribe was forced to halt or slow its movements south, and to form a sedentary society with a greater reliance on agriculture is probably the best example of evolution under social and economic pressure . . . It includes wars, and population expansion resulting in shortage of pasture land, and increase in internal tensions, and the emergence of a single figure, the *Ruoth* or *Jabilo*, to settle disputes peacefully and lead his people united into war against their powerful adversaries".¹³ It has been shown in many works that external pressures contributed towards the emergence of chieftainship. Ogot has pointed out that in Central Nyanza at the end of the 19th century, Odera Kango became a powerful leader of Gem, when Gem was fighting an expansionist war with Abaluyia. Kitoto became *Ruoth* of Kano when this "tribal-state" was exposed to the "Nilo-Hamitic" raids in the surrounding hills.¹⁴ In Kanyamwa (S. Nyanza) Gor Mahia became a leading *Jabilo* at the time of the Eastward push. If the effective leaders of the Luo tribes were the most successful warriors of *Jobilo*, that would appear in the histories of certain clans, for there was a belief of inheritance of *Bilo*. But if Ruothship was closely linked with seniority of the clan, then lineages of that clan will always be senior to other lineages with whom they form a larger group composed of miscellaneous or segmentary groups which form a new chieftainship.

In some later development, "Uyoma and Asembo",¹⁵ they were driven out from South Nyanza back to Central Nyanza and were confined to a peninsula where they developed a routine form of chiefship. Ogot then concludes: "A form of chiefship had developed among the Luo of Kenya by 1900".¹⁶ This is a contradiction. In his own work the formation of chieftainship in Alego appears much earlier than 1900. The ritual spear of Alego, discovered by Archdeacon W. E. Owen in 1934, was estimated to be between 350 and 400 years old.¹⁷ It would appear from Ogot's statement that this chieftainship institution began after the British colonization was well established, when in fact the British were transforming the Ruothship system into Colonial Government Chieftainship type. The ideology of exogamous principle paved the way also for political integration, thus the extended kinship relation plays an important role in the expansion. The splitter groups from the north were thus given land as *Jodak*, who internally become in-laws. The splitter groups who came as *Jodak* mixed also with conquered and assimilated non-Luo as their in-laws, forming what later became new "tribal-states", in a larger integration. But often the dominant splitter clans provided the senior clan from where *Ruoth* can be selected. Among these splitter groups may come a *Jabilo*, rain-maker, and other medicine men whose lineages inherit these practices from time immemorial.

On several occasions we find that the *Ruoth* of a "tribal-state" comes from

a clan of another "tribal-state", while *Jabilo* (diviner or prophet), and other *Ajuoge* (medicine men and priests) may come from different clans of originally different "tribal-states", who have combined to form a new "tribal-state" in a newly occupied territory. On this ground a normative definition of the "Luoism" will be quite different from that based on clan lineage as the only ideology of social organization.

The definition of Luoism

For the study of the political ideology of the southern Luo a definition of the term Luo in a normative sense is necessary. The term Jo-Luo may be defined as: a nation whose people do not necessarily share the same ethnic or clan origin, but who share a common "Nilotic" culture, and speak the same language, and follow their customs and traditions. Ogot's work has already elaborated that the Southern Luo communities contain not only people from different clans and lineages, but also people of non-Luo origin. Yet it is now difficult to distinguish them from the "pure" Luo.¹⁸ The word "pure" Luo is also difficult to trace since from the beginning of their downward migration, they have always kept exogamous marriage principles, and therefore almost each village had a Bantu or a "Nilo-Hamitic" wife, a Bantu grandmother or "Nilo-Hamitic" grandmother, and therefore a mixture of blood. This is shown in the present physical characteristics of the population of the Southern Luo, which varies considerably from the Nilotic-Luo in the Sudan.¹⁹

The valued action characteristics of Luoism

We have noted that the process of assimilation and acculturation has been successful through peaceful means. We may need to know the nature of political ideology which inspired this process for socio-political relations. In his work Crazzolaro appears to have noted this philosophy and summed it up as follows: "During the endless march the Lwoo had every opportunity to develop thoroughly the characteristic Jii qualities of fearlessness, unflinching bravery, and utter contempt of death: qualities which were essential for their successful conquest. Success in its turn developed in them a calm, steadfast self-reliance, well adapted to . . . their calm, dignified demeanour and way of transacting or discussing matters; it certainly impresses foreigners. In their own interest another very human quality, not less indispensable for their success, had likewise taken a strong hold on their minds: broad mindedness and liberality in looking upon and treating unrelated, strange or foreign people. Once the question of safety was settled,

and fighting was over or was not implied at all, any stranger, even from among a hostile tribe, if he should choose to go over to them, was sure of their hospitality, and his joining was looked upon with pleasure. Thus refugees knew well where they could be safe and welcomed, whenever their home was broken up. While the Luo have ever been liberal in receiving strangers who joined them willingly and were also prepared to be called Luo, they hardly ever contemplated . . . risk of surrendering their own independence".²⁰

Ethics of virtue make up a part of political ideology which has influenced the Luo political relationships both internally and externally. It is not always true that social life is possible only with a directive force, authority and submission to authority as the only essentials for the existence of social life. The political system of the Luo shows the minimum of constant authority, but a maximum use of ethics of virtue in external relationships. Their traditional applications of frankness and truth in individual relationships, their good reputation for generosity and hospitality are characters which more often promote good neighbourly relationship and trust than they provoke war. This trend of ideological conviction appears to be present even among the groups still more to the extreme north, such as the Shilluk. A report from a government official in the Sudan writes: "Agreements of safe-conduct appear to have been honoured scrupulously. This would particularly account for the ferocious Shilluk-Luo who were reputed to respect perhaps more than their neighbours the laws of hospitality".²¹ The Southern Luo have shown respect of the laws of hospitality even to the first Europeans whom they gave guest welcome, and whom they expected to behave as guests. At first, they say, their guests were well behaved, but later, they began to be mischievous, and this resulted in mistrust. The laws of hospitality of the Luo last three days, after that a guest is expected to accept instruction from the host. He must accept to assist in domestic work, and behave as any ordinary member of the village, and not as a master. These laws of hospitality were better understood by the Luo neighbours than by the Europeans whose traditions and aims were much different from theirs.

The Luo applied the rules of generosity and hospitality to war refugees as well as to refugees affected by other natural disaster, i.e. famine or flood or even to those hit by epidemic diseases, who were allowed to build their camps in their lands. This sense of sympathy in human suffering often enabled them to win friendship and good neighbourly relationships. While the Luo are ready to show practical aspects of rules of hospitality, to those that are close to them, it is an obligation which a friend or a relative must reciprocate, if the relationship has to continue. Failure to fulfil this obligation has often caused splits which cannot be repaired among family members, lineage groups, or even close friends.

We have earlier stressed how bravery and courage have been essential for their southward push. The disadvantages which such ethics of virtue contain to internal relationship is that subordination is resisted to the extent that one is ready to split and go it alone. To some extent people wish to live in a symmetrical relation when a question of authority is implied. The

symmetrical relation is more apparent in the same age group, on the same clan level, the same wealth level, the same level of honour and dignity, and so on. A leader must come only if he has some qualities above those he is leading, and not otherwise. Among the Luo as in other societies, there are special patterns of behaviour and special attitudes, and ways of thinking which are held to be appropriate in dealings between people, who belong to certain categories such as those occupying a higher position because of their acquired skills or inherited social status positions.

General merits for the institutions

Political relationships differ in some respects from domestic relationships.²² Before stating the specific criteria that have been used by the Luo with regard to leaders, it must be pointed out that the present day Luo nation is not a political structure of the pre-European Luo political system. In pre-colonial times the structural arrangements varied from one domain to another. Nevertheless, the ideas of the Luo concerning past events were contained in and formed a part of their social attitudes towards, and relationships with, the non-Luo. The relationship with the non-Luo was conditioned by important differences. The Luo differed from the Bantu in several aspects: geneologically, linguistically, and in culture as far as custom and tradition were concerned. Without some understanding of the basic values which guide their social life, no analytical progress can be made. In the above discussion I gave a summary of the Luo virtues which have directed their external relationships. Here I shall add some further criteria on which the merits of a leader for internal leadership are judged.

1. He who wishes to be a leader must be rich or wealthy, "*Jakomo, Jadhetho, Japith*".

2. He must be a highly respected man, "*Manyinge ber, Rahuma*".

3. He must be generous, "*N'gwon, Chunye ler*".

4. He must have been reputed for bravery or skill in planning the war, or leading it, "*Osumba, Thuon*".

5. He must be calm, "*Chunye Tek*", a good judge, "*Jabura*". He must be calm to meet any eventuality including death of a close friend or relative.

6. He must not be an illegitimate child, "*Kimirwa*".

7. He must not be unmarried, "*Misumba*".

8. He must not be a land-client, "*Jadak or Jabedo*".

9. He should be a member of the dominant clan of the tribe, "*Jadhoot maduong*".

10. He ought to be (this is not a must) an elder son of a first wife, "*Mikayi*".

11. He must not have any physical deformity, "*Rangol, Mirema*".

12. He must not have been suspected of witchcraft, "*Jajuok*".

13. He must not be a son of a married sister or a daughter who came to live with her parent folks, "*Wuod Nya Migogo*".

14. He must not be a fickle person.

15. He must not be instigator of a quarrel which resulted in the death of another person, "*Jamsisi*".

16. He must not be a man who shifts his support in a dispute, "*Jasoya*".

17. He must not be a man who gets into a quarrel without asking "*Nangó, Gimomiyo*" (the reason why).

18. He must not have killed a person other than in war, "*Janek*".

19. He must not be "*Okewo*", (a man regarded as nephew in his mother's kinsmen).

20. His mother must not be a foreign mother, "*Nyamwa*".

21. He must not be the only son, "*Miderma*", or the last born, "*Chogo*", or a twin, "*Rude*".

22. He must be a Luo by descent and birth, "*JaLuo gi Tiende*".

The above requirements can be divided into two categories, viz. those inherited, and those achieved outside the administrative structure.²³ For the Luo, political office was in a way a reward for such things as, accumulation of wealth; he who has respect for Luo, bravery, honesty and decency. On the other hand, certain statuses were transmitted along descent lines. Personal favour of the *Ruoth* was not enough to place a person into office unless he had the required qualifications. Wealth could be inherited or gained through bravery in war. The Luo consider generosity and hospitality, honour and dignity as basic qualities of a man. Therefore wealth was an indicator of a man's ability to maintain the prestige of the *Ruothship*. In view of the above qualifications, we may say that Lasswell's typology for the acquisition of offices does not cover all the Luo traditional criteria for eligibility. Lasswell's typology is as follows:

"Some titled offices may be rigidly ascribed, status being allowed according to a rule of descent such as primogeniture, or age. (1) Thus the oldest living member of the group may hold the office. (2) Other titles may be restricted to certain groups, as where a title is held by lineage".²⁴ Although Lasswell points to some characteristics common in traditional societies, they do not adequately describe political realities among the Luo. Since Evans-Pritchard and his followers produced in 1940 the first classification of African political systems into hunting bands, segmentary lineage societies, and centralized states, they subsequently classified the Luo political system as—"segmentary societies which are made up of a series of agnatic lineages all of which trace their real or mythical descent from a common ancestor, usually the eponym".²⁵ This statement if left unqualified cannot be considered fully valid.

Southall seems to be aware of the extent to which the Luo tribe may consist of mixed lineages and clans, but he does not mention conquered and assimilated groups, neither does he mention miscellaneous Luo splitter groups, or land clients who were never linked directly with common ancestors of the tribe's members, with whom they live. He simplifies the situation in the following terms:

"In some cases a sub-tribe may consist of one dominant exogamous lineage, producing an explicit genealogical basis for its claim to common

agnatic descent". Here we know that the rest of society are either splitter groups from other sub-tribes or conquered and assimilated non-Luo groups. From what I have said concerning the multiethnic origins of JoLuo, we see that although the Luo domains held the names of dominant clans or exogamous lineages, as Southall writes, the bulk of the population was made up of mixed groups. Here he writes, "... a maximal lineage possibly including a few small groups assimilated to it by group kinship fictions may coincide with a sub-tribe where it has maintained a consistent spacetime projection".²⁶ His interest is lineage and he has nothing to say about political formation.

Most social anthropologists have considered the *Dhoot* to be the lowest political unit consisting of a maximal agnatic lineage, a corporate landholding unit.²⁷ In my view this statement is not quite accurate since before *Dhoot*, we have *Libamba*, *Keyo* (*Jokalwaro*) and finally *Dala*. I have considered *Dala* (homestead) as the smallest political unit, with *Jaduonǵ Dala* as the patriarchal head. The Luo political system can rightly be said to begin in the *Dala*, which consists of groups that rally around the house of their mothers. In a polygamous village lineages are traced through the houses. Each house may include clients and slaves (*Wasumbini*). Wilson says that "the groups which rally round the house of a woman . . . will fight or defy other groups if their rights are challenged".²⁸ I regard this as the atom of the lineage segmentation, and by including or not including clients, such as *Wasumbni*, *Mocham*, and other non-relatives, the house still can be considered as an atom of political structure, and *Dala* is its nucleus. Rights and rivalries begin in the *Dala* and the *Jaduonǵ Dala* (Village elder) is the focus of political, economical and social activities. He is also the chief administrator of the village. *Jaduonǵ Dala* is the focal point for all the activities in relation to other members of the groups in the village. He is the jural-political and economic leader of the village. He represents *Dala* in the council of *Gwengǵ*, which has been generally regarded as the lowest political unit, which is also a maximal agnatic lineage, and also the largest corporate land holding unit as maintained by Wilson and DuPré.²⁹ The political leader of *Gwengǵ* was *Kidhedhe*, generally known as *Jaduonǵ Gwengǵ*, whereas the political leader of *Dhoot* was *Jago*. The latter seems to be disappearing. It is still known in a few Ruothdoms, e.g., *Alego*, *Ugenya* and a few more. This particular leader is otherwise known as *Jaduonǵ Dhoot* as P. Mboya wrote.³⁰ *Dhoot* was the largest land holding unit within the jural and economic affairs and was managed by *Jaduonǵ Dhoot* with the help of his councillors, *Jodong Dhoot*. *Jaduonǵ Dhoot* with some councillors together with *Jaduonǵ Gwengǵ* and some of his councillors attended *Doho* court. We do not know the number of court-members provided by *Gwengǵ* and *Dhoot* respectively. Not even P. Mboya suggested any number. His important contribution is that both *Jaduonǵ Dhoot* and *Jaduonǵ Gwengǵ* had their own standing forces, which enforced the law after the meeting was over.

He says: "*Jaduonǵ Dhoot ka dhoot onego dhie Doho Ruoth mar ngado buche modonjgo e Doho. Kendo e doho kae, nitie jo moko ma ae dhoot ka*

dhoot mabiro bedo jo ngad bura e doho; iluongogi ni Jodong Gweng. Jaduong Dhoot ka Dhoot kata Gweng ka Gweng onego obed kod Ogulmama. Jogi ka bura orumo mar wach moro, to ngato otamore timo kaka doho osewacho, ruoth orogi mondo gidhi timo gino gi teko mar ote Ruoth”,³¹ which means:

“Every clan head should attend the supreme court chaired by the chief to hear cases brought to the supreme court. From each clan are a few more elders who act like judges of the *Doho* council. These elders are called *Jodong Gweng*. Each elder of the clan had his own standing force.” (*Doho* in Chap. IV).

One more thing expressed here is that *Jodong Gweng* together with *Jodong Dhoot* were the judges in *Doho* court. Should someone refuse to obey regional *Ogulmama*, the *Ruoth* enforced the order by sending more *Ogulmama* (standing forces) from other regions after consultation with *Jodong Dhouidi*, who form his council members. *Buch Piny* was generally attended by *Ogaye*, who was the head of *Dhoot*, *Jodong Libembni* and *Jodong Dhouidi* (only head of those regions) in addition to *Ogaye* (war leader) *Jabilo* (prophet or diviner), and *Osumba Langi* (military division leader). This division has motivated those who have had only a superficial knowledge of the Luo political system to write that some of the Luo tribes had two *Ruodhi* ruling together.³² In the *Doho* court there were female councillors or witnesses, whereas *Buch Piny* was exclusively a male council (see p. 207). There the question of rain, war and peace and other affairs of the state were discussed. *Doho* was a supreme court where cases such as divorce, debts, and other crimes were judged (see chapter III).

In most of the South Nyanza Luo domains *Ogaye* was considered as the highest ranking man next to *Ruoth* in *Buch Piny*. He was the commander in chief of the military forces, and a member of *Buch Piny*.³³ In Krachuonyo, Kanyamwa, Kadem and Karungu he was often the chairman of the council of war in the *Buch Piny*. In these domains *Osumba* was responsible for the direction of the army, though he himself did not fight. He used a stick to hit those who showed the sign of cowardice in the battlefield. A fighting commander was *Thwon* or *Osumba Langi* who had a hat of ostrich feathers. He was a main target of an enemy action. His death meant that his army had suffered defeat and that the war was over. In certain *Ogendini* (Nations) the *Dhoot* was sub-divided into a number of smaller sections known as *Libamba*, and *Keyo* or *Gwenge*, i.e., agnates sharing a common grand-father (*Joka Kwaro*), the uterine sons of the common father, that extended to the next generation.³⁴ This division was important in military arrangements since fighting units were arranged in order of formations which to a great extent corresponded with their socio-economic units as well as basic political arrangements.

On the highest level of inclusiveness the Luo regard themselves as *Oganda Luo*, the Luo Nation. *Pinje Luo* refers to the Luo domains understood as tribal territory, including the earth on which we live. DuPré has misinterpreted *Gweng* to have the same meaning as *Piny*. He says: “*Piny* coincides with *Gweng*”.³⁵ I cannot think of any instance where they coincide.

However small or big a maximal lineage might have been there was no sub-tribe so small as to occupy only a *Gweng*. Many *Gwenge* makes one *Dhoot*, and many *Dhoudi* (pl.) or *Libermbni* (pl.) makes one *Oganda* or *Piny*, which is under one *Ruoth*. What P. Mboya has called *Ruoth*, is according to him appointed by *Ruodh Piny*.³⁶ Therefore, no such coincidences exist as far as we know. The term *Ruoth* sometimes may be used metaphorically, e.g. a child may be referred to as *Nyathi ma Ruoth*, but the meaning does not characterize the real office of the *Ruoth*.

The affairs of *Dala* (village), were directed by *Jaduonóg Dala* (village senior) in accordance with custom. The management of economic affairs, the maintenance of law and peace, that is a peaceful social relation between the members of the village and with neighbours, was his responsibility. Each *Dala* was composed of a number of groups, and each group rallied around the house of a married woman. A village did not only involve groups that rallied around the houses but also *Wasumbni Mocham* (assimilated slaves), *Wede* (relatives) and *Jodak* or *Jobedo* (clients), who rallied around the village. The house was the focal point for activities in relation to other members of similar groups within a village. The relationship is therefore called *Joka Nyieko* (rivalry group), as discussed in the socio-economic section. Assimilated groups and clients tended to be neutral in intra-village disputes, while they joined in the inter-village struggle. The figure below explains the *Dwol* meeting agreement of one *Dala*, (see fig. 8).

The figure below represents political, social and economic interaction in a Luo hamlet. It also shows the administrative structure. It is assumed to be settlement composed of a minimal segment of a lineage, including a father and his wives or wife, and his grandsons only. A *Dala*, very often included *Misumba Mocham*, (assimilated slaves) and in olden days *Jodak* or *Jobedo* as well. A *Jodak* or *Jobedo* was attached to a village whose owner provided him with land. At the centre of the village was *Duol*, the seat of *Jaduonóg Dala*. All the male members of the village assembled here daily even when there was no important matter for discussion. *Duol* was a place for discussing the day to day affairs of the village. It also served as a training school for the youth. But whenever there were important matters to be discussed, the younger members were asked to go to the *Simba*, youth dormitory. *Jaduonóg Dala* was responsible for any damage caused by his subjects outside the *Dala*. He was responsible for the keeping of law and order, for the observance of customs and traditions, and finally for the economic welfare of his village. In the past one *Dala* may have had 50 to 100 inhabitants, or even more. Some old stone wall villages such as as *Kanyuor* ruins, housed the whole *Dhoot*. The present *Dhoudi* are about a thousand or more. They had to be big and strong enough to hold their own against any attacking force until the next village came to their aid, in case of surprise attacks by the Maasai.

In summary to this section some few facts need to be made clear. The present day southern Luo cannot be understood unless we know something about their traditional political ideology which has profoundly influenced their history. When we analyse their political history we are discussing many

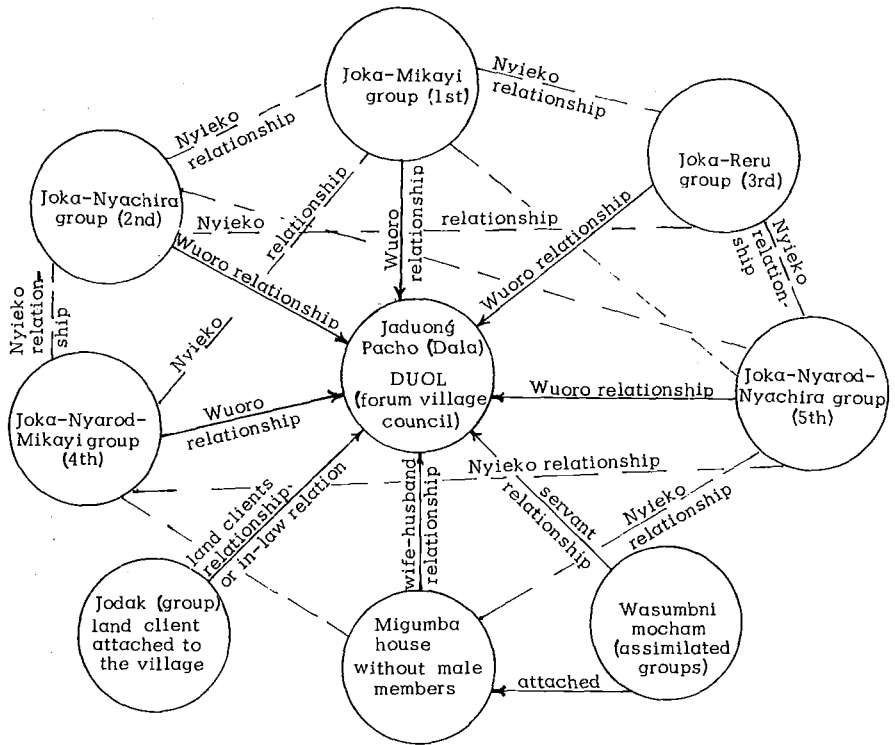


FIGURE 8. SOCIO-POLITICAL STRUCTURE OF DALA (PACHO), AND VILLAGE ORGANIZATION

events, usually omitting the ideology which has contributed to the formation of the political realms that we now call the Luo nations. These have through centuries moved from the north to the south expanding through numerous wars and constantly maintaining the ethnic identity of Jo-Luo.

The Luo developed several political realms, the differences and similarities of which can be explained partly on the level of structural arrangements and partly in terms of the application of a unitary ideology and legal system. The Luo domains existed in two forms: those with Ruothship and those without. It seems that a segmentary lineage system was the oldest form. Even long after the appearance of centralization the domains were still named after the apical clan ancestors. But in the context of the Luo conquest assimilation of alien groups and a variety of political and cultural fission processes a development towards centralization got underway. It is obvious that the political systems of the southern Luo should not be considered wholly in terms of a lineage model since we have to consider assimilated groups, and clients (*Jodak*),

miscellaneous groups, and different kinds of refugees (see p. 200).

The existence of a democratic administration of *Ruoth* or regional elders is stressed by the fact that they had to consult councillors before any major decision could be reached. There was some sort of collective decision-making articulated through the *Ruoth*. In realms with Ruothship, political authority was vested in the holders of diverse offices. Certain positions were filled by people who were elected on personal merits. There were also inherited positions, that is to say subject to the people's approval. The system was unlike that suggested by G. Murdock: "all holding of office is only for the duration of their occupancy of the age grade, and all retiring together at the termination of the period become honoured but politically powerless leaders".³⁷ Among the Luo most of the offices were filled through election or inherited on merits and past accomplishments. For example, the position of the *Ruoth*, *Jabilo*, and other inheritable leaders were confirmed after their personal merits had been considered. The *Ogayi*, *Osumba*, *Thuon* and *Ogulmama* were recruited from former warriors.

Although some clan elders may remain in the leadership until there was no-one in the family to take over, as Mboya has mentioned: "*Ka Jaduon'g otho ng'ato mayande luwe ema kawo kare. Tich telo nyalo siko dala moro higni mang'eny ahinya nyaka jodongo rum edalano eka bedo Jaduon'g nyalo dhi edala machielo kata e gweng' machielo*",³⁸ which means:

"If a leader is dead, the man next to him in rank within that lineage will take over that leadership. The leadership may last long in one lineage until elders get finished in that village, it is when leadership may go to another village or to the next lineage in rank".

This does not imply that all leadership was inherited. Earlier we have seen that some office holders were elected. I mentioned in my previous work that "... if the people desire any son of the land to lead them, it was said: "*en ema piny oyiere*" or "*piny okwanye*" or "*omake*",³⁹ which mean: "The land has chosen him" or "the country has appointed him".

The discussion given on the nature of hierarchy of political structure may be further explained in the Luo administrative structure.

Administrative Structure

Oganda Luo (The Luo State), kingless

Councils

Buch Piny (supreme political council)

Buch Dhoot (regional council)

Buch Libamba (clan council)

Buch Gweng' (mixed settlement council)

Buch Lowo or *dak* (land and settlement council)

(*Buch Ragwar*—special council)

Duol (village meeting)

Territorial Divison

Ruothdom, Oganda Luo

Dhoot (clan territory)

Lop Libamba
(*Libamba* settlement)

Gweng' (mixed settlement)

Keyo or *Hosi* (lineage settlement)

Dala (village or homestead)

Offices/Leaders

Ruoth

Ogaye or *Nyathi-Ruoth*

Jago or *Wagayi*

Kidhedhe Jaduon'g Gweng'

Jaduon'g Keyo

Jaduon'g Dala
or *Wuon Pacho*

The *Ruoth* and his council of elders (*Buch Piny*) were the supreme political body of the realm. *Buch Piny* included as a rule only men of outstanding merits, while *Doho*, which was also headed by the *Ruoth*, included outstanding women together with men. *Doho* was the supreme court, and the *Ruoth* was the supreme judge. The political arrangements that are outlined here do not fully cover the military organization. The *Ruoth* was not the leader of the warriors of his tribe in time of war. Instead *Osumba Miruayi* (a general) was chosen. He is known in some Luo states as *Otekalawi-Mony*.⁴⁰ He did not participate in actual fighting but acted under the orders from *Buch Piny*, where he was a member, and communicated the orders to the *Thuon* (field commander). Affiliated with them was the *Ogaye* (peace maker), who during the war was beside the *Jabero* (surgeon). The latter operated wounded warriors.

Buch Piny (as already been noted on p. 204) discussed war and peace, interterritorial relationships, famine and rain rituals, migration, distribution of conquered land, and similar matters. The *Ruoth* and his council elders, *Jodong Piny*, were the supreme body of the jural-political council. It could pass death sentences, whereas *Doho*, the supreme court could only confiscate a person's property and send him into exile if he refused to obey their judgement. The *Ruoth* in *Doho* had the *Ogulmama*, a standing force to carry out the order, e.g. *Peyo* or *Weko*. In *Buch Piny* the following were permanent members: *Ogaye* (the peace-maker), *Osumba Mirwayi* (general), *Jabilo* (diviner) and *Jodong Gagi* or *Ngaga* (aged decorated ex-warleaders). In this council there were no women, whereas *Doho* had many elderly women.

The term *Doho* is used today to refer to the African Native courts. The *Buch Piny* was replaced by the colonial government. It could be regarded to be in the hand of the District or Provincial officer who administered with or without the help of locally selected chiefs. The present chiefs do not resemble the *Ruoth*, which had more function and power than the chiefs of today, says DuPré.⁴¹ The African Native courts which assumed the functions of the traditional *Doho* include the *Jodong Gweng*, who formerly had a function below the *Libamba* council. They have administrative duties. DuPré notes that "*Jodong Gweng* still enjoy a reputation for greater fairness than the judges in the District courts . . . but due to the present system, complicated by poverty and the monetary system the Luo have grown sceptical about relying on them for fair decisions in most places."⁴²

Phillips' report stated that "In South Nyanza, the chief (*Ruoth*) generally accepts the elders' judgement in the traditional form".⁴³ The report says that the chief (*Ruoth*) generally accepts the decision of the *Jodong Gweng* and when the case was brought to *Doho* the first judgement of *Jodong Gweng* court often prevailed. On *Buch Piny*, Ogot confirms that the members of this jural and political council included *Ogaye* (the peace maker) and the *Osumba Mirwayi* (tribal war leader). Nevertheless he omitted *Jabilo*, *Jambetre* and *Jodong Ngaga* or *Gagi* which I have included. According to Ogot, *Buch Piny* dealt with matters concerning the entire tribe and acted as

a final court of appeal for the Ruothship.⁴⁴

In this work he failed to distinguish between the affairs of the *Buch Piny* and the *Doho* councils. In several Luo sub-tribes the two councils were dealing with different matters. DuPré has a better understanding: "*Doho* usually discusses divorce and payment cases, whereas *Buch Piny* works for matters concerning the whole state, such as wars, etc.". From the affairs of the two councils we see that one acted as a supreme political council and the other as a supreme court (see fig. 2 in chapter IV).

The Luo did not develop a kingship, but a chiefship (Ruothship) type of government. I have therefore thought it right to study the Luo political system of the Ruothdom* separately from Ruothless groups. The Luo Ruothdom may be defined as an autonomous "tribal-state" (*Oganda*) or (*Piny*), headed by a *Ruoth*, its leader who with the help of his councillors delegates authority to representatives in charge of the territorial units into which the *Piny* was divided.

The power of the Ruoth

The *Ruoth* as the jural-political leader controlled both the internal and external affairs of the entire Ruothdom. It has been quoted from Evans-Pritchard that "in some sub-tribes, there were more than one *Ruoth*".⁴⁵ To my knowledge, there were no such sub-tribes. The *Ruoth's* control was not one man's despotic rule. This is noted in Phillips' Report on Native Tribunal, 1945. Phillips writes that in Central Nyanza: "The *Ruoth* might pass out a judgement contradicting the decision of the lower court; whereas in South Nyanza the *Ruoth* generally accepts the decision of the *Jodong Gweng* court".⁴⁶ DuPré also notes that "elders from *Doho* discussed matrimonial or criminal and land cases. But when cases concerning the entire territory of the tribe was involved *Buch Piny* (supreme council) was more properly used"⁴⁷ (cf. page 204, 207).

The degree to which *Ruoth* authority was delegated to *Wagaye* (sub-chief) to *Okebe* or *Jodong Dhoudi*, to *Kidhedhe*, or *Jodong Gweng* and to *Jaduong Dala* is an index of centralization and not of a despotic authority that Vansina has in mind.⁴⁸ In some of the Luo Ruothdoms power was circulated such that some judgements made by the lower body were respected by the higher authority. The *Ruoth* could declare the judgement valid and final after

*The term *Ruothdom* is not a Luo word. It has been coined here for the first time. Ruothdom can be defined as the "tribal-state" under a *Ruoth*, the people being his subjects, the country regarded as his country, the land as collectively owned in the name of the tribe as a whole. I must make it clear that the term *Ruoth*, though generally translated as "chief" has been misunderstood. The *Ruoth* of a territory was a jural-political head, whose council was the highest in the territory. He was the supreme judge, chief administrator, and in some tribes the *Jabilo*. Anthropologically, however, the term *chief*, still seems appropriate.

consulting his councillors. In the Luo Ruothdom, the principles of organization which appear in the structure of the *Doho* court under the *Ruoth* related to the maintenance of internal peace, protection of individual or group rights, maintenance of norms, customs and tradition. The *Doho* disposed over the force called *Ogulmama*, to enforce the decisions of the court. Though *Ruoth* controlled the realm through *Buch Piny* and *Doho*, he usually ruled by the help of hereditary officers who represented him in the various regions of the realm, *Piny*. I should perhaps stress again that the traditional Luo chief did not rule arbitrarily. Part of the political power was in the hands of traditional hereditary leaders, to whom their subjects gave their allegiance independently of the allegiance which they granted to the *Ruoth* himself. Usually the leaders of the regions conquered during the war were the elders of the settlement *Weg-Lowo*, the owners of the soil. Whereas the *Ruoth* is the father of the land, *Wuon Piny*. In the cases where the members of the chiefly clan *Joka-ruoth* were scattered throughout the country they may take the regional leaderships. The Ruothship was inherited by the eldest son, or the *Ruoth's* brother, when the *Ruoth* died while the eldest son was younger or otherwise unfit for the chiefly office.

Among the Luo of Kenya and Tanzania, there were few known cases of struggle for the Ruothship. Often *Buch Piny* confirmed the *Ruoth* in his office. The ceremony was conducted by the *Jabilo* together with the *Jodong Ngaga*, who smeared his head with *Mor Dhiang* (cow oil), and presented to him the *Tong Luo* (the spear of the Luo), the *Kom Nya Luo* (the Luo stool), and *Kuot* (a special Luo battlefield or ceremonial seal of senior warriors). A triangular seal was often made of *Jawi mager*, a hostile buffalo's skin. The subjects, either directly or through their leaders, gave tribute to the *Ruoth* and worked his fields, built his house and his wives' houses. The *Ruoth* in turn redistributed the tribute (cattle for marriage, food in times of famine) in the ceremonial context. The *Jo-tiend-Ruoth* had no official functions, but accompanied the *Ruoth* everywhere. Affiliated to the group was the *Ogulmama*, the official force which enforced law and order (recruited from exwarriors). The *Ruoth* in person did not participate directly in any economic transaction. He neither received in his hand any gift nor had contacts with material belongings. *Bad-ruoth* (*Ruoth's* right hand), very often one of his brothers, or his "father" handled most of the property with the help of a group of elders of the royal clan. The *Ruoth* inspected his property and gave instructions as to how it should be used. Those which were to be for the interest of the state were in the hand of *Ogayi* who conducted transactions.

The constant splitting up

Partly due to undeveloped communications, once a realm had a territory of some importance, news to the centre travelled slowly and royal levies could

not be moved rapidly. Then it is not surprising that many of these realms were constantly splitting up, with segments setting themselves up as autonomous political units. But some Luo characteristics contributed to the splitting: "The Luo is fearless, brave and bold but takes offence easily and is rather sensitive; he may then become stubbornly quarrelsome, come to a final decision and make a definitive break even with the closest relatives. He detests any kind of imposition or the idea of unbreakable rigid central authority. Decency and truthfulness may mostly fail if the opposite brings advantage; for deceit is scarcely considered dishonourable".⁴⁹

The Luo loves independence and freedom, he obeys only fair command. All these presupposed qualities more or less contained disadvantages for the formation of strong centralized states. Nevertheless the head segment, or splinter group, once independent, becomes a hereditary leader, and may subsequently become the *Ruoth* of newly conquered clans, which may retain the old lineage as *Joka-ruoth* to provide hereditary leader. Such fission Gluckman characterizes as: "rebellion without attempting to alter the nature of those offices or the claims of particular types of persons to be their incumbents".⁵⁰ In some cases, the rebels attempted to do away with the *Ruothship* system altogether. When it implied a sort of despotism, or rigid authority in some sub-tribes we see that the splinter groups from such *Ruothdoms* tended to remain chiefless in newly formed realms. Thus the *Ruoth* had to be careful in his administration and judgement, and often avoided tyrannous rules.

Policy making

In cases where *Ruoth* consulted his councillors before final proclamation; we can say that policy was made collectively by a group of men. The *Ruoth* and a body of titled elders whom one may call the political elite were the policy-makers. The policy is furthermore constrained by the social pattern in the society. The title holders therefore did not reach their decisions on individualistic grounds. In the Luo society these groups had to work within the traditional pattern in terms of which they claimed to guide the tribe.

The principles concerning social structure could be listed as:

1. Land: Its acquisition, control and alienation.
2. Autonomy, for the individuals and groups. (Crazzolaro has noted it as one of the most important concerns for the Luo.⁵¹)
3. Personal property, right to own cattle, and ownership prestige.
4. Peace (cf. chapter V).

DuPré has listed three principal interests on which the Luo laws are based:

1. "peace must prevail in the *Gweng* (lands),
2. each person must reap what he has sown, and
3. each man must have enough land to cultivate to fill his needs".

He continued, "once these principles were satisfied, laws regarding land succession and rights of people not part of the agnatic core were considered".⁵² These grant political rights to the individual to represent his view to the governing councils of his community, and to receive facilities to protect his interests and rights from infringement. The privileges which an individual holds constitute a category of rights among the Luo. Peter C. Lloyd has remarked that "people with similar interests may and usually do endeavour to form groups for the purpose of expressing these interests".⁵³ This is sometimes true, although not always.

In the Luo Ruothdom, it is quite possible to find groups based on descent from *Joka-ruoth* (the chiefly clan), *Jolowo* (the soil owner), *Jopiny* (the land owner), *Libamba* (clan group), *Tieng* (associates; those who grew-up together and fought together), *Thoundi* (those who had similar decorations for bravery), *Jomoko* (those topping the rank by wealth), etc. Decisions were made by such title holders and influential men, who were often wealthy men (*Jopith*), brave men (*Thuondi*) and those who by descent were members of the leading clan. These were elites by virtue of the values that the Luo respect by tradition. They had a number of privileges not shared by the masses. Yet the masses did not kill them because of their respect of traditional rights on the one hand and because of the manner in which the elite rallied support for themselves on the other.

The wealthy, the brave, etc., received constant esteem. They were given special positions in public gatherings, special chairs (i.e. in beer parties, meetings, etc.). Some receive levys, *biero*, for their virtue of ownership. L. A. Fallers, discussing loyalty to lineage members, showed in some detail how lineage norms are incompatible with the norms of the political community at large, so that the chiefs and the ruled who are expected to conform to both sets will be in a situation of conflict.⁵⁴ In the Ruothdom such as that of the Luo, on one hand we see the manner in which clans split, the main cause was quite often because of conflicts. (Better examples we have in Gem of South Nyanza and Gem of Central Nyanza, Sakwa South Nyanza, Sakwa Central Nyanza and many more which have not been noted.) But on the other hand, the state norms were regulated by the social traditions according to which those who cannot conform must leave if they constitute a minority. The norms were not put down by just a group but were a pattern of the society as a whole.

Barnes' criticism of the use of the term segmentary to describe the hierarchy of fixed and interesting administrative units into which the state (political community) is divided may be understood by a few. S. F. Nadel maintains that "centralized state has territorial sovereignty, specialized office-holders, and monopoly of legitimate force".⁵⁵

Nadel considers that the degree of centralization often seems to be measured by the size of the specialist body of office holders. Another rejection came from L. Mair, who defines state in terms of the essential characteristic of the appointment by the ruler of territorial agents of his own choice for the execution of his orders.⁵⁶ One may ask how many monarchies of today appoint the territorial agents of their own choice for the execution of their

orders; they are quite few, if that is to be a criterion.

Therefore her rejections of the state as another "kind of policy" in which authority below the king is in the hands of lineage heads, even within the European societies, may not be considered seriously. One more biased viewpoint is from Evans-Pritchard, who in *The Divine King of the Shilluk*, writes: "The Shilluk king reigns but does not govern, his importance is mainly ritual, therefore it is wrong to use the terms state, government or administration of the Shilluk kingdom".⁵⁷

Concerning the Luo he declared that: "there is nothing to suggest that the Luo had any office, *Ruoth* was just an influential man, he was rich in cattle and wives, the people gathered around him to discuss some important affairs of the tribe".⁵⁸ This statement is not only misinformed but also contradictory in its content. Peter C. Lloyd has considered that both Evans-Pritchard's and L. Mair's concepts of centralized state could not be applicable even in the constitutional monarchy.⁵⁹

I would characterize the Luo political realm in terms of Kaberry's second definition of state. He differentiated between the centralized state, where—"the king and his councils assume most of the tasks associated with government; and a federation, where the central government has a monopoly of power in limited fields only or where the rulers of local units exercise nearly as much power as the centre".⁶⁰ The Luo had a system where the *Ruoth* and his councils monopolized power in limited fields and the rulers of local units exercised nearly as much power as the centre in other fields.

If we consider the Luo political system in a more general conceptual framework, we can locate all Eisenstadt's distinctions. In his basic distinction between states and stateless societies, he classifies the latter according to the politically important form of structures. Thus segmentary lineages, (found in a number of Luo sub-tribes) have motivated some writers to conclude wrongly that the Luo are an aggregate of segmentary lineages. They also have age groups, which among the Luo also play the role we may have observed among the Maasai, Nuer and others. Finally there are associations and village councils, which are the basic Luo political structure. His centralized chiefdoms are divided into three categories: those equivalent to *Joka Ruoth*, royal clan in the Ruothdom Luo tribes, (e.g. Acholi, Shilluk, Alego, etc.), those where universalistic groups of age grades exists (which can also be found among the Luo), and those with title associations⁶¹ (elements of this can be studied among some Luo sub-tribes).

The administration of the Ruoth and the legal system

From the *Ruoth* to his lowest agent runs a chain of authority. Information is passed through two channels from one office holder to another, each ranked according to the importance of their units and personal prestige and performance, and which in turn make up the number of political "elites", who in advising the *Ruoth* are responsible for the policy decisions. From

every stage the council was divided into two chambers, *Kar Poro weche mag Piny*, the discussion of national affairs council, and *Kar Jalo Buche*, the court assembly, and each had *Ogulmama* to enforce the court orders. At the highest level *Buch Piny*, supreme council, and *Doho*, supreme court, are the source of order and policy-making bodies.

Since the development and establishment of a legal institution, the concept of crime, punishment and compensation in the legal system of the Luo states has proved to be complex in such a way that we can say there existed an administrative mechanism or means of social control (cf. chapter IV).

The anarchy and chaos of unbridled violence together with other offences could be characterized under two jurisprudences. Those falling under criminal law, and those under civil law. I have mentioned in the text, under the Luo political structure, the chief, *Ruoth*, who had two councils. In the first council, *Doho*, all criminal cases were produced, whereas *Buch Piny* mainly dealt with civil law and military affairs, etc. *Buch piny* corresponds to the modern legislative assembly in the sense we know it today. It has been inferred elsewhere by Evans-Pritchard and others, that in African legal systems there was no jurisprudence system to distinguish criminal law and civil law. This is just a degree of ignorance, or perhaps a generalization often made on preliterate societies. Our discussion in the fourth chapter may help to clarify that certain offences were treated at court level, and the composition of the hearing included women as well as men, whereas the national council was made up exclusively of men. Sometimes it was so restricted that few men could be permitted to take part, especially when the discussion involved the fate of the nation.

Summary

The main issues of this chapter may be described as follows:

1. To examine the nature of the ideology which directs the formation of the political structure of the Luo society; and to determine how it directs political membership. Here we find a combination of a number of principles operating at the same time, e.g. a) principles of kinship bonds, b) virtue merits, c) principle of inheritable professions, and d) principle of age grade.

2. To examine the authority structure. Here we observed that political leadership of the Luo shows varying forms—the *Ruothship*, and the war leaders or prophets and diviners—yet the administrative layout followed the same principle throughout the Luo “tribal-states”. Military organization followed principles of social structure and that of the age grade system.

3. To identify and analyze how the relations between the members of the community were regulated by a body of observances, rules which form a body of conduct pertaining to some aspects of communal life, and moral standards. To show the frequency of membership of the councils which control whether a body of observances are followed or not, and how ideal standards set by the society are followed.

Notes

1. Bailey, 1969, pp. 19-20.
2. Evans-Pritchard, 1949, pp. 30-31.
3. Wilson, G., (1955), 1961, part I, p. I.
4. Ogot, 1967, pp. 1-4, 46-49.
5. *Ibid.*, 1967, p. 26; Evans-Pritchard, 1949, p. 26 includes also Kamagambo; see also Southall, 1952, pp. 9-10.
6. Wilson, *ibid.*, pp. 1-5; Ogot, 1967, 100-101. Note the prefix "Ka" and "Nya" when attached to names of persons or places denoting "of", "for" or "from" as in "Kara" (my place), Karachuonyo (the Rachuonyo's place or village, or settlement or land), "Nya" is a prefix denoting daughter of, so that "Nyamagambo" means the daughter of Magambo. And if the two prefixes are attached in one noun, e.g. Kanyamkago or Kanyamwa, it would mean respectively "the place of the daughter of Magambo or Mwa" respectively. The plural form of the people of such a daughter would be Jokanyamkago or Jokanyamwa, which means respectively, "the people of the daughter of Magambo or Mwa". The same can explain Kanyada, Kanyikela and so on.
7. Ogot, 1967, pp. 171, 206.
8. Evans-Pritchard, *op. cit.*, p. 28.
9. Evans-Pritchard, *op. cit.*, p. 28.
10. Northcote, 1907, p. 60.
11. Mboya, 1938, pp. 7-10.
12. Wilson, G., (1954), 1961, pp. 1-3.
13. Whisson, M. G., 1964, pp. 23-24, 43.
14. Ogot, 1967, p. 173.
15. Whisson, 1964, pp. 23-24.
16. Ogot, *op. cit.*, p. 171.
17. Parreau, 1934, cf. Ogot, 1967, pp. 129, 173.
18. Further discussion on the non-Nilotic origin groups can be traced in Ogot's *Historical text*, 1967, pp. 2, 5, 69, 71, 105, 197, 199, 274; see also Baker, *Encyclopedia*, pp. 7, 12, 15.
19. Ocholla, MS, *The Luo Culture* contains a discussion of the physical characteristics of the "Nilotic-Luo".
20. Crazzolara, 1950, p. 75. Ocholla, 1970, pp. 269, 273.
21. Mercer, P., 1971, p. 418.
22. Discussed further in the text on land section, family and kinship and in the socialization process.
23. The above numerated valued actions and behaviours are further discussed in various chapters of this work, such as sections dealing with marriage, socio-economics and judicial processes.
24. Lasswell, 1952, p. 75.
25. Evans-Pritchard, 1947, pp. 165-227; Wilson, 1961, p. I; DuPré, 1968, p. 56.
26. Southall, 1952, p. 9.
27. Wilson, *op. cit.*, pp. I, 93; DuPré, *op. cit.*, pp. 24-25, 41-43.
28. Wilson, *op. cit.*, p. 8.
29. Wilson, *op. cit.*, pp. I, 93; DuPré, *op. cit.*, pp. 24-25, 41-43.
30. Mboya, 1938, p. 9.
31. Mboya, (1938), 1967, p. 9.
32. Wilson, *op. cit.*, p. I; Evans-Pritchard, 1948, p. 28.
33. Mboya, 1967, p. 10.
34. Wilson, 1961, p. 8.
35. DuPré, 1968, p. 58.
36. Mboya, 1967, p. 9.
37. Murdock, 1959, p. 337.
38. Mboya, 1938, p. 112.
39. Ocholla, 1970, p. 130.
40. Crazzolara, 1950, p. 72.

41. DuPré, 1968, p. 50.
42. *Ibid.*, p. 50.
43. *Ibid.*, p. 51, cf. Phillips, 1945, p. 359.
44. Ogot, 1963, in *JAH* 4 (2).
45. Evans-Pritchard, 1949, pp. 24-40; Wilson, 1961, p. I.
46. Phillips, 1945, pp. 125-126.
47. DuPré, *op. cit.*, p. 50.
48. Vansina, 1962, on definition of Kingdom.
49. Crazzolara, 1950, p. 69.
50. Gluckman, 1967, p. 137.
51. Crazzolara, *op. cit.*, p. 69.
52. DuPré, 1968, p. 50.
53. Lloyd, cf. Banton, 1965, p. 74.
54. Fallers, 1965, pp. 12 f, 277.
55. Nadel, 1942, p. 49.
56. Mair, 1962, pp. 315-325.
57. Evans-Pritchard, 1948, p. 27.
58. Evans-Pritchard, (1949), 2nd, ed., 1965, pp. 205-227.
59. Lloyd, 1968, p. 67.
60. Kaberry, 1957, pp. 224-234, no. 8, cf. Banton, 1968, p. 68.
61. Eisenstadt, 1960, pp. 200-220.

X. Concluding Summary

In this study I have mapped out the Southern Luo ideology and ethical premises. The focus has been on social, political, legal and economic structures and values which enable interactions within these structures. These have been treated mainly upon the background of the general transformations the Luo have undergone as a result of:

1. The constant migration and contact with various non-Luo people.
2. The actual rules of conduct and philosophical thought traditionally incorporated into Luo social-economic activities in fishing, pastoralism, and agricultural patterns; and
3. The historical background of these structures.

The historical background reveals an original link between the more agricultural Southern Luo and the more pastoral Luo tribes in the northern part of the Southern Luo's distribution. All have tended to exploit similar ecological niches, as revealed through their similar socio-economic patterns, lingual and ideological depictions, and their general migrational trends and transformations toward mixed agricultural practices.

The importance of a historical background of migrational and transformation trends is in the maintaining of rules of conduct on property rights, obligations, duties, and on all past beliefs and values which are now regarded as normative. Most beliefs and valued actions stem from past events, and the course of life which is taken to be a prototype of good life is mostly based on past men and women, who have set the best examples. An object with a history has a value; a human being of old age in the Luo eyes has wisdom, experience, dignity and honour. There are, however, many ways in which these historical values were expressed and how they became ideals of a good life. History promotes unity and solidarity of a group with a common historical background. History, however, may integrate or disintegrate a society since individuals, or groups, within a multi-state, for instance, may be conscious of their own historical values.

I have defined ethics based on normative thought-content as "the inquiry into the ideals of a good life for the people". Normative ethics sets standards of what kind of life people ought to live: making this study to consist of those depictions which correspond to society's ideals of good Luo life. I have extended the definition of ideology to include concepts of structure, because I view cultural structures as the organizing principles of local conduct in the society, based on goals and goal indices of members of a particular society.

This is to account for both differentials in organizing principles in different societies depending on local life conditions, and in the historical background; this accounts also for social change and outside contact impetuses on the Luo society. The critical relations here are between normative ethics and ideology as exemplified through the way they figure in the thoughts about actions of people in society, both at individual and group levels.

Because I find ethos to have the same relation to a value system as does eidos to a belief system, I combine both under the term "normative", to define binding rules for value realization. What I have called "normative values" are normatively shared conceptions, which are desirable to members of a cultural group. These form ideals in which the members of a society accept as explicit or implicit behavioural group conduct influences.

Because the Luo are basically pastoralists, I have re-examined the socio-economic implication of pastoralism, resulting in a new definition. I define pastoralism as a social order, whose socio-economic ideologies stress wealth, rights and obligations, and other cultural values in terms of cattle. By social order, I mean the main aspects of the organization of the Luo society, economy and ideology, as well as indicating the nature of the groups controlling the society's development. The basic premises of Luo reasoning, through which I map out Luo ideology and normative ethics, are spelt out in the "premises of Luo reasoning" (see page 42 chapter I). The virtue standardization discussion, in chapter II, is mainly to help to concentrate on examining how "rules of duty" and "ideal rules" are installed, applied, maintained and perpetuated in normal traditional Luo life.

In discussing the process of socialization (chapter III), I have investigated the installation of the beliefs, values and norms through *traditional education*.

The focus in education has been on:

1. the overall depiction of the utility of the "Duol", "Siwindhi", and "Simba" structural institutions in the Luo social order;
2. the importance of normative ethics in what is, educationally, accepted as ideals of a traditionally "good" Luo life; and
3. the critique of normative ethics and ideology in cultural structure.

In treating Luo law (chapter IV), I have drawn out three main categories:

1. Laws that prevent, or protect, destruction of one's self, one's family, and one's lineage.
2. Laws that protect and prevent destruction of the well-being of all members of the society as a whole and
3. Laws that govern or guide social relationships and actions between members of every social group as well as between individuals (these are "rules of conduct").

These laws are normatively respected because they have moral backing. They are not enacted by parliament, as they are a "living law" created in the process of interactions between members of the social order.

In chapters V-VIII, I have examined the socio-economic significance of Luo belief, rules of contract, religious practices, and the general ideology and normative ethics in Luo local life conduct. The basic economic social

structure and principles of rules of relationship have been examined through:

1. Exogamous ideology, which provides the principle of who to marry and who not to, and how cattle wealth movement may be accounted for by marriage exchange, etc.

2. The kinship ideology, which provides land laws, which becomes normative and ethically binding in property rights, inheritance, etc. The limited land rights, for instance, are based on kinship ideology which give absolute rights to the clan or "tribal-state" of which the kinship lineages are members.

3. The economic and social competitions, as made possible through, "jealousy", and "envy", which can be summed up under "honour" as ideology.

4. Seniority as an ideology which provided normative asymmetric relationships of social, economic, political as well as of religious interactions.

5. The normative cattle value through which socio-economic interactions may be discussed, and through which other social relationships, i.e. marriage, or kinship links, may be normatively respected.

6. The rules of conduct and good name in socio-economic transactions as held under honour as an ideology.

7. The religious ideology which provided beliefs on life and death and socio-economic continuities in the underworld, which in turn become the guiding light during times of despair and suffering.

In discussing religion, there are two basic concepts:

1. *Nyasaye*, explaining the creation of the universe and life.

2. *Juok*, explaining the existence of underworld, where there is a continuity of good and bad life.

The relationship between *Nyasaye* and *Juok* is difficult to explain, because both of them are supernatural beings and supreme spiritual powers. Both have a relationship with man which is asymmetrical. One should mark the original meaning of *Nyasaye* as the creator, as being directly linked with the sematic term of the *womb* and *uterus*. The religious connections between men and *Nyasaye* have no cults or religious leaders in a specific manner. Men have direct links with *Nyasaye* instead. The original meaning of *Juok* is directly linked with spirits or spiritual powers. There are numerous deities, cults, and spiritual or religious leaders in the religious connection between men and *Juok*. Some of these leaders may also occasionally perform religious sacrifices to *Nyasaye*. There are also (in *Juok*) elements of split forces manipulatable by knowledgeable men. Elders are the intermediary links between *Juok*, ancestor spirits and members of the society. Because *Nyasaye* is the creator, he was popularized through Christianity, tending to decrease *Juok* religious practices among the Southern Luo. *Juok* is the source of power (*Juok*-motive forces) and these are manipulatable by man positively and/or negatively in the society, to his benefit. In order to understand the Luo religion, it is best to understand clanship ideology and marriage rules, together with the concept of seniority.

We have stressed that the marriages of sons or daughters were followed according to their seniority. It follows that at a marriage ceremony the blood shall be spilled first for the senior son when an animal is slaughtered in his name. The *Juok*, whose name the son is bearing, will be pleased at the honour given to him. We have observed that each time cattle are sent, an animal must be slaughtered in honour of those who brought the bride cattle. This goes beyond hospitality to the guest, for we find that if blood is not spilled in a marriage of the first son or daughter none of those that follow can have ceremonies in which cattle are sacrificed. The girl's father never kept all the bride wealth cattle and thus it could never be said that he got rich from his daughter's marriage. And in fact this could never occur in practice since the cattle were always distributed among certain relatives, and others were slaughtered during the marriage ceremonies. But bridewealth cattle united both clans of the parties to the marriage. It opened up channels of social communication and alliance and mutual clan bonds for co-existence. The main respect between, kinship relations in wife-giving and wife-receiving clans is cemented through the exchange of bride wealth.

We have noted earlier, that land is a property of the whole community in the Luo tradition. But rightly, land of the tribe belongs to clans which have absolute right. Similarly all the individuals belong to the clan, as does all property that can be regarded as belonging to the clan, so that what a member receives from outside the clan, should symbolically be distributed to other members of the clan. A wife is collectively called *Chiwa*, our wife, but this in no way means that everyone has the marital right to visit her. In relation to other clans, any member of the clan can come under her protection. A child is regarded as *our* child, *Nyathiwa*, or a son *our* son, *Wuodwa*. A familistic love extends to the level of the clan, but after that it becomes difficult to control. However, we still see that in fights between clans, spears and other sharp weapons were not used since some elements of brotherly love are still strong enough to prevent another clan within the same sub-tribe being regarded as an enemy. Each clan has a senior leader, who often sits with other elders to settle disputes and sacrificial matters. Each clan has beliefs on ancestral spirits and totems of the clan. Now these begin assuming acknowledgement of socio-economic importance to both clans from which the new couple come. This is relative to the established mutual understanding after bride wealth has been exchanged, as opposed to each clan's separate existence.

The normative rules of the Luo marriage and the family institution are partly built on moral laws of *Chira* and *Kwer*, and partly on rules of respect and rules against anti-social behaviour. *Chira* and *Kwer* protect men from perpetual destruction and discontinuity. *Bilo* (magic) and *Nawi* (poison) can be used for the good of society as well as for destructive purposes. Not all men have knowledge of *Bilo* and *Nawi*. However, in *Sihoho* and *Jajuok*, some men may be said to be born with evil magic or characters: and are thus qualified as anti-social by nature. Equally so, some men may also be born with good magical powers for the society. The magical powers, and some religious power capability, have a manipulatable socio-economic signifi-

cance in the political life. This significance is traceable and exemplified through kinship bonds, virtue merits, inheritable professions, age grade principles, Ruothship, war leaders or prophets and diviners, and the *Buch piny* and *Doho* councils. These are cemented through the Luo ideology and moral ethics governing moral standards of communal life.

In this work a combination of two approaches is taken: the first, and more anthropological, is for the most part describing ethical principles in terms of duties and obligations as well as normative laws accepted by the members of the society; and second, is that of abstract virtues such as courage, generosity, loyalty to the group, sense of justice as ideals attainable by individuals. The second is considered in this work as a code of behaviour and relationship in so far as it helps, or hinders, the conduct of the majority of societies, e.g. in marriage and the family institution; in political organization; in methods for settling disputes, etc. In terms of normative law, the first defines the corpus of ethical rules of the Luo society orally as uncodified statements (e.g. to a chief, husband, and wife, etc.) assuming a new status position who may be instructed to observe norms (rules) of the institution in which he or she, has become a new member.

The study shows that the Luo judges make formal pronouncements of these values in taking oaths, when giving judgements, (e.g., by statements such as "upon my name"; "in the name of my lineage"; "on my honour", etc.). I investigated the ethical control of sex and parenthood as stressed in the proliferation of rules of conduct centering around the control of mating and the production of children, and also the protection of the newly born. These I found to be moral principles, regulations, taboos, etc., as discussed under *kwer*, *chira* and *kimirwa*. According to the Luo tradition, we find that the choice of mate in marriage is subjected to innumerable prohibitions and injunctions. The prohibitions involve the universal *kwer* on incest not only between those directly involved, but the whole *Libamba*, *Dhoot*, or *Jo-Piny-achiel*. The breaking of these rules of clan, or lineage, incest is felt to be morally wrong and is liable to divine and human punishment. Moral courage is a characteristic of man, no one would ever think of an animal possessing it, though the lion and hyena display physical courage and cowardice. In terms of our study, the Luo moral courage is that which we closely link with bravery as a moral virtue, and it has some sort of relation to survival. Moral virtue as investigated here, is that which we are able to describe as being the behaviour of one called *Thuon* or *Jachir*; preserving the lives of others at the expense of their own. This is an action calling for moral assessment of some kind. We noted that there is conflict between one's own natural inclinations and what one ought to do, i.e. bravery is a question of life or death. It is natural to say that a course of action which endangers one's own life must have moral reason, such as the preservation of the group. The moral virtue of bravery can be described as preserving the lives of others at the cost of one's own, there is a reason for their action; and to do what they ought to do, they must first overcome some fears.

To the Luo, it certainly seems plausible to suggest that bravery at least is a

moral virtue which any member of the society must encourage if they are to survive.

The problem of abortion is viewed by the Luo with very strong ethical implications. According to the Luo, abortion is as "sin", because it is regarded as homicide, "*Onego nyathi*", which means "killing of a child". The Luo regard abortion so immoral that they have made it a capital offence. A woman may not remarry, for it is believed that the sin of having killed a child will prevent her from producing another of either sex if she is not purified enough. The Luo impose a prohibition almost on all forms of abortion, or in theory at least.

Coming closer to traditional ethics, we find that the Luo premises of judgement as to whether an action or relationship is "good" or "bad", is based on how it could affect the following:

1. one's own being, (i.e. how it could affect honour and dignity);
2. one's own family, lineage or clan, (i.e. how it could bring *chira*, destructive and sinful consequences to one's own family and lineage);
3. one's own national being, (i.e. how spirits of patriotism and tribalism, etc., are affected);
4. common friendship and cooperation between the members, (i.e. how to achieve a common goal in the production for means of subsistence).

From the "utilitarian" point of view, we may observe that "the protection of one's own honour or acting for one's own dignity, represents 'egoism' with the happiness of the individual as its summum bonum".¹ When we look into the Luo "virtue standardization" (in chapter II), we find strong tendencies to egoism, and ethical concepts such as "honour" and "dignity" constitute happiness, which cannot be fully shared by the group as a whole, since they are attained by individual actions. On the other hand, when we examine the Luo concept of *Chira* actions, we find that these actions affirm the belief that the happiness of the family group is the proper "summum bonum" from a large part of the Luo ethics. The concept of family group will be found to be expandable from one's own real family, to lineage, kinship, clan, and as well as one's own tribal family group or national group. The Luo, therefore, make a judgement which is "right" if it is not liable to bring "*Chira*" to one's own family and lineage, or if that judgment is not against "*Kwer*" (forbidden acts) of the Luo society. To act with an aim of avoiding *Chira* and *Kwer* and to act to protect one's own being also presents two ethical categories: "good as a means" and "good as an end".² Broad writes, that from the concept of "ought" it appears that this is an "a priori concept". He says that "the recognition of an a priori concept is the making of judgements which involve such terms ascribed to reasoning".³ The reasoning, such as the Luo would say, "that act or relationship of such and such a characteristic, and any act which has that characteristic would be wrong, because it is bound to cause or bring *Chira*". To do it is to break *Kwer*, and to bring *Chira*. The Luo ideology established what the people believed and judged to be right and what they believed to be wrong (as this study shows). It therefore implies that our actions could be questioned whether they were motivated for "right" or

“wrong” ends (see chapter VII).

In the religious context, we should say that our motive for action is motivated by suffering and pain, which raises the problem of “preservation and survival or destruction of our being”,⁴ as Placide Temple has pointed out. Ethical Hedonism holds that the only motive which can move any human being, is the expectation of “pleasure” or “pain”, that “pleasantness” and “painfulness” are the only characteristics in virtue of which any state of affairs is intrinsically “good” or “bad”.⁵ In the belief, such as that of the Luo, that the state of affairs which an individual is experiencing is what he is bound to experience after his death, presents a problematical state of affairs as regards the various ways of behaviour and action. One has to struggle to keep away from infinitive suffering, pain or perpetual destruction to oneself and to one’s own family lineage. If our motive, “*Gimomiyo*”, is not leading us to destruction of one’s own being, or of one’s own family lineage, there will be a degree of freedom of action. Broad has pointed out earlier, however, that “motives naturally lead us to that of freedom and determinism”.⁶ If *Gimomiyo* (the reason why) is bound to protect one’s own honour, being, family lineage, nation, and “freedom to determine”, the cause of action is open to the Luo.

Our study of the Luo ideology and ethical premises also determines “actions” and “relationships” to be “good” or “bad” in terms of general “approval” and “disapproval” by the society. This was Hume’s starting point in his definition of “good” and “bad”. But Hume uses it in the sense that “the direction which they take in a particular culture depends on the sentiment of humanity as such”.⁷ He identified general approved actions in four categories: “the first is common to all, or to nearly all men; the second is excited by the perception or thought of any human being as such in a state of happiness or misery—it thus differs, e.g. from selflove or patriotic sentiment; the third is the sentiment of humanity, which determines the particular direction which the emotions of approval and disapproval take in human beings; and the fourth is the emotion of approval that is itself pleasant and that of disapproval is unpleasant”.⁸ In the Luo sense, as the study shows, the “approval” and the “disapproval” takes the direction in which the particular ideology depends on “historical background”, “ecological setting” and the “nature of its social and cultural structures”, and also the “nature of its external interactions”. The ideology of a society surrounded by hostile and enemy societies will certainly be different from the one which is surrounded by friendly neighbours. Ethical parameters of approved actions to the enemies will be quite different from the ones to friendly neighbours. The Luo, for instance, disapprove of killing a human being, except of an enemy at war, or a thief; yet at peace the former enemy is welcomed and ethical laws of hospitality are extended to him.

In enquiring what a good member of the Luo would be, we should look to “virtue boasting”. A good member of the Luo tries to perform the specific function more efficiently than the average member of the groups in the society. In the “process of socialization”, we observed that children who

perform best, receive "virtue honour praising". In Kant's work there is an emphasis upon "duty" as the sole spring of moral action, "any conduct not motivated by duty deserves no name of moral".⁹ Two facts are important from the Luo studies: 1) the Luo concept of *Gimomiyo*, translated as "on what moral ground", or, simply as "the reason why?" (i.e. they ask the reason why one is beaten, the reason why one is killed, etc); and 2) the obligation of one's own family, lineage or nation becomes an imperative "duty" for one's actions. This "duty", at a family and lineage level, runs counter to national inclinations of the individual Luo. To the Luo, familistic moral laws make absolute and unequivocal demands upon the individual members, and all their abilities should try to fulfil them, as personal honours, (*Nying maber*), as *Chira* or *Kwer* or as kinship-parental value command them.

If we look into the Luo legal process, we find that there is a strong inclination to prevent "vengeance" through moot. Sometimes, even feuds and killings between private individuals are regarded as sinful, but they do feel that killing at war and executing witches should be approved of, but even here the sinful consequences of killing as such are never removed until cleansing and purification ritual sacrifices have been performed. Thomas Aquinas endorses the execution of witches and wizards on the ground that "the Old Testament commands it".¹⁰

We observed in the Luo moral law that "laziness" and "poverty" are regarded as morally unjust, and that wealth is morally just. This, however, is contrary to some Christian and Buddhist teachings. In the gospels of Matthew, Luke and Mark, it is reported that Jesus said that "riches are a serious barrier to the attainment of good life".¹¹ Similarly, the argument of Buddhist teaching, which teaches that "desire for wealth is like a forest, that cutting a branch alone is not enough, but the whole tree".¹² In the heart of the Luo ethical conviction, wealth constitutes a part of their moral justification. To be poor during life-time, will likewise be repeated in the afterlife. Life is a continuation, and the transformation of a human-being goes with the transformation of his wealth. But wealth without generosity is against the Luo moral of perfect virtue.

We find also that laziness in "marriage" or "family life" may lead to a divorce; while in an economic context it may lead to poverty which has further consequences, as I have mentioned above. But in "virtue boasting" it gives one the lowest social status position, to which, if not rectified may remain so even in the underworld. However, Paul's moral law, as formulated in the hortatory section of the Epistle to the Galatians, has something in common with the Luo moral law. He says, "if any will not work, neither let him eat". He further writes that, "whatsoever a man soweth, that shall he also reap" (Galatians 6:7 b; II Thessalonians 3:10).¹³

On anger (*mirima*): the concept of anger, *Jamirima*, is disapproved by the Luo on the ground that an angry man can act unreasonably. Stressing this with their proverbs, they say, "an angry man utters anything". This proverb, when linked with another proverb which says "*lep e juok*", meaning, "it is the tongue that witches", has further consequences even if an angry man does

not kill a person physically, he may still be accused by the Luo for what he uttered if anti-social or immoral.

Gombo and *Chuny maler* or *Chuny marach*: (On desire and purity of the heart). This the problem of consciousness, reflecting "good" or "bad" "motives", is sometimes reflected in the Luo proverb of "*Ngera e hawanya*" which may be interpreted in the ethical language as "what the eyes admire is what the heart desires", or "lustful thought in the mind is as bad as the sin itself". What I have described under "*chuny* as the centre of intellect and ethical emotions" covers the whole question of motives as whether an action, or relationship, is "ethically" right or wrong, or intended action or relationship is "good" or "bad".

Contrary to the Luo thinking, is the Benthan postulation that, "effects rather than motives are the sole index of whether or not an action is moral".¹⁴ From the discussion of sorcery, witchcraft and medicine men, we observed that the "motive", for instance of *Jandagla* or *Janawi* actions, was automatically regarded as "evil" even before the effect, and even before the effects of the "*ndagla*" or "*nawi*" objects were felt. Another important aspect in which "motive" is clearly shown, is spitting for curse or for blessing. It is the motive of the spitting that will make it "good" or "bad", and the reaction to them solely depends on the "motive" because their effects may never be felt for a long time to come. The *Ajuoga* is also considered to be good person for the good motive of healing the sick; though it is not always possible to cure a sick person, their institution still remains "morally good" because of the motive.

Some problems of choice: The Luo find two conflicting ethical systems when the question of nation is implied. At a sub-conscious level the individual desires go along with the desire of his family and lineage group, whereas at a national level they may not in practise be applied although collectively it may appear as if there is a strong desire for it. An example of this, is that although the Luo express a strong desire for unity, they strongly detest a strong unity at the expense of individual or family freedom, even if that unity is at the interest of the nation as a whole. The constant splitting up of groups or loose "tribalstate", which the anthropologists often refer to as a "segmentary system", has been explained with such ethical principles.

On the question of fate: The Luo hold the "deterministic belief". They maintain that any occurrence depends on interrelated phenomena. Nothing occurs unless there is some sufficient cause for it. It follows then, that the wise men, "the magico-medicine-men", are able to interpret circumstances and predict future happenings. On the question of life and death, the Luo believe that "what will be will be", "no matter what we do, how hard we try, our fate is determined, the future will anyhow be what it will be". They believe that not only the date of their birth was already predicted long in advance, but also that the type of and date of, the death of a newly born child can also be predicted.

The individual, or group happiness, has for a long time been central in ethical discussions. Mill said "to deny happiness is to deny that life itself is

good", and in consequence, he affirms that "the greatest right of both the individual and the group is the pursuit of happiness".¹⁵ The investigation of "virtue boasting", reveals some aspects of "ego happiness", but it is an extended family or lineage group happiness. This is very different to the strict "egoistic happiness" which any other person has to consider for his happiness or his well-being. Some virtue-loaded concepts, such as good name, respect, honour, wealth, good health, etc., constitute happiness to both the individual in the group, or the group itself; but bad health, and fear of death, for example, negate happiness to the individual or group. In actual life, we found that the moral law of the Luo tries to command the will, the object of which is to induce happiness, which may be achieved only occasionally as "virtue boasting". When the Luo say that "*Inind diere, Inind Tung!*" which means "the sleeping position is never constant, some days you may be in the middle of the bed, some days at the side of the bed, and you will feel cold". If this is given an ethical interpretation, it means the "happiness is never constant, it comes and goes". This is quite different from Kant's interpretation, which says "moral law can be fulfilled at all times, but not necessarily happiness".¹⁶

On the question of war: it is often believed that war is bad, but according to the Luo virtue, war brings a good name, honour and respect. In the "process of socialization" we observed the manner in which a child may be provoked to fight as a part of normative education; we also noted that "whosoever shows cowardice in the face of an enemy ought to be morally dishonoured. Since the Luo define an enemy as one who violates moral rights of the society, war as such may not be morally disapproved. In St Thomas Aquinas there is a statement that "war is not always sinful, but Christians should engage only in just wars".¹⁷ If the war can restore the moral rights of the people, then it is possible that it can constitute the basic principles of the society's reason for actions, or going to war, however small and weak it may be.

Some Luo proverbs strongly stress the "ethics of custom", i.e. "when you are still in the crocodile's water, do not insult it", which means that "conform always to the morally approved customs of the society of which you are a member". It could be expressed in their terms, that whoever conforms to their customs and traditions is worthy of being a good Luo, and whoever practices a different custom is *Jamwa*, meaning "gentile", one whose action or behaviour is automatically disapproved of, because what they do constitutes taboos, forbidden acts or relationships (*Kwer*). They do things which may bring *Chira*. Therefore, whoever maintains a different custom may wrong the group, because he violates the moral harmony of the group. To the Luo, we do what is right, if, and only if, it will not disgrace one's own self, family or lineage; or if it will not cause *Chira*, and it is not *Kwer*. We do what is considered wrong if, and only if, our actions violate the Luo customs and rules of conduct in such a way that disgrace, (*Nyingi kethore*), *Chira* or *Kwer* is inevitable. The right thing to do is, therefore, the action or relationship which will not cause *Kethruok-Nying*, *Chira* to anyone else, or cause destructive consequences to one's self, to the family lineage or to the nation.

Notes

1. Sidgwick, 1893, 422-457; Benthan, 1789, pp. 341-364; Mill, 1910, p. 163; Lecky, 1904, p. 44.
2. Sidgwick, 1893, pp. 422-450.
3. Broad, C. D. 1944, p. 145.
4. Placide, T. 1959, p. 13.
5. Baylis, 1958, p. 230.
6. Broad, C. D. 1944, p. 147.
7. Hume, D. in Melden, pp. 247-290, cf. Broad, 1944, pp. 84-85.
8. Hume, D. 1902, pp. 247-289; Broad, *ibid.*, pp. 91-92.
9. Beck, L. W. 1928, pp. 291-340; Baylis, 1958, pp. 123-125, 241-251; Kant, I., 1781, pp. 47-48, 106-8, translated by L. W. Beck, 1949, p. 181.
10. St Thomas Aquinas, II, Q.lxiv art. 1-3.
11. Jesus Teaching, St Matthew 6:23-24; St Luke 12:33-31; St Mark 10:17-31.
12. Buddhism: NIRVANA: SBE, Vol. III, 5-6.
13. St Paul: Galatians 6:7b, II Thessalonians 3:10.
14. Benthan, J.: 1789, pp. 163, 341-364.
15. Mill, J. S.: *Ibid.*, p. 163.
16. Kant, I.: *Ibid.*, pp. 47-48.
17. St Thomas: The Summa Theologica, tr. by the Fathers of the English Dominican Province, II. Q. Ixiv., art. 1-3.

Contrasting Ethical Differences

Ethical Solidarity as a Concept of Societal Tribalism

We have stressed, on the basic characteristics of any society, that its members share (at least in some respects) a uniform pattern of beliefs and values. Quite often these beliefs and values form what we have called *normative premises* which form “rules of conduct” and it is here defined in terms of “ethical legitimacy”. This section is intended to show how “normative” and “ethical solidarity” can be strong aspects of societal tribalism among societies, and can be interpreted from a social anthropological point of view like any other social aspect. One of the latest and most interesting social anthropological interpretations of ethics is Tore Nordenstam’s *Sudanese Ethics*, which stresses concepts of virtues: “ideal rules” and “rules of duty”¹ for societal solidarity. Although Nordenstam’s study primarily deals with the lower order statements about individual convictions, we are more concerned with the higher order statements about the whole society’s ideologies. With this study, if ethical concepts of “rights” and “obligations”, “duty” and “honour” are values interpreted in terms of solidarity, with interpretation of concepts of “courage”, dignity, generosity and hospitality, it should be possible to determine under what condition integration of tribes is possible or not possible. This is considered because some of these values are gained at the expense of others, or some may be interpreted differently in different tribes or nationalities.

Although Tore Nordenstam has mentioned no solidarity conception in his study, we may suppose that in certain situations integration or national unity is dependent on conditions of “similarity” of normative values, and therefore common obligations. We would therefore tend to look into the existence of the principles of conditions of “similarity” or “dissimilarity”.²

Allardt, however, criticises Durkheim’s hypothesis on “variables” comprising solidarity and says that “. . . two variables have proved neither fruitful nor theoretically interesting in sociology”.³ Supposing that our variables are broadly defined (as for instance “pastoralism and normative paradigms” are defined), the solidarity conceptions would be useful. It would be necessary to elaborate under which conditions normative variabilities

work. Both Allardt's and Durkheim's variables did not use ethical conceptions (at least not in any direct ways) for their studies. They were concerned with political division of labour as the starting point. Suppose, that normative beliefs and values have inclination towards ethical obligations, and ethical duties, then it would imply solidarity towards similarity—therefore integration is possible. Or it may imply a coalition of ethical values (coalition of interests on ethical values), therefore disintegration is eminent. Also it may imply that low and high, similar and dissimilar ethical values and strong and weak ethical obligations are possible. In our case we shall look into types of societies where "ideal of national glory" and "ideal of personal glory" are in dispute, thus the political process is looked upon as "familistic" rather than public, and that the "goal" is an individual goal rather than public, personal and private goals. In this work we have enquired into the socio-economic conception of "valued objects" and "valued action"; men quarrel because they have differences of opinion about the "rights" and the "wrongs", of contracts, of goals and so on. In our study we have mapped out those normative aspects that each society or group hold. We can probably know what to expect in a contact situation, or when we plan integrations of societies.

From the concept of social order (see chapter 1) we can refer to, for instance, the Nuer and Maasai as pastoral people, or the Luo as a basically pastoral people or even to the Kikuyu as agricultural people, and we are recognizing a classification of these societies by the socio-economic functions they perform. Although all societies may be considered in part as various provisions of domestic economy of subordinate order to other specialized functions, they perform for the wider regional prestige or cultural orientation.

Vital to the definition of "social order" or this classification of societies is the problem of defining the "normal principal components" (see the definition of ideology or social order, chapter 1). Here the ideology of a traditional society is based on the socio-economy of subsistence without which life and reproduction is difficult. The fact that in traditional societies, kinship structure may function as both "relation of production and ideology",⁴ has been stressed by Meillassoux (1970, 1973). He also explains that "mythologies and values are constructed and also from which juridical relations may merge with certain aspects of relations as in various types of societies".⁵ Within the sphere of Luo groups and close neighbours, the following types of societies may be characterized:

1. Those still typical or relatively extreme cases of pastoral "Nilotes" e.g. the Nuer, Maasai and others. Here cattle is the main and only major socio-economic life of the society. Cattle is the basic value; we can suggest the existence of pastoral ideology.

2. Pasto-agricultural: in which, basically, cattle is considered paramount though agriculture is practiced for additional subsistence, e.g. the land Luo. We may suggest that the pastoral ideology is still the basic force, but with a well established agricultural tradition, which has modified some pastoral behaviour.

3. Pasto-fishing: The historical background has a long attachment to cattle, but a routine relationship with fish has developed some form of religious observances, which are clear in other social relationships, e.g. the lake-shore Luo.

4. Agricultural society: socio-economy of subsistence is developed in crop cultivation. Here the main socio-cultural and economic value is land and garden; all obligations and duties are centered in the activities of land. We can suggest an agricultural ideology, e.g. non-Luo groups.

Consequently these ideas can be formulated as hypotheses which in our case mean the following propositions:

1. The more a society is pastoral, the more rigid its ethical obligation, the stronger the inclination towards its ethical duties, the higher the "solidarity" towards similarity, the less likelihood there is of external integration.

2. The more mixed "pasto-agricultural society", the less rigid its ethical obligation, the less inclination towards "solidarity" of "similarity", the more likelihood there is of external integration. Although there is enough space for individual members to make their own living, they have external contacts individually and there still exist "pastoral mentalities" in individual thinking.

3. The more a society is agricultural, the stronger the ethical rules and the stronger the inclination towards ethical norms, the more acknowledged the similarity the less likelihood there is of integration with a similar group.

4. The more mixed the "agrigo-pastoral ideology", the wider the choice of individual activities, the more likelihood there is of external integration.

In this formulation it appears that an extreme socio-economy and homogenous traditional society generates an extreme ideology with rigid ethical observances. With this study we can see that the implication of concepts of virtue includes "courage", "generosity", and "hospitality" on one hand, while "honour" and "dignity", and/or "good" and "bad", "right" and "wrong" shall be expressed from different premises. Sometimes it appears that through similar ethical obligations, societies with similar ethical backgrounds may find it very difficult to integrate since their interests will always collide. The Nuer and the Dinka provide a better example. The Maasai, the Luo neighbour and kin, worry only those who have cattle to raid, and take no notice with those without cattle. We shall then inquire what are the necessary and sufficient conditions for integration.

In the division of pastoral territory, grazing zones and water holes or rivers and lake shore are important. The stratified division is from family, to lineage group, and to clan. The collective clans there form a tribal land. If we take the Maasai as an example of the only Luo kin in Kenya, and a close neighbour, as holding a basic extreme example of pastoral normative paradigms we shall find that each section is not only politically autonomous, but has its own clearly defined grazing lands. These lands are subdivided into localities. A locality is determined by the proximity and amount of a permanent water supply. The number of people and settlements in a locality depend upon the *water* and *grazing land* available. A family may live where it

chooses within the limits of a locality of water and grazing land. Life and livelihood revolve around the *cattle*, *water*, and above all the *grazing land*. According to the Maasai beliefs, *Enkai*, the sky God was once one with the earth owning all the cattle, but when earth and sky separated, all cattle were given to the Maasai by *Enkai*. The Maasai interpreted this myth of creation quite literally, and it became the foundation of their ethical thought. To engage in any occupation other than herding is disobeying *Enkai's* order and demeaning to oneself.

Cattle are associated with the grass, and grass with the earth; a pastoral Maasai can never consider breaking the ground for cultivation. He does not even break it to bury his dead or dig for water. The cattle people were chosen by *Enkai* to be the recipients of cattle and must remain herders by *Enkai's* choice. The health of the cattle is more important than the health of a man. The life and health of the man depends on the cattle, so the common greeting is "I hope your cattle are well", instead of "I hope your family is well!" The Maasai life is cattle and cattle is life, and the existence of cattle is grass. By virtue God gave them cattle and spread them to wherever there is grass. It is therefore a duty of a Maasai man to look after them and collect them back from wherever they may be grazing. He who collects the highest number fulfils the *Enkai's* command. Of all Maasai the *Laibon* (chief priest or prophet) is considered to have possessed the power of *Enkai*, and he is the only person able to fulfil *Enkai's* commands he is the richest in cattle and sons. For the Maasai a man rich in cattle is honoured and dignified, but a man with more sons is honoured even more, because they believe the sons will one day fulfil *Enkai's* highest command by raiding for more cattle.

All ethical values and obligations of the Maasai therefore centered around cattle. Nothing but cattle has the highest value, all obligations must be towards cattle, and whosoever does not fulfil what is commanded by *Enkai* is not worthy of a good Maasai, who raids for the cattle wherever it might be, for it is a duty commanded by *Enkai*. And so the Maasai live with these ethical obligations, because they are commanded, which makes the external tribal integrations impossible. From these values and obligations, the custom commands that all males born must be *Moran*, and that they must fulfil a *Moran's* duty and obligations, and whoever disobeyed what custom commanded is not a Maasai. "A *Moran's* duty is to defend the cattle in his locality. It is also his duty to help with the herding during the dry seasons and periods of drought".⁶

The highest *Enkai* duty and obligation is raiding for cattle which is blessed by *Laibon*, the chief priest. It was not just "a most popular sport", as Salvadori puts it. It was an obligation for a *Moran* to raid, and a duty to go to war and hunt lions. "Courageous" or "bravery" was the only good sign of fulfilling those duties and obligations. The rule is therefore laid by the custom that no man can be married or released from a *Moran's* duty before he had shown signs of bravery by having killed a lion, or a man resisting his collecting of cattle, or raiding for cattle. A young warrior cannot be promoted to a senior warrior before their age grade fulfils their obligations, neither a

senior warrior to a junior elder, and a junior elder takes the duty of supervising what is commanded by *Enkai* through the senior elders, who communicate with their *Laibon Enkai*, right hand man.

For the Maasai, land is valued in terms of grass that sustains the livestock which sustains the life of the Maasai. Whosoever destroys grass is an enemy of the Maasai. It is against the Maasai virtue to destroy grass. An enemy must be spared once he has held grass in his hand. Grass is therefore the Maasai sign for peace. What is a sign for peace is a sign for happiness. The grass is also a sign for life, what is a sign for life is a sign for happiness. The destruction of grass is a sign of evil that might destroy the whole Maasai people, therefore life is the preservation of grass.

In the agricultural societies in Kenya, the land provides the basis of obligation, value and duty. Thus, for instance, in the mythical origin of the Gikuyu of Kenya, the tribal legend "*Mogai*" (the divider of the Earth) gave Gikuyu his share of the land with rivers, with ravines, with forest and all the gifts that the land can yield. The Lords of Nature bestowed on the Gikuyu their share of the land.⁷ Out of this came a belief, a value and obligation that it was their obligation to fight for any piece of land which was their share given by *Mogai*. The value of the land is to dig it and plant their crops, the value of the forest and the grass is to cut them and make the land yield crops in their place. Thus all strength, courage, generosity and hospitality, honour and decency must be towards the outcome of the land. Such ideal goals do not have any common ground with the Maasai's ethical interpretation of ideal goals. These are but a few examples we are able to give from the vast anthropological sources.

The verification of the hypotheses provides that if all tribal societies had similar ethical values, ethical obligations and ethical principles, there would be less force towards integration. It is therefore implied that certain parts of their ideologies have dissimilar ethical conceptions—bringing about difference of principles rather than to promote mechanical unity.

I should perhaps point out, however, that natural political integration depends on common values and obligations more often than is generally considered. Artificial integration can be attained, but is temporary, if the groups uniting have different ethical principles. Further, I should point out, that strong integration depends on many factors, which include, i.e., principles deduced from economy, history, religion, kinship, and political obligations and patriotic ideology.

In conclusion, one may say that tribalism in Africa seems to depend for the most part on factors such as: ideological, historical, political and economical domination rather than on Christian religious adoption. On the other hand, there are special important factors that concern the ethical functional process of each tribal society; which in fact are instruments that guide individual and group attitudes, actions and behaviour.

Notes

1. Emile Durkheim, *The Division of Labour in Society*, translated by George Simpson, 1964, pp. 64, 80, 86, 131 (New York, The MacMillan Co.).
2. Tore Nordenstam, 1968, pp. 46, 50.
3. Erik Allardt, 1971, pp. 2-8.
4. Meillassoux, 1970, p. 99.
5. Meillassoux, *ibid.*, pp. 99-100.
6. Salvadori, 1973, p. 78.
7. Kenyatta, 1938, 1959, p. 3.

Proverbs for Normative Education

Although some proverbs listed below may also be found in other societies, I have not tried in this work to examine their original background. They are, however, simply outlined as they existed in the recent past, and in the way they have formed material of informal traditional education in the everyday life of the Luo people.

The following proverbs show that education by proverbs was used in everyday relations and activities in the Luo society:

1. *Kik siem chiero manie wang' owadu to iweyo manie wangi*—Do not point at what is in others eyes, leaving what is in your own eyes.

2. *Osiep maber loyo chiemo mamit*—Good company is better than good food.

3. *Kik ipakri kapok ingeyo gima biro timore*—Do not boast before knowing what will happen.

4. *Nyiero mokuongo loyo nyiero machien*—He who laughs last, laughs best.

5. *Kik ang' iywag jachien manende ochieni*—Try to avoid evil and you will not cry for the ghost.

6. *A lot michayo ema tieko kuon*—A despised vegetable may make people satisfied.

7. *Jakech kinger*—A hungry man does not know a joke.

8. *Gwok ma kech kayo ok tug gi gwok moyieng'*—A hungry dog never plays with a satisfied dog.

9. *Jajuok ema dak kende*—A normal man does not live in isolation, unless he is a witch.

10. *We joma dwaro ngeyo, onge kuom gima ingeyo*—Make it possible for others to learn from what you know.

11. *Kik ikel tiendi mar timo tim mahundu*—Do not use pretence to introduce an evil.

12. *Wacho awacha to etimo*—To say is not to do.

13. *Ka in osiep jajuok nyaka in bende iyid*—A bad companion can transmit his evil ways to you. Also,—If you are a friend of a witch, you will also be a witch.

14. *Ka in osiep jakuo, in bende nyaka ibed jakuo*—If you are a friend of a thief, you will also be a thief.

15. *Kik ikwiny n̄ga matek*—Do not provoke a strong man.

16. *Ero koro iomo nyajwaja gi sere*—Do not provoke a strong man, wait until an event has reached you (for you will not defend yourself).

17. *N̄gato kangato n̄giyo mana makare*—Every person is ultimately responsible for his own well-being.

18. *Chan mankowadu ok moni nindo*—Your neighbour's poverty does not necessarily prevent you from sleep.

19. *Karito matin otami erekaka inyalo rito maduon̄g*—If you cannot take care of the little you have, how can you take care of the big one?

20. *Liech ikwodho koloko n̄geye*—An elephant is backbitten when turning his back.

21. *Chulo kuor rach*—Revenge is bad.

22. *Rieko chando joma riek*—Stupidity often harms those who are stupid.

23. *Bed uru motan̄g Hundhwe ni machiegni!*—Be careful, Hundhwe (a popular whistling bird, that seems to be able to catch the intonation of human voices) is nearby!

This proverb is used in a place, where complete silence is needed, e.g., thefts, spying and so on.

24. *N̄gama mirima ohingo wacho duto*—An angry man utters anything.

25. *Liech on̄giyo gi oporo*—Do not be provoked by useless gossip.

26. *Jakwinyo yudo mana gir kwinyo*—He who provokes danger receives what danger can provide.

27. *Wan̄gar wang*—Tit for tat—An eye for an eye. (A common proverb in many societies.)

28. *Kik ipakri gi mwandu makowadu*—Do not boast about that which is not yours.

29. *A lot michayo ematieko kuon*—A thing that is despised might become respected.

30. *Dher ariemba wuongi nyiedho to n̄giyo oko*—A cow that belongs to another is milked with one eye out, since the owner may be on his way.

31. *Kama onge mach yiro ok nyal dumie*—Where there is no fire can never be any smoke. (There is no smoke without fire.)

32. *Jomodak on̄gere*—People who live together know each other.

33. *Joma ok odak kanya chiel ok nyal n̄gere*—People who do not live together cannot know each other.

34. *Kinda no miyo opuk oyombo apuoyo*—To be slow and sure is preferable to being fast and unsure.

35. *N̄ga manyap ok ket ekwan*—A weak man cannot be relied upon.

36. *Adiera onge n̄gama nyalo umo*—Truth cannot be contradicted.

37. *N̄gama chunye n̄gau kata di kur ok nomiye teko*—Advice will not strengthen a man of weak character.

38. *N̄ga mosuwo kata da ipuon̄j*—Education does not make a man wise.

39. *Chiem gi wadu*—Eat with your neighbour.

40. *N̄ga machiemo gi muofu mongeyo mit bor*—He who eats with a blind

man, knows all fat of the meat.

41. *Kik idhir wadu emach*—Do not push another man into danger.

42. *Gweno uch gi ombich wadgi kiny to mare*—Do not marry, when your enemy is in trouble, because tomorrow it will be your turn.

43. *Jarikni jamuod Nyim gi kuoyo*—Do not come to conclusions before discussion; or—Hurry, hurry has no blessing; or—He who hurries often eats simsim with sand.

44. *Dhaw mar joka ngato kik idonjie*—Even though relatives might quarrel, they will always come to an agreement.

45. *Gol kudho manie wangi mokuongo kapok ichako manie wang owadu*—Help yourself first in order to be able to help others.

46. *Ngamatek mako mana osiep gi ngamatek*—A strong man cannot be a friend of a weak person.

47. *Kodh yamo norwaki*—A child of the home will always return; a stranger might not.

48. *Ondiek ok nyier nono mak oneno wen*—A hyena does not laugh for nothing, unless he has opened the animal's stomach.

49. *Nga madhoge tek kik ithagri go*—When a man pleads with you, leave him alone.

50. *Dhok riek no miyo onger yip mabor*—To know too much gave the monkey a long tail.

51. *Inind diere inind tung*—A man might be wealthy today and poor tomorrow.

52. *Fulu bende oro mamba*—A cat may look at a king. (A small fish may send a large fish.)

53. *Dhogi nya kowiti*—One cannot argue and fight with oneself.

54. *Ber imedo gariyo*—Beauty must be added with a dress.

55. *Nyathi ok bed ekom kama joma dongo nitie*—A younger man should not take a chair before grown-up men.

56. *Nga morwako wuoche mongeyo kama wuoche ramo*—A man who wears the shoe, knows where the shoe pinches.

57. *Piny agonda kir inyier wadu*—The world is zigzag; do not laugh at your "friend".

58. *Nyathima jaswedre eot kia gik matimore oko*—A travelled man knows a great deal.

59. *Nga mofuwo kata paki kik ibed mamor*—Do not be happy, if praised by a fool.

60. *Nga mofuwo kata yanyi kik idewe nikech mago kia tilo*—Do not be angry, if rebuked by a fool—since this is his ignorance.

61. *Kik ipakri kendi*—Self-praise could be worthless.

62. *Chuny teko ber maloyo rikni*—Strong-heartedness is better than hurried action.

63. *Chakochon loyo dhi ajuoga*—To start early is better than to go to a medicine man.

64. *Ka nyasachi pod nikodi kata kingi to kadho akadha*—Once God is behind you, no one can interfere (or harm you).

65. *Tin ok en fuwo*—Youth is not the same as stupidity.
66. *Wangi jabuogji*—The eye can be a bad judge.
67. *Gima ok itimo ok maki*—A thing of which you are not guilty cannot harm you.
68. *Dalau kirwenyi*—A man never forgets his original home.
69. *Thol odonjo eko*—When a snake enters a milking calabash, it is hit by anything.
70. *Oyieyo mathot ok kuny bur*—Too many rats can never dig up a hole.
71. *Sigand paka go yieyo*—The story of the cat and the rat (—who will bell the cat).
72. *Par sigand mbui gi apuoyo*—The story of the spider and the hare (—He who laughs last laughs longest.).
73. *Dhok e juok*—Word is magic.
74. *Mudho bende nigi ite*—Darkness has ears.
75. *Gweno uch gi ring wadgi*—The chicken is happy with another's intestine.
76. *Kodh yamo norwaki*—Home is never too far, or—Even if you run away from home, you will always come back at the end.
77. *Anegra kenda*—One can be killed by one's own foolishness.
78. *Ji ok tho duto*—People never all die; some will remain to report back.
79. *Kidwaro mako jasiki kik isieme*—If you want to catch your enemy, do not give him a warning or threaten him, since he will be aware of it.
80. *Kapod in epi kik iyany nyang*—If you are still in the crocodile's water, do not abuse it.
81. *Kapod itin piny romreni*—Life cannot be hurried.
82. *Nyathi moyieng mowanogo dero*—When a child is satisfied, he can burn the granary.
83. *Nyathi majaote ema yienig*—A good messenger is always well fed.
84. *Kidwaro mako Jakuo or mana Jakuo*—If you want to catch a thief, send a thief.
85. *Kidwaro wacho maling ling kik ibedi ei ot kata e mudho*—When you intend to speak of secret things, do not sit in darkness or inside the house.
86. *Gima nose kor ok kadh*—God's wish cannot be pushed.
87. *Ngat man gi nyathi ok nind ethim*—A man with a child should not sleep in the forest or the jungle.
88. *Awendo ok we yiere*—Certain creatures never abandon their habits.
89. *Wangi tek kamar Jajuok*—As disrespectful as that of a witch.
90. *Nga mawuok pachokia kuma dhiye; kidwaro ngeyo to penje koduogo*—You are informed about where you came from, not where you are going to.
91. *Ini tuchniji gi mak olwer*—He who never listens to advice, will come back with tragedies.
92. *Kabar ti olenyo*—It is better to be drunk with beer than with wealth.
93. *Sembe rombo ipimo gi nyamin*—In every case a sample should be found.
94. *Thigo oyawo ni par*—When the boss is away everyone is big.

95. *Kik iriemb jaluoro nyaka ei odhi*—Do not chase a coward right into his house.

96. *Terri mos pok ineno ngeyi*—Take care! You have not given birth to someone, so if you die no one will ever remember you, since you cannot be named after any child.

97. *Nga maluor ok inyal miyo chir*—A heart that has fallen to the ground cannot be saved.

98. *Chiero mihongo ema gawi*—A man whom you have rescued, is the one who plans to eliminate you.

99. *Jaote tho ok geng'*—A messenger of death is blind.

100. *Joka ngato madolo gi bad lwangni*—Members of a family are self-sufficient, or—Members of the same family share sacrifice with the little they have.

101. *Ero koro iomo nyajwaya gi sere*—Do not show a stick to a wild dog.

102. *Kigori gi nyathi en ema humbe dhi*—Since moral rebuke is on your side— If you fight with a child or a junior boy, it is he who gains fame; what you hear is: Why do you fight with children? You have strength to fight children, but your age mates are spitting at you.

103. *Nga mawachi marach kionge enga marachkodi*—A dangerous man is the one who talks ill of you in your absence.

104. *Yie ok neg ji duto*—A boat can never kill everybody.

105. *Jawuoth achiel rienga*—A single traveller can never be trusted.

106. *Wuoth gi Jakol kudho*—Better travel with a bodyguard or your right hand man.

107. *Lak tar ji dhi adhiya*—A group of fools can easily be misled.

108. *Mbaka Nyapong' gi Dero*—The story of the grinding stone and the granary; The granary said: I am too large to be finished. The grinding stone: I will finish you, just give me time.

109. *Inind tung inind diere*—Wealth comes, wealth goes, (sometimes in life one is happy, some other time one is grave).

110. *Kinda e ngewech*—A race is not speed, or rather,—To be constant is the race.

111. *Nyiero ma isindi mit maloyo moweni ni nyier kaka ihero*—If you want a thing to have a higher value restrict it.

112. *Ber marach*—Too good of something is bad.

113. *Kinda kitenga nomiyo opuk ogwaro nyar min kibogo*—Too much of something is bad.

114. *Tuk goyo odumbo mit ni nyithindo to joka ogwal to en kuyo*—Children are happy by throwing stones in the water, but to the frog's family it is a great sorrow.

115. *Ero koro isoto umi*—Do not come into disputes which do not concern you.

116. *Jaote ok go lero*—A messenger can never be beaten.

117. *Kodh yamo noruaki*—A storm will one day bring you home.

118. *Nindo otero jater*—A man on an important assignment may fall asleep.

119. *Wat wat*—A relative is a relative; nothing can destroy it.

120. *Owinjore sare gi remo*—As fitting as spoon and blood.

121. *Osiep ma ngita gi del*—As close a friendship as the stone and the leather.

122. *Janeko ema lielore kende*.—It is a mad man who cuts his own hair.

123. *Nga manyap tek konyo*—It is difficult to help a weak person.

124. *Nga manyap ok bednga oseip nga matek*—A weak man is seldom a friend of a strong man.

It is not necessary to complete the list of all Luo proverbs, since this is not the only aim of the study. The proverbs we have so far are enough to show that proverbs can be used and have been used by the Luo to educate both young and grown up members of the society. Proverbs are short means of communicating education instead of telling the whole stories from which they are deduced.

Some Uncodified Rules

This section of the appendix contains some more of the uncodified rules, which form the phenomena of rules of conduct and moral control.

1. *Kinego dhano to nochieni, nek siko kar ji*—Do not kill a human being, because it is evil, sinful and destructive to one's own being and to the whole of one's lineage.

2. *Janek kata da gudi nyaka kare rochre (kethre)*—Do not kill a human being, except in war, but if you do, you must be cleansed, or undergo the purification rites (called *Gut*), or else the consequence is destruction. But that will not prevent one's self-destruction.

3. *Nek Jajuok gi nek Jakuo to onge bura kata kamano to nyaka gudi*—Do not kill a human being, except a thief caught red-handed (in the act of stealing), but if you do, you must be cleansed and purified.

4. *Kik ineg dhano maka mana jadhaga, to kinego to nyaka gudi*—Do not kill a human being, except a man caught in the act of adultery, but if you do, you must be cleansed and purified, or else the consequence is destruction.

5. *Kik ineg dhano mak mana Jajuok, to kinego to nyaka gudi*—Do not kill a human being, except a witch caught in the act of bewitching, but if you do, you must undergo the purification rites, or else destruction.

6. *Kik iterry gi chi ngato, koyudi monegi to bura onge to kata kamono to nyaka gudi*—Do not commit adultery; if you are found you may be killed because there is no law to protect you, but the killer must go through purification and take *manyasi* (medicine), or else he must face destructive consequences.

7. *Kik iterry yi ngamawat*—Do not commit incest, but if you do, the consequences will be destruction and death penalty.

8. *Kik inind gi Japidi*—Do not have any sexual intercourse with any under-aged girl (below puberty age), but if you do, you will be banished out of the community.

9. *Kik ibed ngama kowinjo wach to piere ok chwo lowo, piere tingore atinga*—Do not be a person who never keeps quiet with one word, or else you will be called a liar (*Jamiriambo* or *Jamiriasia*).

10. *Jahawanya nono to nyingi nokethre*—Do not eat as if you were the only one food was made for, or as if food will never appear again, or else you will pollute your name (*Nyingi nokethre*) and your honour.

11. *Kik imechi*—Do not rob travellers, or plunder the weak one.
12. *Kik inyier Rangol*—Do not laugh at a cripple.
13. *Kik iyany Jomadongo*—Do not use bad words to someone senior in age to you, especially the old men.
14. *Kik iyany wuoro gi meru*—Do not use bad words to your parents.
15. *Kik iyany Wuoneni, gi Mineni kata Neru*—Do not use bad words to all who stand on the line as your father or mother or their brothers and sisters.
16. *Kik icham gima Jamichieri onego, Kata Chiemo mokwal*—Do not eat stolen food, especially meat of stolen livestock.
17. *Rit Chike gi Timbe mag Luo*—Keep the taboos and customs of the tribe.
18. *Luor Jonyuol ni*—Respect your parents.
19. *Luor Jomadongo*—Keep a proper behaviour to all senior and elder men and kinsmen.
20. *Kik ibed Jamiriamu, kata Jahang wach*—Do not lie.
21. *Kik ichwer Remb Dhano*—Do not spill human blood through anger.
22. *Kik ibed Jajimb Wach, Kik ibed Jathuwe*—Do not be an instigator.
23. *Kik ibed Jaluoro*—Do not be a coward.
24. *Kik ibed Jawuoro*—Do not be a gluttonous person.
25. *Kik ibed Jahawanya*—Do not lose your selfrespect because of hunger.
26. *Bed Jabura*—Keep justice.
27. *Kik ibed Jamuomre*—Never enter a quarrel which does not concern you, or without knowing the reason why, even if it involves a relative or a close friend.
28. *Kik ibed Jandhok*—Do not formulate lies in order that another person would be punished.
29. *Kik ibed Jandhog wach—Jajimbwach*—Do not instigate.
30. *Kik ibed Jaow Wach*—Do not magnify a story.
31. *Kik ibed Jawuoro*—Do not be selfish.
32. *Kik ibed Jamima*—Do not be discontent with what you are given, especially with food.
33. *Kik idonj e Aguch meru*—Do not, as a grown up man, take food from your mother's pot.
34. *Kik iluong meru kata wuoru kata Mari kata Jaduon'gni gi nyinge*—Do not call your mother, father, mother-in-law or father-in-law by their names.
35. *Kik idonj (Kor kama meru)*—Do not enter your parents' living room.
36. *Kik idonj e Osech ngato*—Do not steal a fish from someone's basket or fishing cage.
37. *Kik ibed Jasem*—Do not fabricate lies or formulate stories with an aim to destroy someone's marriage.

It is not necessary to continue the list, since much is already discussed in several sections throughout this work; and most of the prohibitions are of a higher order, which makes their breach less tolerated.

Premises of the Luo Reasoning

Some basic premises which have been described throughout this work can be formulated as follows:

1. *Piny agonda; Piny ochwere; Piny osiko*—The universe is orderly and infinite.
2. *Ok timre nono; Gimoro eman tie; Pok noneye*—All events are caused and interrelated; nothing can take place without a cause.
3. *Nosekor; Ochopone; Ekaka nose ndikne*—What happens now is what was predicted or prophesized.
4. *Luor lwar; Ok inyal ngeyo pod itin; Ango mise neno*—Wisdom is age and a basis for natural respect.
5. *Ingango miwuoyokani; Ling niji*—Wealth is a basis for prestige.
6. *In gango?* (What do you have?); *Iloya gango?* (Do you have anything more than I have?)—Power, prestige, honour and respect are personal driving forces.
7. *Ango misetimo?*—What have you done?
8. *Tiyo engeyo; Rieko en tiyo*—Age is wisdom and wisdom is long life.
9. *Dhiang olungo keny; Nyarwano udwaro kawonono; Jagol dhiang e wuon nyathi; Pok oolo remo piny; Pok unekone*—Law of family rights and obligations as related to cattle.
10. *Timne uru misango; Dhine uru Ajuoga; Los uru ngane; Los uru piny; Loso dala*—Disharmony can be restored by orderly procedures.
11. *Nyiego*—One reward of disorder between brothers, is that caused by jealousy, and disrespect.
12. *Chienq nwarom; Odhi makonwa Piny*—Life now and life after death is similar.
13. *Wat osiko*—Kinship relationship has an absolute value, since it is infinitive.
14. *Inind diere inind tung; Thagruok marji duto*—Every person is destined to be unhappy at least once during his lifetime in as much as he is destined to be happy.
15. *Chan mankowadu ok nomi nindo*—Your neighbour's poverty does not necessarily prevent you from sleep.

16. *Osiep loyo wat*—A friend is better than a relative (friends have less to argue about, but relatives have numerous points about which to argue).

17. *Joman piny oniang ni; Okorego; Mano hono ma gima onyiso dwaruru Jomariék oloknu*—Universe tends to be identifiable and personalized (natural causalities are identifiable in personalized terms—so that nothing can happen without an explanation, which is always in terms of personalized forces).

18. There is always a dualistic nature of forces; in man, two personalities exist: a positive personality and a negative personality.

19. An actor always exists to produce an event—acting is a primary quality.

20. “I”, “we” is a basic philosophy: *I* must have it; *I* am better; *We* must have it; *I* and *we* are important and what is outside is not valid or proper. The elaboration of these points can show their consequences in social actions and relationships, norms and status.

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