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Colonial Paternalism, Parasitism, Domination and Control in Kenya, 1895-1952

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Abstract:

The subject colonial domination and control has not been systematically explored in historical studies, perhaps because of colonial subjugation and harassment. The subject continues to attract attention because of the traumatic awareness it offers of the wickedness of man to man, expressed through the ruthlessness, evil, abuse, oppression, and the highest degree of exploitation by colonialists in Kenya. It can be argued that poverty, underdevelopment, technological backwardness, and other ills of modern society has its roots in colonialism. It is also observed that several instruments of colonial rule, on the application of so-called 'order and justice,' exclusion of the people from decision-making, and inequity in access to power and resources have survived colonial domination. Therefore, this paper focuses on the various apparatus of political domination and control introduced by the colonial state to foster a new social order and control in Kenya. Equally the paper will provide information on how these apparatuses influenced the community's reaction to the imposition of colonial rule. Colonialism led to confinement to specific boundaries with specific consequences. This study will demonstrate that colonialism and its agencies was an apparatus of political domination and control

Keywords: Colonialism, control, domination, imperialism

1. Laying the Foundation Blocks of Control and Domination, 1895-1902

Colonialism was a new phenomenon in Kenya from 1895 when the Kenya territory was declared a British protectorate. The penetration of the alien state into Kenya after the Berlin conference of 1884-85 ultimately led to the destruction of the indigenous structures of control and governance. The coming of the colonialists to Africa was with hidden motives of control and domination which was camouflaged in the so-called 'humanitarian or philanthropic motives.'¹ Colonialists painted a positive picture in commerce, Christianity and civilization. However, these objectives came to a halt after the establishment of colonies. The Colonialists then concentrated on economic, social, political control, domination and exploitation which took centre stage.

Colonialism transformed Kenya into a harshly politicized economy. This partly centralised state, rested on force and the new imperial ideology of progress. It was also due to the new nature of productive capital. British conquerors had to create a new highly political, hierarchy of self-interest, out of the existing networks of authorities. State formation, the vulgarization of power, and state building, its cultivation was a process of force. This conquest was not only a political process but also an economic force. It made for both the oppressive and corrosive tendencies of propertied capitalism. Indigenous systems were thus subject to a powerful process of transformation.² Colonialism was based on the subversion of traditional social, political and economic values of the African society.

Colonial agents of administration such as Lord Cransworth described the African way of life as primitive and compact. In the case of the customs of the Maasai, averred that it was characterized by a lot of social order, completeness and felt their way of life would pose a lot of challenges to the whole civilizing mission. He described the Maasai as a people who abhorred discipline and work. Charles Elliot, the second Commissioner for the East Africa protectorate, as well asserted:

They (Maasai) resemble the lion and the leopard, strong and beautiful beasts of prey that please the artistic sense but were never of any use and often pose very serious danger.³

Largely tradition modes of production that were based on hunting, gathering, pastoralism and shifting cultivation were considered to be economically unviable in the capitalist economy that the colonial state was keen to promote in Africa. Consequently, colonial government introduced capitalistic mode of production as well as trying to restructure African modes of production to suit their selfish interest. For example, the basis of Masai economy was cattle keeping. The

¹S. Kiwanuka, From colonialism to Independence; A Reappraisal of Colonial Policies and African Reaction (Nairobi,1973), p.16

²J. Lonsdale The Conquest State 1895-1904 In W.R.Ochieng' Amodern History of Kenya 1895-1980(ed) (London,1988),pp-6-10

³CransworthLord,AColony In The Making;Or Sport and Profit in British East Africa. (London,1912),pp.33-4c

Maasai nomadic way of life was termed as barbaric and primitive. Pastoralism had no part to play in the colonial economy. This was a prospect which Charles Eliot, the Commissioner of the East African Protectorate and Chief architect of European settlement in Kenya viewed 'with equanimity and a clear conscience.' He was responsible for sounding the death knell of pastoral peoples, 'predicting that their way of life would not be sustained in the face of the advances of Western ideas and technologies.'⁴ Apart from being a backward means of livelihood, pastoralism was posed great danger to soil. Accordingly, the only hope for the continued existence of these nomadic warlike tribes was settle down and adopt fixed habitation and a peaceful occupation.⁵

African cultural practices such as raiding had place in the new colonial order. For instance, in the Maasai community, cattle raiding was perceived as a sporting activity while the colonial administration viewed it as theft.⁶ Raiding was an important ritual that demonstrated, though at the expense of others, the value of livestock. Warriorhood created and nurtured social pride. The colonial state did not consider the African warriors for all of their unrestrained savagery. The colonial government embarked on a process of dismantling warrior systems. The activities of warriors were termed as hordes or savages. Warriorhood on the part of the Meru community was an important activity. A Meru male was expected to do far more during his warrior period. This would provide him with sufficient bride wealth and stock for future life. In addition, the warrior was supposed to earn progressively greater status for himself, his family and his community as a whole through the forcible acquisition of much livestock as time and human effort allowed.⁷

During colonial rule, Samburu morans were perceived as idle, dangerous and the main threat to peace in the district. In the eyes of the British, the moran did little productive work and were encouraged by custom to prove their bravery by stealing cattle and killing enemies. The British went to great length to destroy the institution of Moran hood. The morans were forced to join gang labour in building roads and dams. Spears were often banned and the British tried to force the morans to marry early in the hope that the responsibilities of elderhood would cool their high spirit.⁸ Traditionally warrior hood provided morans with an opportunity to prove their valour and readiness to defend the community and its property.⁹ The British on the other hand viewed Morans as trouble makers and forced labour was the only answer to their exploits.¹⁰

Politically British policies in Kenya provided the impetus for ethnic exclusivity.¹¹ The colonial principles of governance were autocratic which involved the appointment of chiefs. It was opposed by the Kikuyu community because they were appointed by foreigners. They did not represent the will of the people. The chiefs were appointed to represent the interests of the British government. They were not popular with the people. They oppressed people and destroyed social cohesion. The ceremony of the Irungu/Maina generation which were to be organized in 1925 was outlawed. The *Ituika* ceremonies dances and songs were declared illegal and seditious by the British government.¹²

Instead of British mission being that of advancing training and education for Africans towards higher intellectual, moral and economic levels it turned to be exploitative. Africans were reduced to a state of labour recruitment. African initiative in social, economic and political structures was denied. The spirit of manhood was killed and subjected to the most inferior position of human society. The ethnic community's democratic institutions which were a boast to social cohesion, mutual respect and proof of community good sense were suppressed. Oppressive laws and Ordinances which engrossed the monopoly of thought of will and of judgement were imposed on the African people. Colonialism was a system of disintegration of African cohesion for the interest of the latter.¹³

The colonial government in its formative stages had to lay down the alien structures of domination intended to assert its authority. The only way the colonial government would assert its authority, was through military methods. Hence the colonial agents resorted to military coercion and violence. It knew neither boundaries nor national temperaments. These chiefs and headmen were favoured by the colonial government by being provided with opportunities that¹⁴ enabled them to acquire wealth while the majority Africans remained poor.¹⁵ This inequality caused discontent by African communities leading to rebellion against the colonial government.

New crimes emerged were evident as conflict was established between the colonisers and the colonised. The introduction of British system of administration and its attendant colonial capital was incompatible with African culture and customs. Anyone who did not conform to the new style was treated as a criminal. This new way of life created antagonism between the Africans and the Europeans. There were many who fell foul of the British system and this led to the establishment prisons. However, some indigenous instruments of control were retained but altered in order to serve the emergent colonial capitalism. These were chiefs and headmen in most of the African communities.

⁴R. D. Wolf, *The Economics of Colonialism; Britain and Kenya, 1870-1930* (New Haven, 1974), p.66 See also D.M. Anderson, 'Cow Power; Livestock and the Pastoralists in Africa', *African Affairs* 92;366(1993), p.121

⁵ C. Eliot, *The East Africa Protectorate* (London, 1905), p.94

⁶ Leys, Kenya, p.105

⁷ J. Fadiman, *Mountain warriors: The pre-colonial Meru of Mount Kenya* by 1976 Ohio university control for international studies purpose in international studies Africa series No.27.

⁸ Holtzman, p.52

⁹ Waweru, continuity and change in Samburu pastoralism, p.81

¹⁰ KNA/PC/NFD1/4/1 Uaso Nyiro Half Year Report 1915

¹¹ C.H. Ambler, *Kenyan Communities in the Age of Imperialism: The Central Region in the Nineteenth Century*, (London, 1988), pp.43-45

¹² See Arnold, *Kenya and the Politics of Kenya* (Nairobi, 1974), p.79-84

¹³ Kenya, *Facing Mount Kenya*. 195-196

¹⁴ Ochieng' and Maxon, *An Economic History of Kenya*. 64

¹⁵ It should be noted that the officers of the provincial administration possessed status and power and therefore were treated as people in authority so that they would maintain law and order and the collection of taxes.

The colonial chiefs and headmen¹⁶ were different in the sense that they had to implement the directives of the colonial government. There were no consultations between the Africans and these colonial agents of administration as was the practice in pre-colonial Kenya. This created divisions among the Kenyan societies. The system of the new administration was hierarchical and involved the Provincial Commissioner, District Commissioners, District Officers, Chiefs and Headmen.¹⁷ This meant that Chiefs had to take orders from the top.¹⁸ This, prefectural system was rigid, totalitarian and racial Africans occupying the last two ranks. For colonial governments the maintenance of law and order meant taking firm action to deal with any threat to the continuing system of rule imposed by the British.¹⁹

It is important to note that from the beginning administrators sought to transform conquest into orderly control through African subordinates willing to exercise delegated powers. This system of control was supported by the chiefs and headmen, the court or Native Tribunals, and Local Native Councils. They were called on to act as the primary agents of mobilization of African labour and production for the colonial economy, to collect taxes and maintain 'disciplinary control' of the reserves. Chiefs were permitted to try civil and minor criminal disputes in their own courts.²⁰ Colonial means of punishment was selective and meant the full control and subjugation of Africans.²¹

Colonial administrative institutions led to the subjugation of Africans and thus created conflict between them and the colonizers. Any act that seemed to contradict the laid down structures of governance was treated as a crime by the colonialists. These structures of control had absolute authority over the Africans and found expression in instruments of coercive authority such as prisons and courts which became essential in the maintenance of law and order. The use of chiefs and Tribal police meant the support of the colonial system of administration.²² Colonial rule created opposition from the African and this opposition resulted in 'crimes' many of which were offences against the imposed structure of colonial management. Although, the colonial government did seek to curb and punish wrongful act by one person against another, an essential feature of colonial law and policing was enforcing colonial rules and punishing those who breached them.²³

The maintenance of law and order meant taking firm action against any threat to the established rule of law imposed by the colonial administration. Arrest and imprisonment awaited all who infringed the colonial laws. However, the colonial government main interest, besides subjugation of African, was protecting European lives and property in towns and commercial centres. They provided a measure of control over the key parts of the economic infrastructure.²⁴ It is this establishment of a new way of life and alien system of administration that created a clash between Europeans and Africans.

The police²⁵ was another coercive institution of social, political control and domination used by the colonial government. They were agents of the colonial state meant to maintain law and order. The use of police in colonial Kenya emphasised the coercive nature of the forces of law and order and their foreign-ness from the ordinary people. Central government police functioned alongside local 'tribal' or African administration police who later became Administration police. They strengthened their position of authority by accumulating economic and political power. Police acted as colonial prefects for government and used their authority to exploit those whom they manned. They became oppressive to those under their jurisdiction.²⁶

The early police in Kenya were composed of Nubians and Swahili Arabs. They acted as the 'ears and eyes' of the colonial administrators. Their other role was to maintain law and order for the colonial government. The police dealt with threats that arose against the imposed colonial, upheld European authority and protected European properties. In addition to combating general crime policemen also performed other roles meant to dominate and control Africans. They acted as agents of colonial state. They acted as tax collectors rounding up labour and conscripts, patrolled borders, distraining goods and firing villages if necessary when people refused to pay. Furthermore, they controlled immigration, formed cordons to control the movements of cattle and people in order to prevent the spread of diseases. Large areas of colonial Africa were unpoliced by the central government.

Everyday law enforcement was the responsibility of the African authority and local 'tribal' police forces subject to traditional rulers. The chiefs and the headmen in British Africa were supposed to uphold native courts, collecting taxes and dealing with local crime. Another major role of the police from the 1930s onwards was their use in cooperation with employers, to break-up illegal strikes. The structure of administration was well organized so as to maintain a coherent system of control and domination. This led to an extension of control on chiefs through the oversight of the police, courts and prison.²⁷

¹⁶See the village headmen ordinance of 1902.

¹⁷It is of importance to note that the Provincial administration was part of an integrated prefectural system which was the principal agents of imperial control. See also Waruhiu Itote General China: Mau Mau in Action (Nairobi, 1979), p.2

¹⁸ W.R. Ochieng' and R. Maxon, An Economic History of Kenya, (Nairobi, 1992), p.63

¹⁹ Killingray, The Maintenance of Law and Order in British Colonial Africa, p.413

²⁰ Berman, Crisis and Control, p.208

²¹ Ochieng' and Maxon, An Economic History of Kenya, p.64

²² D. Killingray, The Maintenance of Law and Order in British Colonial Africa, p.413

²³For more information on Chiefs and headmen see B.E. Kipkorir, The Functionary in Kenya's Colonial System in B.E. Korir (ed) Biographical Essays on Imperialism and Collaboration in Colonial Kenya (Nairobi, 1980), pp.3-5

²⁴Ibid, p.413

²⁵D.M. Anderson and David Killingray, Constant Coercion and a Colonial Control: Policing the Empire in D.M. Anderson and D. Policing the Empire Government, Authority and Control 1830-1940 (London, 1968), pp.334-339

²⁶D. Killingray, The Maintenance of Law and Order in British Colonial Africa, p.424

²⁷ Ibid, p.226

From the foregoing exposition, it is clear that the period between 1895 and 1902 was for laying the foundation for control and political domination. There were various instruments and apparatus of control established by the colonial government during the phase. First and foremost, there was no contact between the Europeans and Africans with the exception of the Nubians and the Swahili-Arabs who were later given jobs in the colonial military and police service.²⁸ Colonial conquest of Kenya after 1895 not only established foreign political domination, but also imposed a new strategy of capital penetration.

2. Colonial Apparatus of Domination and Control in Kenya, 1902-1963

Having set up systems of administration over the British East Africa Protectorate, Britain was now faced with the challenge of making her fledgling territory viable. This would ease the burden of the British taxpayers it had put up with at the initial stages of conquest and occupation. To make the colony fit for European settlement the Uganda Railway was built. The British reasons for building the railway were political, but the results were mainly economic. The Kenya Uganda Railway was to consolidate its share of East Africa into the imperial empire.²⁹ Lord Salisbury, the British Prime Minister 1886-92 and 1895-1902, regarded the railway as a means of consolidating claims to territory that had been recognized in paper in the Anglo-German treaty of 1890. Its prime concern was to establish effective British administrative control in an area which was a five months journey on foot from the Coast.³⁰

The railway was funded by the British Treasury. The British parliament which had financed what was now called 'The Lunatic express' insisted that the line be made to pay. At first, a hut tax was introduced in 1902 to help offset the cost, but the tax led to expensive military expedition by Britain to extend its jurisdiction over African communities who were required to pay.³¹ Therefore, Charles Eliot, Commissioner for the East Africa Protectorate 1900-1904, became the architect of European settlement in the country because of its altitude and temperate climate. Elliot believed that the white settlers could develop agriculture in the Highlands, freight rates on their farm produce would make the railway pay.³² From 1902 settlers started arriving under the encouragement Eliot's administration.

The British and the South African settler class worked hard to ensure Kenya became 'a white man's country. Large tracts of land in the Kenya Highlands were carved away for white settlement and christened 'White Highlands' meaning they were a no-go zone for other races.³³

African land owners were forcibly evicted from their ancestral lands to give way for white settlement. Settlers came on the railway and exported their cash crops along it. The settler's comprised British aristocrats who could not get land in Britain because of land shortage, Afrikaners from South Africa whose farms had been destroyed by Kitchener and who preferred to start a fresh in the new land.³⁴ Their arrival made the government make significant decisions that had far reaching impacts on social, economic and political lives of the Africans.

First and foremost, the colonial government enacted the Crown Land Ordinance of 1902. It made settlement in Kenya attractive. The ordinance established the legality of selling, granting and leasing unoccupied lands and allowed land to be leased for 99 years at a rent of a few cents per acre. The 1915 Crown Land Ordinance increased the length of leases to 999.³⁵ By 1915, 8242 square miles or 4,500,000 acres had been leased to about a thousand settlers. Twenty percent of it went to five individuals or groups: Dalamere (who got 100,000 acres), the two Coles, Grogan and the East African Syndicate. The colonial administration thought it had acted in the African interest and that no racial clash over land could emerge. However, the concept of 'Crown land' in Africa ignored African land tenure, which was based on shifting cultivation. Much of 'the unoccupied land', for example had been temporarily vacated a short while before the European intrusion. It paved way for land alienation. This was a major instrument of control and domination. This was the beginning of the conflict between the Africans and the whites. Many thousands of African were moved away for white settlers into reserves.³⁶

It is important to note that effective colonial government rested on maintenance of law and order to uphold the authority of the administration.³⁷ This was institutionalised through the passing of Ordinances such as the Vagrancy Ordinance of 1896. Vagrants are often transient persons who move from place to place and do not remain in any one place for a significant length of time. In colonial phraseology, vagrancy referred to a person of African descent with no fixed abode. The Ordinance criminalized begging and homelessness. The ordinance made it a crime for people to wander from place to place without visible means of support. Hundreds of Africans labourers were arrested, prosecuted and hounded in jail for failing to prove that they had a dwelling place. By so doing, the British ensured that Africans sought wage labour in the settlers' farms.³⁸

The Masters and Servant Ordinance of 1906 and 1910 were meant to compel Africans to work for private employers.³⁹ It provided coercive pressure to assist settlers in recruitment and retention of labourers. The Ordinance provided penal sanctions for desertion and other related labour 'offences.' It also increased pressure on Africans to leave

²⁸ Kenyatta, Facing Mount Kenya, p.18

²⁹ N. Kapila, Race, Rail and Society (Nairobi, 2009), pp.4-5, see also Z. Patel Challenge To Colonialism: The Struggle of Alibhai Mulla Jeevanjee For Equal Rights in Kenya (Nairobi, 1997), pp.13-26

³⁰ M. Tidy and D. Leeming, A History of Africa 1840-1914 (London, 1981), pp.15-16

³¹ C. C. Trench, Men Who Ruled Kenya: The Kenya Administration, 1892-1963, (London, The Radcliffe Press 1993), p. 19

³² Tidy and Leeming, A History of Africa 1840-1914 p.157

³³ C. O. Ojwando, White Highlands No more, p.20

³⁴ See The Crown Lands Ordinance 1902 (Nairobi, 1902), pp.2-77

³⁵ The Crown Land Ordinance (Nairobi, 1915), pp. 2 - 7

³⁶ The Crown Lands Ordinance 1902 p.66

³⁷ For detailed information see the effects of Northey circulars in Van Zwanenberg, pp.126-136

³⁸ See The Vagrancy Ordinance of 1896.

³⁹ Berman, Control & Crisis in Colonial Kenya, p.63

the reserves and work on state projects. The ordinance provided statutory powers in 1910 and 1912 for local administrators to call out able-bodied men within the reserves for six-day quarters of unpaid 'communal' labour on roads and other projects.⁴⁰

Native Authority Ordinance of 1912 authorized the Governor to appoint chiefs and Headmen who were empowered to arrest or order for the arrest of Africans.⁴¹ They were also empowered to issue orders to be obeyed by the Africans within the local limits of their jurisdiction. Any act or conduct, which, in the opinion of the headmen, led to riots, disturbances or breach of peace, prevention and evasion of any tax, would lead to arrest. The colonial government passed ordinances which were in every respect legal instruments. Those Kenyans who contradicted colonialism after a prolonged struggle submitted to the powerful colonial instruments of control and domination. Practically in Africa the imposition of colonial rule was resisted. Such resistance inevitably provoked military retaliation from the colonial powers. Colonial powers imposed their new mode of punishment like the prisons.⁴²

Other tools of control and domination were the reserves, established in Kenya by colonialists in 1902.⁴³ Africans were forced into reserves whereas the settlers occupied the fertile highlands. Africans were herded in villages so that they could offer labour to the settlers. The establishment of reserves was used by the state when 'dealing with very strong native races.'⁴⁴ This was an isolation strategy that was deemed superfluous by both the state and settlers who were dependent upon Africans for revenue and labour respectively.

The East African Protectorate Ordinance and Regulation of 1904 authorized the creation of reserves. The Ordinance mandated the governor to remove Africans from District declared as scheduled areas. Any African removed or prohibited from remaining within the Protectorate under the Ordinance. If he returned to the Protectorate as the case may be without revocation or variation of the order of removal or prohibition by the commissioner, he would be deemed guilty of an offence. He or she would be liable of conviction to imprisonment of either kind. He would be removed or prohibited from remaining in the Protectorate.⁴⁵ The policy of African reserve was to limit the quantity of land held by Africans. By limiting the land and the knowledge available to Africans in the reserves, Protectorate land policies induced them to leave the reserves for employment as wage earners on European farms.⁴⁶

The first African reserves in Kenya were for the Maasai in 1902. It became a policy which later spread to the rest of the Protectorate. Africans were restricted to reserves. The restriction was in essence to control and dominate them. African reserves were legalized in 1926 through ordinance and laws binding Africans to the reserved areas. Through the Native Land Trust Ordinance of 1926, it was declared that Africans reserves belonged to Africans forever. The creation of Africans reserves turned to be labour reservoirs which were legal methods of labour recruitment control and domination.⁴⁷

The establishment of official boundaries for the various African reserves in Kenya reflected contradicted impulses. On the one hand, they were intended to protect Africans from further alienation of land and allay widespread insecurity and, on the other hand to employ the reserves as another method of forcing Africans out to work. In 1905 the settlers dominated land committee proposed setting up reserves containing the future population growth could only be accommodated by movement outside the reserve on to settler's estates. The implementation of this coercive of labour control brought the state to the limits of its capacity to act as the agent of settler class interest.⁴⁸ They were established without regards to future population increase, decreased soil fertility. The chicken would come to roast in the 1930s leading to agitation in the reserves due to land degradation.

In addition, the colonial government embarked on taxation as the main determinant in pressurising Africans into wage labour, and a political weapon used to create wage labour force.⁴⁹ Colonialists made sure that Africans had to pay hut tax from 1902. To pay the hut tax, Africans had to work for settlers to meet the colonial requirements. The colonial state instructed the chiefs and headmen to enforce these regulations. Taxation was described as a sacrament of submission by the colonialists.⁵⁰

The Hut Tax Ordinance of 1901 was introduced by the colonial state on African households.⁵¹ It was raised on huts, where a man was liable for taxes on the huts which he supposedly to owned. Initially it could be paid in the form of money, labour and grain/stock but later only money was accepted. All these benefited the colonial authorities, raised money for colonial administrators and forced Africans to labour in the colonial economy. Colonial economy depended upon African labour to build railway, prisons and other infrastructure. As Percy Girouard one of the governors of Kenya put it. We consider that taxation is the only way possible to compel the natives to leave his reserve for the purpose of seeking work. Only in this way can the cost of living be increased for the native ...and it is on this that the supply of labour and the price of labour depend.⁵²

⁴⁰Berman, Control & Crisis in Colonial Kenya, p.6

⁴¹Native Authority Ordinance (Nairobi, 1912)

⁴² Ibid, p.21-22

⁴³ T. Kanogo, p.25

⁴⁴ C. Eliot, The East Africa protectorate, p.106

⁴⁵ KNA/AG/19/114/. The East African Protectorate Ordinance and regulation vol (vi) of Jan 1st-Dec 1904, (Nairobi, 1904)

⁴⁶R. D. Wolff, Britain and Kenya, 1870-1930, (Nairobi, 1974), pp.98-99

⁴⁷KNA/AG/19/114/. The East African Protectorate Ordinance and regulation vol (vi) of Jan 1st-Dec 1904, (Nairobi, 1904)

⁴⁸ For detailed information see Berman pp.150-151

⁴⁹R.M.A Van Zwanenberg Colonial Capitalism and Labour in Kenya (Nairobi, 1975), pp 76-77

⁵⁰R.M.A Van Zwanenberg Colonial Capitalism and Labour in Kenya, p. 7

⁵¹ The Hut Tax Ordinance of 1901 (Nairobi, 1901), pp.2-8

⁵²O.M. Wunyabari A Theoretical perspective in B.A. Ogot and W.R. Ochieng' (ed) Decolonization and Independence in Kenya (Nairobi, 1996), p.17

First, taxation was a sign of submission and secondly as the price Africans were expected to pay for *Pax Britannica*.⁵³ Colonial government embarked on tax collection to be used on colonial infrastructure and labour for settlers. In 1910 the government-imposed poll tax on all adultmen. By 1912, punishment for defaulter involved a sentence of up to three months imprisonment. The purpose behind these taxes was both to raise revenue and also to coerce labour a situation that put the colonial government into adopting new methods of punishment to the law breakers in Africa. This included imprisonment and capital punishment which was very rare during the pre-colonial era.⁵⁴ Tax collection was an apparatus of control and domination in that the rate of taxation was high by comparison to the wage rate. The Governor of East Africa Protectorate in his speech said:

We consider that taxation is... compelling the native to leave his reserves for the purpose of seeking work. Only in this way can the cost of living be increased for the native, and...it is on this that the supply of labour and the price of labour depend.⁵⁵

Every married man had to pay poll and hut tax. If he had two wives or had relations for whom he was responsible; who would not give a hut tax of their own, he would be liable for hut taxes for each of these. Refusal to pay was punishable by confiscation of their property and or imprisonment.⁵⁶

To ensure complex labour control and enforcement of punitive sanctions was the registration of Africans Ordinance that was known as, African Passes Ordinance of 1900, (*kipande* /pass) system was passed into law in 1915, but only brought into force in 1919-1920.⁵⁷ This required every male African over the age of fifteen years to register before administrative officers, when his finger prints were taken and he was issued with a registration certificate, the *kipande* which contained his personal particulars and a record of his employment outside his reserve, including the type of work and the wages and rations received. The *Kipande* had to be carried at all times when moving or living outside the reserve, usually in a metal cylinder hung around the neck, and each time an African entered or left employment the employer had to sign him in or off on the certificate.⁵⁸ The objective of the registration system was to bring the adult male African population under more direct administrative control, and to make it possible to trace back to the reserve and arrest 'deserters' and other violators who failed to be properly signed off by an employer.

After legitimizing tax collection and labour recruitment, the colonial government on 23 October, 1919, through Kenya's Governor Nor they issued labour circulars. This was after Nor they discussed the problem of shortage of wage labour with the Coffee Planters Union. The conditions were due to war death, famine and the form of repatriation. The labour circulars stated in part,

All government officials in charge of native areas must exercise every passable lawful influence to induce able-bodied male natives to go into the labour field. Where farms are situated in the vicinity of a native area, women and children should be encouraged to go out for such labour as they can perform. Native chiefs and elders must at all times render all possible lawful assistance on the foregoing lines. They should repeatedly be reminded that it is part of their duty to advise and encourage all unemployed young men in the areas under their jurisdiction to go out and work on plantations.⁵⁹

The key element of this document was its clear set of instructions to regional officials of the colonial administration regarding the labour supply. These officials were directed to 'actively encourage' Africans to engage in wage labour and to put pressure on chiefs and headmen to give Africans similar pressure. The Northey circulars, as they came to be known, reinstated a coercive system to Africans to engage in wage labour. Since regional officials had powers of taxing, rendering binding legal judgements and imposing punishments. Their encouragement could not but appear to Africans more like command than encouragement.⁶⁰

From 1902 onwards therefore, British control and domination of Africans was meant achieve economic goals. This was achieved through creation of reserves, Crown land ordinances, Labour Circulars, taxation and the *Kipande*. The provincial administration played critical role in ensuring effectiveness of these tools' colonial domination.⁶¹

3. Conclusion

From our discussion it is evident that for the colonial state to maintain effective control and domination they had to use two fundamentals penal codes. First, the maintenance of law and order to uphold authority of administration, and secondly the collection of adequate taxes with which to finance the administration of the colony. The starting point was the establishment of a legal framework and law in colonial Africa through ordinances which legalised their being in Africa for their own benefits. This led to the introduction and adoption of alien law, the codification, creation and restructuring of 'indigenous' structures of control. This paved way for the introduction of foreign institution such as prisons, the police, the army, provincial administration, courts and reserves as instruments of control and domination.

⁵³ Waweru, Continuity and Change in Samburu Pastoralism, p.64

⁵⁴ See Zwanenberg, p.77

⁵⁵ R.D. Wolf, Britain and Kenya, 1870-1930: The Economics of Colonialism (Nairobi, 1974), pp.99-100

⁵⁶ R.D. Wolf Britain and Kenya, 1870-1930, pp.117-121

⁵⁷ The African Passes Ordinance of 1900 (Nairobi, 1900)

⁵⁸ Berman, Control & Crisis in Colonial Kenya, p.144

⁵⁹ See the extract from circular No.4 of 13th January, 1919; KNA/Coast/1/110/77

⁶⁰ R.D. Wolf, Britain And Kenya, 1870-1930, p.122

⁶¹ W.R. Ochieng' and R. Maxon, An Economic History of Kenya, (Nairobi, 1992), p.63

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