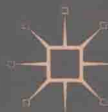


COMMUNAL LABOR IN COLONIAL KENYA

THE LEGITIMIZATION OF COERCION
1912-1930

OPOLOT OKIA



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INTRODUCTION

WERENGEKA'S ANXIETY

The year 1929 was an auspicious time in the annals of world history. A year that culminated in the collapse of the stock market in the United States, triggering the Great Depression, also saw the twelfth session of the International Labour Organization (ILO) put into motion discussions and debates that would ultimately result in the promulgation of the Forced Labour Convention, defining forced labor and controlling its use, the following year. Of course, what did this matter to Werengeka, wife of Karanja? On May 3, 1929, Werengeka had more pressing matters to deal with. For starters, in her small speck of Western Kenya,¹ she had just been visited by a demon! This was not your garden-variety demon, though. In place of a trident, it had a bible, and in place of horns, it wore spectacles. Werengeka's visitor was, in fact, an "Archdemon." Or at least, to be fair, that is the moniker that certain local administrative officials gave him after they tired of his incessant meddling.² His African "children," however, called him *bwana*. The "Archdemon" of Central Kavirondo³ District in Nyanza Province of Western Kenya was actually the Church Missionary Society's archdeacon Walter E. Owen (1879–1945).⁴ Always on the prowl for instances of abuse of colonial rule, Owen consistently championed African rights and criticized expressions of colonial control that went against the ideals of trusteeship or guided rule.⁵

On that particular Friday, Owen left his base in the town of Maseno and was making his rounds in his car when he came across five women and an old man doing maintenance work on a major thoroughfare in Western Kenya called the Malakisi-Mumias Road.⁶ Made curious by the sight of the women working, Owen stopped his car and approached them. As he drew near, three of the women fled, so he questioned the other two, one of whom happened to be Werengeka.

This was Werengeka's story. On that particular Friday, she and her friends had been summoned to work. Their husbands were working outside of the African reserve areas,⁷ so the women had been ordered by

their local leaders to perform “traditional” upkeep and maintenance on the road in their places. Werengeka’s task was complicated by another issue, though. She had a little baby to care for, which conflicted with the demands of her assigned task. As a result, her father had accompanied her to take care of the child while she worked. With his advanced years, he was no longer able to perform the work anymore.

Owen took down the information and wrote a letter of complaint to the district commissioner (DC) in charge of the area.⁸ According to the law that governed forced labor in Kenya, the Native Authority Ordinance (NAO), only able-bodied men were required to do compulsory labor. Werengeka and her fellow female laborers were, therefore, being forced to work illegally.

This upkeep and maintenance of the road was actually part of a wider net of responsibilities that Africans who lived in reserve areas were compelled to do on occasion under the NAO. Performed without pay, this communal labor or *kazi ya umoja*, as it was called, involved mainly infrastructure development but was also utilized in many different ways.

The DC noted Owen’s concerns, but nothing came out of this particular case. Owen continued in his attempts “to arouse public opinion in England to the need for a revision of the whole system” of communal labor in Kenya.⁹ However, the practice continued unabated until independence in 1963 as African men, women, and children took their turn building a nation under trust.

State manipulation of communal labor continued precisely because the labor costs to the state were virtually nonexistent. The labor was free.¹⁰ Many of the roads in the “native” reserve areas in Kenya were merely gravel or murram roads that required constant upkeep. Due to the need for persistent maintenance, it was cheaper to repair the roads with communal labor than to hire contractors. For example, Archdeacon Owen estimated that the frequency of communal labor in Kiambu District in central Kenya saved the state £50,000 a year.¹¹

In addition to roads, another contingency determined the frequency of communal labor. During the later years under colonial rule, the state began to move aggressively against the problem of land erosion within the African reserve areas.¹² To counter soil erosion, the state employed, and came to rely heavily upon, communal labor on various antisoil erosion projects. African “tribes” would again be called upon to fulfill their communal obligations.¹³

In theory, the colonial state construed communal labor as a relic from the “tribal” past that was deemed part of the traditional work obligations of an ethnic group and, hence, a communal responsibility. These

"minor communal services," as labeled by the ILO, were supposed to involve work on the making or maintaining water courses and building minor irrigation schemes, light dams, and bridges and foot paths but frequently went beyond that, as Werengeka's case demonstrates, and certainly eclipsed any original tribal mandate. Under state-sanctioned communal labor, customary duties included such "traditional" jobs as the upkeep of major bridges, railways, and road systems.¹⁴

This colonial reinvention of traditional unpaid labor was, as the noted historian of Kenya Robert Maxon has stated, "based upon a completely fallacious view of the traditional history of Kenya's people."¹⁵ Even among certain ethnic groups with a nebulous tradition of communal or collective labor, the labor requirements under communal labor were frequently distorted to the point where coerced labor no longer resembled its community-based origins.

State manipulation of these communal obligations was, in fact, part of the general phenomena in Africa that Terrance Ranger and Eric Hobsbawm labeled the invention of tradition.¹⁶ As Ranger opined, Europeans in Africa made use of invented tradition to both co-opt and ideologically solidify certain Africans into positions of leadership, like chiefs, and to also redefine relationships between Europeans and Africans.¹⁷ Seen by the state as merely an extension of tribal duties and resurrected as another phantom of customary law,¹⁸ communal labor was not actually exploitation but relearning.

In the case of communal labor, it is our contention, as we shall see, that the British in Kenya used the Native Authority Ordinance to "invent" traditional powers that galvanized the authority of chiefs to call out the labor. Conversely, chiefs also took advantage of these "traditional" mandates to enhance their own status. Headmen and chiefs were the vanguard of the "vulgarization of power" in the reserves.¹⁹ The power invested in the headmen and colonial chiefs to call out labor was a recognition of the extent of colonial power. To borrow from Michel Foucault, was it a reflection of the limits of power that was "exercised rather than possessed?"²⁰ The state needed the chiefs.²¹ However, "useful native officials in the service of Government are very often most unpopular."²² Chiefs were associated with corruption and oppression but also development, as the Kenyan historian William Ochieng argues.²³ The ambiguity of the headmen's "orders" in selecting labor for communal projects represented the precarious balancing act between the raw manipulation of power and the practice of domination through institutions by the administration in Kenya.

Although described by the doyens of Kenyan colonial labor history, Anthony Clayton and Donald Savage, as "the milder form of

compulsory labor," Africans found the communal labor objectionable.²⁴ Archdeacon Owen noted, "As to how Africans regard it, I can assure that in our discussions in the Church councils and elsewhere, there is no subject on which they speak with more heat and passion than in resentment against the operation of forced labor."²⁵

As Werengeka's case demonstrates, communal labor was exploitative. In essence, the peasant household subsidized the extraction of surplus labor. Women and children were often found in greater numbers on communal labor projects allowing African men the gratuity of wage employment. Moreover, as we will develop later, due to the way that it was administrated, it was open to a myriad of abuses and corruption.

Communal forced labor affected Africans unevenly. Wealthy Africans and salaried elites could normally get out of the labor requirements. On the other hand, poor peasants and women were continually ensnared in the web of labor obligations.

Africans, however, contested the ability of chiefs to manipulate these traditional powers by resisting through traditional means or, ironically, through the modernizing venues provided by the colonial state. As our analysis shows, though, Africans who sought to challenge various aspects of communal labor through administrative channels were sometimes undermined by the very structures through which they sought redress. When the more constitutional means were not enough, protests erupted in other forms.²⁶

International organizations like the ILO, ostensibly charged with protecting workers rights, also conveniently interpreted communal labor as something other than forced labor. The ILO Forced Labour Convention of 1930 was supposed to mark the end of a particular era of colonial labor manipulation, symbolized by naked coercion, and the beginning of another system of labor extraction, based on market forces.²⁷ Ideologically, the convention was the culmination of the free labor project that began with the abrogation of the transatlantic slave trade in the nineteenth century and the subsequent renunciation of slavery in the West.²⁸ The convention defined forced labor as "all work or services which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."²⁹ However, the ILO definition excluded many coercive labor practices, including communal labor. Minor communal services, as defined by the Forced Labour Convention, were interpreted as artifacts of community that were intended to be performed in the direct interests of, and after prior consultation with, the communities

involved. Consequently, the ILO Forced Labour Convention did not define communal labor as forced labor.

Although civic obligations were reaffirmed by the ILO, civil rights for colonial subjects were not given such protection.³⁰ Though excluded as forced labor by the ILO, any African who failed to participate in work when commanded by his or her headman or chief would be sanctioned through either corporal punishment, fines, or imprisonment.

This uncritical view of communal labor, as a legitimate continuance of traditional duties, was also shared, with a few exceptions, by humanitarian organizations engaged in, like Owen, exposing colonial misdeeds: missionaries, administrative officials, and the Colonial Office. As an artifice of community, this short-sighted vision of communal labor merely served to strengthen the institutional legitimacy of the state in Kenya. For what could be better than teaching Africans to work for the good of their community? As an instrument of primitive accumulation,³¹ communal labor was, by necessity, a reflection of the economic weakness of the British administration in Kenya. The vampire state enervated the precapitalist modes of production by extracting capital and labor.³² Despite the illusory notions of community, this crucial economic aspect accounted for the longevity of communal labor during the colonial period.

It was, after all, forced labor without pay. This allowed the state to extract the maximum surplus value of African labor while making Kenya Colony economically self-sufficient. Low wages ensured European profitability while no wages ensured government fiscal stability. Hence we see the factors that led to Werengeka's difficulty on that fateful day. In all probability, Werengeka's burden was a similar difficulty faced by many Africans in the reserve areas in Kenya—and in Africa in general—during the era of colonial rule. If not for Owen's disquieting visit that day, her story would have remained hidden behind words like "community" and "service" that masqueraded as the traditional face of coercion. Conjured up out of oblivion through Owen's pen, Werengeka's ordeal with communal labor comes to symbolize the normalizing visage of colonial development in Africa.³³

NORMALIZING FORCE IN KENYA

Owen's encounter with Werengeka was not unique for him. His attempts at whistle-blowing were a symptom of the state's heavy reliance upon not only communal labor but also many other forms of coercion. During the early period of colonial rule in Kenya, the

state heavily relied upon coercive labor practices, but as market forces began to play a more central role in the economy, the administration eventually whittled down the forced labor apparatus to the benefit of the community. The result was the normalization of force. At the very moment when state forced labor appeared to decline after 1921, it was actually intensifying under the veil of community.

As we discuss in Chapter 1, communal labor in Kenya was merely a microcosm of the wider utilization of forced labor in colonial Africa. Correspondingly, the phenomenon of forced labor was part of a broader issue concerning colonial development in Africa. Essentially, the impoverished colonial states needed cheap African labor for infrastructure development. Coercion was the solution. The East Africa Protectorate was no exception. However, the employment of coercion was an evolving process that reflected deeper ideological underpinnings.

Coercive labor practices were, to some extent, shaped by competing visions of African development and the crucial role that compulsion should or should not play. Chapter 2 examines the various laws that governed forced labor in colonial Kenya during the early period. The forced labor laws offer a window into the early development of administrative policy regarding coercion. Beneath the forced labor laws in Kenya, though, were contending modalities of African development. Forced labor, then, was a colonial assertion of a specific notion of African phylogenesis.

Chapter 3 continues this theme with a discussion of the early period of colonial rule in Kenya. During the embryonic phase of colonialism in Kenya, the imagery of African evolution that construed African forced labor more purely in terms of European development was more dominant. When the British assumed control over Kenya, slavery was already common. Although the British eventually abolished slavery, the strong demand for labor remained. Due to the economic demands placed upon it by its European settler population coupled with its own economic weakness, the state relied heavily upon many forms of coercion. Continued settler demands for more pliable African labor eventually resulted in the 1912 Native Labour Commission. The testimony before the Commission was an illuminating window into the various coercive labor practices and abuses that touched the lives of many Africans. The administrative response to the findings of the commission essentially exonerated coercion and generated criticism both in Kenya and in London among various humanitarian organizations.

In keeping with the general colonial trend, at least in the British colonies,³⁴ by the early 1920s, certain forms of forced labor were eventually curtailed and abolished. As we discuss in Chapter 4, forced labor

for private concerns became a controversial issue in Kenya and London in 1920. A labor circular issued by the governor of the East Africa Protectorate, Sir Edward Northey, ignited the debate by inferring that government could recruit labor for private interests by “encouraging” Africans to work. To humanitarian groups, like the Anti-Slavery and Aborigines Protection Society (ASAPS), encouragement was tantamount to slavery.³⁵ The ASAPS and other humanitarian and missionary organizations proceeded to put political pressure on the CO for a restatement of the administrative position regarding coerced labor in Kenya. In response to the forced labor crisis, the secretary of state for the colonies, Winston Churchill, issued a dispatch in 1921 effectively curtailing the use of government-forced labor and severely proscribing forced labor for private purposes in colonial Kenya.

As we detail in Chapter 5, this was followed by another dispatch from the Colonial Office in 1925 that essentially ended government forced labor, but with certain exceptions. After 1925 in Kenya, with the exclusion of portage, the administration did not use government forced labor again during peace time, with the exception of one incident.³⁶

Many scholars have looked at Churchill’s dispatch as the imperial denouement on the forced labor question in Kenya.³⁷ As the labor historian Sharon Stichter stated, “By the mid 1920s, the use of direct state coercion of laborers had begun to decline.”³⁸ However, what is often overlooked is the “milder form” of forced labor.

These new directives on forced labor did not apply to communal forced labor. It was deemed to be more of a harmless vestige of tradition that was, at worst, a minor annoyance to the Africans required to perform the labor. So despite the apparent changes in colonial policy, communal forced labor was neither addressed nor proscribed.³⁹

What was the impact of this alienation of certain forms of forced labor? The answer to this question will be more fully explored in Chapter 6, but one general outcome was the narrowing of the definition of acceptable forced labor practices in Kenya. Forced labor for private purposes, the bane of progressive colonialism, was made illegal and excluded. Forced labor, exclusively for the state, was curtailed, while communal labor, ostensibly in the interests of community, continued unabated. Consequently, although forced labor in colonial Kenya was supposedly ameliorated by the dispatch, in actuality it intensified as the focus or justification for it shifted to customary law.⁴⁰ Through the antforced labor campaign of Archdeacon Owen, Chapter 6 details this normalization of communal labor that allowed it to be used with virtual impunity all over Kenya in a myriad of ways that frequently

contravened not only the law that governed its use but also the traditional justification for it.

The ideological impact of the normalization of force was far reaching. The shift from naked coercion to compulsion shrouded in community was part of a larger process in Kenya. The colonial state was, in one sense, enmeshed by the institutions and practices that defined the political economy of Kenya, but in another sense, it also shaped them.⁴¹ The state, as arbiter of competing interest groups, sustained legitimacy to the extent in which it appeared to be immersed within these seemingly passive, impersonal institutions and discourses. The discourse of community served as the justification for communal labor that buttressed ideological legitimacy of the state as a progressive institution. With its emphasis on preserving tradition through communal labor, the normalizing state raised its stature, as viewed from the metropole, while strengthening its administrative power built upon force. Ultimately, however, communal labor represented one of the myriad contradictions of colonial rule in Kenya.⁴² As the state struggled to maintain relative autonomy among competing interest groups, it had to corral the various class struggles and tensions over accumulation. Forced labor for private purposes undermined the relative autonomy of the colonial state, while communal labor buttressed it.

Ironically, communal labor was more akin to slavery than the government recruitment of labor for private purposes. Africans labored for no pay and were beaten, imprisoned, or fined if they refused to work. But unlike the episode of the Northey circulars that we discuss in Chapter 4, there would be no Quixotic campaign against the windmill of slavery. This acceptance of communal labor squared with a preservationist image of trusteeship in Africa that did not look favorably upon change or modernity.⁴³ Wrapped tightly in his blankets like the proverbial Masai,⁴⁴ the African peasant was still an evolutionary child that had to be protected from the more caustic advances of capitalism embodied in forced labor for private purposes. But children must eventually be taught to work, and Africans would be forced into modernization under their own institutions, like communal labor, which was ultimately defined by and in the interests of the state.

CHAPTER 1



FORCED LABOR AND COLONIAL DEVELOPMENT IN AFRICA

As European powers began to assert hegemony in much of Africa during the early twentieth century, forced labor became a common and cheap method of organizing the labor of colonial subjects. The impoverished colonial states needed cheap African labor for infrastructure development while, in settler colonies, European immigrants and business interests also required affordable labor to squeeze out profit margins.¹ The myth of the lazy African male, unresponsive to economic incentives and lethargic due to the labor of his womenfolk, fueled the ideological justification for forced labor as an aspect of progressive rule.² Essentially, if Africans would not work for Europeans, which was in their best interests anyway, they must be forced to work. Out of this moral and economic “dilemma” of development grew the multiheaded Hydra of forced labor in Africa: forced labor for private interests, government forced labor, and coercion in the interests of community. In this chapter we first, broadly, examine the general archetypes of forced labor in colonial Africa and their connection to economic development.

FORCED LABOR FOR PRIVATE INTERESTS

Historically, Africanists have paid more attention to forced labor for private purposes due to its more immediate association with the slavery.³ During the early period of colonial rule, in areas with significant European settlement, private sector demands for inexpensive African labor were high. However, the wages were dreadfully low, the work was arduous and dangerous, and many Africans still maintained

access to their means of production: land. With this state of affairs, the strong demand for labor was not neutralized by an equally robust supply. This situation only increased the pressure for conscription. Enter the state. Through taxation, many Africans could be compelled to work. But the various hut and poll taxes proved inadequate by themselves. Those with means could simply expand production of livestock or crops to meet the tax requirements.⁴ Coercion, however, ensured that few could completely evade their labor obligations. Consequently, Africans would be forcibly recruited by the assorted colonial states and private companies into working on mines and plantations in various parts of Africa during the colonial period. European business owners were able to reduce labor costs by placing the onus for recruitment upon the shoulders of the various colonial governments.⁵

In French West Africa (*Afrique Occidentale Française*, AOF) financial concerns influenced the machination of forced labor for private interests. In territories like Ivory Coast, European settlers, or *colons*, demanded cut-rate labor for their cocoa plantations.⁶ As incentives, they offered Africans paltry wages and back-breaking work on their plantations. Africans had other choices, though. They could go and work in neighboring colonies that offered more competitive wages. The *colons*, consequently, had to compete for workers with planters in British colonies like Gold Coast. This slew of factors resulted in a tepid labor market. The AOF responded by facilitating the recruitment of workers for the plantations in Ivory Coast. The *colons* eventually came to depend on a system of forced labor recruitment, organized by the chiefs and local headmen, for the production of their cash crops. The recruitment pressure was so intense at times that laborers fled to the neighboring colonies like Gold Coast to escape conscription.

In other areas of French West Africa, the government used concession companies for the procurement of raw materials like salt, groundnuts, and lumber. These companies eventually encountered the all-too-familiar labor woes. The end result was the same. Many of these concession companies soon came to depend heavily upon forced labor.

Following World War I, the French also utilized coercion in the promotion of cash crop production among Africans in Ivory Coast, Western Sudan, and Upper Volta.⁷ *Indigène*⁸ were required to grow cotton and, in some cases, other cash crops like ground nuts and sisal. The cotton was then bought at specific trading centers at submarket rates. Africans who refused to comply were subject to fines and imprisonment under the infamous *indigénat*.⁹

Predictably, forced cash crop production spawned negative multiplier effects. Peasants required to grow cotton devoted less land to the

cultivation of subsistence foods. This increased their vulnerability to famine and food insecurity. In response, the French government eventually passed a ministerial decree stipulating that forced cash crop production could only be permitted with approval of the governor general.

In British West Africa chiefs also followed orders and forcibly recruited African labor for private interests. In the Gold Coast the development of the mining sector, coupled with the growth of cocoa plantations after 1890, created labor shortages. Africans had little interest in working in mines that offered a startling death rate of 64 per 1,000 during the early 1920s.¹⁰ To address the labor shortage, the state resorted to coercion. Gangs of men were rounded up and forced to work on plantations or in mines.

In addition to plantation and mine work, African farmers and European trading firms along the coast also employed young girls through forced portage.¹¹ Girls ages 9 to 14 were used to carry loads for either the European-dominated import-export trade along the coast or for the cash crop commodity plantations further in the interior. With loads of cocoa, palm oil, and palm kernel sometimes exceeding 70 pounds, young girls marched long distances to the coast from the hinterland.¹²

Moving further south within British colonial Africa, implementation of forced labor changed little in form. Significant European settlement and the discovery of mineral wealth combined to create a voracious appetite for African workers.¹³ In South Africa the development of capital intensive gold mining in the Witwatersrand region of Transvaal during the 1880s stimulated a strong demand for cheap African labor. Despite heavy taxation and pass and vagrancy laws coupled with the alienation of large swaths of African land, European mining concerns still had difficulty obtaining stable African labor flows.¹⁴ The British administration in Transvaal tried to further intervene in labor recruitment by agreeing to import Chinese indentured laborers and creating the Government Native Labour Bureau.¹⁵ Despite these efforts, labor problems persisted, and in 1896 the South African Chamber of Mines formed the Rand Native Labour Association, which was later reorganized as the Witwatersrand Native Labour Association (WNLA) in 1900.¹⁶ The goal of the WNLA was to regularize African labor recruitment so that the mines would stop competing against each other for African laborers. By the late 1900, the WNLA had proven quite effective in organizing an African labor force of about 100,000 with wages that were lower than they had been during the 1880s.¹⁷