
**‘CONSTITUENCIES OF
CONTROL’ - REPERTOIRES OF
COERCIVE PUNISHMENT IN
KENYA’S MAU MAU
EMERGENCY, 1952-1956**

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Abstract

This thesis examines non-violent coercive controls used in the British counter-insurgency campaign against Mau Mau between 1952-1960. The historiography of the conflict has tended to tier interpersonal violence narratives due to the brutality and scale of bloodshed seen, meaning the wider repertoires of coercion have gone underplayed. This thesis is the first substantial work to analyse the Mau Mau conflict at a localised level with everyday quotidian controls as its focus. As such, the work makes an original contribution to our understanding of the Mau Mau emergency, and Britain's late colonial period, by demonstrating the importance of these measures and localised constituencies of control to routine domination. These restrictions were utilised in conjunction to establish a network of punishment that reinforced one another and affected almost every aspect of Kikuyu everyday life, supported through the conspiracy of administrative officers and local loyalist elites acting for mutual benefits.

In order to achieve this, the thesis makes use of the controversial Hanslope disclosure, insofar tapped for its violent content, to analyse the conceptualisation, development and application of district-level coercive policy showing it to be a firmly bottom-up process. Born in negotiation between the constituencies of control working in concert, punishments are shown to be conceived as applicable, appropriate and supposedly familiar to the Kikuyu to aid in their justification.

Ultimately, this thesis reveals a more chaotic and permissively coercive structure of control, in that while interpersonal violence engendered fear, wider repertoires of coercion were the most immediate daily manifestation of domination. Thus, making an important intervention to Mau May history and wider imperial narratives.

List of Contents

Abstract	2
List of Contents	3
Acknowledgements	5
Abbreviations	6
Author’s Declaration	7
Introduction	8
Background and Context	14
Violence.....	22
Development and the Colonial State	29
Nationalism.....	39
Argument, Methodology, and Structure	44
Chapter 1: The Colonial Office and Kenyan Administration 1920-1945	57
Origins of Colonial Administration in Kenya Colony.....	59
Structures of Bureaucracy within the Kenyan Administration	65
Trust in Trusteeship.....	79
Lord Hailey and Social Development.....	85
War and Welfare: State-Building and the Colonial Office	90
Chapter 2: ‘Coercion and Control’ – Administration during the Emergency ..	103
Renaissance of the Provincial Administration.....	107
Reimagining Control: Structural and Material Armament.....	113
Information and Power.....	120
Colonial Courts: Parallel Justice	126
Chapter 3: Collective Punishment	134
Origins of Collective Punishment in Kenya Colony.....	143
Blood Money.....	152
Emergency Regulations and the Protection of Loyalists.....	166
Life after Lari: Expediency and Punishment	181
Control through Chaos.....	193
‘Construction of Narratives’: The Power of Information.....	203
Chapter 4: Re-imagining Collective Punishments	211
Rewarding Loyalism	214

Collective Fines	225
Funding Coercion	232
Testing the Limits.....	240
Collective Punishment - Data Review.....	255
Chapter 5: 'Perfecting the Discipline' - Diversification of Punishment	260
'The Muhiriga Shall Decide'	264
Diversifying Punishments	273
Villagisation	285
Communal Labour	296
Reward and Discipline	302
Conclusion.....	308
FCO 141: Understanding the Hanslope Disclosure	320
Everyday Coercion in the Imperial 'Culture Wars'.....	329
References.....	339
Appendix.....	357

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Last and by no means least, I must thank those who have had an impactful personal role throughout the research and writing process. Particular appreciation goes to my wonderful partner Heather, whose love and reassurance has been a ceaseless well of support. Similarly, thanks go to my family, whose help and encouragement I am lucky enough to have always been able to count upon. Finally, my thanks go out to my friends, in York and back home, who now finally have an answer to the question of when I am finishing my thesis!

Abbreviations

AG	Attorney General
Ag.	Acting
CO	Colonial Office
CNC	Chief Native Commissioner
CP	Central Province
DC	District Commissioner
DG	Deputy Governor
DO	District Officer
FCO	The Foreign and Commonwealth Office
HG	Home Guard
KAR	King's/Kenya African Rifles
KEM	Kikuyu, Embu, Meru
MLO	Member for Law and Order
PC	Provincial Commissioner
RVP	Rift Valley Province
SAA	Secretary for African Affairs

Author's Declaration

I, Thomas Wright, declare that this thesis is a presentation of original work, and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

Parts of the argument and content of this thesis have been reproduced to publish the article: 'Constituencies of Control' – Collective Punishments in Kenya's Mau Mau Emergency, 1952–55. *The Journal of Imperial and Commonwealth History*, DOI: 10.1080/03086534.2022.2093475 (Awaiting copy in print)

Introduction

In the early hours of 15th October 1953, the district commissioner of Nyeri, O.E.B. Hughes stood by the side of the road at Githakwa, in the Tetu location of Nyeri and held an impromptu *baraza* for the local Kikuyu of the area.¹ Only a few yards away, the bodies of sub-chief Kimburi and his driver Shadrack Mucheni laid strewn out across the road, some fourteen hours after their untimely murders. After probing the local population with no success, and frustrated by their intransigence, Hughes instructed district officer H.S.B. Thatcher to conduct a collective punishment of the residents of Githakwa. In their refusal to offer assistance in identifying either the perpetrators or report the presence of the victims' bodies for over thirteen hours, the people were deemed complicit in the murders and liable for punishment. In wasting no time, that same day, Thatcher seized 59 cattle from as many owners, representing 30% of the total livestock owned within the small Kikuyu village.² In recommending the forfeiture of the seizure, Hughes attested that the appropriateness of the action was in every sense correct as it was, "the only really effective means available for the officer on the spot of restoring respect for Government and shattered morale."³

The events of the 15th October 1953 were by no means remarkable in the history of Kenya's Mau Mau war. By any measure, the events were not even remarkable in the history of the district of Nyeri. Yet, for the people of Githakwa, the day would

¹ *Baraza* from the Swahili for council or assembly, was a term used throughout colonial East Africa for public meetings.

² *Report of Collective Punishment ordered under Regulation 4A and 4B of the Emergency Regulations 1952*. DC Nyeri to PC CP. 1st November 1953. FCO 141/5997 (1/1). The National Archives, London. (Hereafter TNA).

³ *Ibid.*

represent one where a significant portion of their wealth and livelihood was taken away on the caprices of the local district administration. The colonial states incumbent response to the challenge of Mau Mau has inspired a wide and diverse historiography, yet the robust and extensive use of these non-violent forms of quotidian punitive discipline has largely been neglected amongst scholars in favour of a tiering of massacre, torture, and the brutal experience of those subjected to detention camps. These physical forms of violence inform a historical narrative which largely overlook, or at best generalise, the experience of those Kikuyu caught in the middle of the emergency but saved from this most extreme form of treatment. The collective punishment employed at Githakwa was just one of a repertoire of non-violent means of coercion that were applied with regularity during the British counter-insurgency campaign, becoming a matter-of-course part of administration in the troubled period of Mau Mau war.

Demographer John Blacker using Kenyan census both before and after independence has suggested that the excess Kikuyu deaths in the period of Mau Mau to be around 50,000 people. Over half of these were thought to be children under 10 years of age, lost through malnutrition and disease.⁴ In understanding this deprivation, it follows that a closer analysis of these acts of extraction may offer some explanation.

Ironically, this most commonplace of incumbent responses has become relegated to passing reference and footnote precisely because of its mundane and prosaic nature. Yet, in their broad and everyday use, non-violent means of coercion offer us

⁴ John Blacker. "The demography of Mau Mau: fertility and mortality in Kenya in the 1950s: a demographer's viewpoint." *African Affairs* 106, no. 423 (2007): 205-227

perhaps the best approach into understanding how the colonial state went about asserting control over an uncooperative population at large. Materially, Britain's suppression of Mau Mau was as much about the everyday act of coercion in the Kikuyu village as it was about the dramatic backdrops of the concentration camps or Lari massacre.⁵

Peripheral cases, like that at Githakwa, provide insight into the administrative response as it was employed on the ground in the early 1950s. Nevertheless, contemporary scholars of Mau Mau and the British counter-insurgency campaign have routinely by-passed such cases for a focus on narratives of violence and brutality. For example, Caroline Elkins in her extensive study on detention and villagization makes only passing reference to the introduction of regulations that allowed for a litany of non-violent forms of punitive action without offering any substantive information of what these regulations entailed.⁶ Similarly, David Anderson, dwarfs mention of these disciplinary tools in discussion of the extrajudicial punishments and atrocities which were happening concurrently in the period.⁷

Mau Mau has always possessed a special place in the story of Britain's decolonisation, principally because its scale of violence and bloodshed has acted to complicate imperial narratives and subvert conservative arguments of a supposed orderly transition out of empire. It is because of this virtue why so many scholars have been drawn to Kenya to uncover the dramatic over the quotidian, but why by

⁵ The Lari Massacre was the single-most violent episode during the Mau Mau Uprising where insurgent forces massacred 97 people, injuring some 50 more. Among those targeted were limited numbers of the loyalist home guard, but most casualties were among their families; women, children, and elderly relatives. See, Caroline Elkins. *Britain's Gulag: The Brutal End of Empire in Kenya*. (London: Jonathan Cape, 2005) 45.

⁶ Elkins. *Britain's Gulag*. 55.

⁷ David Anderson. *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. (London: Weidenfeld & Nicolson, 2005) 293.

the same metric others balk at its mention, as an 'aberration' in imperial discourse rather than the rule.⁸ Given its emotive quality and the degree of voracity in the conflict, the elevation of discourse on interpersonal violence in Mau Mau narratives is to be expected. Moreover, deliberate attempts to conceal and obscure the nature of Kenya's colonial past encourages a recourse giving light to the lurid details of a particularly violent episode in Britain's imperial history. However, interpersonal violence, while no doubt endemic in Kenya at the time, was only one of a number of incumbent responses to challenge that the colonial state made ready use of in the period and yet has received a disproportionate amount of attention in established scholarship. In turning attention instead to the everyday and the wide repertoire of coercion that is undervalued and under researched in Mau Mau violence studies, we can perhaps begin to view Kenya as not such an exceptional case, but one boosted in the heat of the emergency to give momentum to the use of such a repertoire that was thoroughly familiar in the operation of wider colonial control.

Virtually no subject in the history of African decolonisation has sparked more debate, study, and popular interest than the Mau Mau war, the anti-colonial guerrilla conflict and Kikuyu civil war that raged in Kenya throughout the 1950s. The great calamity of Britain's late Empire, this event presented at the time as a conflict between modernity and savagery has become understood as one of unparalleled violence atrocity and bloody suppression. However, this preoccupation with interpersonal

⁸ Kim Wagner highlights this 'episodic' distinction in addressing John Darwin's defence of his book 'the Empire project' for claims it failed to 'tackle' the violence of Empire. Darwin asserts that violence was not unique to imperialism and therefore a concentration on it adds nothing to our knowledge. Wagner implies that this suggests that no further examination is warranted beyond a token gesture towards those 'episodes', such as Mau Mau, about which it is difficult to equivocate. See, Kim A. Wagner, *Savage Warfare: Violence and the Rule of Colonial Difference in Early British Counterinsurgency*, *History Workshop Journal* 85, no. 1 (2018): 218

violence has acted to obfuscate understanding of how the colonial state acted to try and administer control over a disobedient Kikuyu population *en masse*.

This thesis aims to recorrect this historiographic imbalance, by taking non personal forms of coercion as its focus in a study of the wider repertoires of coercion at play during the Mau Mau War. In doing so, this thesis will argue that in the absence of a comprehensive and well-manned state structure, colonial power in Kenya operated through the often ad hoc and makeshift bestowal of authority to localised colonial officialdom, who thus acted with a significant degree of autonomy to be able to react to the multifarious challenges of everyday administration.

In the heightened atmosphere of the emergency, this meant providing administrators with a broad range of controls and punishments which met the regional and varied needs of administration across the swathe of Central Province. The conceptualisation and construction of these regulations was firmly bottom-up, coming from discussions between the *constituencies of control* of local administrators and loyalist elements working in concert to concoct punishments which were viewed as applicable, appropriate and supposedly familiar to the Kikuyu.⁹ Not defined in isolation, these varied controls were increasingly used in combination to create a nexus of entangled punishments which affected almost all aspects of everyday Kikuyu life, and by mid-1954 making continued disloyalty an almost untenable position as the effects of the extractive policies weighed on the population. The thesis locates these constituencies of control as fundamental to understanding

⁹ 'Constituencies of Control' is the term used within this thesis to define the negotiated localised rule between different reaches of the colonial state, primarily between district colonial officials and leading loyalists. These operated with unique political economies contingent on the influential individuals active within them, acting to alter the direction and focus of local policy and punishment.

everyday control in the hinterland of Central Province, as the colonial capacity for coercion was reliant on a 'legitimate expression of native interest' to be acting in the defence of. The localised mutual benefits these constituencies provided allowed normalisation of coercion against those deemed disloyal take hold.

Accordingly, the contribution of this thesis to colonial Kenyan histories is to relocate the conflict from the centre to the periphery, while moving away from a focus on interpersonal violence. Less Nairobi and Whitehall, the decisions, motivations and actions of the cadre of men in charge of administration in the reserves of Central Kenya, along with their loyalist counterparts, are highlighted as fundamental to understanding how everyday control during Mau Mau operated. As such, the thesis presents itself as an entry into a more institutional history of the Provincial Administration at war. Building off of the previous work of Bruce Berman, the study delves into far greater depth in reassessing the colonial state and its approach to counter-insurgency, detailing the conceptualisation, development and use of the wide repertoire of coercive policies which were the most immediate daily manifestations of domination.

Making use of a fine-grain approach and quotidian focus, the thesis also contributes to wider imperial discourses. Employing the controversial migrated archive to look for the everyday rather than aberration, the thesis pieces out something far more sinister and insidious.¹⁰ The inexorable relationship between coercion and control, functioning symbiotically at the lowest and the necessity of loyalist collaboration to

¹⁰ The migrated archive is a disclosure of sensitive and embarrassing records from Britain's former colonial governments that were sent back to the UK (thus, migrated) for storage in the FCO archives on the eve of decolonisation to prevent their disclosure and subsequent embarrassment to Her Majesty's Government. Similar documents in large numbers were not returned but rather burned. These came to public attention in 2011 during a High Court trial involving Kikuyu claimants alleging violence and torture at the hands of the British during the emergency.

justify the appropriateness and rectitude of this recourse, belie any disingenuous claims which repute the fundamental nature of coercion in colonial rule. The systemic and functional role of repressive policy to localised administration demonstrated throughout the thesis also subverts deceitful defences which charge bad faith actors responsibility for supposedly uncharacteristic colonial indiscretions. Colonial control was neither moralistic nor benevolent but functioned on the basis of the degree of compulsion applied at any one time. This inherent connection between capacity for coercion and everyday colonial domination was modulated through loyalist collusion. In this sense, the thesis offers a more nuanced concept of colonial rule which gives more agency to local actors. It was not simply control through native institutions, but a process of localised negotiation and bargaining which imbued colonial agents with a supposedly legitimised and familiar coercive capacity and loyalist elites with the benefits of association. Lost in statist and high-level imperial accounts are the importance of these low-level dynamics, or as called here, constituencies of control, to understanding everyday colonial rule. In the case study of Mau Mau used in this thesis, their value becomes all the more clear. This chapter will provide an overview of the research by first covering the background and context, the research problem, aims and objectives, before latterly touching on the significance and limitations of the study.

Background and Context

The history of the British Empire, after falling largely out of favour among historians in the era of nationalism and nation-building for its reactionary, stale and old-fashioned image, has since come alive, catalysed by influential historiographical shifts that have deepened debate about its origins, nature and consequences in

society today.¹¹ The "postcolonial" move in imperial studies sparked a significant change in how empires and imperialism were conceptualised historically and prompted forceful reaction from orthodox historians. For a number of reasons, the new imperial histories presented a challenge to orthodox historians. First, the new histories were informed to a degree by postmodernist theorists, such as Foucault, Barthes and Derrida whose writings were instrumental in invigorating the 'new' social and cultural history. Similarly, cultural and literary studies, feminist theory, and Edward Said's critique of orientalism played a role in 'theorizing' historical writing, something common in other sciences but which had long piqued the suspicion of empiricist historians. Second, interdisciplinarity—including, for instance, literary and psychoanalytical frameworks of analysis in historical research—led to critiques of the new imperial history. Third, "new" imperial historians from North America, such as Antoinette Burton and Frederick Cooper, came to prominence where British scholars had once dominated.¹² Their work having a tangible impact in inspiring a new generation of historians. Fourth, postcolonial theoretical frameworks made it possible for scholars from the former colonies, particularly those involved in South Asian subaltern studies, to contribute more forcefully and critically to a new interpretation of the imperial past that placed more emphasis on the formation of colonial and postcolonial identities.¹³

¹¹ Increased interest in nationalism and nation-building was as true in accounts in Kenya, as elsewhere with Rosberg & Nottingham's *Myth of Mau Mau* being particularly influential. John Nottingham operated as a colonial official in Kenya during the Mau Mau period. See, for example, Carl Rosberg and John Nottingham. *The Myth of Mau Mau: Nationalism in Kenya*. (London: Pall Mall, 1967); John Lonsdale. "Some Origins of Nationalism in East Africa." *The Journal of African History* 9, no. 1 (1968): 119–46.

¹² See, for example, Antoinette Burton. *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915*. (Chapel Hill: The University of North Carolina, 1994); Frederick Cooper. *Decolonization and African Society: The Labour Question in French and British Africa*. (Cambridge: Cambridge University Press, 1996)

¹³ See, Stephen Howe. *The New Imperial Histories Reader*. (London: Routledge, 2010)

The influence and impact of the new imperial histories in the late 1990s, left no opportunity to turn back to old arguments, but instead meant that new approaches to imperial history would be to combine less fashionable historical disciplines, like economic history, with more fashionable cultural histories informed by post-colonial theory.¹⁴ These developments have allowed for a re-consideration of the relationship between violence, coercion and Empire within such frameworks, which is currently a very active avenue of scholarly debate. Spearheaded by the recent releases of Priyamvada Gopal on Insurgent Empires and Kim Wagner on Amritsar, these works begin to view the brutality of Empire as representative and indiscriminate, instead of isolated and personal.¹⁵ In Gopal's work in particular more agency is given to the colonial subject in arguing that a form of "reverse tutelage" took place with colonial rebellion having an influence on British dissent. This crucial reconsideration of imperialism plays into larger debates on Empire, as issues of post-colonialism, Windrush and even Brexit continue to show the legacies of colonialism are still as pertinent as ever in the news today. The Mau Mau rebellion, as an example of excess and atrocities is almost unparalleled in British Colonial history, which makes it a fertile subject for similar reappraisal. Despite being a saturated field of study, the revelation of the controversial Hanslope Disclosure in 2011 and the subsequent release of FCO 141 files now held in the National Archives provide new material and

¹⁴ Anthony G. Hopkins, 'Back to the future: from national history to imperial history' in *Past and Present*, 164 (1999), 203–4.

¹⁵ See Priyamvada Gopal. *Insurgent Empire : Anticolonial Resistance and British Dissent*. (London: Verso, 2019); Kim A. Wagner. *Amritsar 1919: an Empire of Fear and the Making of a Massacre*. (New Haven: Yale University Press, 2019)

new questions to be answered about Empire, coercive control and the role low level administrators played in support of both.¹⁶

The familiar narrative of the Mau Mau conflict follows a fairly established theme. After much indecisiveness, largely on the behalf of former Governor Sir Philip Mitchell, Evelyn Baring and the Kenyan administration declared a state of emergency in the colony on 22 October 1952. Unparalleled degrees of violence and lawlessness were blamed on the activities of a secret and supposedly nefarious organisation named Mau Mau. It principally involved, but was by no means limited to, the Kikuyu, Kenya's largest individual ethnic group; uncertainties grew that the movement could spread across all the colony's tribal units and erupt into a slaughter against settlers. Brutal control was the first official response to deter African and white settler mob rule. Supposed agitators were rounded up and detained; British military forces were transported in to wage a guerrilla conflict in the forests, which would become a protracted and drawn-out war which would see countless freedom fighters killed. Thousands of Kikuyu were removed from Nairobi in 1954 as part of Operation Anvil, as the administration began to take the war to Mau Mau's supporters and supply lines in the city.¹⁷ Mass detention, abuses and even capital punishment awaited many devotees. An African home guard was set up composed largely of Kikuyu faithful to the British administration, known as loyalists. Guarded villages were established to take back charge of rural areas and stifle those 'passive'

¹⁶ For information on the release of these documents, See, Anthony Cary. *Cary Report on Release of the Colonial Administration Files*. London: Foreign & Commonwealth Office (2011)

<https://www.gov.uk/government/publications/cary-report-on-release-of-the-colonial-administration-files>

¹⁷ Operation Anvil was a British military operation during the Mau Mau Uprising where British troops attempted to remove suspected Mau Mau from Nairobi and place them in Langata Camp or the Kikuyu reserves. At the conclusion of the two-week long operation, which started on April 24, 1954, 20,000 suspected Mau Mau members had been transported to Langata and another 30,000 had been sent to the reserves.

participants of Mau Mau; a system of detention, classification and rehabilitation was constructed dubbed the Pipeline.¹⁸ Rehabilitative only in name, the process soon became synonymous with coercion and violence.¹⁹ By 1956 Mau Mau was militarily defeated. Rewards for those loyal quickly followed punishment. Land was reallocated, among other incentives; confession and hard labour earned freedom and tax breaks. By 1957, African elections were undertaken at the consternation of many white settlers. The cost of such counter-insurgency measures had made the administration acutely aware that plans for a multiracial politics in the colony were essential to lasting peace. The emergency lasted until January 1960, a mere month before Macmillan's famous *Winds of Change* speech delivered to the South African parliament which signalled the impending end of Britain's place in Africa. By 1963 Kenya became independent, marking the culmination of a decade of instability, violence and volatility, dissecting the complex narrative of the period has been the challenge undertaken by many scholars in a range of fields ever since.

Despite a seemingly straightforward narrative, piecing together the history of Mau Mau has been anything but. Reputation has always been integral to the British relationship with Empire. The self-image of being a more just imperial power than its continental rivals had supported the belief in Britain's civilising mission since the nineteenth century and had been largely sustained in the collective memory of a post-colonial period that had witnessed the revulsions of Algeria and the Belgian Congo. While colonialism has never presented an uncomplicated or uncontested narrative; violence, torture and horror were not a part of Britain's colonial legacy.

¹⁸ Elkins coined the term 'pipeline' to describe the movement of detainees between different levels of detention camps. See, Elkins. *Britain's Gulag*. 136.

¹⁹ *ibid.* 149.

Nostalgic imagery of sunshine, shorts and lavish parties at airy colonial homes were all part of the innocent portrayal of the adventures of late colonial life, but jovial festivities in the last days of the British African experience in Kenya concealed a far more sinister truth. Hanging over the fanfare and pageantry of Britain's handover of power by the Duke of Edinburgh at Uhuru stadium in December 1963 was a thick black smoke emanating from Nairobi's Government House.²⁰ On the lawn a bonfire fed by bundles and bundles of government documents, meant to be passed over to the successor Kenyan state, burned steadily for weeks as the British hastily acted to maintain their reputation.²¹ The destruction that highlighted the end of Britain's colonial calamity in Kenya demonstrates an attempt to cleanse and expurgate its history.

In May 1961, colonial secretary Iain Macleod sent out a memorandum to all British colonies and protectorates to advise them on the correct procedure for retrieving and disposing of sensitive documents.²² This process, coined 'Operation Legacy', saw all files that were potentially embarrassing, incriminating or compromising to the British government either destroyed or secretly transported to the UK, where they were hidden in an MI6 facility in Hanslope Park, Buckinghamshire. This covert act denied successor states access to critical materials pertaining to their own history and ensured Britain could maintain the reputation it had for so long cultivated. Not until

²⁰ Global Development. Kenya: 50 Years since Independence - In Pictures. *The Guardian*. 12th December 2013. [Accessed: 18th February 2022] <https://www.theguardian.com/global-development/gallery/2013/dec/12/kenya-50-years-independence-in-pictures>

²¹ David M. Anderson. "Guilty Secrets: Deceit, Denial, and the Discovery of Kenya's 'Migrated Archive.'" *History Workshop Journal*, no. 80 (2015): 142–60. See also, Riley Linebaugh. Colonial Fragility: British Embarrassment and the So-called 'Migrated Archives', *The Journal of Imperial and Commonwealth History* (2022)

²² Iain Cobain. Revealed: the bonfire of papers at the end of Empire. *The Guardian*. 29th November 2013. [Accessed: 18th February 2022] <https://www.theguardian.com/uk-news/2013/nov/29/revealed-bonfire-papers-empire>

2011, almost half a century after Kenya's independence, was this first known to the British public, when a group of Mau Mau veterans seeking compensation for injuries suffered at the hands of the British Administration were making headlines in the High Court. As a result of witness testimony from historians David Anderson and Caroline Elkins, the Foreign Office was left to admit it was holding 1,500 files on Kenya that were previously undisclosed. When scrutinised by the prosecution, their contents proved practices of violence and torture were beyond doubt, leaving serene idyllic visions of garden parties and safaris in tatters. The result of the trial was not only to reveal that Kenya had been subject to this deceit, but Britain had retained a migrated archive from across its former vast Empire.²³ This action puts the history of the Empire itself on trial. If Britain's attempts to manipulate its legacy had been so pervasive, what else has the British colonial administration attempted to hide?

The Mau Mau rebellion and subsequent decolonisation casts a dark shadow over the British colonial experience in Africa, an episode of intense violence, chaos, control and eventual independence in little over a decade. It is unsurprising therefore that this epitome of colonial crisis would be a prime suspect for an attempted historical whitewashing. Regardless of deception, Mau Mau has inspired a diverse and conflicted historiography from a great many scholars over the past sixty years, but with the recent disclosure of the vast migrated archive containing previously hidden documents of the oft contentious end of Empire, study in the field has found new life. While initial inquiry was used primarily to vindicate previous study, new investigations, including this thesis, have used the disclosure in more imaginative ways that enable us to see more of the shrouded underbelly of Kenya's Mau Mau

²³ For more detail on Hanslope Disclosure and trial. See, Ian Cobain, *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation*. London: Granta Publications (2016)

war and revealing a more chaotic and permissively coercive structure of control.²⁴ In exploring the growth and formation of the varied schools of thought behind the rebellion and the origins of the Mau Mau movement, this chapter will go on to establish how political and social influences have helped inform and develop three broad waves of historiography, each in differing ways placing narrow consignment of Mau Mau to specific historical classification; namely, violence, development and nationalism. Considering the wider impact of archival revelations, there is scope for a more considered wave of study, making use of these newly disclosed documents to offer a revisionist history of what this disclosure actually tells us about control, colonial administration and imperial coercion, rather than a preconceived and regurgitated narratives of interpersonal violence and excess. In doing this, it positions the thesis within the current wider debates and reassessment of coercion, decolonisation and empire, viewing the punitive and coercive nature of imperialism as chaotic, archetypal and indiscriminate. By taking non-violent means of punitive action, bountiful in the migrated archive as a focus, it allows this study to engage not only with these debates but discuss how the relationship between low-level administrators and loyalists was utilised to normalise this oppression. Although the connection between the bureaucratic apparatus and war has received some scholarly attention, namely from Bruce Berman, its treatment has been piecemeal,

²⁴ Such examples of innovative work on FCO 141 include David Anderson and Julianne Weis' 2018 article on sexual violence during the Kenyan emergency, which made use the migrated archives to reconsider this history. Similarly, James Brennan's 2021 article on Dennis Phombeah, a Tanganyikan nationalist who worked for British intelligence services, assessed the importance of Phombeah's career using the disclosure alongside diverse other sources. See, David M. Anderson and Julianne Weis, 'The Prosecution of Rape in Wartime: Evidence from the Mau Mau Rebellion, Kenya 1952–60', *Law and History Review* 36 no. 2 (2018): 267–294; James R. Brennan, 'The Secret Lives of Dennis Phombeah: Decolonization, the Cold War, and African Political Intelligence, 1953–1974', *International History Review* 43 no. 1 (2021): 153–169. See also, Daniel Branch. Political Traffic: Kenyan Students in Eastern and Central Europe, 1958–69. *Journal of Contemporary History* 53 no. 4 (2018): 811–831

and historians have generally overlooked the conflicting tensions between district, province and colonial state which this study seeks to illuminate in offering a reassessment of the provincial administration at war.

While scholarship on Mau Mau over the last two decades has engaged heavily with discourses of violence, these accounts have too often been enraptured with examples of interpersonal violence itself to give a concerted picture of how oppressive control manifested. In offering a reassessment of this domination this thesis builds on an earlier period of scholarship, principally that of Bruce Berman, in providing a more institutional history of the provincial administration at war. To achieve this, instead of concentrating on examples of massacre and extreme violence, this thesis instead looks to research the distortive nature of the colonial state; the ways in which the ordinary lives of the native population are interrupted through the coercive activities of the state. This includes, but is not limited to, forfeiture orders, collective punishment, restrictive controls on trade and movement and livestock seizure. These actions work in tandem to produce structures of domination over the local populace, a vital function of the colonial state's approach to counter-insurgency. In answering the questions as to how the Kenyan administration not only justified this use of coercion, but how bureaucracy utilised to normalise this oppression, this thesis will attempt to show that while acts of violence can instil fear, structures of domination exert control.

Violence

It is perhaps unsurprising that in an episode so defined by bloodshed, both in terms of the violence itself and the way such violence became a key strand to nation-

building narratives, that the historiography has developed to follow a similar theme.²⁵ Research into the Mau Mau uprising has become centred on British counter-insurgency operations in an effort to expose the cruelties employed in the conflict, however this revisionism is a fairly recent development. Contemporaneous study began at the other end of the spectrum, concentrating on the savagery of the Kikuyu people and playing on long held views of African barbarity, which proved popular publication.²⁶ Then, as now, violence got publishers animated. Three practices particularly inspired the imagination. First, reports of Mau Mau oathing ceremonies. Intimidation, coercion, animal sacrifice and even sexual activities were said to be combined to traditional rituals that were even to the standards of the Kikuyu depraved and appalling. Second, a spate of ghastly cattle slaughter and maiming, as well as ceremonial murders of selected Europeans. Third, African-on-African butcheries, without reservation and involving women and children.²⁷ Speaking to preconceived racial beliefs, it was easy for these acts to be interpreted as an outbreak of barbarity induced by a form of evil sorcery, or similar nefarious forces. Acts of violence were by no means exclusive to the Kikuyu themselves, European settler retributory action and proclivities for violence among British soldiers elicited

²⁵ For Mau Mau and nationalism. See, Bethwell A. Ogot (Ed.), *Politics and Nationalism in Colonial Kenya: Hadith 4*, Nairobi: East African Publishing Company (1972); E.S. Atieno-Odhiambo. "The Production of History in Kenya: The Mau Mau Debate." *Canadian Journal of African Studies / Revue Canadienne Des Études Africaines* 25, no. 2 (1991): 300–307. See also, Don Barnett and Karari Njama. *Mau Mau from within: autobiography and analysis of Kenya's peasant revolt*. New York: Monthly Review Press (1966); Josiah Mwangi Kariuki, *'Mau Mau' detainee: the account by a Kenya African of his experiences in detention camps, 1953-1960*. London: Oxford University Press (1963)

²⁶ This first wave of Mau Mau historiography punctuated by F. D. Corfield's *Historical survey of the origins and growth of Mau Mau*. (London: HMSO, 1960) and Louis Leakey's two works, *Mau Mau and the Kikuyu*, (London: Methuen, 1952) and *Defeating Mau Mau*, (London: Methuen, 1954) presented narratives of Kikuyu brutality in-line with the Government account. This placed the blame for the origins and escalation of Mau Mau with a small group of Kikuyu political elites, such as Jomo Kenyatta.

²⁷ Joanna Lewis. "Nasty, Brutish and in Shorts? British Colonial Rule, Violence and the Historians of Mau Mau." *The Round Table*, Vol. 96, No. 389, (2007) 210.

thoughts of Joseph Conrad's *Heart of Darkness* and the worry of what happens to the White man left unchecked on the *dark* continent. Shock at colonial violence was however tempered by the acceptance that prior excessive violence on behalf of Mau Mau required violence in kind to defeat it.²⁸ Colonial Africa was unsurprisingly marginal to British politics and thought, meaning firm denials of violence were effective cover for offences. With limited exceptions, a cross-party consensus existed that colonial civil servants in the main did a good job and must not be undermined.²⁹ So, no major official enquiry in London was undertaken until 1959. No senior resignations were ever tendered.³⁰ Governance of Africa was firmly in the realm of the administrator.

Modern historiography on Kenya developed in the new imperial history wave through the works of influential scholars, such as, Throup, Kennedy, Lonsdale and Berman to move from discourse about White Settlers to debates about Kikuyu Civil War, culture and society bringing the story of Mau Mau back into the imperial narrative.³¹ The use of violence in the colonial state is given a deeper analysis in contemporary levelled criticism at the British counter-insurgency campaign. David Anderson's *Histories of the Hanged* and Caroline Elkins' *Britain's Gulag* bring a much-needed coherence and depth to the history of Kenya's counter-insurgency, placing Mau Mau in a

²⁸ David French. *The British Way in Counter-Insurgency, 1945–1967*. (Oxford: Oxford University Press, 2011) 116.

²⁹ Limited parliamentary questions in opposition to the conduct of Britain's counter-insurgency campaign in Kenya specifically came from Labour politicians including Tony Benn, Fenner Brockway and Barbara Castle. See, for examples, *Hansard* HC Deb. vol 512. cols. 361-2, 4th March 1953; *Hansard* HC Deb. vol 527. cols. 1233-5, 12 May 1954 [Online] Available from: <https://www.parliament.uk/>;

³⁰ Lewis. "Nasty, Brutish and in Shorts?" 206.

³¹ See, David Throup. *Economic and Social Origins of Mau Mau, 1945–53*. (James Currey: London, 1988); Dane Kennedy. 'Constructing the Colonial Myth of Mau Mau'. *The International Journal of African Historical Studies* 25, (1992): 241-260; Bruce Berman & John Lonsdale. *Unhappy Valley: Conflict in Kenya and Africa*. (James Currey: London, 1992)

broader imperial narrative, reacting to the revitalisation in imperial history more generally. Both works similarly reflect the present preoccupation with increasing degrees of violence in Africa and across the world. Even though these monographs re-emphasize, using original material, the disproportionate colonial response; they are vastly different in their historiographies, and largely omit more quotidian forms of non-violent coercion outside of passing reference for the more dramatic brutality desirous to major publishers.

Anderson makes use of extensive courtroom evidence, as well as secondary evidence to produce a detailed account of Mau Mau suspects, their relationships and the interweaving social pressures of life in the emergency. It is demonstrated that the colonial state geared itself against Mau Mau, willing and able to manipulate laws to use them as a weapon in not just stopping its threat but disciplining the Kikuyu for their part in the struggle. Further to this, flouting of international law combined with the structural control of villagisation to mean that Kikuyu life was reduced to loyalty or punishment.³² Yet, Anderson is quick to recognise that Mau Mau was a gruesome war on both sides, with horrific acts of brutality not reserved to the colonial state. Mau Mau violence could be merciless. It was a conflict where no one emerged with any real sense of glory. Anderson identifies loyalism as the nexus that turned Mau Mau from unrest to civil war, escalating Kikuyu bitterness into formalised aggression, made worse with the gifting of benefits for those loyal to the colonial power. As Dan Branch has similarly argued, while this caused some Mau Mau to switch allegiances, it caused oft violent resentment in others.³³

³² Anderson. *Histories of the Hanged*. 289-327

³³ Daniel Branch. *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization*. (Cambridge: Cambridge University Press, 2009)

Fluid loyalism and Mau Mau violence are not a focus of Elkins in her offering to the counter-insurgency narrative, instead delivering a scathing one-sided critique of British action which she deems genocidal. Elkins presents the Colonial state with its African loyalist henchman and Kikuyu nationalists as clear-cut adversaries. There is little room granted for Kikuyu divisions, vicious and disaffecting oathing practices, the co-option of criminal elements, score settling and the breakdown of control of a movement whose aims many people were uncertain of; or for violence that had little to do with Mau Mau. This is explained partly by Elkins presenting a firmly counter-insurgency narrative, which concentrates on the severe official response. Violence, brutality and coercion are central to a detailed account about the processes of detention and the euphemistically termed “rehabilitation” within the Pipeline system.³⁴ Highlighting the growth of domestic terror and lack of oversight in the colony are an important contribution but omitting a generation of historiographical research into the interplay of Kikuyu division in the conflict seems insincere. Claims of a campaign of genocide by the British against the Kikuyu similarly seems unfounded, when due consideration is given to the focus and bureaucratisation of official violence.³⁵ The official state line on Mau Mau was that it was evil and a disease that had to be destroyed so that it would not proliferate, but this was not the belief of the Kikuyu. Increasingly divided by allegiance to class; more and more saw Mau Mau as a blockade to land and freedom and begrudged its stresses and practices. Charges of horrors were familiar to the British government, but many thought the reports were embellished; that official violence was an unfortunate requirement to disrupt Mau Mau aggression; and that this strategy was working.

³⁴ Elkins. *Britain's Gulag*. 121-153.

³⁵ *ibid.* xiv.

Crucially, there was a larger political aspiration in view for Whitehall: to manoeuvre judicious Kikuyu and settlers into a multiracial agreement, so that additional bloodshed could be circumvented, either a settler rebellion or an African one.

Elkins conducted over 300 interviews with those survivors on both sides of the emergency in research for her book that, although critically acclaimed, received substantial backlash within parts of the historical community for a perceived lack of transparency and detail on methodology in demonstrating how conclusions were arrived at.³⁶ This seeming lack of rigorous approach is the cost for Elkins in obtaining the most damning of her interviews which come from anonymous white officers who played a role in abuses against the Kikuyu population.³⁷ Distressing accounts of disgusting acts are not given ownership: “By the time I cut his balls off he had no ears and his eyeball, the right one, I think, was hanging out of its socket. Too bad, he died before we got much out of him.”³⁸ It is understandable that the potential perpetrators of mistreatments would wish to maintain anonymity; however, inclusion of these seemingly unsubstantiated claims leaves scope for criticism, with prominent Kenyan historian Bethwell Ogot, going as far as to accuse Elkins of shielding the perpetrators.³⁹

³⁶ See, for examples, Pascal James Imperato. Review of Differing Perspectives on Mau Mau, by Caroline Elkins, David Anderson, and David Lovatt Smith. *African Studies Review* 48, no. 3 (2005): 147–54; Joyce Dunbar. Book Review: Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain’s Gulag in Kenya*. Daniel Branch, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War and Decolonization*. David Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*. *Journal of Asian and African Studies* 45, no. 6 (2010): 702–6; Aylward Shorter. Book Review: *Histories of the Hanged: The Dirty War in Kenya and the End of Empire*, *Imperial Reckoning: The Untold Story of Britain’s Gulag in Kenya*. *International Bulletin of Missionary Research* 29, no. 3 (2005): 160–160. See also, Richard Dowden, *State of Shame*. *The Guardian*. 5th Feb 2005. [Accessed: 29th August 2022] www.theguardian.com/books/2005/feb/05/featuresreviews.guardianreview6.

³⁷ Elkins. *Britain’s Gulag*, 193.

³⁸ *ibid*, 87.

³⁹ Bethwell Ogot. “Review: *Britain’s Gulag*.” *The Journal of African History*, Vol. 46, No. 3 (2005) 494.

If clear variances exist between these two works' historiographical traditions, style and focus, they similarly demonstrate that the history of the role of violence in the latter years of British imperialism has yet to be fully recorded. While proposing to unmask the sham of the liberal empire, both books end up endorsing its authority, that is, the authority over the perception of its liberality at the time. What is lacking, and is needed, from this historiography enraptured in accounts of violence is a more concerted view on the processes and actions taken within the colonial bureaucracy to keep this veil of liberalism intact. The opportunities presented by the migrated archive in supplying a more detailed picture of local level coercive practices interspersed with the more dramatic acts of horror and the revitalisation of study into the colonial state give us latitude to debate these questions, moving the field past infatuation with acts of violence, towards debate on how the structures of colonial government can account for and facilitate such actions. In doing this, this thesis will go on to demonstrate how both the justification for, and expansion of, punitive measures was facilitated for in the close relationship between local administration and members of the loyal Kikuyu elite acting in their mutual benefit at the expense of those outside of their constituency of control.

Daniel Branch's addition into this revitalised area of study begins to delve deeper into the mechanisms of the colonial power in bringing the question of loyalist Kikuyu firmly into focus. While Mau Mau in contemporary thought has developed an anti-colonial legacy, Branch challenges this in demonstrating how the functions of state after independence were overtaken by loyalist elites, showing post-colonial Kenya not as a radical break but a process largely of continuation. What Branch makes clear is that *loyalist* and *rebel* were nebulous terms to the Kikuyu before the emergency and only gained significance through administrative obligation when

fighting began. Political allegiances never formed a coherent divide in the Kikuyu, this was forged through coercive violence and the promise of material reward, often changing with the vacillation of the conflict. Branch concludes that Kenya took a “counterinsurgent path toward bureaucratic authoritarianism” as loyalists capitalised on policies of land consolidation and political reform to ensure pre-eminence in the post-colonial state.⁴⁰ What Branch’s account lacks with its purely loyalist focus is wider circumspection about the interactions between the colonial administration, officials and loyalist figures, questioning how these relationships debated, co-operated and changed throughout the conflict. Taking a closer look at the structures of administrivia, as discussed in this thesis, allow for a better understanding of not just how loyalists interacted with the colonial administration, but conversely how the administration negotiated and bargained with the loyalist population in justification of the means and functions of control.

Development and the Colonial State

What is common among developmental and economic accounts on Mau Mau is a recognition that it was a change in the structure and operation of the Colonial Office itself that precipitated and supported tensions not just with the indigenous population, but among colonial administrators. The historiography on the inner workings of the Colonial Office is often neglected in exclusive Mau Mau histories but provides necessary context into the larger structural shifts in colonial governance that countenanced the actions of the emergency. Lee and Petter in their work on the Colonial Office and development policy during the Second World War argue that

⁴⁰ Branch. *Defeating Mau Mau*. 178.

metropolitan conceptions of what could be achieved from the centre changed as a result of the war effort, leading to a shift in the traditional centre-local relationship of colonial politics. The function of the Colonial Office switched from supervisory to control, as the staff levels of the administration almost doubled from 1939-1945.⁴¹ This growth was primarily among economic/general departments, as the Colonial Office became firmly more specialised in its operation supported by Colonial Development and Welfare Acts in 1940 and 1945. The war compelled a theory of partnership ahead of cooperative development, leading to heavy planning for a post-war reconstruction that would require technical advice from experts in fields such as, health, agriculture and economics. L.J Butler identifies this change in the British Colonial model as symptomatic of fears over international condemnation if socio-economic progression was not demonstrated to be at the heart of British Colonial policy, ironically however this closer level of governance and favour to public enterprise opened up criticisms of exploitation, while also proving to be prohibitively expensive.⁴² Colonial administration had always operated on an austerity of resources, allowing those present on the ground significant leeway in control and development, contingent on ensuring costs were minimised. It was this austerity that was the main condition for imbuing the *man on the spot* with agency of action, and as shall be seen, became a major focus again during the emergency.

The advancement of a new generation of specialist under-secretaries keen to modernise was key in changing regional developmental strategies in the post-war

⁴¹ Oliver Lloyd. "Lee (J.M.) and Petter (Merlin): *The Colonial Office, War and Development Policy. Organisation and the Planning of a Metropolitan Initiative, 1939-1945.*" *Revue française d'histoire d'outre-mer*, vol. 71, no. 262-263 (1984): 62-63.

⁴² L.J Butler. "Reconstruction, development and the entrepreneurial state: the British colonial model, 1939-51" *Contemporary British History* Vol. 13 No. 4, (1999): 48-49

but was often viewed as an affront to the colonial officer in the locality working closely to his outmoded ideals. Christopher Prior in his important work on African colonial officials demonstrates not only how individual manoeuvre and improvisation were the hallmarks of control in Africa up until the war, as conventional norms were created by ill-prepared men thrust into colonial service; but also, how there was far from an esprit de corps amongst the rank and file of colonial official, more preoccupied with personal rivalries and a pursuit of an individual pioneering spirit than a community of purpose. Making extensive use of memoirs, diaries and correspondence, Prior identifies the defensiveness with which patriarchal administrators reacted to advances upon “their” arenas and “their” Africans as key to understanding their beliefs and motives when it came to administration.⁴³

Paternalism is vital to grasping the scepticism with which colonial officials met the developmental tide of the post-war period. This second colonial occupation acted to relieve the rank-and-file colonial official of power, influence and prestige. For those wedded to “their” locale, “their” African and “their” vision for the future, this bred resentment and opposition. As Joanna Lewis notes, poor centre-periphery dialogue and weak local control meant specialists still required the assistance of not always so helpful administrative officers, for whom submission to moral authority shaped development policy.⁴⁴ African colonial development in the post-war was thus fatally undermined by its structure; long-standing features of colonial control made it incompatible with the socio-economic transformation with which it was challenged. Paradoxically, despite ushering in a period of closer influence, depleting resources

⁴³ Christopher Prior. *Exporting Empire: Africa, colonial officials and the construction of the British imperial state, c.1900–39*. (Manchester: Manchester University Press, 2013). 64.

⁴⁴ Joanna Lewis. ‘Tropical east ends’ and the second world war: some contradictions in colonial office welfare initiatives, *The Journal of Imperial and Commonwealth History*, 28:2, (2000). 62.

and the incorporation of the lower classes within the colonial state meant that the war guaranteed an end to empire in Africa that was less protracted and potentially bloody than may otherwise have been the case. One particular exception to this rule where violence took centre stage was in Kenya.

It becomes necessary to question the conditions and actions present to make the East African state an oddity in the African colonial experience. By moving away from an encompassing London-centric view of Colonial Office operations, as is common in such histories, towards an analysis of the ground-level dealings in Kenya itself, allows for a study of the development of disruption in the seemingly banal structures of colonial administration. The war had precipitated a break with tradition in the colonial office, repossession of control from the periphery to the centre of administration with the increase in specialist departments left the practised colonial officer marginalised and the “man of the ground” philosophy in retreat. Development to the man in shorts was slow, measured and importantly, earned; what this required was a keen knowledge of the community and people themselves, not models and statistics. Criticism of haste and imprudence fell on deaf ears, it would take the momentous events of Mau Mau to change this. Understanding the critical power dynamics within the structures of colonial bureaucracy at play are key to appreciating how the actions and justifications of the colonial administration developed, were negotiated and played out during the emergency.

A striking feature of Mau Mau historiography up until the late 1980s was the lack of dexterity in dealing with the colonial state. A rather monolithic conception of colonialism, presented antagonistically in nationalist narratives informed a field focused heavily on the cause of Mau Mau rather than the emergency itself. The

failure of the post-colonial Kenyan state hogtied by issues of neo-colonialism, unable to tackle issues of social and economic hardship and moving steadfast to ethnically prejudiced patrimonial rule under Daniel arap Moi, acted to inform a school of scholarship which brought the imperial power back into the debate.

Bruce Berman's major contribution to these histories, *Control and Crisis in Colonial Kenya*, was the first full-length study of the development of the colonial state in East Africa. It utilises a generally Marxist framework to argue that the colonial state was moulded by the contradictions between sustaining effective political control with limited coercive force and supporting the profitable articulation of metropolitan and settler capitalism within African societies. Mau Mau, in this regard, was the reaction to failings on behalf of a colonial state that had always been vicious, paternalistic and inconsistent.⁴⁵

To Berman, colonialism is paradoxical and inherently contradictory, where violence and paternalism can mutually exist. On one hand, the paucity of resources, inadequate information and precarious sovereignty they maintain left them 'weak' and their continued hegemony ultimately a "close run thing", threatened by crisis and troubles.⁴⁶ On the other hand, the suppression of indigenous social forces by means of coercion, pressures and inducements was a 'strong' instrument of domination and structural transformation. Fundamentally, it was the interaction of both of these faces of the colonial state which help explain one another and the development of unique political economy of the state.

⁴⁵ Bruce Berman. *Control and Crisis in Colonial Kenya: The Dialectic Domination*. (London: James Currey, 1990) 161.

⁴⁶ Berman. *Control and Crisis*. 424.

The readiness of the incumbent authorities in Kenya to make use of collective violence was demonstrated in the 'pre-emptive' declaration of the emergency in 1952. Emergency conditions allowed for the transcendence of internal and external challenges to administration control by African actors, as Kikuyu politicians were summarily arrested, and indigenous politics stifled. Furthermore, the declaration allowed for a reverse in the decline of administrator powers which had seen authority steadily waning with the rise of technical departments, this once again imbued the *man on the ground* with the authority to act as he saw fit, for better or worse.

This recourse to coercion is explained in Berman's idea of "Bureaucracy and incumbent violence" which states that official violence and repression is only one end of a continuum of possible incumbent responses, but the internal processes and characteristic ethos of a particular bureaucratic set forms the political economy within a colony that dictates this. In Kenya, where dedicated administrators believed they were implementing change for the better under threat from African politicians, violence was considered a justified action for the long-term greater good. By implementing processes of cattle-culling, soil conservation and castration campaigns, the colonial state had tried to direct modernisation of farming practices but had acted to fuel hostility that would become Mau Mau. Still wedded to upholding racial privilege, these actions were taken to transform Africans into a form of yeomanry, which the counter-insurgency campaign sought to achieve by re-establishing the colony as a developmental state.⁴⁷ Ironically, relying on the good will of African labour in this scenario made the continuation of colonialism inherently unsustainable. The declaration of emergency conditions was in this view a pre-

⁴⁷ Berman. *Control and Crisis*. 237.

emptive and calculated move for the fundamental reshaping of Kikuyu society in reaction to the threat of African politicians.

The emphasis placed on the role of the provincial administration and colonial bureaucracy in Berman's work naturally makes it fertile ground for reinterpretation in regards of this thesis. Due to Berman's reflections on the nature of bureaucracy in Kenya taking the long-term view on developments of administration in the colony, they lack the necessary nuance with which such a tumultuous and distinct period need to be understood. What is more, the firmly institutional history that Berman presents does not give the necessary due consideration to the importance of loyalists within these structures and their key role in the practicalities and justification of localised control. As such, for example, a rather simplistic assertion that the emergency represented a temporary renaissance in provincial power is presented without space given to demonstrate both the regional variety and dynamic localised collaboration which allowed for such developments.⁴⁸

The production of an in-depth reassessment of the colonial state in the emergency period specifically, allow us to both better understand the transformative effects of this period on issues of governance and authority, while providing some sense as to why the provincial administration held such longevity after independence. Ultimately what this traces out is that at a parochial level, due to the changing complexion of localised collaboration, colonial rule was increasingly no-longer legitimised by so-called paternal benevolence as Berman and other such as Joanna Lewis have claimed. Such assessments overvalue the significance of the rehabilitation initiative to provincial administration thinking, while undervaluing the role of loyalists in

⁴⁸ Berman. *Control and Crisis*. 364.

legitimising colonial rule. Instead, it was acting in the prescribed interest of a vocal minority of loyalists who could be presented as the legitimate manifestation of native interest which was vital to rule. A support that was in-turn contingent on reciprocal coercive action against those 'othered' to remain constant. One significant consequence of this was the entrusting of coercive powers down to even the most junior officials to support this change, a vital component of establishing domination at the local level.

In carrying the idea of bureaucracy and incumbent violence one step further into the actions during the emergency, it becomes essential to question how the structures of colonial administration can facilitate and justify such actions. Berman's suggestion that the punitive powers offered under emergency regulations allowed administrators to act as they pleased does not satisfactorily answer how this translated to create structures of domination. What becomes necessary is a closer study into the contested power dynamics within the lower-levels of administration where interaction and therefore influence on the everyday lives of the native population is more telling. In making use of the migrated archive and its rich detail on administrator and loyalist interaction in the conceptualisation, development and application of district-level coercive policy, we become able to begin to answer these vital questions.

Putting the colonial state back into the centre of focus similarly informed David Throup's economic and social explanation of the origins of Mau Mau. Making use of select documents from the FCO and Kenyan National Archives, the policy planning and implementation of the governorship of Sir Philip Mitchell, is highlighted as key to understanding the violence that was to follow. The district administration in alliance with settlers succeeded in sabotaging Colonial Office strategies which were aimed at

securing the collaboration of moderate Africans as a step towards decolonisation, as for those on the ground even moderate African involvement was an abhorrent prospect. Peasants in the Reserves were disaffected from the government by its misconceived communal terracing campaign. 'Squatters' on settler farms were resentful of concerted attempts to drive them from the White Highlands and in the slums of swelling Nairobi, the urban unemployed became increasingly violent. From 1947 Kenya was met with a developing crisis of authority, however it took Mitchell's retirement in 1952 for Whitehall to become aware of the true extent of the problem.

For Throup, the blame is squarely at Mitchell's door, the scale of the violence could have been avoided. History was shaped by the mistakes of inadequate officials.⁴⁹ Absent in this account, however, is analysis of the development of these ineffective policies within the framework of bureaucratic colonial state structures and the wider structural forces acting in Kenya as a whole. This results in a neglecting of important institutional links between the colonial state and settler influence over agriculture, as well as a disregard for the significance of the loyalist community. These shortcomings can be explained by the limited confines of Throup's study but offer an opportunity to debate the implication of these networks and functions of bureaucratic control further.

Debate on the failings of the colonial state has also extended to developmental histories, informed largely by the work of Frederick Cooper. What Cooper's work importantly recognises is the importance of African civil society to explaining the history of imperial bureaucracy, to view the indigenous population as merely oppressed is to remove their agency, while simultaneously failing to appreciate how

⁴⁹ Throup. *Economic and Social origins of Mau Mau*. 35, 54.

colonial bureaucracy operated. The development of subaltern studies in the 1980s among South Asian scholars encouraged a more nuanced view of colonial states, outside of Western paradigms of nationalism and resistance to look past metanarratives towards the action from below. Cooper synthesises this approach with analysis of capital and the colonial state to demonstrate how the boundaries of subordination are altered and negotiated by the African actors within these seemingly monolithic colonial machines.⁵⁰ Post-war colonial development concentrated squarely on the issue of economic affairs, in trying to modernise the agricultural sphere thought to be holding back an African continent that was still engaging in out of date techniques and practices. This was not something to be done with Africa however, but more to and for it. Developmentalist rhetoric about policy and economic planning allowed African trade unionist actors to engage in a discourse about their nations, allowing their demands to be formally charged to the colonial power and undermining the Colonial conception of the African as a “primitive” passive actor.⁵¹ In the context of Mau Mau, development could not be seen as a result of violent protest and therefore a reassertion of peace was needed before reform could take place, or else the defining role of the colonial benefactor would be undermined. Repressive violence became intertwined with development.⁵²

⁵⁰ Frederick Cooper. “Conflict and Connection: Rethinking Colonial African History” *The American Historical Review*, Vol. 99, No. 5 (1994). 1518.

⁵¹ Frederick Cooper. *Modernizing Bureaucrats, Backward Africans, and the Development Concept, in International Development and the Social Sciences: Essays on the History and Politics of Knowledge*, (Berkeley: University of California Press, 1997). 71-73.

⁵² Cooper. “*Modernizing Bureaucrats*”. 64-92

Nationalism

Before the social and economic realities of the Kenyan successor state led to enthusiasm being lost, viewing Mau Mau as part of a larger nationalist struggle was central to post-independence historiography. Perhaps the first major scholarly addition to the nationalist tradition and by far its most enduring work, *The Myth of Mau Mau*, places accusations of savagery and barbarism as tools to diminish what was otherwise a typical nationalist movement. It posits, “In suggesting that the European conception of “Mau Mau” constituted a myth, we maintain that “Mau Mau” was indeed an integral part of an ongoing, rationally conceived national movement.”⁵³ Subsequent historiography has gone some way to challenging the nationalism analysis; however, the conception of the *myth* has become a point of consensus. Kikuyu violence in this account is to a certain degree overlooked. Instead, dedicating room to explaining the origins of Mau Mau organisation: a newly political Kikuyu wanted freedom; and much sooner than officials were prepared to offer it.⁵⁴ The irritation of the young combined with an impatient intellectual elite to light the fuse.

This line of argument was continued by Kenyan scholar, Maina wa Kinyatti. He argued this was an expression of proper Kenyan nationalism and symbolic of the Kikuyu casting off their tribal allegiance, in the discovery of a national consciousness.⁵⁵ Prominent African scholar, Bethwell Ogot challenged this assertion

⁵³ Rosberg and Nottingham, *The Myth of the Mau Mau*. xvii.

⁵⁴ Some more recent nationalist and decolonisation accounts of Mau Mau engage with the issues of identity and ethnic violence. See, Nicholas K. Githuku. *Mau Mau Crucible of War: Statehood, National Identity, and Politics of Postcolonial Kenya*. (London: Lexington Books, 2015); Wunyabari O. Maloba. *Mau Mau and Kenya: An Analysis of a Peasant Revolt*. (Bloomington: Indiana University Press, 1998)

⁵⁵ Maina wa Kinyatti, ‘*Mau Mau: the peak of an African political organisation in Kenya*’, Kenya Historical Review, no. 5 (1977): 287 – 311.

through his own work into Mau Mau hymns, noting little evidence of pan-national or even pan-ethnic vision in Mau Mau discourse, viewing it as presenting resolutely ethnic defined goals.⁵⁶ Memoirs recorded by devotees and survivors which position individual sacrifice within Kenya's national discourse have continued to be published till today. Marshall S. Clough compiled a selection of these in *Mau Mau Memoirs: History, Memory, and Politics*, offering testament to the abuses in detention and rehabilitation; as well as cultivating personal heroism and romanticism within the nationalist struggle.⁵⁷

Memory moulds history, history shapes the present and the present influences memory, this cyclical problem is at the heart of oft contested public memory. Mau Mau memoirs released in the 1970s marked a change in the nationalist narrative, Kiboi Murithi, Karigo Muchai, Ngugi Kabiro, Mohamed Mathu were only a few who released works exhibiting an increasingly fragmented and factional tribal view of the conflict influenced by ethnic divisions in Kenyan politics in the late 1960s and early 1970s as the assassination of government minister Tom Mboya sparked ethnic unrest and the opposition Kenya People's Union was banned.⁵⁸

It was in this heightened climate that Mau Mau historiography developed, as initial enthusiasm for the developmental state faded. Marxist-inspired theories of class struggle were increasingly used to reassess the conflict, as peasant interests remained excluded by ultraconservative influences dominating the bureaucracy. This

⁵⁶ Bethwell Ogot, 'Politics, culture and music in Central Kenya: a study of Mau Mau hymns, 1951 – 56', *Kenya Historical Review*, no. 5 (1977): 275 – 286

⁵⁷ Marshall S. Clough. *Mau Mau Memoirs: History, Memory, and Politics*. (Boulder: Lynne Rienner Publishers, 1998)

⁵⁸ For examples see Kiboi Murithi. *War in the Forest*. (Victoria: Trafford Publishing, 2010); Karigo Muchai. *The Hardcore: The Story of Karigo Muchai*. (Richmond: LSM, 1973); Ngugi Kabiro. *The Man in the Middle: The Story of Ngugi Kabiro*. (Richmond: LSM, 1973) and Mohamed Mathu. *The Urban Guerilla: The Story of Mohamed Mathu*. (Richmond: LSM, 1974)

change of approach was not followed by a change of focus; the genesis of the conflict, rather than the actions and events that followed, remained the emphasis of study.

Social differentiation and class conflict between Kikuyu was shown by Tabitha Kanogo, in her book on squatters, as stemming from ineffective colonial land policies that caused the poorest to rebel.⁵⁹ The creation of squatters in early colonised Kenya was initially a beneficial arrangement for both settler and squatter, a rift began to form in the interwar period as settlers won the support of the colonial state in eradicating squatter crops and livestock in settled areas. This led to a contention that would become increasingly militant until the 1950s, where many were willing to throw support behind the Mau Mau cause as a result.

For Frank Furedi this split was not merely social but political as well,⁶⁰ Mau Mau emanated from a divergence of moderate nationalist and radical forces, as an expression of “the irreconcilable nature of social tension.”⁶¹ As such Mau Mau was the legitimate voice of the Kikuyu “have-nots”, with nothing to lose from such a conflict.⁶² If it was not an organised political movement, what held Mau Mau together was shared grievances over land, racial oppression and economic insecurity, directed as much against the Kikuyu establishment as the colonial state. There was a defined split along class lines.⁶³ The conflict precipitated the colonial state to encourage moderate political Kenyan opposition in the wake of the emergency, as to

⁵⁹ Tabitha Kanogo. *Squatters and the Roots of Mau Mau, 1905–63*. (Nairobi: East African Educational Publishers, 1993)

⁶⁰ Frank Furedi. *The Mau Mau War in Perspective*. (London: James Currey, 1989)

⁶¹ Furedi. “*The Mau Mau War in Perspective*”, 7.

⁶² *Ibid.* 133.

⁶³ *Ibid.* 141-142.

stave off radical nationalism as a concept. A legacy of the violence was to forge the emergence of a class of subordinates for neo-colonialism post-independence.

A further shift in Mau Mau thought developed in the 1990s, in part reacting to the sense of pessimism in scholarship that had resulted from Kenya's post-colonial woes. Informed by a move away from imperial study, the subject rediscovered the Kikuyu within the narrative of Mau Mau. A rejection of *tribes* as solely imperial concepts meant that ethnicity could be understood as a negotiated facet of identity.⁶⁴ As neo-patrimonialism became embedded in Kenya and persecution under the Presidency of Daniel arap Moi worsened, keen study into intricacies of ethnicity and its relation to historic processes of accountability increased.⁶⁵ This informed a more detailed history of the Kikuyu, which began to view the struggle as a civil conflict within the community themselves.

John Lonsdale constructed the idea of "Moral ethnicity", that the Kikuyu thought in terms of nationhood and civic political morality since external burdens had put a way of life, already unstable, under mammoth strain by the 1950s. The colonial interior was toughening, which sowed the seeds for class creation: "if the poor lost civic virtue, then the poor could not earn self-mastery".⁶⁶ Wealthier farmers and a capricious state were restricting opportunities; chiefs and leaders felt their virtues were being unrewarded and desired freedom; countless more simply wanted a generational hand-over of control from the elders. In this vacuum, violence

⁶⁴ Lewis. "*Nasty, Brutish and in Shorts?*" 210.

⁶⁵ A. Pitcher, M. Moran & M. Johnson. "Rethinking Patrimonialism and Neopatrimonialism in Africa", *African Studies Review*, 51, no. 1 (2009): 125-156.

⁶⁶ John Lonsdale, '*The moral economy of Mau Mau: wealth, poverty and civic virtue in Kikuyu political thought*', in Berman and Lonsdale, *Unhappy Valley: The State, Mau Mau & the Path to Violence*. (London: J. Currey, 1992) 407

manifested over a fear that it was to act or be acted upon. Lonsdale challenged the British notion of atavism among the Kikuyu, by instead contesting that it was their desire for everyone to have access to a prosperous and virtuous life that precipitated the movement. Lonsdale's contribution to the intellectual history of Mau Mau was thus in taking Kikuyu political thought seriously. Likewise, this thesis deems the complex and agency laden decision making of loyalists in the context of interaction with the colonial state as fundamental to understanding loyalism and control in the period. Where this study diverges from the work of Lonsdale and particularly Branch, however, is the significance it places upon the success of low-level coercion in determining this allegiance.

The conceptualisation of ethnographic historiography, contributed to by Lonsdale, was not contained to political theory but benefitted from substantive accompanying anthropological research. Greet Kershaw's ethno-historic account of the Kikuyu showed Mau Mau to be a much less organised and far more complicated picture than previously thought. Social tensions within the Kikuyu were rife, often at a distinctly local level. Neighbourly feuds, score settling, and social inequality were played out throughout the country, in a situation where violence became the norm. It is in fact this turn to violence that Kershaw identifies as the unifying impulse behind Mau Mau opposition, which had always been fragmented and without a unified goal.⁶⁷ The heavy-handed response of the colonial administration in arresting Kenyatta and employing repressive measures saw membership increase dramatically; yet even then voluntary admission was not common. Involuntary oath-taking became a powerful weapon as it invoked the prospect of curses and

⁶⁷ Greet Kershaw. *Mau Mau from Below*. (Oxford: James Currey, 1997)

rancorous spiritual forces that could ruin one's life and force allegiance. Her study culminates in the violent and brutal Lari massacre, as loyalist and Mau Mau tension came to a bloody head, in a scene of unfettered rage and delirium. An act which was to alienate a beleaguered people just before colonial repression began in earnest.⁶⁸

A thread common through ethnographic research on the emergency is the fluidity between Mau Mau adherents and loyalists. Dan Branch's research on loyalism exposes the flexible boundaries of Mau Mau support amongst the Kikuyu, in showing how many swapped sides within the conflict, especially after Operation Anvil in 1954. Tacit support from the Kikuyu in such studies is viewed as reliant largely on demands for land and freedom and with whom these looked most likely to be achieved.⁶⁹ Deviating from such arguments, this thesis instead highlights active measures to 'other' those not expressly loyal within the actions of localised constituencies of control, as protection of professed loyalists increasingly became the focus of administrative efforts. Placing emphasis on the effects of coercive policy, this thesis instead concludes that it was the unsustainable and inhospitable conditions which these restrictions caused that was the biggest determinate in abandoning Mau Mau support.

Argument, Methodology, and Structure

This thesis is separated principally into five thematic chapters, establishing first the contextual background of colonial administration in Kenya and its relationship with punitive discipline, before analysing in turn different methods of nonviolent coercion

⁶⁸ *Ibid.* 258.

⁶⁹ Daniel Branch, 'The Enemy Within: Loyalists and the war against Mau Mau in Kenya', *Journal of African History*, 48, no. 2 (2007): 291-315

used during the Mau Mau war. It is arranged this way as to draw attention to the chaotic, uneven and often jarring ways vast quotidian disciplinary powers were wielded by even the most junior officers in the execution of Britain's counter-insurgency campaign. For the average Kikuyu, especially one living in the native reserves of Central Province, the most immediate and habitual repercussions of the ongoing Mau Mau conflict were those imposed by their local colonial officials.

This thesis argues, in contention with preeminent narratives of interpersonal violence, that control of the mass of Kikuyu peoples in the Mau Mau emergency was predicated on the enacting and enforcing of repressive controls that made sustained opposition a wholly impractical and untenable position. Not a singular policy, these controls were used in tandem to create a nexus of punishments which reinforced one another to impact most every aspect of Kikuyu daily lives. This was facilitated at the lowest levels of colonial control through the conspiracy of administrative officers and local loyalist elites, termed constituencies of control, working in tandem to formulate and then justify coercive action under the guise of tribal familiarity. Due to the localised nature of these controls, they were often ad hoc, chaotic and uneven in their application, with precipitating factors seeing great variance between districts and creating localised political economies within constituencies which operated on the commodity of coercion.

While this thesis in no way acts to suggest violence was not a key component of the Mau Mau war, it aims to relocate it in line with non-violent forms of punitive discipline as one of a number of incumbent responses used to meet localised challenge. This thesis is the first comprehensive study into non-violent means of coercion used during the Mau Mau war, that crucially also makes use of the controversial migrated

archive, in providing a revisionist and novel retelling of this well-trodden history that provides a more comprehensive account of the multifaceted ways that the colonial state fatigues opposition through widespread suppression and provides some necessary context to the 50,000 excess death noted during the period in John Blacker's demographic analysis.⁷⁰ The true originality of this study, in its fine-grained approach, is thus the detail of these practices it uncovers. Removing non-violent coercion from footnote or passing reference to primary focus, this thesis ultimately shows the sinister inextricability of repertoires of coercion and everyday control. Non-violent punishments, thus, are used in the thesis as a window into how domination was a function of arming administrators with a wide array of coercive tools to use as they saw fit for the peculiarities of their locality. Rather than any single regime of punishment being used for clearly defined purposes therefore, control was uneven, capricious and indelibly local.

Chapter 1, The Colonial Office and Kenyan Administration 1920-1950, acts to give context to the history of imperial rule in Kenya providing necessary background to the themes explored later in the thesis. From royal charter land in 1888, to protectorate and then colony by 1920, with high-levels of rapid settlement and land appropriation in this time, the development of administration in Kenya was, perhaps unsurprisingly, uneven, often disorderly and rife with local variances. The decades preceding the emergency saw several important changes to both the focus and complexion of Kenya's administration which acted to inform both character and mentality of the cadre of officials employed in maintaining the law and order of the colony and their evolving relationship with leading loyalist elites which would become

⁷⁰ Blacker. The demography of Mau Mau. 205-227

increasingly important in the 1950s. This chapter familiarises us with how officials interacted, and the machinations of control operated in tracing the structures of power in Kenya's bureaucracy, from the Governor's office in Nairobi down to the hinterlands of Central Province. In doing so, it connects developments in Kenya with interventions from the colonial office in illustrating how the administration was insufficient to deal with an ever-developing struggle between the metropole and colony, centre and province, as the political economy became increasingly tense.

Chapter 2, Coercion and Control – Administration during the Emergency, introduces the concept of 'closer administration,' the process by which the state's necessity for tougher controls gave officials at the lower levels of colonial administration more agency to act with authority in their districts. For the provincial administration, this marked a chance to reverse a trend of marginalisation that had seen central authorities, technical departments, and non-state actors infringe on their authority and independence to varied degrees during the preceding decades. As a cadre always battling to defend its authority of action, the provincial administration was only too pleased to attribute a perceived separation of themselves from local structures of power as a significant cause for the dissolution of Kikuyu civil society. The reestablishment of control could thus be centred on bridging this gap between the provincial administrator and his loyalist constituents. This chapter will show that in order to answer concerns of control at the lowest levels of colonial bureaucracy, it is crucial to study these *constituencies* and the process through which answers to challenge are debated, directed, and enacted. In doing so, it will demonstrate that quotidian control is something that is negotiated and endorsed through the participation of provincial administrators and their loyalist allies. Furthermore, the chapter will review how this connection benefits both parties by legitimising the state

as protector of the supposed true representation of native interests, invalidating the rebellious *other* as a result, while giving loyalists significant sway over local authority, as well as the benefits of access to the state, so as not to alienate their support. It is this legitimising relationship that permits coercion to emerge, since it can be justified both ideologically and practically that the direction of activity is determined with the blessing and in the benefit of a district's constituents.

Chapter 3, Collective Punishment, remarks on the vast and diverse use of collective punishments during the emergency, highlighting the chaotic, disruptive, and especially local nature of the action. In demonstrating the origins and justifications of these controls in the Mau Mau context, the chapter illustrates how collective punishment facilitated polarisation of the conflict by making loyalism an active process, and how the events of the Lari Massacre had a significant effect on the changing character and direction of the punishment, in protection of the loyalist. By conflating adversary and apathy, the state succeeds in establishing local cultures of control in which protection of legitimate manifestations of native interest, the loyalist constituents, makes permissible additional coercion against those judged other.

These developments, along with tacit support of the appropriateness of the action by those loyalist constituents, initiated a normalisation of quotidian coercion framed as understood in Kikuyu culture. This chapter articulates that provincial officialdom progressively viewed the expedient use of collective punishments as an essential practice in the maintenance of law and order, understanding the ability to enact expeditious coercion as necessary to preserve their position as arbiter of control and fulfil their obligation to their constituencies, confronted with an increasingly forceful and capricious Kikuyu home guard. The final section of the chapter, devoted to the importance of information in the 'construction of narratives', offers novel discourse

into how reliance on the *man on the ground* for information imbued the provincial administration with an irresistible function of effectual control in cultivated portrayals of the situation on the ground.

Chapter 4, 'Paying the cost of control' - Collective Fines, documents material changes to quotidian punitive discipline which occurred in the pivotal period of 1954. The chapter investigates how collective fines became a normalised punishment in the repertoire of everyday control. As stock seizures began to fade with the changing circumstances of the conflict, fines were rationalised as a more equitable form of punishment that importantly suited the shifting focus of the colonial state in being effective, efficient and vitally remunerative. It is emphasised how the prominent role played by loyalists in the fight against, and eventual defeat of, Mau Mau led to a reconstitution of the constituencies of control at play in the districts of the Central Province; one which was to have lasting repercussions for many years into Kenya's independence. In attempts to redress this imbalance, even as the official mind turned to the 'carrot', the provincial administration acted to use its new 'stick' in unique and novel ways to support initiatives for structural domination. Focussing in detail on the process of these collective fines, this chapter highlights the vital function the punishment played in a move to villagisation which has been overlooked in other accounts of the war against Mau Mau's passive support.

Chapter 5, Culture of Fear - Diversification of Punishment, assesses the wider repertoires of non-violent coercion utilised during the Mau Mau war. The punishing process of villagisation, as well as the social, economic, and political reforms that shaped Kenya's non-military counter-insurgency in rewarding loyalist actions during 1954 and beyond, is well-known. The ongoing discussions and ever-evolving

methods of everyday punishment and coercion that occurred alongside these shifts are less well documented. This chapter examines the administration's battle with Mau Mau's passive wing through the diverse range of restrictions used to normalise coercion as an everyday part of administration in the period. Quotidian controls were not only chaotic and irregular in their conceptualisation and construction, but it was their capricious and variable implementation which created a culture of fear in allowing oppression to permeate. This chapter builds on prior discussions to present the shift toward loyalism in mid-1954 as fuelled in part by the increasingly untenable living conditions imposed on the Kikuyu as coercion became normalised and structured. This, along with the considerations of enhanced security and convergence of loyalist benefits with the long-standing political aim of expanded land access and stronger land tenure security made loyalism the only realistic option.

The methodology adopted in this thesis can be viewed as a reasonably traditional archival approach, offering a revisionist account of Britain's counter-insurgency in Kenya; yet in its use of the recently disclosed migrated archive it contributes to a new and novel emerging literature analysing the contents of this controversial resource. The thesis tracks and scrutinises the conceptualisation, development and use of a range of non-violent forms of coercion utilised by a cadre of colonial administrators operating within Kenya's Central Province in the active years of the Mau Mau emergency until 1957. It does this to highlight how these quotidian punishments, directed through a firmly 'bottom-up' process, were essential in the control of the mass of Kikuyu peoples in the Mau Mau emergency, acted to make sustained opposition a wholly impractical and untenable position, and how the established historiographic narrative of the war offers an incomplete picture in its tiering of violence over these crucial controls. As such, the thesis employs a thematic

approach in tackling these punitive disciplines, establishing in turn how these punishments worked, their development, their normalisation in administration, and exposing how inconsistencies in their application reveal an institutionalisation of capricious rule which contributed to the construction of localised cultures of fear.

The primary material of which this thesis draws its research are principally a mix of memorandum, reports and private correspondence accessed from the migrated archive held at The National Archives in London. The decision to concentrate on the migrated archive was taken due to the unique nature of the resource and due to a belief that insofar this archive, in relation to Mau Mau studies, has primarily been used only for confirmatory purposes to affirm accounts of violence and dislocation. As such, an initial impetus behind the thesis project was to explore what these documents actually detail about control in Mau Mau Kenya. A central theoretical question that overhangs this thesis is 'why were these documents concealed in the first place?' It is readily understandable, from the point of view of the colonial state, why accounts of violence and brutality would attempt to be hidden, but why have other documents been relocated? Was this symptomatic of, as with much in the thesis, chaotic local administration in what was deemed necessary to keep or was there a recognition that these non-violent forms of punishment were also sensitive and potentially volatile and as such required concealment? In exploration of these records, this thesis will attempt to provide an answer.

Given the vast wealth of material held within the migrated archive, placing tighter temporal and spatial boundaries on the thesis was necessary to give direction to the study and a productive methodological focus . The decision to concentrate on Central Province was taken due to the area being the ancestral home of the Kikuyu,

the primary ethnic group involved in the emergency, and principal location of their Native Land Areas, in which these punishments were used. On limited occasions the thesis makes reference to the Rift Valley Province to draw some comparison between the variety of punishments used in settler and native areas, but this is only done sparingly. Preliminary secondary research into Elkins, Branch et al. identified the death of Dedan Kimathi in 1957 to be the belated end to Mau Mau as a military threat and some years after what has been termed in this thesis as the arrival of a period of structural control, where the process of incarceration, detention and villagisation had made other forms of reactionary punishment of less importance. As such, this thesis has employed a more rewarding methodological approach in concentrating on the early emergency period up to 1955, when non-violent forms of punitive discipline played a more prominent role in the civilian counter-insurgency. Documents with reference to 'punishments', 'discipline' and 'control' have been preferred alongside corresponding district report files where possible to build up an understanding of the machinations and negotiations going on at a district level allowing for a comprehensive insight into how these quotidian punishments were conceptualised, developed and used in practice.

The character and composition of these sources fits neatly with the theoretical and methodological approaches indicated above. The memoranda and personal letters between the limited number of officials in operation in the Central Province offers insight into the conceptualisation of punishments, alongside the efforts in negotiation and petitioning these men practised with all levels of colonial officialdom to have their personal coercive capacities extended. Reports provide a window into how these controls were applied, the crimes or 'problems' which induced them and the justifications for their rectitude. Lastly, limited trial transcripts and interviews present

some choice testimony from loyalist elites active within these communities, providing the moral and tribal grounding used to justify the appropriateness of administrative action.

A drawback of the material included in this thesis is that it unfortunately reveals little about the personal motives of persons engaged in these constituencies, and less still about those of the Kenyan government, working at the secretariat in Nairobi. Tracing out the character and personalities of those men foundational to forming these constituencies proves a difficult task precisely because the structure of colonial bureaucracy operated so that those figures enacting coercive policies at a local level were relatively faceless outside of their locality. A regular system of re-appointment and movement, combined with a tendency to sign documentation purely with the name of the office to complicate this further. However, what these sources do provide is extensive data on the patterns and activities of a group of men who saw control as relational to their capacity to coerce. The depth of this becomes obvious only after a detailed examination of the composition and direction of these everyday punishments.

Undertaking research into the migrated archive has at times proved, perhaps unsurprisingly, a challenge. Piecing together the story of compulsion, control, and localised oppression that serves as the foundation of this thesis has proven to be a difficult endeavour due to the fractured and fragmentary nature of the disclosure, as well as the frequently dry character of the material. The information accessible about coercive practices and low-level control has demonstrated a great deal of regional variance in its volume and extent, in addition to occasionally being incomplete or citing other records that cannot be found. While some regions and localities in the

Central Province have shown to be more fertile in supplying details on, for example, conversations between administrators and loyalists and the factors that would prompt incumbent response, others include only limited references. Furthermore, as Tim Livsey notes in his article on the archive, much of its content is not quite as shocking, new or dramatic as the headlines and furore around its discovery might suggest.⁷¹ What defines much of the research found for this thesis is in contrast its prosaic and trite nature.

It is this banal characteristic which however makes for something far more insidious. With careful and meticulous excavation of these bland and dry documents, this study has constructed a picture of a much more pervasive, localised, patchy and even ominous spectrum of tools of control. One in which the very livelihoods of those Kikuyu present in Central Province was at the mercy of the caprices of administrators and their loyalist collaborators. The very fact such controls were viewed as mundane, and commonplace has acted to obscure their importance and effects, but in piecing together this nexus of coercion we can in some ways begin to see a system of dominance as dark and shocking as isolated massacre, but on a far larger scale. Thus, FCO/141 allows an insight into the form and consequence of these controls, but still one that is obscured by their normalised and mundane character. Only through a close examination of these documents as employed in this thesis can we begin to see the true extent.

The fieldwork for this thesis was carried out over a number of research trips to London throughout 2019-2020. Initial plans to complement this material with analysis

⁷¹ Tim Livsey. "Open Secrets: The British 'Migrated Archives,' Colonial History, and Postcolonial History." *History Workshop Journal* 93 no. 1 (2022): 95–116.

of the records held at the Kenyan National Archives in Nairobi however had to be cancelled due to the COVID-19 pandemic. In different conditions, the thesis would have made use of supplementary provincial and district records held in Kenya to provide contextualisation and deeper analysis to the principle findings at Kew. The KNA holds provincial and district progress reports, as well as detailed accounts of regular meetings between loyalist chiefs and headman with their corresponding colonial officials which would have been useful in providing greater depth and richness to the discussions being held on issues of localised control.

In the absence of this, the production of this thesis has been a labour of painstakingly piecing together reference and comment on these interactions through diligent synthesis of a variety of sources. This circumstance, though unfortunate, allows for this thesis to position itself as one of the first revisionist accounts of the war that bases itself almost exclusively in the formerly hidden documents of the migrated archive to offer a new reading of the conflict. Opportunely, the documents accessed within the National Archives provide ample information on the varied repertoire of non-violent punishments utilised by colonial officialdom, including copious material on collective punishments to allow for comprehensive analysis of the importance of these measures. Furthermore, the absence of the KNA from this thesis lays the foundation for future research into the localised and coercive nature of quotidian rule as viewed through this alternate resource.

The migrated archive and its history as an imperfect, patchwork collection of documents from the reaches of empire does present some methodological and practical compositional issues. As a repository known to have been subject to document destruction, incoherent retention and secrecy, the degree to which

historians should trust the sources as either representative or paradigmatic is a valid question. Moreover, perhaps symptomatic of its chaotic origins and hasty belated release as a show of government transparency, the composition of the archive raises more challenges. Files can often appear incomplete with pages missing, the adoption of the new FCO 141 referencing system does not correspond with those on the documents themselves, complicating finding connections and in some instances, files are simply empty.

These issues are not inherently unique to the migrated archive however, and while perhaps more deliberate do not act to invalidate or undermine the resource. What it does make necessary is a greater deal of reflection on the behalf of the historian to be cognisant of these limitations. Even with this in consideration, the unique nature of the archive means it offers a novel opportunity to study a previously untapped resource, using new material to propose a revisionist account of a well-trodden historiographical narrative and allow us to ask a more overarching theoretical questions about the nature of the colonial legacy in Kenya. What was it that the colonial state felt was so necessary to hide?

Chapter 1: The Colonial Office and Kenyan Administration 1920-1945

By May 1953, the Mau Mau emergency had scarcely been in effect for half a year, when agitation over the protraction of the conflict caused Arthur Culwick, the temporary district officer of Londiani to question the 'tolerant' methods of the Kenyan Administration's counter-insurgency response:

*"As an Administrative Officer with long experience of tribes that rebelled, I can vouch for the efficacy of ruthlessly stamping out rebellion in East Africa. I cannot think of any case where excessive leniency has been effective or regarded by savage and disloyal people as anything other than a sign of contemptible weakness to be exploited to the full."*¹

Culwick, a farmer by trade after years of colonial service in Tanganyika, was one of many new temporary district officers employed from the white settler community of Kenya.² Traditionally, colonial service was the domain of an exclusive cadre of Oxbridge men, trained intensively by the Colonial Administration Service (CAS) in a multitude of disciplines including language, law and anthropology. The stresses of the uprising however made closer administration a necessity and this form of control required men. Primarily drawn from the settler community, an amalgam of local farmers, retired administrators and ex-military personnel made up the cadre that

¹ *Letter*. DO Londiani to DC Nakuru. 15th May, 1953. FCO 141/6749 (66). The National Archives, London. [Hereafter TNA].

² Arthur T. Culwick served as a district officer in Ulanga, Tanganyika for a decade (1931-1941). Conducting his training in Tropical African Service and Anthropology at Oxford, Culwick was an administrator in the traditional sense. Acting as the *man on the spot*, Culwick championed what he called *benevolent authoritarianism*. See, Jonathan M. Jackson. "Coercion and Dissent: Sleeping Sickness 'Concentrations' and the Politics of Colonial Authority in Ulanga, Tanganyika." *The Journal of African History* 63, no. 1 (2022): 37–54.

would be charged with reinstating control in Central Kenya.³ The qualifications of these men bore resemblance to those of Kenya's earliest officers, where at the turn of the century before professionalisation of the service, a taste for frontier life and an ability to deal with African peoples was deemed adequate proficiency for the role.⁴ A great number of these first generation of officers had either served in the Boer war or were ex-chartered company men of the Imperial British East Africa Company. As colonial interest moved inland, their task was equally aggressor as administrator. Britain sought to institute rule in a land without a traditional centralised political system that had existed in other parts of the continent, and which showed some resistance to this new authority; administration was thus the purview of the merciless and buccaneering.⁵

This chapter contextualises Kenya's history of colonial authority, providing background for the arguments examined later in the thesis. Reflecting the administration that manned it, the development of the colonial Kenyan state was uneven, frequently disordered, and riddled with local differences. This chapter details how the decades preceding the emergency witnessed several significant changes in the focus and complexion of Kenya's administration, which acted to inform both the character and mentality of the cadre of officials employed in maintaining the colony's law and order, as well as their evolving relationship with leading loyalist elites, which

³ In Nyeri district alone eight temporary district officers were hired during the first half of 1953. The majority of these men were local farmers. See, *Half Yearly Report - Nyeri District. 1st January to 30th June, 1953*. DC Nyeri to PC CP. 27th August 1953. FCO 141/5721 (95). TNA.

⁴ Alan Kirk-Greene. *Britain's Imperial Administrators 1858-1966*. (Basingstoke: Palgrave, 2000) 141-142.

⁵ For 'indirect rule', See Frederick J.D. Lugard. *Dual mandate in British tropical Africa*. (London: W. Blackwood and Sons, 1922); Mahmood Mamdani. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. (Princeton: Princeton University Press, 1996); Terence Ranger. "The Invention of Tradition in Colonial Africa" in *The Invention of Tradition*, Hobsbawm and Ranger. (Cambridge: Cambridge University Press, 1983)

would become increasingly important in the 1950s. In doing so, it ties events in Kenya with interventions from the colonial office, detailing how the administration was insufficient to deal with a rapidly evolving contestation between the metropole and colony, the centre and province, as the political economy became increasingly volatile.

The opening section introduces the origins of colonial administration in Kenya, the profile of men traditionally deemed right for the role and how professionalisation of the colonial service acted to shape and mould the task of the official. The second, takes a step back to contextualise the provincial administrator within the wider structure of bureaucracy in the colony. Beyond familiarising the reader with the profession, these opening sections locate the centrality of law and order and maintenance of control within the remit of the provincial administration. The final two sections on Lord Hailey and State-Building bring this further into focus, assessing how the developmental turn beginning in the late 1930s acted to further marginalise generalist administrators into this function with the increase in technical specialisation. In spite of this, the chapter concludes that the underlying contradiction unaccounted for in the Colonial Office's post-war planning was that a more direct form of rule without material reform of the framework of administration to incorporate necessary state structure inherently required more indirect rule. The cost of true reform was not a price the colonial office was willing to pay.

Origins of Colonial Administration in Kenya Colony

By 1920, as Kenya emerged as a new protectorate out of the amorphous British East Africa, Imperial authority had become established and professional training for

colonial administration had seen the cohort of self-styled argonauts swept aside for university men. The Imperial Institute opened a three month course with the Colonial Office in 1909, offering training in topography, ethnology, colonial accounting and law, both criminal and international.⁶ This programme was supported alongside three weeks study of local language at the School of Oriental Languages.⁷ This was amended and expanded to a year's post-graduate course in Tropical African Studies at Cambridge and Oxford after 1926, where disciplines such as field engineering, tropical hygiene and anthropology were added. These were the skills deemed necessary for entry into a successful career in colonial service. Specific reference and instruction on administration was however lacking, reserved only for "a general outline of the problems of Native Administration".⁸

It is important to note that there was no "Colonial Service", in the terms it would later come to be understood, until 1930. Each territory instead maintained its own separate service and officers were selected based on the suitability they displayed for that particular administration. Save some exceptions in the medical and audit fields, theoretically rights and responsibilities earned from membership were generally not applicable or transferable to the wider service.⁹ Officers already serving in other territories were however given prior consideration over 'outside' applicants

⁶ The Imperial Institute was opened in 1893 as a centre for the advancement of Britain's trading and administration interests, conceived at a time of high imperial sentiment. Largely demolished in 1965, its remains make up part of Imperial College, London. See G.A. Bremner. "'Some Imperial Institute': Architecture, Symbolism, and the Ideal of Empire in Late Victorian Britain, 1887-93", *Journal of the Society of Architectural Historians*. Vol. 62. No. 1. (2003) 50-73.

⁷ Alan Kirk-Greene. "Public Administration and the Colonial Administrator", *Public Administration and Development*. Vol. 19. (1999) 512-513.

⁸ His Majesty's Colonial Service, "Colonial Service Recruitment", *Administrative Service*, No. 2. (1930): 15.

⁹ A.R. Thomas. "The Development of the Overseas Civil Service", *Public Administration*, Vol. 36, No. 4 (1958): 321-322.

and provisions existed to provide the Secretary of State with the information he needed for determining inter-service promotions on the criteria of accomplishments, acumen and merit.¹⁰ Where independence of these services was best reflected was in the contrasting terms and conditions of employ, with salary scale, leave and arrangements for passage varying greatly between, and even within, territories. Autonomy was stolidly defended by services as means to attract the right, committed, candidates to particular colonies.

This served to form close-knit departments with a low rate of transfer, deemed sensible for economical distribution of knowledge and force. A by-product of this system was a high degree of emphasis on conferred experience. Practical administration was a craft that relied not only on a knack for arbitration, but intricate knowledge of networks of influence. Training at Oxbridge was judged to be ancillary to that of the sage *savoir-faire* of service forebears.¹¹ Regardless of the significance placed upon this education, the importance of these personal networks and shared background is vital to understanding Kenyan administration in the interwar period. Kenya, known contemporaneously as the colony of public schoolboys and retired officers, is what Duder describes as a rarity in historical phenomena being an “accurate stereotype”.¹² Where Dominions offered competitive labour markets and a disdain for status, the attraction of Kenya for administration and settlement alike was the opportunity of frontier life alongside a few ‘old boys’, in a racial minority where

¹⁰ Thomas. *The Development of the Overseas Civil Service*. 322.

¹¹ John Lonsdale has noted that despite formal training new recruits did not arrive in Kenya with a ‘training manual’ but were expected to learn by observing their superiors. This conferred experience informed a perceived learned way of administration. See, John Lonsdale, Foreword in S.H. Fazan. *Colonial Kenya Observed : British Rule, Mau Mau and the Wind of Change*. (London: I. B. Tauris & Company, Limited, 2014): 16.

¹² C.J Duder. "Men of the Officer Class': The Participants in the 1919 Soldier Settlement Scheme in Kenya." *African Affairs* 92, no. 366 (1993): 87.

their status would be assured.¹³ The relevance of these informal networks, not only between the settlers and administration, but crucially with African loyalists, will be explored in detail in the subsequent chapters to demonstrate the import that these connections had, below the bureaucratic level, on effecting localised policy and direction in 1950s Kenya.

The process of appointment within the Colonial Office underwent significant change in the early 1930s, with a committee under the chairmanship of Sir Warren Fisher, Permanent Secretary to the Treasury, conducting a review in 1929.¹⁴ This period was an important time for the colonial office, the Statue of Westminster 1931 had given legislative independence to the British Dominions, and as the world slipped into the great depression, the 'inevitability' of progress that had been viewed as a welcomed by-product of economic accumulation in Empire in the 1920s was shattered.

Agitation and protest throughout Britain's possessions were becoming more frequent, and imperial self-reflection was needed. Development was increasingly seen as something that needed to be managed and directed.¹⁵ Appointments in the colonial service, especially for the technical and specialist departments, felt the brunt of the economic downturn with recruitment levels falling dramatically, numbers would not reach 1920s levels again until after the Second World War.¹⁶ It was in this

¹³ See Dane Kennedy. *Islands of Whites: Settler Society and Culture in Kenya and Southern Rhodesia, 1890–1939*. (Durham: Duke University Press, 1987); Duder, "Men of the Officer Class". 69-87; Gary Wasserman. "European Settlers and Kenya Colony Thoughts on a Conflicted Affair." *African Studies Review* 17, no. 2 (1974): 425-34.

¹⁴ Thomas. *The Development of the Overseas Civil Service*. 322

¹⁵ S. Constantine. *The Making of British Colonial Development Policy 1914-1940*. (London: Routledge, 2005). 198; A. Cohen. *The Government and Administration of Africa, 1880–1939*. (London: Routledge, 2007)

¹⁶ Constantine. *The Making of British Colonial Development Policy*. 198-199.

climate that the committees report, issued in 1930, gave official backing to the idea for the creation of a unified, single Colonial Service, with functional services such as the Colonial Administrative Service, the Colonial Medical Service, the Colonial Educational Service and others, being consolidated within this structure as new branches. A degree of assimilation of the terms of service in the separate dependencies was necessary in order to secure unification.

The hugely differentiating circumstances of salary, conditions and standard of living throughout Britain's empire had traditionally impeded unification efforts, alongside the demurral of Colonial Governments to support modifications of the existing system. Undeterred by recognition of the difficulties that personal inclinations for service in specific locals and the need for officers to have intimate knowledge of native language and custom still presented; the committee cited increased possibilities for career opportunity, information sharing and prestige as reasons for moving the service forward.¹⁷ The formation of the unified Colonial Administration Service was the first success of this process, with its creation coinciding with extension of training courses to LSE in 1932.¹⁸

Professionalisation of colonial administration had the effect of changing the composition of the cadre of men at work in Africa, but not the character they were expected to exhibit. For a district officer (DO) in the field, all the alterations in education and the shifts of emphasis in the role, from tax collection pre-1914 through economic development in the 1930s and social development in the post-war, had not conspired to change his primary responsibility to his district and law and order.¹⁹ To

¹⁷ Thomas. *The Development of the Overseas Civil Service*. 323

¹⁸ Kirk-Greene. *Public Administration and the Colonial Administrator*. 508

¹⁹ *ibid.* 509.

understand why the Colonial Office at no time before 1945 formally introduced specific training in administration, it is important to consider how the role was conceptualised and what it actually involved.

Attempts at generalisation of colonial administration is oft wracked with difficulty as the sheer variety offered within the role was one of its primary allures; be that as it may, broadly the duty can be divided into two categories, both of which were staffed by the same officers. The secretariat, or central administration, was the administrative hub of the colony, based largely in the capital city and operating as a peripheral Whitehall. The provincial administration was conversely in the field, working at the coalface of practical day-to-day operations. Recruitment and assignment to these roles was unified and it was accepted practice that a spell in the secretariat was most district officer's fate. While some would choose to stay in the capital and climb the bureaucratic ladder, 'real' administration based in a regional station with obligation to and for one's own district was often the preferred choice to red tape and 'paper pushing'.²⁰ The monotony of clerical work in Nairobi was not the frontier spirit many signed up for, the trick to working through files, as characterised by one district official Peter Gordon, "was to shunt them onto somebody else at all speed."²¹

The ability to plan, supervise, coordinate and liaise with diverse peoples were essential skills necessary to succeed in colonial administration. Control of a district was not a singular task, from effecting policy to maintenance of law and order, the responsibilities imbued in the DO were vast. The lack of formal training provided by

²⁰ Ibid. 509.

²¹ John Johnson. *Colony to Nation: British Administrators in Kenya 1940-1963*. (Banham: The Erskine Press, 2002) 73-74.

the Colonial Office to meet these demands was not one born out of a failure to acknowledge the significance of the role but was rather a reflection of how the post was conceptualised. Colonial Administration was considered too diverse and multifaceted to be summed up in a textbook, the issues while varied were often myopic; in a nutshell, administration was a skill that could be learnt not taught. As Alan Kirk-Greene succinctly notes, "It was looked on as an art to be developed, not a science to be applied".²² These were talents that could be nurtured and bolstered with practical experience. The character of the candidate was held to be of prime importance, clear judgement and a cool demeanour were essential, employing pragmatism with a resolve to defend their subjects was key. As this thesis will go on to show, in the challenge of Mau Mau it was this mentality which would dictate the provincial administration's incumbent response. The application of a pragmatic, methodical and vitally cost-effective mindset to control indelibly opened opportunities for coercion to manifest. In the pursuit of the most practicable solution to efficient restoration of control, compulsion offered a far too alluring solution.

Structures of Bureaucracy within the Kenyan Administration

Taking a step back, to understand the importance of colonial administrators as agents of authority, it becomes necessary to analyse the structures of bureaucracy in colonial Kenya and how this power was disaggregated. As an example of a British Crown Colony, Kenya was typical of the model employed by the Colonial Office throughout Africa in the first half of the twentieth century. The Governor was the executive and Commander-in-Chief, appointed by Whitehall as the Crown's

²² Kirk-Greene. *Public Administration and the Colonial Administrator*. 509

representative. While correspondence and interest from the metropole was always significant, in times of relative peace he was able to carry out his work with a large degree of autonomy.

The primary organs of government were the Executive Council and Legislative Council. These were set up by Royal instruction in September 1920 and represented the heart of central establishment authority in the capital. These institutions were answerable to the Governor and their ordinances were only authorised with his assent. The Governor was entrusted with powers to suspend and appoint officers, pardon subjects and grant or dispose of Crown Lands by his discretion. Of the responsibilities conferred upon him, in Section 41 of the Letters Patent, gives specific mention to his obligation to the native population:

*“The Governor is, to the utmost of his power, to promote religion and education among the native inhabitants of the Colony, and he is to especially take care to protect them in their persons and in all the free enjoyment of their possessions, and by all lawful means to prevent and restrain all violence and injustice which may in any manner be practiced or attempted against them.”*²³

Personally responsible to, HE, the Governor was the chief secretary (or colonial secretary), who, in his capacity as head of the local secretariat, was the highest-ranking administrator in Kenya and in charge of organising administration throughout the country. In the parochial hierarchy of colonial bureaucracy, official correspondence with the Governor first had to pass through the office of the chief secretary, and conversely, official correspondence with Whitehall and the secretary

²³ *Letters Patent, Royal Instructions to the Governor and Commander-in-Chief*. 11th September, 1920. FCO 141/7224. TNA.

of state had to pass through the office of the Governor.²⁴ Alongside the chief secretary, the other principal senior officials of government, the treasurer and attorney general, similarly, were responsible to the Governor, with the treasurer further accountable to the Legislative Council. Private secretaries working within the secretariat at the behest of the Governor were usually district commissioners who had proved their worth in provincial administration, although for many colonial administrators, working in the capital was anathema to their attraction to the service.²⁵

The Executive Council was the Governor's chief advisory body. The principal secretaries of the colony made up part of the Executive Council, with the chief secretary, attorney general, treasurer, chief native commissioner and principal medical officer being the first five *ex-officio* members. The further offices of commissioner for local government, lands and settlement, director of agriculture and director of education were added by 1928.²⁶ The council consisted of those official, unofficial and extraordinary members of which the Governor sought council. Official membership was usually the reserve of additional private secretaries and administrators, whereas unofficial members were often representatives of the local communities. Prominent settlers Lord Delamere and Thomas Alfred Wood were two of the first unofficial members, with representation for the Indian and African communities being added with the introduction of one member in 1921 and 1923 respectively.²⁷ The Governor was not obligated by the recommendations of the

²⁴ M.R. Dilley. *British Policy in Kenya Colony*. (London: Frank Cass & Co. Ltd, 1966). 21.

²⁵ Johnson. *Colony to Nation: British Administrators in Kenya 1940-1963*. 68-69.

²⁶ R.I George. "Additional instructions passed under the Royal sign manual and signet, to the Governor and Commander-in-Chief of the colony of Kenya" *Kenya Gazette*. 14 August 1928. 1228

²⁷ Dilley. *British Policy in Kenya Colony*. 22.

council, but should he reject their advice he was duty bound to report his reasoning to the Secretary of State for the Colonies. In essence, the Executive Council was the body through which the Governor directed his authority and by which his decisions could be set in motion, only in circumstances where consultation could harm public welfare, or for either very inconsequential or extremely pressing matters did his instructions allow for circumvention.²⁸

The Legislative Council was the representative body of Kenyan colonial bureaucracy, consisting of ex-officio, official and elected members. The council possessed the authority to introduce ordinances, however these were subject to restrictions related to the Royal Instruction, compliance with English law and the proviso it was “necessary for the peace, order and good government of the Colony.”²⁹ The *Letters Patent of 1920* reserved the right of the Imperial Government to disallow Legislative Council ordinances and introduce laws deemed necessary for good governance of the colony, as well as the right to “revoke, alter or amend” the Letters Patent itself.³⁰ Elections were initially only held for European candidates, with those with British citizenship, or of European descent, and aged over twenty-five being awarded the vote. This was a major boon for the settler population intent on creating a white Dominion in Kenya, there was however the question of the Indian population of the colony. Themselves British citizens of Empire, Kenyan Indians demanded equal representation in the Legislative Council, and set about petitioning

²⁸ *Ibid.* 22.

²⁹ Section 8. *Letters Patent, Royal Instructions to the Governor and Commander-in-Chief*. 11th September, 1920. FCO 141/7224. TNA.

³⁰ Dilley. *British Policy in Kenya Colony*. 23.

the Colonial Office to meet their demands.³¹ This enacted a three year period of intense racial animosity between the European and Indian community in Kenya, with the calls for repatriation of Indians by the European Community, accusations of spreading disquiet among the African population and even plans for rebellion and civil resistance by the settler population after the Colonial Office's Wood-Winterton Plan 1922 was published.³²

This rare Colonial Office instruction, which was to give a common role to all British subjects and end segregation, while still maintaining the separation of the White Highlands under the Elgin Pledge of 1906, was treated with contempt in the Executive Council for being wholly unacceptable to the settler population. After conveying the seriousness of the situation to the Colonial Office in 1923, representatives of the communities and the Governor were summoned to London where a compromise was reached. The Devonshire White Paper, as it became known, rejected Indian demands for political equality with the European population, but allowed for Kenyan Indians to elect on common roll five representatives to eleven for Europeans. A single Arab representative was also added.³³ Native representation on the Council was restricted to unofficial nomination by the Governor, it was not until the selection of Eliud Mathu, in 1944, that an African representative first manned this role.³⁴

³¹ William R. Ochieng. "Moralism and Expropriation in a British Colony: The Search for a White Dominion in Kenya 1895-1923." *Présence Africaine*, Nouvelle Série, no. 133/134 (1985): 228.

³² Ochieng. "Moralism and Expropriation in a British Colony". 228-230.

³³ *Ibid.* 230-231.

³⁴ The National Assembly. "FactSheet 24: History of the Parliament of Kenya." Nairobi: The Clerk of the Parliament of Kenya (2017) parliament.go.ke/sites/default/files/2018-04/24_History_of_the_Parliament_of_Kenya.pdf.

Similarly, to the Imperial Government, the Governor had the authority to refuse his assent to Legislative Council ordinances, this was hardly necessary however, as despite increasing membership, the distribution of representatives between ex-officio and nominated officials to that of elected members was such that a government majority was secured and maintained. The Governor further had the authority to prorogue or dissolve meetings of the Legislative Council at any time, as well as the power of both an original and the casting vote in the case of tie. The framework of administration at a provincial level underwent significant reform in 1929, as a focus on the interests of native and non-native groups at a local level required the need for a reorganisation of local government. White settlement in Kenya between 1895-1903 was subject to a general policy that only “waste” areas of land should be of use, meaning those lands which were not cultivated by native Africans. The limits of these guidelines became readily apparent in 1903, as the increasingly haphazard pattern of European settlement and the fears this raised of African reaction, induced the British to employ a system of spatial segregation.³⁵

Effectively, this was the process of reserving specific areas of land for different ethnic and tribal communities as a means of political and social control. The composition and construction of these reserves were subject to a great deal of retooling and debate in the initial period of establishment, with concerns over ready available sources of labour, fulfilling the role of trustee and the framework of direct to indirect rule, and the effect this would have on law and order all being points of consideration.³⁶ In practice, this meant a compromised solution with the alienation of

³⁵ J. D. Overton. “Social control and social engineering; African reserves in Kenya 1895-1920” *Environment and Planning D: Society and Space*, Vol. 8, (1989) 163-174

³⁶ Overton. “*Social control and social engineering*”. 172-173.

the Highland areas of Central Kenya for white settlement with small areas of native reserve interspersed to provide a source of labour and, it was hoped, an acceleration of African social change; alongside the subsequent creation of large native lands in the form of reserves, separated principally along tribal lines, where it was hoped segregation could mean that racial conflict could be avoided and Britain's role in trusteeship would be satisfied.³⁷ The Kikuyu were settled in native lands to the South West of Mount Kenya, throughout the Central Province and parts of the lowland areas of the Rift Valley.

In the early years of colonisation, districts where there were no native reserves were administered outside of provincial organisation by resident commissioners directly under the colonial secretary, while native reserves and those few mixed areas which had embraced combined development were formed into provinces, under the care of the chief native commissioner.³⁸ The development of *Native Councils* in 1924, closely followed by the creation of *District Councils* in 1928 for non-native areas, made it necessary for the Government to form a functional way to liaise between these bodies in the cause of mutual local development. To achieve this while still keeping native and non-native districts distinct where possible, new provinces were formed.

This was accomplished in 1929, coinciding with the *Colonial Development Act* of the same year. Authority for liaison between these councils and subsequently to the colonial secretary was assumed by senior administrators as provincial commissioners, this reorganisation of powers conversely saw the post of chief native

³⁷ *Ibid.* 173-174.

³⁸ H. M. M. Moore. "Provincial Reorganisation, Government Notice No. 599." *Kenya Gazette*. 24 September 1929. 1996

commissioner lose some influence as information now by-passed his office. Previously the CNC had acted as the intermediary for native issues between the secretariat and administration at the periphery, as the official who was the representative for the interests of the outlying regions of colonial control and voice of the native at the centre.³⁹ On the face of it, these developments seemingly simplified native administration in the provinces by making it more directed from below and producing an avenue for the direct passage of information to the highest echelons of the secretariat, however paradoxically at a regional level, this made district officials answerable to the provincial administration, not a representative of the centre. This had the important effect of meaning that provincial issues could remain just that, provincial. The consequence of the marginalisation of the chief native commissioner to an advisory functionary and the increased burden of non-native anxieties on the provincial administration was an elevated dependence on the district administration for the handling of native concerns, as we will see later, this disaggregation of agency to the lower levels of colonial bureaucracy opened up a passage for the amassing of control through the restriction of information which would be a vital tool in the coercive turn of the 1950s. The curtailment of the powers of the CNC was a victory for the settler population, who despite initially supporting the creation of the role soon objected to the supposed pro-native tendencies of its post-holders and instead championed representation which would protect white settler interest. A committee representing European interests first suggested the office's abolition in 1922, only some four years after its creation.⁴⁰

³⁹ House of Lords Debate 16th February 1932, Kenya, col. 590 [Online] [Accessed 3rd July 2020] <https://hansard.parliament.uk/lords/1932-02-16/debates/8e15ded5-fd09-4408-ae56-451f84f98a05/Kenya>

⁴⁰ Dilley. *British Policy in Kenya Colony*. 26.

Administration at the lowest level in Kenya, like much of British Africa, was conducted through local indigenous organisations. Structurally, chiefs and headmen would be the de-facto native authority for the local community, reporting to and working alongside the district officer. This form of collaborative indirect rule was first explored in the 1970s by the *Cambridge School of Indian History*, with a focus on the connections formed between individuals and factions at a local level which straddled social groupings. This school argues that these alliances formed at low levels were not often *horizontal*, patron to patron, but *vertical* patron to client. Politics in this sense is viewed as based in the locality with little interference from the colonial state, where this changes is in the need for accumulation by the Imperial power enacting bureaucratic change at the centre and causing these local powers to look inwards.⁴¹ Mahmood Mamdani has argued that Britain was the first imperial power to “marshal authoritarian possibilities in indigenous cultures”, in the realisation that “key to an alien power’s achieving domination was a cultural project: one of harnessing the moral, historical, and community impetus behind local custom to a larger colonial project.”⁴² Asserting provincial control, became a form of cultural decentralisation around the concept of native authority, with the ethnic grouping being the unit of demarcation under the control of a chief. Throughout colonial Africa, in the interest of order, even where there had not existed chiefs before, these were created to build a

⁴¹ For examples of ‘The Cambridge School of Indian Historiography’ see John Gallagher, Gordon Johnson & Anil Seal. *Province and Nation: Essays on Indian Politics 1870 to 1940*. (Cambridge: Cambridge University Press, 1973); Christopher A. Bayly. *The Local Roots of Indian Politics: Allahabad, 1880-1920*. (Cambridge: Cambridge University Press, 1975); David A. Washbrook. *The Emergence of Provincial Politics: The Madras Presidency 1870–1920*. (Cambridge: Cambridge University Press, 1976); B.R Tomlinson. *The Indian National Congress and the Raj 1929 – 1942*. (Cambridge: Cambridge University Press, 1976).

⁴² Mamdani. *Citizen and Subject*. 286.

state apparatus through which control could be managed. Indirect rule was less a question of looser control, but rather through what means control was directed.

In Kenya, chiefs were trustworthy and willing collaborators who helped materially in the accumulation of wealth by the supply and compliance of cheap, plentiful labour and ideologically in the justification of colonial authority in their role as native partners. Their capacity from a native perspective was bifold. They played the intermediary role of both protecting people from, and aiding access to, the state. As demonstrated by Greet Kershaw in her oral study of Kikuyu villagers during the 1950s, this substantially meant safeguarding against excessive land isolation and the accessing of state resources for benefits such as, development or granting of trading licences.⁴³ A chief or headman that was able to tow this delicate line could rely on the support of the state and his community, but such a role was rife for abuse and the pursuit of personal gain.⁴⁴ District officers were given the power to appoint chiefs and headmen “who acted as government agents in their locations”.⁴⁵ This was mandated under the *1902 Village Headman Ordinance* which bestowed appointees with local authority and jurisdiction under the DO.⁴⁶ The powers of chiefs were extended and formalised in 1912 under the *Native Authority Ordinance* which set out the role of chiefs in tax collection, maintenance of law and order, and implementation of native policy.⁴⁷

⁴³ Greet Kershaw. *Mau Mau from Below*. (Oxford: James Currey, 1997). 118

⁴⁴ Daniel Branch. *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization*. (Cambridge: Cambridge University Press, 2009). 30.

⁴⁵ Sydney H. La Fontaine and J.H Mower. *Local Government in Kenya: Its origins and development*. (Nairobi: Eagle Press, 1955). 15.

⁴⁶ Bruce Berman. *Control and Crisis in Colonial Kenya: The Dialectic of Domination*. (Nairobi: East African Publishers, 1992).

⁴⁷ Nic Cheeseman, Karuti Kanyinga, and Gabrielle Lynch. *The Oxford Handbook of Kenyan Politics*. (Oxford: Oxford University Press, 2020). 299.

Headmen were employed to maintain order, they had the authority to place restrictions on certain activities, compel individuals before native tribunal, aid in the collection of taxes and provide labour, both paid and communal, for government projects. District commissioners had the authority to convey orders to, and cancel the orders of headmen, but in order to authenticate their power, it was made a crime subject to fine or imprisonment for failing to obey a headmen's order.⁴⁸ Given the influence and control administrators had hierarchically over chiefs and headman, as well as the inauthentic origins of their power, it would be easy to conceptualise these roles as without tradition and therefore not genuine expressions of native authority in the view of the colonial state or Africans themselves but simply a means for enhancing domination at a local level. As we shall see in the subsequent chapters however, control at a localised level relied heavily on this negotiated relationship between administrator and loyalist, with legitimacy and power for both emanating out of this partnership.

Investing authority in a singular agent who could be tasked with the actions of administration made for a simpler task for the colonial government, decentralised societies provided much greater difficulty. The Kikuyu were a chiefless society in pre-colonial times, authority and influence were instead related to age and wealth.⁴⁹ Councils of elders were responsible for policy and judicial matters, with one's participation reliant on worth and respect amongst residents. Wealthy family groups, known as *mbari*, also operated as local structures of authority by the existence of *muhoi*, resident tenant farmers. Within Kenya, the Kamba and Masai similarly

⁴⁸ Dilley. *British Policy in Kenya Colony*. 27-28.

⁴⁹ See, for details of Kikuyu Society, Godfrey Muriuki, *A History of the Kikuyu*. (Nairobi: Oxford University Press, 1974); Louis Leakey, *The Southern Kikuyu before 1903*. (London: Academic Press, 1977), this was widely circulated in Kenyan administration circles in the 1930s.

maintained political order outside of a system of lineage. These three decentralised societies were further fragmented into regional autonomous groups administered by councils.⁵⁰ Extensive authority could still be invested in individuals within these communities; however, this influence was conditioned on the ability to give good counsel and was not authoritarian or enduring. Prominence was based on a man's own talent for leadership. These pre-colonial institutions were incompatible with British Imperial practices of co-optation and rule, it therefore became necessary for these to be implanted.⁵¹

This would not be to suggest that the African population themselves were passive actors in this process, this restructuring of native authority was a contested and disputed undertaking, with the Kikuyu playing a large hand. Those individuals who assumed power were largely those who had sought out and established alliances with different reaches of the state in the early decades of the century, using the dislocation of white settlement and an introduction in squatter farming to reconstruct a new political order in the areas left behind.⁵² It would be easy to assume that because this new Kikuyu patrimony was an inorganic construct, those chiefs appointed to the role would be impotently obsequious to the colonial state in their service and lack recognition from their community. The patronages of imperial power however allowed for the further accumulation of those qualities of wealth and status which were prized in Kikuyu society. Where this carried favour, an ability to show protection over the populace and a means for social improvement won support. It is

⁵⁰ R L. Tignor. "Colonial Chiefs in Chiefless Societies." *The Journal of Modern African Studies* 9, no. 3 (1971): 341-342.

⁵¹ Tignor. *Colonial Chiefs in Chiefless Societies*. 342.

⁵² Branch. *Defeating Mau Mau*. 30.

important to remember that association with the colonial administration was not necessarily inherently negative or viewed as such, in fact the stability and security that close relations offered held its own allure. Proximity often equated to influence and access to the resources of state.

At the lowest levels of formal provincial government were Local Native Councils, these were regional authority boards consisting of loyal Africans and chaired by district commissioners. The Governor could establish these in any district, with membership being suggested by nomination from residents and the district commissioner. In practice, with the aid of trusted chiefs and headmen, the district commissioner could reasonably ensure that after vetting primarily safe and acquiescent African representatives were suggested for the role, if no suitable candidate was put forward the Governor had the authority to reject them all outright.⁵³ Providing a means for both closer administration and the development of native social and welfare provisions, councils could raise levies from residents of an area with the agreement of the district commissioner and sanction of the Governor for use on the maintenance and management of food and water reserves, roads, agriculture, education and other aspects of public health.⁵⁴

Conceptually, native councils were established to build up an African administration that had hitherto been largely judicial in nature. Councils would provide an outlet for the expression of native public aspiration, while having the dual benefits of more financial burden being passed to the African and the provision of allies in rooting out potentially seditious organisations. For some, the councils further reduced the

⁵³ R M. Mambo. "Local Native Councils and Education in Kenya: The case of the Coast Province 1925-1950". *Transafrican Journal of History*. Vol. 10, No. 1/2 (1981): 61

⁵⁴ Dilley. *British Policy in Kenya Colony*. 27.

administration's burden for the collection of hut and poll taxes, all the more important as economic hardship at the end of the decade had left the Kenyan economy dislocated and evasion more common.⁵⁵ For others, it was an effective recruitment agency for identifying cheap and willing labour. From 1912 communal labour was codified through *Native Authority Ordinance*, which bolstered chiefs' powers to compel their residents to work for communal purposes. For up to six days every three months, all able-bodied men were liable to contribute, this regulation was however rife with abuse as senior native leaders often were able to avoid their responsibilities or send women and children on their behalf.⁵⁶

Establishing native labour requirements under the supervision of chiefs was not only directed at communal labour in local authorities, but also in efforts to drive able-bodied men to the wider labour market so as to support the needs of the colonial state and settler population. Hence, communal labour fuelled the labour supply that supported the interwar colonial economy. Ideologically, this conveniently fitted with the concept of trusteeship which acted as the pretext for colonialism in British Africa between the wars. In this discourse, the co-option of the supposed tradition of communal labour promoted colonial development through collaboration with African practices. The *Native Authority Ordinance* was amended further in 1920, requiring Africans to contribute up to sixty days of paid labour for state projects. This led to an exponential increase in the size of the labour force at the disposal of the increasingly

⁵⁵ A *Native Hut Tax* was introduced in 1901 to levy tax per household, this was extended to a *Hut and Poll Tax* in 1910 to levy per individual. District officers employed local leaders as hut counters and tax collectors, these individuals were given discretion to exempt households that were unable to pay. See, Leigh Gardner. *Taxing Colonial Africa: The Political Economy of British Imperialism*. Oxford: Oxford University Press (2012).

⁵⁶ S.J Rockel. "New Labor History in Sub-Saharan Africa: Colonial Enslavement and Forced Labor - Review Essay". *International Labor and Working-Class History* No. 86, (2014). 170

developmental colonial state and provided a source of cheap labour for all manner of construction and maintenance works.⁵⁷ This trend continued in the post-war where this source of communal labour was used extensively on terracing campaigns throughout Central Province.⁵⁸ Where the strongest administration ties were formed, it was by those chiefs willing to go above and beyond their formal responsibilities. They become powerful recruitment agents not only for the state, but for private European settlement. Once again, it was the poor and unconnected who suffered the largest burden of this increased responsibility. Fundamentally, those peoples who were more well off or connected could pay taxes, those who were not were made to submit to increased coercion.⁵⁹

Trust in Trusteeship

The structure of bureaucracy in Kenya developed theoretically with clearly defined hierarchies. As we have seen, panoptically, those administrators at the top of the colonial order were entrusted with broad powers and strong agency, while those loyal native Africans who were delegated limited authority of action were still at the very foot of the pyramid. In practice, the disaggregated nature of colonial bureaucracy obscures this picture. The separation of administration between the centre and province gave the latter a wider degree of latitude and independence of action at a local level than can first be assumed, if still primarily in the hands of protective administrators. This was the case from the earliest periods of colonisation,

⁵⁷ See, for detail, G N. Kitching. *Class and Economic Change in Kenya: The Making of the African Petite Bourgeoisie 1905-1970*. (New Haven: Yale University Press, 1980).

⁵⁸ David Throup. *Economic & Social Origins of Mau Mau*. (London: James Currey, 1988) 79.

⁵⁹ Opolot Okia. *Labor in Colonial Kenya after the Forced Labor Convention, 1930–1963*. (Basel: Springer Nature, 2019) 12.

but as will be demonstrated in the following chapters, in a period of great strain, this separation can be, and was, utilised by those at the lowest levels of administration to maximise their agency and authority for a turn to coercive action. Concentration of power in these paternalist structures supported the dominant ideology of trusteeship which had fuelled and justified the British approach to African Colonialism since the Berlin Conference of 1884. From 'Protectorate' status to Crown Colony, authority was legitimised by safeguarding native interests and power reserved to those offices which could be entrusted to do so.

The allure and enduring quality of trusteeship which sustained its predominance as the imperial *raison d'être* was its inherent malleability as a concept.⁶⁰ This often meant redefining its meaning to meet the varied challenges and contradictions of rule. In 1923, the Devonshire White Paper, as discussed, enshrined trusteeship in affirming the predominance of native interest. As a tool, trusteeship was used to deny political access to settler and native alike, with African aspirations for elective representation to the growing councils throughout the 1920s and 1930s being denied with claims that not enough advancement had been done.⁶¹ Just as important as the concept of trusteeship to the justification of Imperialism was the question of who was the trustee? In Kenya, despite empty talk given to the role of the settler in protection

⁶⁰ See, Ronald Hyam "Bureaucracy and trusteeship in colonial empire" in *Understanding the British Empire*. (Cambridge: Cambridge University Press, 2010); H. Duncan Hall, "The British Commonwealth and Trusteeship", *International Affairs (Royal Institute of International Affairs 1944)* 22, no. 2 (1946): 199-213; Max Beloff "Trusteeship, Indirect Rule and Colonial Development", in *Dream of Commonwealth, 1921-42*. (London: Palgrave Macmillan, 1989).

⁶¹ John Spencer. "Review: Imperial Trusteeship and Political Evolution in Kenya, 1923-1963: A Study of the Official Views and the Road to Decolonization by Jidaph G. Kamoche" *The American Historical Review*, Vol. 88, No. 1 (1983): 151-152

of the African, the state could use the imposition of the 'self-serving' European community to further legitimise their role as arbiter.

The directing focus of trusteeship changed in the 1930s, as an increased imperial attention to native welfare saw the Colonial Office take back a degree of control in administration. The First World War and world depression had been fatal to nineteenth century imperial relations, with the dynamics of international criticisms, local disorder, expanding capabilities administratively and changing attitudes over expectations on the state in public welfare, all being impactful on the instruments of imperialism. The protection of the people and institutions of non-national lands came readily into focus with a belief that it was necessary to evolve these territories to a form closer to that of the metropole. This assertion grew out of the particular bureaucratic tradition of the Colonial Office for holding contempt for virtually all other bodies and institutions from interfering in their affairs. The intrusions of missionaries, non-governmental bodies, settler communities and even the British government were treated with scorn and derision, stemming from a genuine belief that the Colonial Office represented the true articulation of native humanitarian interests.⁶² Inattentive of this, growing critique and debate about Empire at home and abroad left the Colonial Office keen to protect their autonomy and ready to act.

By the mid-1930s there was a developing perception among officials that the general framework for administration in African colonies was proving unsuccessful.⁶³ The 1929 *Colonial Development Act* had achieved little of substance, while disturbances in the colonies were becoming more prevalent and threatening. Notable strikes in the

⁶² Joanna Lewis. *Empire State-Building: War & Welfare in Kenya 1925-52*. (Athens: Ohio University Press, 2000) 24-27.

⁶³ Lewis. *Empire State-Building*. 28.

Caribbean spread to Africa where the end to the decade was highlighted by walkouts in the mines of Northern Rhodesia, the cocoa fields of the Gold Coast and significantly, a general strike in Mombasa in 1939.⁶⁴ The skeletal structure of generalist officers supported by a small cadre of technical specialists and working in collaboration with local native chiefs and headmen, was not providing tangible results and there was an increasingly gloomy view that improvements could be expected. Kenya, always a hot spot for controversy in African affairs, here proved no different.

Passive trusteeship perpetually battled with European dominance, and despite the Devonshire White Paper, remained a contentious and unresolved issue. A report by financial commissioner, Lord Walter Moyne in 1932, which planned to remove a fixed sum of funding from the Legislative Council that had been raised through native taxation for specific use on native services was met with strong opposition from the settler community, claiming this deprived them of their fair share of trusteeship and, more damningly, that the colonial office was interfering in Kenyan state affairs. The colonial government, preferring to stay resolute in their passiveness as not to anger either side, only acted to urge caution. Some members of the provincial administration were less compliant, supporting and aiding local native councils in presenting their support for the idea.⁶⁵ This contested and undirected trusteeship was proving ineffectual, and more problematically, trusteeship and indirect rule were proving incompatible.

⁶⁴ Frederick Cooper. "Modernizing Bureaucrats, Backward Africans, and the Development Concept", in Cooper & Packard, *International Development and the Social Sciences: Essays on the History and Politics of Knowledge*. (Berkeley: University of California Press, 1997). 66

⁶⁵ Lewis. *Empire State-Building*. 31.

The payment of taxes in the deteriorating economic climate of Kenya was becoming another issue, with an increasing reluctance on the part of the African population to part with what little they had and a stark demonstration of the limitations of those willing tribal leaders to compel them to do so.⁶⁶ A Native Affairs report commissioned by the Colonial Office in 1933 detailed how advancements in districts were suffering with DCs spending increased time on tax collection efforts.⁶⁷ The seemingly deteriorating situation left the Colonial Office convinced that change in some form was now becoming a necessity, regardless of potential opposition from either colonial governments or settler populations. These assertions coalesced at a pivotal time, as advancements in science, technology and the sophistication of administrative practice began to converge in a renewed vigour in the Colonial Office for reform under new Secretary of State for the Colonies, Malcolm MacDonald, son of the first Labour Prime Minister, Ramsay MacDonald. Malcolm quickly condemned the Colonial Office approach to social provisions in the colonies and called for a new branch to be created with responsibility for all which could be classified as social services. This was an attractive proposition to the Colonial Office, as to set the standards for modern social services in the colonies would necessitate a closer relationship between colony and metropole. The Treasury acquiesced, and the

⁶⁶ Kikuyu labourers were hit hard by the collapse of the world economy in 1929. The average number of Africans employed on settler farms fell from 125,885 in 1929 to 106,875 in 1933. In addition, the total African cash crop value declined from £17,200 in 1929 to £6,600 in 1930, due in part to the *Native Produce and Marketing Ordinance* introduced to control African agricultural produce. Correspondingly, the number of tax payment delinquents increased by 2,996 in 1930, with 4,417 Africans convicted for failure to pay taxes. See, [Colony and Protectorate of Kenya. Annual General Report for 1930](#). London: HMSO. (1932); Amos Beyan, "The Development of Kikuyu politics during the depression, 1930-1939." *Journal of Third World Studies* 6, no. 1 (1989): 29–47.

⁶⁷ *Native Affairs Department: Annual Report 1933, 'Politics and General' Ch. 2, 4. CO 533/457/8. TNA.*

Colonial Office got its social services branch in 1939. Theoretically, the Colonial Office stake in trusteeship was indelibly enhanced.

Any suggestion of a simple revolution in the practice of imperial government to follow was quickly disillusioned however, as enhancements in theory met the stark reality of the limits of central power. Lack of access to British taxpayers funds, maintaining separate spheres of influence and constitutionally, the secretary of state at the metropole only retaining powers of persuasion over colonial governments, all presented themselves as obstacles to be overcome if tangible social development could be achieved.⁶⁸ The last of these points was particularly pertinent. British colonial administration, developed on conferred knowledge and learnt experience, operated by one key abiding principle above all else, defer to the *man on the ground*. Fixed in their ways and perennially under-resourced, field administrators subscribed to the view that development was slow, measured and only what was deemed necessary should be done. Custom held together native societies, it was an apparatus that could be used to enforce, but not changed. As Mamdani notes, one justification of power was the administration's role as "custodian of custom in the wider context of an alien domination."⁶⁹ Change and reform was anathema to colonial administration, but despite their misgivings, the Colonial Office's new commitment to state building meant that change was coming. As we shall see, lacking a revolution in the structure of administration, rather than enhance the position of the Colonial Office, development would bring with it a new range of duties, outside of law and order, for the provincial administration to tackle in the

⁶⁸ See, Martin Thomas, Bob Moore, and Larry Butler. *Crises of Empire: Decolonization and Europe's Imperial States*. (London: Bloomsbury Publishing, 2000); Frank Heinlein. *British Government Policy and Decolonisation, 1945-1963: Scrutinising the Official Mind*. (London: Psychology Press, 2002)

⁶⁹ Mamdani. *Citizen and Subject*. 110.

1950s and with it even greater significance when the pressures of Mau Mau engendered a renewed developmental verve.

Lord Hailey and Social Development

The apogee of this change was in the passing of the *Colonial Development and Welfare Act of 1940*. While it would be misplaced in this study to retread and duplicate the exhaustive scholarly attention paid to this event, a brief synthesis of particular features is beneficial to note the significant impact this act had on administration in the colonies.⁷⁰ In the mid-1930s Lord Hailey, an administrator with a long distinguished career in Indian service, was commissioned to compile a survey on all African territories. The voluminous report he published, at nearly 1,800 pages, meticulously detailed the question of the African in Africa, detailing the economic, social and political issues and making him a foremost British expert on the colony.⁷¹

The *Africa survey* presented the stark problems of poverty and lack of social development in Africa, confirming Colonial Office assumptions that more needed to be done. A feature in the *East African Standard* in 1940 claimed the work had “become a sort of Colonial Office bible on African Policy”.⁷² In September 1939, at the very beginning of the war, MacDonald set Hailey another challenge, to compile a report on local native rule in Africa which could answer the questions of what was the

⁷⁰ See, for example, James Midgley and David Piachaud. *Colonialism and Welfare: Social Policy and the British Imperial Legacy*. (Cheltenham: Edward Elgar Publishing, 2011); S. Stockwell & S. Ashton. *British Documents at the End of Empire. Series A, Volume 1, Imperial Policy & Colonial Practice, 1925-1945*. (London: HMSO, 1996); David John Morgan. *The Official History of Colonial Development: Guidance towards Self-Government in British Colonies, 1941-1971*. (London: Humanities Press, 1980)

⁷¹ See, Lord Hailey. *An African Survey. A Study of Problems Arising in Africa South of the Sahara*. (London: Humphrey Milford, Oxford University Press, 1938)

⁷² Extract from *East African Standard*, ‘*Lord Hailey on Tour*’, 30 January 1940. CO 847/15/12, TNA.

Colonial Office's plan with indirect rule? What was the next stage after local administrations had been established?⁷³ An important consideration for Hailey as he set to work was how harmony could be struck between colonial legislatures and local native authorities, and further to this how government institutions could be developed alongside. *Native Administration and Political Development in British Tropical Africa* was published in 1944 and circulated as a confidential document of Hailey's own reflections, a measure taken to avoid potentially upsetting local feelings.⁷⁴ Yet hidden within this furtive survey was a plan for changing the mechanism by which policy could be debated, from the Colonial Office's standpoint, the takeaway was that indirect rule was coming to an end.⁷⁵

Within the survey, Hailey addressed a range of issues from racial consciousness, attitudes to British rule and means of African expression, to the growth of a new African middle-class and what this meant for state development. What the report revealed was that even for an administrator of the great experience and esteem of Hailey, producing a coherent and logical mission statement for the direction of a colonial rule to include both a strong desire for development and effective administration was too great a challenge. There was an inherent incompatibility between further state scope to intervene to promote welfare and the development of structures of local native government. In the case of the latter, this involved counterproductively reinforcing structures of indirect rule to obstruct interference

⁷³ Lewis. *Empire State-Building*. 83.

⁷⁴ See, Lord Hailey, *Native Administration and Political Development in British Tropical Africa*. Vol. 6. (Lichtenstein: Kraus Reprint, 1979)

⁷⁵ Lewis. *Empire State-Building*. 85. See also, R. E. Robinson. "Why "indirect rule" has been replaced by "Local Government" in the nomenclature of British native administration," *Public Administration & Development* 2 no. 3 (1950): 12-15.

from educated Africans.⁷⁶ This was further hampered by the fact that social and economic improvement was always consigned to a position below political concerns. Hailey welcomed the convention that state intervention was a necessary component for material advancement, endorsing the view that social foundations were vital to bear the weight of political institutions. This made him a strong proponent for the expansion of the role of central government in new social service committees and welfare funds to work towards the advancement of the more elemental needs of the majority of Africans but informed an insistence that the pursuit of political advancement should not undermine pre-eminent need for social improvement. While this can speak to Hailey's beliefs for the necessity for the eradication of poverty, seemingly denigrating political aspiration may speak to a belief that self-government still felt an ambition to be restricted.⁷⁷

Hailey's expansive vision was testament to his industry but demonstrated a misapprehension of the capacity of the structures in place in colonies like Kenya. Ever the believer in long-term education and incorporation of the African into the colonial state, Hailey was happy to sacrifice a higher standard of efficiency for more incorporation of Africans into government, this was despite recognition that where accounting duties had already been passed across, conventional procedures had failed to present themselves.⁷⁸ For an institution built on financial probity, Hailey was asking the administration to shelve deep set prejudices over African competence and integrity.

⁷⁶ Frederick Pedler. "Lord Hailey: His Contribution to Africa." *Journal of the Royal Society of Arts* 118 no. 5168 (1970): 486.

⁷⁷ Lewis. *Empire State-Building*. 85-87

⁷⁸ John W. Cell. "Lord Hailey and the Making of the African Survey." *African Affairs* 88 no. 353 (1989): 482.

Hailey championed Local Native Councils as perfect training grounds for Africans in local government. An avenue for the expression of native opinion was important as it served the dual purpose of sating political aspirations while soliciting African cooperation.⁷⁹ Unsurprisingly, therefore, he encouraged the development and expansion of the councils at a reasonable pace, with more responsibility for aspects of social services being the sensible first step. Once again, it was cautioned that this would likely reduce the standards set by the central administration but was a necessary price to pay to show British rule was capable and willing to support the political education of the African. Similarly, it was hoped that increasing native participation in the welfare process could see the decline in tax revenues seen in the previous decades reversed. If people were made more knowledgeable and privy to where their money was spent, they may be more willing to contribute. What is clear, is that this plan was precluded on the idea that development was a slow and deliberate process, projected to take several decades. Hailey noted in an opening passage of his landmark work that social advancement was the real focus of study, hoping the reward of his labours may be “an effective addition to the welfare of a people.”⁸⁰ Independence in East Africa was not under consideration.

If in Hailey’s conception the construction of colonial social welfare was to be in the hands of the African, what of the technical and specialist departments of the colonial state. Rather than wanting to increase their role in the development project, he wanted more of their duties to be passed on. A product of the administrative service, Hailey was suggesting that departmental officers should be positioned as

⁷⁹ Pedler. *Lord Hailey: His Contribution to Africa*. 486.

⁸⁰ Reginald Coupland. "The Hailey Survey." *Africa: Journal of the International African Institute* 12, no. 1 (1939): 10.

subordinate to generalist administrators.⁸¹ If development was to be a native partnership, then it should be the experienced administrator acting as the government's representative. In recognition that this may confuse the relationship between different branches of colonial government and the social service provisions, it was suggested that specialist officers could be employed in central government to work out the boundaries between administrative and local native council responsibilities.

The pre-eminence Hailey affords to the generalist administration seems like a typical case of favouritism but is more aptly a realistic and practical recommendation born out of qualified appreciation of how colonial administration operated. Informal arrangements, conferred knowledge, personal connections, these were all at the very heart of colonial administration, it was a system that operated by men from a similar background, who went to similar schools and followed similar procedures. There was a hierarchy and process to be followed. Hailey preferred to concentrate on developing African modes of advancement than challenge administrative questions in the colonial office; this meant a preference for the often-incoherent local arrangements, which provided an arena for democratic practice rather than a uniform central model.⁸² This put him out of kilter with a Colonial Office which in the 1940s was planning for an extensive project of reconstruction and welfare development for the post-war.

Fundamentally, Hailey failed to find a solution which integrated colonial office strategies of political advancement with the immediate needs of social and economic

⁸¹ Hailey. *An African Survey*, Ch. 6: Kenya. 223.

⁸² Lewis. *Empire State-Building*. 88-89

development. Indeed, paradoxically what he demonstrated was that if African political development was to ever be central to colonial planning, then conferral of a greater degree of responsibility in social welfare would be the sensible first step, but this could come at the expense of efficiency. Hailey's bias for continued district administration supremacy over their specialist counterparts won his findings great favour among provincial administrators. His disregard of the ingrained racial paternalism and distrust of central authority common among the profession as a hurdle to development however stands out as a glaring omission. The perceived shelving of Hailey's recommendations was a sign of a threat from above, to work which the provincial administration believed was best coordinated from below. To a cadre of men intensely mistrustful of central colonial office funding and very protective of their autonomy, this would provide more ammunition for the battles to come as they attempted to secure their place in day-to-day administration. As this thesis will go on to demonstrate, the failure of the Colonial Office to reform the structure of the colonial state in Kenya meant that under the intense strain of Mau Mau the responsibilities and authority of the provincial administration grew markedly out of necessity. It was in this context of pressure and disaggregated power that coercion took hold.

War and Welfare: State-Building and the Colonial Office

World War II was a time of heightened prosperity in Kenya. With the fall of Singapore in 1942, East Africa became an area of significant strategic importance to Britain. The increased demand for agricultural production to aid the war effort had helped both squatters on European farms and those in the Reserves economically, with

higher prices and reduced restrictions on what could be grown.⁸³ The district councils of the White Highlands had been exhibiting unprecedented caution in interacting with their African labour to avoid antagonism, influenced in December 1941 by the British government insisting on the colony increasing production with the promise of guaranteed prices and financial incentives to cultivate new ground. This period, therefore, had largely been one of relative peace and prosperity for Africans, left to increase their own production and yield for sale at inflated war-time prices.⁸⁴ Paradoxically, it was the end of the war which would signal a period of upheaval and turmoil. Economic prosperity was papering over untenable cracks of social divisions and political turmoil.

The demands of war had a transformative effect on Kenya, the outbreak of conflict in 1939 rapidly increased a trend seen throughout the unsettled 1930s of a centralisation of public power to match the challenges of depression. As Britain pushed for the colonies to pay for themselves, what occurred is what John Lonsdale has described as an “unsteady revolution”, a partial piecing together of the fragmented arms of power into a centralised state as Kenya looked to save itself and in turn caused a schism in the balance of Kenyan society.⁸⁵ The extremes of war exacerbated this by providing opportunities for the white settler population to significantly increase their position in the colony, as the state relied on settler compliance to continue to meet wartime demands. Despite this being only a temporary social shift, and never enshrined in law, it typified a process during the

⁸³ See John Lonsdale. “The Depression & The Second World War in the Transformation of Kenya” in Killingray & Rathbone. *Africa and the Second World War*. (New York: Springer, 1986) 97-142.

⁸⁴ Throup, *Economic & Social Origins of Mau Mau*. 7.

⁸⁵ Lonsdale. *The Depression & The Second World War*. 97

war which saw the powerful actors within Kenya, both black and white, break with pre-war social constraints and try to establish their role as significant instruments within the new centralised state.

As Lonsdale demonstrates, this created an unruly political situation in the post-war where the government at Whitehall, settlers, African elites and the poor entered a political affray seeking incompatible futures for the colony.⁸⁶ In essence, the state had revoked its role as arbiter and had become the prize. To take this analysis further, this central shift had the effect of making these groups stakeholders in the state. As we shall see later, this resulted in the formation of constituencies of control where different reaches of colonial administration became indelibly linked to these stakeholders. The linkage that formed between the provincial administration and African elites becomes essential in explaining the coercive nature of the administration's incumbent response to Mau Mau.

Where war was having transformative effects in Kenya, at home it had made planning for the future an obsession of the Colonial Office. Dreams of revolutions in agricultural practice and industry, for example, held a promise of a more certain future. Morally as well as financially rearmed, the experience of depression and conflict had changed Colonial Office's thinking about welfare in Africa; with trusteeship on the wane, a more directed reform of state-society relations was to be ready to be applied to colonies like Kenya.⁸⁷ Increasingly imperial issues were being viewed through the lens of a metropolitan political-economy which believed in the power of the state to supply guarantees of security for its citizens. The *Colonial*

⁸⁶ Ibid. 97-98.

⁸⁷ Myles Osborne. "Controlling Development: 'Martial Race' and Empire in Kenya, 1945–59." *The Journal of Imperial and Commonwealth History* 42 no. 3 (2014): 467.

Development and Welfare Act of 1940, extended in 1945, was the manifestation of this vision. The number of officers present in the colonies increased dramatically after the war in what is now known as the 'Second Colonial Occupation'.⁸⁸ This heightened moment of development ensured that metropolitan solutions and standards were applied more systematically to specific regional issues in the empire; making reform less contingent on the peculiarities of individual colonial pressures and the practicalities of these measures. As will be observed below, in failing to successfully challenge administrative hegemony and reliance on indirect rule, modernisation of administration was as disjointed as it was defective.⁸⁹

Unrest and demonstrations were becoming more prevalent throughout Africa, in Kenya alone a series of strikes in Mombasa since 1934 over unsatisfactory Labour conditions, especially among dock workers, had demonstrated that only reform could stop further disorder. These increased markedly into the 1940s, with a general strike called in Nairobi in 1950.⁹⁰ At home, the consequences of depression and war deprivation expanded State intervention funding to reduce poverty. This was supported by developments in technical capabilities that made inquiries, information gathering and finding resolutions between centre and periphery a more practical proposal. Indirect administration was deemed to be failing, with the pre-war system of administration viewed as incapable of fixing the problem.⁹¹

⁸⁸ See Anthony Low and John Lonsdale. "East Africa: Towards a New Order, 1945-1963". in Anthony Low, *Eclipse of Empire*. (Cambridge: Cambridge University Press, 1976)

⁸⁹ The second colonial occupation is a term coined by the historians Anthony Low and John Lonsdale to describe the phase of British colonial rule in Sub-Saharan Africa in the aftermath of World War II. See, Low and Lonsdale, '*East Africa: Towards a New Order*'. 164–214.

⁹⁰ Frederick Cooper. *Africa since 1940: The Past and Present*. (Cambridge: Cambridge University Press, 2002): 32-35. See also, Cooper. *On the African Waterfront: Urban Disorder and the Transformation of Work in Colonial Mombasa*. (New Haven: Yale University Press, 1987)

⁹¹ Osborne. *Controlling Development*. 467-8.

A more directed social welfare however required trained men to institute reforms. The 'Second Colonial Occupation' of the post-war was to be nurtured by brigades of varied technical and specialist departments, formed to tackle the diverse social and economic needs of Empire. Nairobi was increasingly facing challenges from all sides. A belligerent Colonial Office pushed the Kenyan administration to reform its welfare provisions for Africans into a manner similar to that of developments in Britain. At home, the Kenyan government was coming under pressure from a frustrated and restless workforce and were starting to embrace welfare as a solution. This opportunity for welfare reform saw attempts to reorientate the practice through the popular concept of community development.⁹² During the war, Kenya had gotten used to passing legislative solutions to challenges without great scrutiny aided by the abnormal wartime conditions. While the colony was happy for this to continue, the Colonial Office was far less keen.

Two separate pieces of labour legislation, the *1946 Removal of Undesirable Natives Ordinance* and the *Unemployed Persons (Labour Direction) Directive of 1948*, received heavy criticism from the metropole for the vulnerable position to international criticism these put Whitehall in, especially from the Soviet Union, since these were considered to violate international legislation on forced labour. Andrew Cohen, undersecretary for African Affairs in the Colonial Office, claimed these could only be made justifiable during an emergency.⁹³ As we shall see in a later chapter Cohen's remarks were prophetic, coercive labour practices were to become

⁹² Lewis. *Empire State-Building*. 298.

⁹³ *ibid.* 302-303

enshrined as a central tenet of the administration's counter-insurgency response and justified through the prism of community development.

Functional departments geared to support community development were not new to the 1940s, colonial administration had always included specialist departmental branches. By the 1930s, colonies ordinarily had branches dealing with education, medicine, agriculture, veterinary care, and labour at a minimum. What changed in Kenya in the 1940s was the material armament of key ministries, such as the department for agriculture and the department for African Affairs to meet Colonial Office demands for metropolitan patterns of government.

Initially, the *Colonial Development and Welfare act of 1940* allocated £5 million each year for ten years for programmes, while also setting aside £500,000 each year for research into prospective initiatives. These numbers were dwarfed in 1945 with the addition of £120 million each year for the same period.⁹⁴ Similar in hierarchy to that of the generalist administration, each branch accounted for a director and subordinate provincial heads, with local officers responsible to districts and their auxiliaries.⁹⁵ In contrast with the generalist service, technical departments were often staffed by a cadre of men without an Oxbridge background, reason enough for derision from the haughty and often parochial administrative service. Given both of these groups viewed themselves as the most important individuals in the process of the colonial mission, animosity was not uncommon. There was a common shared view that the other was less than competent in their role, with the administrative service viewing their relationships with local structures and command of judicial

⁹⁴ Michael Havinden and David Meredith. *Colonial Development: Britain and its Tropical Colonies, 1850–1960*. (London: Routledge, 1993): 225-234

⁹⁵ Lewis. *Empire State-Building*. 143

process as superior, and likewise, functional officers viewed their role in improving economic and social conditions as more important. This competitiveness and rivalry were a characteristic of public-school education, but there were many instances of positive and constructive working partnerships between departments. Issues that presented themselves locally were challenges that could be coalesced around, allowing solidarity to develop.⁹⁶ Rivalries could be friendly under usual circumstances, it was new pressures that distorted these relationships.

The creation of the Native Welfare Committee in Nairobi in 1939 constituted a seminal moment for functional departments in establishing themselves as the dominant force for native development. For one of the first times, the directors of the agriculture, education, medical and veterinary departments were part of a committee treating them as one among equals with provincial commissioners. With the express function being that of welfare, this was viewed as an opportunity for the technical departments to make their case for being the most important resource for African progress. The chief native commissioner was present in the capacity as chair, with issues of land tenure, public health and agricultural practice being central to the agenda of early meetings. The latter two of these aspects being especially fruitful ground for expressing the importance of technical administration. The director of agriculture used this forum to protest government cuts to agriculture training in government schools. He argued that agricultural training was essential for African welfare, claiming that it protected rural life and allowed skills to be transmitted which could then be passed between African hands. This was part of his vision for the

⁹⁶ For examples, See, Sabine Clarke. 'A Technocratic Imperial State? The Colonial Office and Scientific Research, 1940–1960'. *20th Century British History* 18, no. 4 (2007): 453–80.

replacement of Europeans with native staff, so real progress could be made.⁹⁷ Out of the box thinking was a strong feature of functional departments, which contrary to the administrative service embraced innovation to meet the problems of the day, rather than default to conventional wisdoms.

Since the early 1940s, land rehabilitation, destocking, resettlement initiatives and the development of a communal approach to agriculture had been accepted as central to African area reform plans, tangible steps to support these motions were made with the appointment of Major F.W. Cavendish-Bentinck as Member for Agriculture, Animal Husbandry and Natural Resources in 1945 as part of a general post-war reorganisation which aimed to decentralise the chief secretary's work into groups of departments under unofficial members of the Executive Council.⁹⁸ The following year, these efforts were aided by the establishment of the *African Land Development Board* (ALDEV), which oversaw a three-million-pound *Colonial Development and Welfare grant*, provided under the *Ten Year Development Plan of 1946*, for the reconditioning of African territories, and for African settlement and resettlement.⁹⁹ ALDEV had individual successes in numerous local projects such as tsetse fly clearance, reconditioning of grazing areas and construction of dams, but these endeavours failed to have the effect of large scale impact on the pressing land crisis throughout Kenya, but particularly in the Central Province.¹⁰⁰ In essence, applying metropolitan welfare standards to colonies without the state structure to support this development left administrative and technical officers alike to apply local solutions to

⁹⁷ Lewis. *Empire State-Building*. 144

⁹⁸ Anne Thurston. *Smallholder Agriculture in Colonial Kenya*. (Cambridge: African Studies Centre, 1987): 20-21

⁹⁹ Thurston. *Smallholder Agriculture in Colonial Kenya*. 22

¹⁰⁰ *Ibid.* 23-24

national problems.¹⁰¹ This would leave development a piecemeal and uneven process which would only further alienate parts of the increasingly divided Kikuyu.

The new welfare committee was not destined to bring about a change in institutional administration where others had failed. Within two years it was requesting the Governor for restructuring with the chief secretary to assume the role of chairman in hopes that this would place it in better stead to fulfil the purpose for which it was established. Fundamentally, the Native Welfare Committee was for a number of reasons insufficient to match the early optimism it raised in the technical departments. Firstly, by virtue of the diverse groups in attendance, its agenda was hamstrung by the sheer variety and extent of issues. Secondly, no one present was imbued with the authority to tackle the significant bureaucratic irregularities the council was hoping to challenge. The role of CNC was by the 1940s primarily significant through its former eminence and while the chief secretary had command, he lacked the power for reform. Lastly, the Native Welfare Committee demonstrated in stark terms that the provincial administration still had the upper hand. This was made abundantly clear when a dispute between departments and the provincial commissioner Nyanza over planning procedures in 1941 was only agreed with a caveat that it was “suggestive rather than mandatory”.¹⁰²

In the post-war, similar attempts were made to restructure development with, again, little success. The establishment of the African Affairs Committee became the latest in a line of initiatives hamstrung by a lack of full administrative commitment. The committee was never granted legislative powers and once again in being headed by

¹⁰¹ Berman. *Control and Crisis*. 288.

¹⁰² Lewis. *Empire State-Building*. 146

the CNC lacked real authority for change.¹⁰³ Restructuring of development was a process clearly moving forward but at a pace largely dictated by the administration's willingness to comply. The influence and autonomy of technical departments at a local level therefore could vary wildly based on the personal rapport and amenability of the generalist officer in that area.¹⁰⁴ Innately uneven and increasingly chaotic, this system at the mercy of personal whim would only go further to defer to the *man on the spot* when the exigencies of Mau Mau demanded *closer administration*. As we shall see however, when restoration of law and order became the primary imperative of the state, local factors and constituencies of influence are vital in explaining the turn to the use of coercive practices.

So, throughout the war, functional staff tried as they may to bring about reform in administration by engaging in debate about African welfare. Emblematic of this was concerted attempts by technical departments to work together to direct welfare more generally, however consensus over a united vision for the future of administration remained elusive. Making use of new channels of communication, influential figures such as commissioner of prisons Alexander Paterson went as far in 1945 as directly contacting the new secretary of state for the colonies Arthur Creech Jones to detail the challenge colonial rule presented if the government were to hold its colonies to the standard it held at home. In Central Province alone, it was suggested that 80,000 people needed to be removed from land ownership if reform were to take hold and therefore sufficient waged employment would need to be created if the Labour Party's commitment to the Beveridge Report was to be extended.

¹⁰³ *ibid.* 321.

¹⁰⁴ Berman. *Control and Crisis*. 291-292

The message Paterson was extending was if this were to be achieved, the level of ambition needed to match the challenge.¹⁰⁵ Fundamentally, the post-war period would show that intervention and reform on the scale necessary to achieve this vision was beyond the capacity of the late colonial state. The widespread reliance on the systems of indirect rule by local chiefs and leaders, and the network of generalist administrators who cooperated with them, meant that a social engineering project of the scale required was entirely impractical, despite increased penetration into parochial and district levels¹⁰⁶ The Colonial Office was all too wary of the need to avoid antagonism of African structures of control against a backdrop of Kikuyu Central Association protests in the 1930s and the increasingly bold trade union movement action in the 1940s.¹⁰⁷ Similarly, internal opposition amongst generalists to the elevation of technical departments restricted wholehearted support to the notion.

Kenya in the 1940s is perhaps therefore best categorised as a period of great planning but little substantive reform. Whereas impetus for welfare improvement may have increased, there was no complimentary restructuring for the evaluation and implementation of policy to support this developmental verve. Despite renewed hopes the promise of more staff in the post-war brought increased influence would never become supremacy in the battle for control in colonial administration.

Ultimately, technical departments would remain subordinate for the rest of colonial

¹⁰⁵ Lewis. *Empire State-Building*. 154.

¹⁰⁶ Low and Lonsdale, *East Africa: Towards a New Order*. 198.

¹⁰⁷ For trade union and strike action in Kenya, See, Tiyaambe Zeleza. "The Strike Movement in Colonial Kenya: The Era of General Strikes." *Transafrican Journal of History* 22 (1993): 1–23; Cooper. *On the African Waterfront*; Cooper. *Struggle for the City: Migrant Labor, Capital, and the State in Urban Africa*. (New York: Sage Publications, 1983).

rule in Kenya. In essence, the relationship between district officers and their chiefs was a marriage of convenience that proved too strong.¹⁰⁸

The fundamental contradiction which seemed to go unaccounted for in the Colonial Office's great post-war planning is that direct rule without significant investment and reform of the very framework of colonial administration to that of a wide and extensive state structure would inherently rely and require more indirect rule. This ever-developing struggle between the metropole and colony, centre and province, was a friction point which would only be tested further as African aspirations for political, social and economic advancement came to the forefront. In Kenya, where this feud would take place in a political economy kindled by African and white settler racial pressures, these issues were only just beginning.

This chapter has shown that although colonial administration in Kenya underwent significant shifts in the first half the century, the position of the colonial administrator as the chief arbiter of law and order remained constant. Although attempts were made to adjust other aspects of welfare and development, the relationship between provincial agents and African elites sustained in the absence of broad structural reform to ensure the primacy of this connection to the workings of rural control. The limits or reluctance of Whitehall to commit more than strong suggestion to enact change on the ground ultimately allowed the pace and function of development to be dictated by those officers charged with enacting it. Ever adverse to innovation, underfunded to support it and still undermanned, the inherent problems of

¹⁰⁸ Bruce Berman. "Bureaucracy and Incumbent Violence: Colonial Administration and the Origins of the 'Mau Mau' Emergency in Kenya." *British Journal of Political Science* 6, no. 2 (1976): 143–75. 171.

administration would only sustain and worsen into the 1950s as issues of control became paramount.

Chapter 2: 'Coercion and Control' – Administration during the Emergency

The declaration of the state of emergency in October 1952 was a defining point in reshaping the composition of administration in Kenya. This chapter places focus on the process of closer administration in detailing how the state's requirement for stricter controls imbued those at the lower-levels of colonial administration with a greater deal of agency to act with authority in their districts. For the provincial administration, this represented an opportunity to reverse a trend of marginalisation that had seen influence and independence lost in varying degrees to central authorities, technical departments and non-state actors over the previous decades. As an entity always fighting to justify their authority of action, the provincial administration were only too happy to point to the perceived distancing of themselves from local structures of control as a key explanation for this breakdown of Kikuyu civil society. The bridging of this connection between the provincial administrator and his loyalist constituents would become a primary focus of the reassertion of colonial control.

This chapter follows on from chapter 1, turning attention to the 1950s in tracing how changes in the period immediately before and after the declaration of emergency conditions in 1952 left the provincial administration positioned to play a key role in the ensuing Mau Mau conflict. The first section, Renaissance of the Provincial Administration, recounts how marginalisation in the post-war period saw a dramatic reversal as security became all important in the context of Mau Mau opposition. The success of the provincial administration to position this rise in opposition as endemic of a severing of traditional centre-periphery relations ushered in by reform of the minister system allowed for a reversal of this trend to be offered as a solution.

The second section on structural and material armament, analyses how the rationale that a distancing of the provincial administration and loyalist communities had led to a breakdown in lawlessness was utilised to support a move to closer administration. The drive to employ new temporary district officers saw a significant change in the demographic of officials working in Central Province, with most drawn from the white settler population. This alteration was consequential not only on the direction of the conflict, but on the composition and characters of individual districts and how they would react to challenge, thus reshaping the incumbent response to be a myriad of localised responses played out on the national stage.

The third section, Information and Power, examines the Mau Mau monopolisation of fear in the early emergency period. The utility of a successful oathing campaign supported by strong intimidation for breaking one's silence allowed insurgent forces a hegemony on information which they exploited to mitigate their technological disadvantage. The administration's concurrent inability to prove themselves capable of offering security to leading loyalists made it hard to justify their role within these constituencies. The first task of reasserting control would be breaking this Mau Mau monopoly.

The last part of the chapter offers insight into one aspect of the loyalist role within constituencies of control in the form of native tribunals. The nebulous nature of native laws and their varied application made them uniquely malleable to the challenges which came with legislating against oathing. The section details how loyalist agency in localised choice 'understanding' of laws allowed this arena to provide scope for native influence over low-level control. Ultimately however, it will

be shown that this still proved inefficient in sating loyalist demands for action and effective reaction to challenge, supporting a move to more coercive means of action.

The beginning of the 1950s was a period of strain and upheaval in Kenya. Violence and lawlessness starting in the urban areas of Nairobi and increasingly becoming more endemic throughout the rural regions of Central and Rift Valley Province had left colonial authorities scrambling to reassert law and order in the face of an unprecedented challenge. The declaration of emergency conditions itself came on the back of a torrent of mounting criticism from the press and settler politicians, made worse by troubling reports received with increasing regularity from administrators in the field. London was anxious for a clear direction on how Nairobi would expediently deal with insurgent action however the reports on the severity and scale of the disorder were downplayed in correspondence to the metropole.

The state's incumbent response, alongside counter-insurgency action, was to pursue a policy of *closer administration*, a reassertion of traditional methods of administration alongside an intensification of scale and coercive control. In practice, this was a strategy of fragmentation and separation by reasserting local structures of indigenous power meant to contain African political expression. It was conceived that in giving authority to those on the ground to act when met with challenge unrest could be dealt with using greater expediency, in reality however in the absence of compliant Mau Mau submission the administration increasingly relied on coercion, employed unevenly and disproportionately between districts, to deal with practical issues of maintaining law and order.

Ideologically, *closer administration* was rooted in deep-set colonial paternalism, the belief that discretion for the provincial administration and welfare of Africans went

hand-in-hand; that the native population placed great trust in the provincial administration, looking to it for protection and leadership; that social change if not measured and deliberate was ruinous; and vitally, that it was the personal connection between a field administrator and *his* people that was the lynch pin of colonial rule.

As this chapter will demonstrate, in answering questions of control at the lowest-levels of colonial bureaucracy it becomes necessary to consider these *constituencies* and the ways in which responses to challenge are debated, directed and instituted. In doing so it will show that quotidian control is something which is negotiated and endorsed through the collaboration of provincial administrators and their loyalist constituents. Moreover, this connection serves to benefit both parties in legitimising the state as protector of the supposed *true* representation of native interest, invalidating the rebellious *other* as a result, while giving the loyalists significant sway over local authority, and the benefits of access to the state. It is this legitimising connection which allows coercion to manifest, as both in ideological and in practical terms it can be justified that the direction of action is made with the blessing, and in the interest of, a district's constituents. Throughout Central Province the fragmentation integral to closer administration created a structure where control became a reflection of the character of those influential figures, both British and Kenyan, who governed the district. Employing their power hand to mouth, these constituencies of control were innately uneven and unbalanced, meeting the peculiarities of the challenges they faced with inconsistent use of authority and creating a system where coercion could thrive.

Renaissance of the Provincial Administration

One innovation of the post-war period was the introduction of provincial and district teams. These were bodies composed of various technical officers and chaired by the generalist administrator, which were formed for the purpose of consulting on and directing development programmes in that province or district. The success, or lack thereof, of these teams was often dependent on the amiability of those constituent members to work in accordance with one another in the pursuit of common goals, however some suffered basic functional problems which plagued their operation. Subject to wide variations due to the exercise of local discretion, as late as 1950 the provincial team in Nyanza province had no provision in place for regular discussion and meetings with or between administrators and senior technical officers.¹ Where these teams did operate, rather than solve disputes they could often become a site of contention and clashes between administrators and technicians. As with much of local colonial bureaucracy, the effectiveness of the teams showed huge variance in different areas and at different times. In a system punctuated by difference, uneven and inconsistent development naturally followed.

The growth towards functional ministerial organisation by the late 1940s influenced deteriorating bureaucratic relations in the districts by providing an avenue for the bypassing of the provincial administration in connecting technical officers in the field to their representatives in Nairobi. This contributed to a mounting sense of contempt and resentment among field administrators who increasingly believed the secretariat had lost touch with what administration was and the personal nature of the work. In

¹ Bruce Berman. *Control and Crisis in Colonial Kenya: The Dialectic of Domination*. (Nairobi: East African Publishers, 1992): 317.

November 1948, E.H. Windley, the provincial commissioner of Central Province, wrote a letter on behalf of the administrators of his province expressing their dismay over the breakdown in this relationship, expressing the view that the growing difficulty of their work had become a “blind spot” which if left unaccounted for posed a danger to spread to the whole machinery of administration.² The cleavage between Nairobi and the localities was a reflection of the developments of bureaucratic process in the post-war, specifically in the differentiation of the roles of central and field administrators. As Kenya as a colony became more important to Britain’s imperial empire, the secretariat became increasingly preoccupied with complex policy on a national scale, with those administrators working in Nairobi embracing the intellectual and conceptual nature of the work; while the provincial administration remained deeply rooted in the practical control of the parochial. In growing increasingly hostile to those departments and advancements at work around them, field administrators were victims of their own inflexibility and aversion to change; rather than embrace developments they were quick to view these as challenges to their authority.

Post-war reforms introduced by Governor Sir Philip Mitchell aimed to bridge the gap between colonial society and the state. Not a man for radical action, Mitchell viewed the people of Kenya as in a “very primitive moral, cultural and social state” and therefore rejected any expeditious move for advancement that could be seen as anything other than gradual, and as such not the “British way”.³ Instead Mitchell

² *Ibid.* 318.

³ Mitchell to Arthur Creech Jones, Secretary of State for the Colonies, 30 May 1947, CO 847/35/6, no. 88, TNA. Reprinted in Ronald Hyam, *The Labour Government and the End of Empire 1945-1951*, British Documents on the End of Empire Series A, Volume 2. (London: HMSO, 1992) Document 45, 129-41.

conceptualised development through a new *member system*, designed to eliminate the centralisation of business under the administration in the secretariat in an effort to stop a perceived isolation of the technical departments. With the work of the government becoming more complex and voluminous, centralisation became impractical as efficient access to the knowledge and expertise of the technical departments became a necessity. As important as the bridging of the technical gap, Mitchell viewed reform as an opportunity to head off present and future conflict by making development a state concern, removing it from the idiosyncrasies of the district commissioner of that moment, which allowed for conflicting policy between areas and no continuity on reassignment.⁴ A further significant reason for the introduction of the member system was to stem the drift of state power into the domain of the settler community that had taken place during the war. Leading settlers had become integral fixtures in the public agencies of Kenya and Mitchell believed that this was ripe to become an awkward situation.⁵

The reform of the member system effectively resolved concerns over settler influence by co-opting these elements into the government to give the state once more ultimate control. Those unofficial members appointed to the Executive and Legislative Councils were required to resign from elected office to do so, effectively severing the connection between the individual and their settler community, making their continued appointment subject to the good graces of government.⁶ This co-optation through effective collaboration between the secretariat and the settler community is representative of the former's constituency of control, by appropriating

⁴ Berman. *Control and Crisis*. 285

⁵ *ibid.* 285-288

⁶ *ibid.* 285

and encompassing the vocal members of the European society the government validated their authority in that community. While this did not act to legitimise the state's role as steward of the African population, it did act to quiet the states most immediate vocal critics. Co-optation through co-operation would be used effectively during the emergency to legitimise the government's incumbent response by the complicity of loyalist chiefs and headman within the structures of the provincial administration, where coercion would be justified by both the collaboration of loyalists to its practice and in defence of these elements as the true representatives of native interests.

In 1945 central administration in Nairobi was still a relatively streamlined operation, with only seven senior officers served by eleven assistant secretaries. The introduction of the member system saw these numbers rise to a total of 34 posts by 1951. With these new officials came impetus for the growth of a ministerial system with the necessary assignment of responsibilities for the various departments of the Executive Council. This specialisation of secretariat work was accompanied by a shift in the type of administrator occupying the role; between 1919-1939, only six administrators without experience in the field in Kenya were appointed directly to the secretariat, whereas between 1940-1960, this number was 47. Most of these came from other African colonies, but a number came directly from the Indian and Home civil service. Increasingly the pre-war policy of rotating administrators between the field and the secretariat was abandoned with only 15% serving in the central

administration in the 1950s.⁷ This incremental drift saw the provincial administration and central administration become essentially two distinct organisations.

This decentralisation of secretariat work was supported by the creation of new lines of communication between these central ministries and field agents. One traditional trump card at the disposal of the provincial administration had been lack of formal channels of communication within the state apparatus which solidified their position as a necessary intermediary in the passage of information. Correspondence from departments would be passed to the secretariat and would then be channelled to departmental field organisation via the provincial administration, and vice versa. This closed system provided the administration with a useful tool in defending its position within the state apparatus, by giving it a hierarchical predominance over local departmental affairs. But, by 1950, technological advances and a more well-manned departmental structure was creating new channels of communication, independent of the provincial administration, that connected departmental organisations in the secretariat directly to their field staff.⁸

Increasingly bypassed and with its influence over developmental policy consequently diminished, the provincial administration lost its lustre as the principal authority in a district; while these officers did not suffer a material relegation of their powers they were met with a reduction in their responsibilities. Even the provincial commissioners, once dominant authorities in their districts analogous to that of the Governor in the colony, were to find themselves marginalised in the central hierarchy

⁷ *Staff List: Colony and Protectorate of Kenya*, Government Press, Nairobi (1955). See also, Berman, *Control and Crisis*. 285-286 & 297.

⁸ Joanna Lewis. *Empire State-Building: War & Welfare in Kenya 1925-52*. (Athens: Ohio University Press, 2000): 346.

of the secretariat which began to view the role akin to other departmental heads. Lamentation of this trend by the provincial administration was rejected in the secretariat in 1948 as an “inferiority complex” born out of an inability to accept, “a lowering of their status”.⁹

The control of information and hegemony over networks of communication are vital to understanding power in colonial bureaucracy.¹⁰ In the post-war colonial state that was focused on development, traditional provincial administration assertions over turgid concepts of *incremental change* and *good districts* lost supremacy to the statistics and facts of functional departments that could be applied to the technical aspects of colony-wide policy. In controlling this information, functional departments were more important than ever before in directing the command of the colony, and as such, consequently their power was never greater. The inverse marginalisation of the provincial administration was indicative of their superfluous role in the post-war development, itself a reflection of the changing focus of government. Side-lined to their role as arbitrators of law and order, the provincial administration were left to take exception to their lowered status in the colony from the distance of their districts. This new bureaucratic structure was not to last however, the outbreak of violence and lawlessness in Kenya and the challenges it presented undermined a focus on development and instead made restoration of law-and-order paramount. Governance in the colony would be viewed principally through the prism of security

⁹ Berman. *Control and Crisis*. 320

¹⁰ The importance of information sharing, control and accumulation in empire has been explored principally by C.A. Bayly in his landmark work *Empire and information: intelligence gathering and social communication in India, 1780-1870*. No. 1. (Cambridge: Cambridge University Press, 1999). For references to Africa, See also, Christopher Prior. *Exporting empire: Africa, colonial officials and the construction of the British Imperial State, c. 1900–1939*. (Manchester: Manchester University Press, 2017)

and as such, formal channels of communication via the provincial administration, the organisation viewed as best placed to interpret the situation on the ground, was necessitated. In regaining hegemony in the communication networks and control of information, the provincial administration recaptured their power within the bureaucratic network and the ability to craft their own narratives over their districts which, as will be demonstrated subsequently, was crucial in supporting the use of coercive practice in the creation of a culture of control during the emergency.

Reimagining Control: Structural and Material Armament

At the start of 1952, an outbreak of arson attacks on both European farms and in the native reserves in the district of Nyeri induced the chief native commissioner to write a letter to the district commissioners of Central Province instructing them that now was the time to get “in possession of the facts” about Mau Mau. Rumours of this subversive organisation had been swirling around the offices of the Nairobi establishment, with reports of secret oath-taking ceremonies and disturbing acts of violence increasing rapidly.¹¹ Those in the field were coming under increased pressure from the settlers in their districts for a stronger stance against the Mau Mau threat, with the DC Nanyuki relaying farmer demands for restrictions on movements and the application of a collective fine on the African residents of the district.¹² While such notions were discouraged in the strongest terms by the provincial commissioner as inequitable and only justifiable “in the most extreme cases”, the

¹¹ *Intelligence*. CNC to District Commissioner's (DC) Central Province. 20th February 1952. FCO 141/5721/21. The National Archives, London. (Hereafter TNA).

¹² *Nanyuki Secret Report, February 1952*. DC Nanyuki to PC CP. 29th February 1952. FCO 141/5721/24. TNA.

provincial administration was increasingly of the opinion that such growing unrest could not just be ignored.¹³

Despite this mounting pressure, Governor Philip Mitchell was resistant to avoid what he viewed as an over-reaction to the isolated and irregular nature of Mau Mau unrest. Due to retire in June, approaching the Colonial Office for a declaration of an emergency would be to condemn his governorship to failure. This left the provincial administration acutely aware that to act on their own would potentially leave them open to claims of exceeding their authority. Confusing the situation more was the delay in the arrival of Mitchell's replacement Sir Evelyn Baring. An interregnum of three months for the new Governor to arrive in the colony left responsibility for government in the hands of the chief secretary, assisted by the attorney general and chief native commissioner. Mindful to not commit the incoming Governor to any definitive policy the situation was further downplayed to the Colonial Office. In his official history of Mau Mau, F.D. Corfield states that it was not until August that the Colonial Office were made aware of the serious deterioration of law and order in the colony, with the administration being reactive to the worsening situation rather than proactive in countering it.¹⁴

On arriving in the colony in September, Baring immediately undertook a tour of the troubled areas of Central Province meeting with provincial administration officers and loyalist leaders who impressed upon him the urgency of the situation.¹⁵ Within a month, senior chief Waruhiu, a staunch loyalist in Kiambu was murdered

¹³ *Preventative Measures*. Acting PC CP to DC Nanyuki. 5th March 1952. FCO 141/5721/25. TNA.

¹⁴ Frank D. Corfield. *Historical Survey of the Origins and Growth of Mau Mau*. (London: HMSO, 1960). 55.

¹⁵ Daniel Branch. *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization*. (Cambridge: Cambridge University Press, 2009). 47-48.

precipitating the declaration of emergency conditions in the colony and a fundamental change to the fortunes of the provincial administration.¹⁶

Fundamentally, the reason for the introduction of emergency conditions in Kenya was to reaffirm control of a colony that was perceived as slipping into lawlessness, to achieve this it was conceived that not only would Mau Mau have to be militarily defeated but the traditional tenets of colonial control needed to be once again established. The marginalisation of the provincial administration and subsequent distancing of its officers from structures of native authority was a rationalisation for the escalation of disorder in Kenya, and as such, a vital part of this reassertion would be a consolidation of this connection. Closer Administration in practice meant containment of expressions of local opposition by domination of those facets of Kikuyu society through which resistance can spread. This was achieved by giving local officials licence for expedient action to meet the threats with which they were faced, to deter further action and importantly to win the confidence of loyalist constituents. Materially, a system based on tighter supervision at a local level required the necessary manpower to meet the challenge.

Between 1948-1952, there were 17 to 19 officers employed in the provincial administration of the Central Province, by 1955 this number was 218. This massive increase in administrative forces was paralleled by similar strengthening of security forces with the Tribal Police growing from 240 to 1700 and the Kenya Police from 98

¹⁶ For more information on the declaration of the Emergency in Kenya and Operation Jock Scott, see: David Anderson. *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. (London: Weidenfeld & Nicolson, 2005); Caroline Elkins. *Britain's Gulag: The Brutal End of Empire in Kenya*. (London: Jonathan Cape, 2005); Carl Rosberg and John Nottingham, *The Myth of the Mau Mau: Nationalism in Kenya*. (New York: Praeger, 1966)

to in excess of 2700.¹⁷ The employment drive for this substantive growth in administrative officials, especially at the lowest levels, was not born primarily out of traditional recruitment streams for work in provincial administration but instead was heavily reliant on resourcing of staff from the local European population.

District officers were drawn from the Kenya Regiment, a military unit composed of White settlers formed in the wake of the Abyssinian Crisis and re-established in 1949, to allow for military training without conscription.¹⁸ As speakers of the local language, these men were given command of the Kikuyu home guard, the so called *loyalist militia*, who were armed and supported during the emergency with the aim of taking the fight back to Mau Mau. What both of these groups shared was a significant vested interest in a desirable outcome to the conflict, particularly one which would be swift and expedient. This marriage of convenience, which would be vital to British success, was a partnership forged more through common antagonism towards Mau Mau than any shared affinity. As Dan Branch recognises, “the motivations of loyalists were far more complex than is too often assumed.”¹⁹ For settlers it was far less so, they deemed their position and livelihood as contingent on victory.

The swell of interpersonal violence which punctuates the Kenya emergency can find its foundations in this connection, it is however far too simplistic to consider the impetus for this action as loyalist accord with government policy or even in a desire

¹⁷ John Johnson. “British Colonial Officials and the Kikuyu People: the Mau Mau emergency and the administration.” In J. Smith. *Administering Empire: the British colonial service in retrospect*. (London: University of London Press, 1999): 104.

¹⁸ David Anderson. “Making the Loyalist Bargain: Surrender, Amnesty and Impunity in Kenya’s Decolonization, 1952–63.” *The International History Review* 39 no. 1 (2017): 52.

¹⁹ Branch. *Defeating Mau Mau*. 4-5.

for the continuation of British rule. As with much of the Mau Mau conflict, reasons for loyalism were deeply rooted in local concerns, this was reflected in examples of home guard violence which were commonly intense, personal and vengeful. The allowance of such retributive action is what David Anderson terms, the “loyalist bargain”, the giving of amnesty and impunity to those who fought under the British flag to both win the war and set the terms on which peace could be made by protecting and maintaining the political and economic status of those who helped in the conflict.²⁰ For the provincial administration, the Kikuyu home guard allowed them to take the fight to Mau Mau. Examples of indiscipline or lack of control on home guard excess which subsequently followed are best explained not by accident but design. As Branch asserts, “The provincial administration used the home guard to sate a widely held European desire for revenge for Mau Mau atrocities”²¹. Such instances of violence and their use in exerting control were not unique to Kenya and were in fact a common factor in British colonial reaction to dissent in the wider empire, featuring heavily in recent works by Kim Wagner and Priyamvada Gopal.²²

As a force for counter-insurgency, the home guard was to become the provincial administration’s key resource in the internal struggle for influence in colonial governance. Control of this militia was a counterbalance to the authority of the military and police, while being more important than both in establishing a continued peace. Where the provincial administration gained power through this relationship, the loyalist gained leverage; how this manifested at a local level was in a *negotiated*

²⁰ See, Anderson, “*Making the Loyalist Bargain*”. 48–70.

²¹ Branch, *Defeating Mau Mau*. 81.

²² See, Priyamvada Gopal. *Insurgent empire: anticolonial resistance and British dissent*. (London: Verso, 2019); Kim Wagner. *Amritsar 1919: an empire of fear and the making of a massacre*. (London: Yale University Press, 2019)

control, flexible and chaotic, this control would be uniquely local and a reflection of the characteristics of those actors at work in the district. The administrative response to the Mau Mau emergency was to be a myriad of local responses played out on the national stage.

The composition of provincial administration did not only see material shift after the declaration of the emergency, but structural one. As security became the most significant and short-term necessity of governance, *District Emergency Committees* were formed to meet this challenge. These were established to coordinate operations on the ground, consisting of the district commissioners, local police and representatives of the army. Heavy pressure was exerted by Michael Blundell, leader of the European community in the Legislative Council, to allow for the selection of chairmen to these committees be given to the best man available, official or unofficial, a stance taken to stem the waning of settler influence resulting from the emergency conditions and give them a role in counter-insurgency operations.

Although this was initially accepted by Secretary of State, Oliver Lyttelton, ever keen to keep the vocal and politically connected settlers appeased, opposition from Baring resulted in a compromise. Unable to allow for any diminution of the power and influence of the provincial administration within their constituencies, Baring conceded to allowing for European residents to accept positions as executive officers under the continued chairmanship of the district commissioner.²³ Whether this decision was owing to confidence in the field officers or opposition to settler supremacy, it

²³ Berman. *Control and Crisis*. 320

provided a confidence boost to the administration that the *man of the ground* was to be trusted to direct emergency operations in his constituency.²⁴

At the secretariat there was a similar structural change at the highest level with the formation of a War Council composed of Baring, Commander-in-Chief General George Erskine, Deputy Governor Sir Frederick Crawford, and Blundell as Minister without portfolio.²⁵ The position of Blundell elevated to the highest echelons of governance could be interpreted as bringing settler influence to the decision making heart of the state, it is however necessary to view this within the concept of containment through co-optation. In bringing the more restrained Blundell into the political apparatus, the state was able to co-opt the moderate settler elements and have an outlet to convey the stark realities of the ongoing situation to these constituents. This action simultaneously accomplished in isolating the more repressive and combative settler voices.

In managing to contain settler political pressure at the centre and suppress it in the localities, the secretariat made it possible for the re-establishment of domination to be firmly directed at a low-level and contingent upon the provincial administration. Similarly, in clearly defining the role of the field officer in restoration and then maintenance of control over the population at large, as opposed to the security

²⁴ The concept of the '*Man on the spot*' has a wide historiography in study of the British Empire, however this is usually focused on early periods of conquest and consolidation. In the context of Kenya, this was first explored by G.H. Mungeam in his 1966 work, *British Rule in Kenya*. Increasingly the concept has been reassessed in the context of decolonisation in Africa through works such as Sue Onslow's study on Zimbabwe. See, G.H. Mungeam. *British Rule in Kenya, 1895-1912: The Establishment of Administration in the East Africa Protectorate*. (Oxford: Oxford University Press, 1966); Sue Onslow. "The Man on the Spot: Christopher Soames and Decolonisation of Zimbabwe/Rhodesia." *Britain and the World* vol. 6 No. 1 (2013): 68–100. See Also, Anthony Clayton and Donald Savage, *Government and Labour in Kenya, 1895-1963*. (London: Frank Cass, 1974)

²⁵ Crawford was appointed as Deputy Governor to Baring in 1953 to relieve the increased administrative load during the Emergency.

forces at work against militants, the state entrusted the provincial administration with an essential task in winning the fight against Mau Mau, breaking the passive resistance.

The accomplishment of the insurgent oathing campaign left the state bereft of information, starved of the confidence of loyalists and in need of new ideas. Re-imagining control would need a reversal of these trends if it were to succeed. Winning back belief in the supremacy of the state, and gaining support for it, would require a little carrot and a lot of stick, against an opposition which had successfully monopolised fear, coupled with informant protection, to their own ends. As a motivating factor, fear achieved what promises could not, silence. To break this hegemony and cultivate support would only be possible with a form of control which could combine hard and soft power, where the benefits of loyalty were equalled by the punishment for discord. Severing the connection between militants and their passive resistance meant recontextualising what it meant to be loyal. The emergency was to become a partisan conflict, with ambivalence viewed as tantamount to dissent. In essence, to be passive was to be disloyal. In making loyalty an active process, the colonial state put the onus for demonstrations of allegiance on the Kikuyu themselves. Between the colonial state's stick and Mau Mau violence, silence would no longer be an option.

Information and Power

To understand the composition and character of the Kenyan governments' counter-insurgency campaign, it becomes necessary to appreciate the importance of information in conflict, not only in planning the timing and objectives of security

operations but in the construction of narratives over the complexion of violence. Insufficient intelligence had the capacity to narrow even the most advanced technological gap, and conversely, a monopoly on information, when achieved, was an advantage that could mask other stark inadequacies.

The war between Mau Mau and the colonial state was to play out in this regard in its first stages. Operating with a physical shortfall on arms and resources, Mau Mau was forced to exploit less material factors to their advantage. Just such an advantage would be found in the ready access to information from a broadly sympathetic or intimidated population.²⁶ Through oaths, the insurgents coerced the Kikuyu, Embu and Meru (KEM) population into a situation in which reliable information would be provided to their numbers, while these same groups would remain silent in dealings with police and colonial officers. This system proved highly successful, as fear of Mau Mau reprisals outweighed confidence in the state for protection. Those who resisted and refused to be oathed, such as Christians, were dealt with violently, reinforcing the culture of fear created and thus further supporting the sanctity of the oathing campaign.

The Kikuyu, as a community, had always been divided in their relationship towards colonialism, with individuals taking a wide variety of stances in their day-to-day association, above and beyond a simplistic notion of resistance. For insurgent and state alike, no support could be assumed. This murky tension between conflict and accommodation defined relations between the Kenya Government and the Kikuyu people, but for the individual this friction provided a useful resource and tool in the

²⁶ Branch. *Defeating Mau Mau*. 53.

competition for political, social and economic advantage.²⁷ The early success of Mau Mau was predicated on removing doubt about these allegiances, in a period where 'support', be it willing or otherwise, had to be cultivated. Mau Mau readiness to deal with dissent both violently and expeditiously, while protecting and guaranteeing the safety of their informants was in stark contrast to the colonial state who proved incapable of providing its supporters with protection.

Misguided attempts at counter-oathing campaigns in the early part of the emergency typified the misapprehension of the state that silence was not in large part purely self-preservation.²⁸ This imbalance between the protective and coercive capacity of the two sides made fear the biggest determinant of Mau Mau support in the period, and with it, information the monopoly of the insurgents. For the colonial state to succeed in reversing this trend, rigorous protection of loyalists would need to be met with equally strong discouragement of dissent at all levels. To sever the connection between Mau Mau insurgents and their passive resistance, confidence in the state and fear of its punitive powers would be key. As the security forces took the fight to Mau Mau militarily, breaking the passive resistance would be the work of the administration.

The initial period of the emergency up until the defining events of March 1953 following the arrest of Mau Mau leadership in Operation Jock Scott has traditionally been termed a 'phoney war', as insurgents regrouped in the forests of the Aberdares, transforming their resistance into a formidable guerrilla force. The period is highlighted as much by its inactivity, than explicit violence, however this time was

²⁷ *ibid.* 53.

²⁸ For Counter-oathing see, Branch. *Defeating Mau Mau.* 21-54.

significant for the introduction of regulations and widening of administration jurisdictions deemed crucial in efforts to assert domination over dissident forces throughout Central Province.

A manifestation of government attempts to reassert control was the introduction of emergency regulations, these were wide-ranging and authoritative laws which significantly increased the administration's punitive capacity. Provisions were included for both individual and collective punishment, affecting everything from African trade at markets to transport, and the domestic sphere. The new legislation enabled for the creation of emergency villages in the native reserves where Africans would be housed in concentrated communities, in larger cities and townships barbed wire cordons were established, and in the White settler area, concentrated labour lines were built.

Emergency regulations covered curfews, control of movement, communal punishments, forfeiture of property, the application of passes and documentation, special taxes and the suspension of due process and detention without the need for trial. Politically, all African political organisations were officially disbanded, and censorship imposed, leading to the banning of publications viewed as seditious.²⁹ Extensive and encompassing, the provisions touched upon almost every facet of day-to-day life in Central Kenya. While ostensibly a reflection of the seriousness with which the state viewed the Mau Mau threat, the robust and broad scope of the regulations was just as much a product of intense lobbying on the behalf of provincial

²⁹ For specifics on Emergency Regulations, see The Official Gazette of the Colony and Protectorate of Kenya. Vol 54-58. The Emergency Regulations and subsequent amendments were published here. *Emergency Regulations made under the Emergency Powers Order-in-Council, 1939* (Nairobi: Government Printer, 1953), CO 822/729, TNA.

administration officials throughout the early stages of the emergency. The arrival of Baring as Governor has traditionally been viewed as a turning point in the incumbent response to the Mau Mau threat because of the proactive reaction to the insurgent challenge which followed and his position of authority in the introduction of regulations, this approach has however neglected to fully consider the push of officials and loyalists from below in the formation and extension of these regulations in efforts to increase their own disciplinary authority within their constituencies to meet the peculiarities of the local struggles for control.

One manifestation of the administrative counter-insurgency reaction was the introduction of *collective punishments*. These were punitive penalties placed against specific areas and locations in reaction to the commission of a crime where evidence for the arrest of those responsible was not forthcoming. These punishments took several different forms but were principally economic, with examples such as fines, stock forfeiture and livestock seizure being common. The first imposition of a collective punishment in regards of Mau Mau was through a fine placed on areas of Nyeri following a spate of arson attacks in January 1952. Met with little forthcoming help in finding the perpetrators of the crime, the *Collective Punishment Ordinance* was introduced on 4th April 1952, with the Governor approving soon after for a £2500 fine to be levied against the people of the Aguthi and Thegenge locations.³⁰

This development came off the back of sustained lobbying from the DC Nyeri around the inefficiencies of established reprimands for administering oaths and the need for

³⁰ *Nyeri Divisional Intelligence Report No.4/52*. Asst. Supdt. of Police I/C Nyeri Division to Sen. Supdt of Police. 16th April 1952. FCO 141/5721 (37/1). TNA.

greater support to be given to those loyal to the government.³¹ As such, the sum collected in this pilot test case was redistributed among those targeted in the attacks. Established punishment for oath related crimes required trial and sentencing in Magistrates courts, with the need for evidence and vitally witness testimony to ensure for prosecution. Success in these cases was predicated on those loyalists called to the stand holding their nerve when faced with widespread intimidation and threats of violence from Mau Mau adherents. In Nyeri the practice of intentionally deceiving potential witnesses and presenting them at court unprepared was deemed necessary to get any form of testimony.³² Despite limited successes in the conviction of thirty-nine Kikuyu for attending a ceremony on a Naivasha farm and twenty-five others in Kiambu, prosecutions proved time consuming, unreliable and labour intensive. The continuing escalation of oathing and violence in the colony necessitated a more expedient form of punishment.³³

Loyalist criticism of these new measures, when forthcoming, was not disapproving of the punitive powers but rather the perceived inadequacy of these as an actual deterrent; senior chief Nderi stating candidly of Mau Mau adherents, "They are not put off by the new powers awarded to D.C.s, but if you really want them to think twice, I suggest you confiscate their land."³⁴ The seizure of property was much later to become a vital component of the counter-insurgency campaign to encourage surrender of adherents, as the colonial state caught up with loyalist opinion of the

³¹ *African Intelligence Report – March 1952, Nyeri District.* DC Nyeri to PC CP. 2nd April 1952. FCO 141/5721 (34). TNA.

³² *Nyeri Divisional Intelligence Report No.4/52.* Asst. Supdt. of Police I/C Nyeri Division to Sen. Supdt of Police.16th April 1952. FCO 141/5721 (37/1). TNA.

³³ Anderson. *Histories of the Hanged.* 44-45.

³⁴ *Special Intelligence Report, Nyeri District.* DO Nyeri (for DC absent in Court) to PC CP.13th June 1952. FCO 141/5721 (49). TNA.

importance of the land dimension to the conflict. Nderi, as one of the three senior Kikuyu chiefs pre-emergency was a preeminent loyalist voice within native society and a vocal critic of Mau Mau. Such a strong stance made him a target for insurgents, a fact he tried to impress on the colonial state in stressing the single mindedness of Mau Mau devotees while bemoaning the removal of police from his location.³⁵ His concerns would prove prescient when he hacked to death two days after the declaration of the emergency alongside an armed askari in trying to break up a large Mau Mau meeting without sufficient police support.³⁶ His death, alongside that of senior chief Waruhiu presented itself as a vivid demonstration of the reward for loyalism, as the state's protective capacity proved moribund. If the provincial administration were to rediscover its connection with its constituents, this basic foundation of security needed to be assured. An important dimension to this was in finding a secure judicial footing.

Colonial Courts: Parallel Justice

The structure of courts in colonial Kenya was a ternary system, with a supreme court, magistrate courts and native tribunals. The Supreme Court was the highest judicial power in the state, consisting of a chief justice and any number of puisne judges as the Governor may wish to appoint. Concurrent with the high court in England, the Supreme Court held the ultimate power in relation to criminal matters in the territory, including the authority to issue directions on habeas corpus and of

³⁵ *ibid.*

³⁶ Edmund J. Dorsz. *Foreign Relations of the United States, 1952-1954, Africa and South Asia, Volume XI, Part I, Kenya 1952-1954*, Washington: Government Printing Office, 2010. Document 151. <https://history.state.gov/historicaldocuments/frus1952-54v11p1/d152> [Accessed 9th September 2020]

prerogative orders.³⁷ The right to trial by jury in the Supreme Court was confined to Europeans, with a single judge casting their verdict in cases including Africans. Generally, trials involving Europeans were reserved to the higher courts of state, with offences punishable with imprisonment of more than six months being excluded from Magistrate's courts.³⁸ To meet the increased caseload during Mau Mau, the Governor was empowered to appoint commissioner of assize, these were persons qualified by law to be judges who were assigned to the role for a temporary period and who could exercise all the powers of a Supreme Court judge in the application of his criminal jurisdiction.³⁹ This wide delegation of extensive powers was duplicated in the jurisdiction of the subordinate Magistrate's Courts.

In Kenya, Magistrate's courts were largely divided into two classes; those headed by stipendiary magistrates who were professionally qualified lawyers employed exclusively in a judicial capacity, and those manned by administrative officers of various grades who were by and large not qualified lawyers, and therefore held the position *ex officio*.⁴⁰ The jurisdiction of these courts was limited to that of the Supreme Court, but certain magistrates could trial cases for all offences bar those punishable by death or life imprisonment. This jurisdiction was regulated by the grade of the officer in charge with First Class courts being manned exclusively by stipendiary magistrates, usually termed resident or chief magistrates, and provincial commissioners. Second Class courts were generally presided over by district commissioners, who were further restricted from dealing with cases involving sexual

³⁷ J H. Jearey. "The Structure, Composition and Jurisdiction of Courts and Authorities Enforcing the Criminal Law in British African Territories." *The International and Comparative Law Quarterly* 9 no. 3 (1960): 398-399.

³⁸ Jearey. "*The Structure, Composition and Jurisdiction of Courts*". 398.

³⁹ *Ibid.* 400.

⁴⁰ *Ibid.* 403.

offences. Finally, Third Class Courts were headed by district officers, who dealt largely with low-level cases.⁴¹ Here too, the Criminal Procedure Code contained provisions for the Governor to proclaim an area to be a special district and give the presiding officer over the First-Class court the power to try cases usually reserved for the Supreme Court and pass any judgement they might. Contrasting lay justices in England, these courts were not assisted by legally qualified clerks, and therefore could operate with no trained legal expert present.⁴²

These wide powers vested in administrators with no legal background or qualifications presented themselves as potentially problematic in respect of an administrative office's role chiefly in the maintenance of law and order. Influences of expediency in the exercise of judicial practice, especially during testing periods of administrative strain, create opportunities for injustice. These opportunities are multiplied further when lack of African legal representation and administrative support of loyalist claimants are considered. Another significant role played by administrative officers in the Kenyan justice system was in their position as supervisors over Native tribunals.

Native Tribunals, or customary courts, were local African courts which were empowered to administer on native law and custom, making them the site of the lion share of judicial action in Kenya.⁴³ While the construction and actions of these courts displayed a great deal of local variation, the punishments dictated in these cases were usually in the form of payment of compensation to one appealing party, with offences which would carry a sentence of death or life imprisonment exempt.

⁴¹ *Ibid.* 404.

⁴² *Ibid.* 406.

⁴³ *Ibid.* 410.

Administrators had a number of key functions in the operation of native tribunals, from being responsible for the nomination of assessors, usually chiefs or headmen, to acting as supervisors to the courts with powers over the revision of decisions. This remit as court supervisors once more imbued administrators with significant coercive powers to control and shape the operation of African courts, it is important however to not understate the agency demonstrated by loyalist Kenyans in the judicial process.

As the repositories of local custom and indigenous law, African assessors took a pivotal role in defining and nuancing what exactly these rules were and how they should be administered in their locality.⁴⁴ These were advisors who were employed to safeguard and protect native practice, essential in giving authority to the state as steward and guardian of legitimate native expression. As Bonny Ibhawoh recognises, “The unfamiliarity of British officials with local property, gender and power relations sometimes created opportunities for litigants in colonial courts to present local customs as they wanted them to be.”⁴⁵ This was a negotiated and ongoing practice from the earliest days of colonisation categorised as an invention of tradition, rather than a natural expression of native custom. In some instances, rather than seeking out and enforcing rules, administrators were prepared to let local tribunal members construct new sets of customary laws provided they were in their mutual interest.⁴⁶

⁴⁴ Bonny Ibhawoh. *Imperial Justice: Africans in Empire's Court*. (Oxford: Oxford University Press, 2013): 68.

⁴⁵ Ibhawoh. “Historical Globalization and Colonial Legal Culture: African Assessors, Customary Law, and Criminal Justice in British Africa*.” *Journal of Global History* 4 no. 3 (2009): 437.

⁴⁶ This was the case amongst the Kisii in the 1920s, who drew in large part on the ‘customary law’ of bridewealth with the administration’s blessing when developing land laws which were previously unnecessary due to plentiful access to land. See, Mayer and Mayer, ‘Land law in the making’, in Hilda

These invented traditions were conceived to forge connections between the hugely diverse British and African political, legal and social systems, providing the dual benefit of justifying the colonialists role while allowing loyalists to mould the composition of control.⁴⁷ Importantly, customary laws in practice were significantly more malleable than outlined in text or relayed to officials, what this meant in essence was that altering conditions could mean a re-interpretation of these rules.

Reform of the African Courts, first in 1930 and subsequently in 1951, placed the administration firmly at the centre of African justice, with officials taking the direct place of the judiciary in cases of appeal. As a result, by the eve of the emergency Kenya essentially had two parallel justice systems, one under the administration for Africans and another under the judiciary for everyone else.⁴⁸ Rejection of codification in the case of customary law allowed its administration to remain fluid, pliable and vitally, incompatible with the work of the judiciary. As Bruce Berman has noted, without codification, such laws could not be learnt through the voluminous tomes preferred by legal students. Only people with personal knowledge of the ethnicity concerned could claim a comprehensive comprehension of the important legal matters, as such for district officials, this type of knowledge justified their position.⁴⁹ Once again therefore the power at a regional level was retained not in the structures of state bureaucratic control but in the negotiated relationships between prominent local actors, both African and British. This allowed customary law to instead be a

Kuper and Leo Kuper, *African Law : Adaptation and Development*. (Berkeley: University of California Press, 1965): 51-78.

⁴⁷ Jearey. "The Structure, Composition and Jurisdiction of Courts". 437.

⁴⁸ Brett Shadle. 'Changing traditions to meet current altering conditions': Customary law, African Courts and the rejection of Codification in Kenya, 1930-1960. *The Journal of African History*, Vol 40. No.3. (1999): 417.

⁴⁹ See Berman, Control and Crisis. 88-89. See also, James Read & Henry Morris. *Indirect Rule and the Search for Justice: Essays in East African Legal History*. (Oxford: Clarendon Press, 1972)

contemporaneous expression of public opinion rather than an illustration of any ancient persistent practice. While this system provided benefits to those constituents represented within this parochial 'public opinion', those opposed were at the mercy of an adaptable set of laws which could be applied both punitively and arbitrarily.

As the district commissioner in Nyeri, O.E.B Hughes was keen to take advantage of the opportunities this flexibility offered. In line with administration thought and despite limited endorsement from the state's loyalist supporters, Hughes championed the use of cleansing oaths as one tool to counter widespread Mau Mau oathing. In a discussion with the chiefs of his district he declared, "the people had got to find an answer to the Mau Mau oaths as democratic methods were unlikely to fill the bill in this respect", his judicial suggestion was to make use of native tribunals.⁵⁰

As oathing extended outside Nairobi from 1950 the practice became progressively more entwined with violence and coercion, difficulty to control people meant oathing increasingly became enforced on unwilling participants to bind their silence. The custom of indiscriminate oathing of women and children became all the more common, as the tradition was transformed into a ritual of fear, not faith.⁵¹ This development was incongruous to native law and custom, something Hughes was keen to exploit in telling chiefs, "they should not forget that this was an offence triable by native tribunals where the burden of evidence was not so strong as in a

⁵⁰ *Political situation as discussed at a Chiefs' meeting held at Nyeri on 4th April 1952*. DC Nyeri to PC CP. 8th April 1952. FCO 141/5721 (35/1). TNA.

⁵¹ Anderson. *Histories of the Hanged*. 42.

Magistrate's Court, and they should endeavour to get a test case into Tribunal as speedily as possible."⁵²

The scope of punishments that Native Tribunals had the authority to mete out were limited to that of colonial courts, a reflection of the burden of evidence needed to cast a verdict in customary cases; usually these took the form of monetary fines payable to the plaintiff if judgement was found in their favour. The most common use for these courts were in land cases, where accusations of abuses of power for personal gain made chiefs employed in these roles even greater targets of Mau Mau ire. These claims had substantial basis with chiefs Muhoya and Nderi in Nyeri both gaining vast estates in the region despite a general decline in landholdings.⁵³ Given the seriousness with which the colonial state viewed oath-taking the need for stronger penalty for complicity meant punishment remained largely removed from native tribunals.

With colonial courts proving too inefficient and African courts unable to administer adequate justice, a strictly judicial approach to punitive state retaliation was ineffective in winning the confidence of loyalists or in establishing a culture of fear in waverers. To the contrary, the limited colonial structure which allowed for the empowerment of influential leaders, British and African, to both administrative and judicial roles made justice in colonial Kenya another site of contention and dispute. The capacity this allowed for abuse and corruption at a local level presented itself as legitimate grievance and, thus, a benefit for insurgents. While putting Mau Mau on trial would remain a key part of Britain's counter-insurgency campaign, as

⁵² *Political situation as discussed at a Chiefs' meeting held at Nyeri on 4th April 1952*. DC Nyeri to PC CP. 8th April 1952. FCO 141/5721 (35/1). TNA.

⁵³ Anderson. *Histories of the Hanged*. 31.

documented exhaustively in David Anderson's *Histories of the Hanged*, re-imagining control in Central Kenya would require the provincial administration to embrace coercive practices which would transform everyday life. In a situation where fear was the most potent determinate of allegiance; quick, efficient and punitive reaction to challenge was deemed the solution. With the use of comprehensive collective punishments, the provincial administration was ready to strike back, and with it, recontextualise what it meant to be loyal in colonial Kenya.

In writing to the provincial commissioner on the need for action, John Nimmo, district officer Nyeri, stated in stark terms that it must be impressed on ordinary people that, "non-cooperation by them now can only lead to trouble in the future, because the good must suffer with the bad if disciplinary action is taken against a particular area."⁵⁴ With the escalation of the conflict after the declaration of emergency conditions, Nimmo's cautions would prove to be prescient. Administration in Kenya was to become a by-word for exerting coercive control.

⁵⁴ *Special Intelligence Report, Nyeri District*. DO Nyeri (for DC absent in Court) to PC CP.13th June 1952. FCO 141/5721 (49). TNA.

Chapter 3: Collective Punishment

On 22nd November 1952, amongst the commotion of Kayoni's early afternoon market, a different kind of meeting was taking place. Between the stalls and the passing trade, in the clear light of day, an illegal oathing ceremony, binding the people of the little Kiambu village, willing or otherwise, to the cause of the militant secretive society of Mau Mau.

For John Richard Moncrieff Tennent, first hearing news of such a brazen act of insubordination some days removed from the event, frustration and consternation was clear.¹ Only arriving in the district less than two months previous, the new district officer cadet of Kiambu was not shy to let his feelings be known in writing to the chief native commissioner that it was now "essential that both "good" and bad alike should bear blame and punishment."²

This chapter details the wide and varied use of collective punishment in the districts of Central Province, tracing from its origins in Kenya to its normalisation in quotidian administration during the emergency. In this chronological account, a focus is placed on the diminishing oversight, rectitude and robustness of stimulating factors which leads to the liberal use of collective punishments in the operation of everyday control. The longest individual chapter in length, this is reflective of the abundance of material on collective punishment held within the Hanslope disclosure.

¹ Tennent was appointed to the district on 18th August 1952, see *The Kenya Gazette*, [Vol LIV – No 54] Notice No 1035 (30 Sep 1952) 951.

² *Report from District Officer, Kiambu, in accordance with Regulation 4A, Section 2, of Emergency (Amendment) (No. 3) Regulations, 1952*. 4th December 1952. FCO 141/5933 (1/2). The National Archives, London. [Hereafter TNA].

The first section outlines the long history of the punishment in Kenya, conceptualised as a tool for fashioning collective responsibility amongst the native population. Despite no grounding in European concepts of justice, collective punishment fit neatly with the reification of the group above the individual common in colonial administration which oversimplified African societies.

The second section, Blood Money, examines how the appropriateness of collective punishment was grounded, justified and co-opted through a bastardised interpretation of the Kikuyu concept of blood money. Callously described as *known* to the Kikuyu, it is presented that establishing acts of oppression in local customs, even imagined ones, is a vital part of normalising them within the operations of the state. Multiple examples are used to demonstrate that although at a glance seemingly chaotic and distortive, it was these exact characteristics that made the punishment effective in impressing authority on a local scale.

In the fourth section, the Lari massacre and its fallout are highlighted as pivotal in revealing the disparity in local control structures that had emerged during the emergency, with the burden of this ostensibly mutually beneficial relationship increasingly resting on the home guard, leading to an increase in incidences of extreme interpersonal violence. Collective punishment was one method through which it is emphasised that the provincial administration attempted to redress this imbalance, by means of expedient and capricious use of punishment. The answer to satisfying this vindictive impulse was to show little compassion for anyone other than those active constituents.

The fifth section, Control through Chaos, traces how an increasingly capricious administration combined with a narrowing of the limits of what was deemed loyal

further increased the rate of collective punishment cases. Despite instances of challenge and contestation from the metropole in this period, the section demonstrates that the *raison d'être* of protection of the loyalist had in essence become an umbrella justification for punishment.

The final section follows on from discussions on the power of information started in the previous chapter. Akin to the monopoly of fear utilised by Mau Mau to gain a hegemony over information in the early emergency period, the section discusses how the structure of Kenya's colonial bureaucracy enabled the provincial administration to form their own hegemony over information to aid in the creation of narratives inside districts. In consideration of the growing importance of characterisations of good vs. bad regions in the application of collective punishments, this section will show how, when information is funnelled via specialised channels of communication, narrative building becomes an inexorable function of effective control.

The minor settlement of Kanyoni, a boxy but bustling village neighbouring the Kenyatta family home at Ichaweri was to be the site of an early example of the Kenya Administration's quotidian fight back, collective punishment. This novel form of punitive discipline would disrupt everyday life in the Kikuyu community and redefine what it meant to be loyal in the time of Mau Mau. In the Northern reaches of Kiambu district, Kanyoni was the centre to a small yet thriving market, a place for the trading of goods, livestock and the news of the day, the village a meeting point for those in the *itura* to converge for conversation and debate. Close-by down the winding rural road, the Kiriko Catholic Mission stood against the landscape of fertile farms and grazing lands. Vegetables were grown for local sale, with those

industrious and hard-working few increasingly accessing the widening Nairobi market. The verdant lands of the Kiambu hills were good enough for a stable and productive yield, with maize growth consistent for food and grass bountiful for pasturing. Kanyoni men could be found working as waged labour on commercial farms, in numerous artisan trades or in the sporadic industrial outposts of the region, with women mainly working to tend family farms in the domestic economy. Cultivating one's own shamba was the job of married Kikuyu women, growing crops for her family with hopes of some excess for sale at the daily market.³

Kanyoni was in truth unremarkable as an example of rural Kikuyu life in the early 1950s. Active, dynamic and vibrant, it was a lively community undistinguished from those in large stretches of the humming Central Province. Beyond the bucolic visions of pastoral life, the realities of socio-economic changes within Kikuyu society were causing fissures to appear. Land hunger was growing, with the wealthy few turning commercial success back towards the land market, taking advantage of new farming methods and an abundance of waged casual labour to maximise profits. This prosperous minority were heralded by the colonial state as a successful example of modernising African farming, surpassing traditional family structures and tribal obligations towards commercial returns. For the majority in the district, these developments meant securing life as a tenant on others land, complementing this living with casual work and surplus yield. Those who were poorer still were blocked from access to land completely, left to sell their labour to earn a living. Landlessness since the previous decade had been the focal point of Kikuyu politics and at the crux

³ For information on the domestic economy in 1950s Kenya, See Frank Holmquist, Frederick Weaver and Michael Ford. "The Structural Development of Kenya's Political Economy". *African Studies Review* 37 no. 1(1994): 69-105; Stephen Orvis. "The Kenyan Agrarian Debate: A Reappraisal." *African Studies Review* 36, no. 3 (1993): 23-48.

of societal divisions throughout the community. Inequality was only increasing into the 1950s, with resettlement of evicted squatters, largely from the Rift Valley, exacerbating land hunger further. Home to a population feeling resentful and aggrieved, Kanyoni, like much of Kenya's Central Province in the early 1950s, was a combustible community seeking change.

It was a full week before news of the illegal practice reached the district officer. On the morning of the 29th November, and independently of one another, both Inspector Van Reymsberg of the Kenya police and Father McGill of the Kariko Catholic Mission visited Tennent's office to report on a ceremony at the market. Information could travel slowly in the absence of a sophisticated modern system of communication, but when fear combined with a pervasive apathy towards colonial structures of control this transmission of information was stalled further.

In spite of the footfall at the busy Kiambu market and the inevitable passer-by, news of the commission of the crime was only brought forward by a young village girl who had been an unwilling participant in the banned practice. To break one's oath was thought to incur supernatural retribution, but it also carried the very substantial danger of Mau Mau retaliation. Information was power and the insurgents were happy to protect their hegemony with violence if necessary.⁴ Dismayed at the intractability shown by the Itura, Tennent was assured that disobedience needed to be punished.

At 6:30am on the morning of 30th November 1952, supported by a force consisting of a platoon of the King's African Rifles, 11 Kenya Policeman and 4 Tribal Police under

⁴ For information on the content of oathing, See Maia Green. "Mau Mau Oathing Rituals and Political Ideology in Kenya: A Re-Analysis." *Africa: Journal of the International African Institute* 60, no. 1 (1990): 69-87; Louis Leakey. *Defeating Mau Mau*. (London: Meuthen & Co., 1954).

the direction of himself; Tennent conducted a raid of the area comprising one mile above Kanyoni to half a mile below, encompassing the narrow east to west ridge on which the market stood. Adjacent ridges to the north and south were picketed with policemen, assisted by troops of the King's African Rifles to ensure no villagers tried to flee and escape punishment. Those remaining officers comprised the party conducting the forfeiture, seizing livestock totalling 13 head of cattle and 24 goats and sheep, believed to be between a half and a third of that in the area. For those shopkeepers who did not keep cattle, three bicycles were seized, and the market closed for a fortnight.⁵

This solution was collective punishment, a punitive measure designed to penalise a group, neighbourhood or area for either the perceived failure to aid authorities in the prevention of crime and/or the failure to bring forward assumed information which could lead to its perpetrators capture. The form of this punishment was diverse, from forfeiture of livestock, crops and property to monetary fines and even the cancellation of labour contracts. Accompanying repressive measures included forced communal labour, restriction of provisions and the imposition of curfews.

While this type of punishment has not been entirely ignored in Mau Mau historiography, its relegation largely to footnote and marginalia belay a punishment which was instrumental in attempts to re-establish control in the districts of Central Province. The new opportunities afforded by FCO 141 allow us, in more detail, to uncover the quotidian counter-insurgency of Mau Mau and vitally, the central role collective punishment played within this.

⁵ *Report from District Officer, Kiambu, in accordance with Regulation 4A, Section 2, of Emergency (Amendment) (No. 3) Regulations, 1952. 4th December 1952. FCO 141/5933 (1/2), TNA.*

Waiting on receipt of the Kanyoni case at the district commissioner's office in Kiambu, Anthony C.C. Swann, an experienced administrator and distinguished military man, wasted no time in giving his recommendation towards Tennent's seizure of livestock and bicycles. Far more familiar with the Kipsigis, Wakamba and Nandi people that populated the King's African Rifles as Askari during the Second World War, Swann viewed the Kikuyu with equal suspicion and contempt as a troublesome people sowing seeds of mistrust amongst the otherwise loyal peoples of the colony.⁶ For him, the events at Kanyoni displayed all the traits to necessitate a collective punishment, writing to the provincial commissioner of Central Province:

*"I cannot think of a clearer instance where the local inhabitants must have had full knowledge of this breach of the law, and not only taken no action to prevent it, but took no action to report the matter to the authorities."*⁷

Kanyoni, as an illustration of a collective punishment, is emblematic of a process that would see itself repeated hundreds of times throughout the districts and provinces of Kenya throughout the Mau Mau rebellion, but as a case is a prosaic and clear-cut standard for how the punitive measure was intended to operate. Even in this banal example, the collective punishment at Kanyoni demonstrates specific distortive and arbitrary qualities which would be replicated again and again throughout the emergency.

The authority of action granted to the *man on the ground* to act with impunity within his own district empowered the district officials to react to a perceived challenge to authority first and deal with the potential fallout of this later. Tennent's decision to

⁶ Anthony C C Swann, interviewed by Conrad Wood. Imperial War Museum (Oral Histories) 13th June 1988. <https://www.iwm.org.uk/collections/item/object/80010004> [Accessed: 12th February 2021]

⁷ *Seizure of Stock*, DC Kiambu to PC CP, 4th December 1952. FCO 141/5933 (1/1), TNA.

conduct a 50% forfeiture of stock, itself an arbitrary number based not in regulation but in the administrators' own assessment of complicity or the seriousness of the case, was later reduced on investigation which showed some of the livestock seized belonged to known loyalists and therefore was to be returned.⁸

The closure of the market for two weeks not only had a significant impact on traders, but also in the sale of excess crops grown in the shambas of the *Itura* as part of the domestic economy. For those shopkeepers who had lost their bicycles, they no longer had access to their primary means of transportation and for the residents who had livestock seized, a significant proportion of their livelihood had been taken away. Against the background of the violence and dislocation of the Mau Mau emergency as a whole, the example of Kanyoni represents only a minor footnote in the British counter-insurgency campaign, for the inhabitants of the small Kiambu village, the disruption and distortion was a complete upending of their everyday lives.

Mau Mau scholarship which concentrates on interpersonal violence and the role of detention, what collectively could be termed the individual impact of counter-insurgency, tells therefore only part of the story. As will be demonstrated in the following chapters, the range of quotidian punishments available to administrators, used liberally in conjunction throughout the districts of Central Province were highly impactful on transforming the lives of a much wider range of Kikuyu, Embu and Meru peoples, allowing control to manifest through the utilisation of comprehensive and chaotic localised coercion that made continued opposition an entirely impractical proposition and offers some explanation into the excess deaths through malnutrition

⁸ *Member for Law and Order presenting his opinions for Y.E*, 2nd January 1953. FCO 141/5933 (11), TNA.

and disease in the conflict, as the brunt of the deprivation of these extractive policies took hold.

The use of collective punishment was not unique to Mau Mau Kenya. As will be detailed below, this strategy had deep roots in the administration of justice in the colony and was used in different times and spaces throughout British Africa. Even with the passing of independence the use of such punishments did not disappear from the nation, with the post-colonial Kenyan government employing similar use of the penalty in a four-year counter-insurgency campaign against Somali separatists in the North Eastern Province from December 1963.⁹

While a long history of collective punishment can be seen, its capacity and use as an effective and preferred tool of control during the emergency has been underappreciated in Mau Mau scholarship. This chapter reflects on the wide and varied use of this punitive action during the emergency, detailing its chaotic, disruptive and uniquely local nature. In demonstrating the origins and justifications of these controls in the Mau Mau context, this chapter will firstly show how collective punishment facilitated a polarisation of the conflict by making loyalism an active process, and secondly reveal how the events of the Lari Massacre had a significant effect on the changing character and direction of the punishment, in protection of the loyalist.

In making enemy and apathy one in the same, the state succeeds in creating local cultures of control where protection of those *legitimate* expressions of native interest', the loyalist constituents, countenanced further coercion against those

⁹ See Hannah Whittaker. Legacies of Empire: State Violence and Collective Punishment in Kenya's North Eastern Province, c. 1963–Present, *The Journal of Imperial and Commonwealth History*, 43 no. 4 (2015): 641-657.

deemed 'other'. This process supports the dual development of increased state violence. Lastly the chapter will engage with the concept of information within a colonial bureaucracy in exploring how structures of colonial control allowed for the construction of narratives within localities to further imbue officials with a higher capacity for coercion.

Origins of Collective Punishment in Kenya Colony

From the earliest years of colonial government in Kenya, regulations provided for severe collective punishments in the form of fines against communities for offences of the individual, as well as in respect of non-cooperation or the concealment of information on the part of any community. Before Kenya officially became a colony, the first example of this form of punishment was conceived in the East African Protectorate largely in reaction to the established practice of cattle raiding. Thought by European administrators and settlers alike to be a "young man's sport", this process prevalent throughout Kenya but especially fruitful among the Kalenjin peoples of Western Highlands proved the most persistent policing problem in rural areas in the early days of British rule.¹⁰

The Kenyan administration's legislative reaction was the *Collective Punishment Ordinance (1909)*, conceived to allow for the application of a collective punishment to any community which was thought to be defying government authority. Although the powers granted under this legislation were pronounced, this was conceptualised as a punishment which would only be used in a restricted number of cases involving communities that had proven themselves to be inalcitrant repeat offenders. The

¹⁰ David Anderson. "Stock Theft and Moral Economy in Colonial Kenya." *Africa, Quaderni* 56, no.4 (1986): 399–403.

Colonial Office were accepting of the need for such a power but were keen to hasten caution in the use of such punishments as a last resort. These limitations were short-lived however, as the Kenyan administration sought to recontextualise this form of punitive discipline in efforts to empower their officers to act against raiding.

The *Stock and Produce Theft Ordinance (1913)*, redefined collective punishment in Kenya by making thieves liable to pay a hefty fine of a minimum of ten times that to the value of the stock stolen, in addition to a prison sentence of between one to five years. Importantly, this fine could be levied against the criminal's family and wider community if they were unable to pay this themselves. In cases where it was suspected that Africans had hindered the investigation of a theft, or had knowingly harboured the criminal or their loot, then the *Collective Punishment Ordinance (1909)* could be used in conjunction to levy punishment.

In essence, this legislation transformed collective punishment from an extraordinary reprimand to a function of quotidian control in the daily prosecution of offenders. As Anderson notes however, as with much in the history of colonial Kenya, the sanctioning of this change by the Colonial Office was more a result of political considerations than an endorsement of this new policy.¹¹ Preceding the drafting of the ordinance, the shooting of an African alleged to be stealing cattle by a European had caused a furore when the Secretary of State, Harcourt, had decided to deport the settler after he was cleared of murder in a local court. Unable to be seen vetoing legislation thought to be necessary in curbing the practice, the ordinance was allowed to stand.¹²

¹¹ Anderson. "Stock Theft and Moral Economy" 405.

¹² *Ibid.* 405.

The Kenya Administration's reasoning for pursuing such a strong and robust punishment for the theft of stock was in a perceived honour among native Africans in occupation of cattle raiding as long as this was against members of different communities. As such it was considered vital that action be taken to change this perception in the reserves. In correspondence with the Colonial Office, the attorney general for East Africa wrote of the ordinance:

“If, however, families and communities can be taught that it is not only their duty but it is to their advantage to use their parental authority to restrain the young men from committing this offence, a public opinion against stock thieving will be created.”¹³

This assertion, that a sense of collective responsibility needed to be fashioned in the African reserves, was instrumental in the justification of collective punishments over the coming half-century, but additionally is illustrative of the colonial practice of unitisation which reified the group above the individual in administration of African peoples. The belief in penalising the collective for the crimes of the individual had no real basis in European conceptualisations of justice, but its use in colonial Kenya had strong ties to the longer history of conceptualisations of African peoples in colonial ethno-psychology.

Convictions over racially charged rationalisations of African psychology had roots both in left wing paternalist European opinion and the determination of conservative settler communities to defend practices of white supremacy.¹⁴ Despite vastly

¹³ *Governor EAP, to Harcourt, 14 December 1912; closure re: Stock and Produce Theft Ordinance, Attorney-General EAP to Governor EAP, 6 December 1912. CO 533/397/11, TNA.*

¹⁴ Dane Kennedy. "Constructing the Colonial Myth of Mau Mau." *The International Journal of African Historical Studies* 25, no. 2 (1992): 242.

different agendas and origins, these groups shared the opinion that administration in Africa required a special touch. Work to find explanations of these supposed differences in colonial officialdom did so by investigation into facets of African identity used as signifiers of collective traits. Informed both from colonial pseudo-psychology and by practicalities of administration over diverse peoples, African populations were conceptualised and divided by defined classifications such as tribe, ethnicity and, as will be demonstrated in this chapter, loyalty. This has been termed by Megan Vaughan as “unitization”, that it was the group, rather than the individual, which were supposed to hold distinctive psychologies and bodies.¹⁵

As a notion, group classification in Kenya, as with elsewhere in Empire, played on ingrained racial and ethnic stereotypes, and was reflected in the numerous varied societal and codified ways. Even prisons, highly individualised in their European form, served a distinctly different function to affect those confined *en masse*. Cellular accommodation being replaced by dormitories, to make the lacking conditions, overcrowding and disease the constants to form the punitive effect of imprisonment upon the entire inmate population.¹⁶

In practice, unitization of the peoples of Kenya was not solely ethnic, but largely conditional upon other factors of demarcation in the practicalities of administration. Location was of principal importance among these. A reflection of the structure of Kenyan administration and disaggregation of power; areas, districts and regions as well as the people within them were conceived and dealt with in varied ways

¹⁵ See Megan Vaughan. *Curing Their Ills : Colonial Power and African Illness*. (Chichester: Polity Press, 1992) 21.

¹⁶ Daniel Branch. “Imprisonment and Colonialism in Kenya, c.1930-1952: Escaping the Carceral Archipelago.” *The International Journal of African Historical Studies* 38, No. 2 (2005): 264.

depending on the actions, or perceived loyalties of, the individuals who resided there and the characteristics of the colonial officer responsible.

A system built on the intricacies of local contexts was naturally punctuated by difference. The personalities of officials, influence of settlers and interactions with Africans all meshed and clashed in different ways to create distinct socio-political cultures within districts where conciliation and coercion were used erratically and with unique local character. The diverse pressures and minutiae of administration at a local level therefore necessitated a form of unitization beyond that of grouping based on ethnicity to include character judgements from those district officials thought best placed to make them. Reliant far more heavily on nebulous designation of *good vs. bad*, amenability and willingness to comply with the instruction of the local officialdom became a definable, and importantly punishable, trait.

In a colonial society that was defined by generalities and oversimplification, collective punishment rose to prominence as the preferred form of punitive discipline by reflecting these qualities. The highly disaggregated approach to local controls fit neatly in-step with collective punishments. In the absence of an extensive administrative system at a district level, collective punishments operated as an effective and efficient short-cut to control, as much in its capacity as a deterrent than as a punitive action. In viewing individual crimes as acts of collective guilt, the colonial state was encouraging localities to police themselves.

Essentially, dissuading further offences and work for the colonial officer was preferred to individual accountability. In instances when the state was forced to intervene, legislation supported the continued notion of collective responsibility. The introduction of the *Tribal Police Ordinance* in the 1930s allowed for the imposition of

a collective fine against a trouble community for the cost of police patrols in that area.¹⁷

The *psychological* phenomenon of Mau Mau was conceptualised as a Kikuyu, Embu and Meru (KEM) problem, these peoples of Central Kenya being the groups to which the *disease* of Mau Mau was said to have afflicted. Unitization, in this regard, allowed for a clear and defined grouping upon which counter-insurgency action could be focussed. The reality of this picture was however more confused. Mau Mau support was largely confined to these tribal groupings because of the specific socio-economic effects European settlement and subsequent landlessness had caused in their traditional Central Province and Rift Valley homelands, which was not a universalising feature of the colonised experience in mid-century Kenya. The push towards a consolidation of farmland and the creation of a waged labour workforce in these areas was viewed by the Kenyan Administration as a testament to modernising farming practices, but landlessness was an ignominious and dreaded fate for a Kikuyu people which valued land ownership as vital for societal influence and authority.

The powerful political lobby of white settler interests was not the sole impediment to land for those land hungry labourers. Leading into the 1940s it was the growing individualism of the Kikuyu, demonstrated in the purchasing of private lands by loyalist chiefs and elders, which was formalising social differentiation within these groups. This paradoxically did not fit colonial narratives espousing the egalitarian

¹⁷ Anderson. "*Stock Theft and Moral Economy*". 405.

nature of African society, but like their settler counterparts, Kikuyu chiefs were landlords seeking to maximise commercial gains.¹⁸

These spoils of loyalty which emanated from association with the colonial state were part of a process which could not be altered without inflicting harm to the very structures of colonial rule, something the Kenyan state was not willing to risk. The subsequent emergence of a class of wealthy land-owning loyalists also led to the emergence of a class of land-poor or landless Kikuyu. This process of class formation and land strain took place during a period of mass soil erosion and deterioration as population pressure and commercial accumulation weighed heavily upon increasingly scarce resources to build tensions further.¹⁹ Increased social differentiation, landlessness and resentment were therefore by-products of flawed colonial efforts for *progress* and *modernity*.²⁰

Social differentiation presented a potential problem for the Kenyan Administration in the *unitization* of Kikuyu, Embu and Meru peoples as singular monolithic groupings, but here, portrayed narratives of development efforts offered ammunition to support pseudo-psychological denigration of colonial resistance. Built into Western paradigms of development and capital accumulation, the creation of a land-owning yeomanry and landless labour force was viewed as a natural progression towards modern land-owning practice. Fundamental to this were projects such as, land consolidation, terracing and soil conservation, regarded in colonial circles as

¹⁸ David Anderson. *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. (London: Weidenfeld & Nicolson, 2005) 32.

¹⁹ Bruce Berman. *Control and Crisis in Colonial Kenya: The Dialectic of Domination*. (Nairobi: East African Publishers, 1992). 228-229.

²⁰ For more information on chiefs and loyalism. See, Marshall Clough. *Fighting Two Sides: Kenyan Chiefs and Politicians, 1918-1940*. (Boulder: University Press of Colorado, 1990); Ben Kipkorir, ed. *Biographical essays on imperialism and collaboration in Colonial Kenya*. (Nairobi: Kenya Literature Bureau, 1980).

progressive modernising efforts but deeply unpopular amongst those Kikuyu tasked with carrying out this work. In framing these developments as progressive measures, the colonial state created a narrative where resistance could be conflated with a reaction against, or inability to adapt to, modernity.

From late 1952 the government sponsored a working group with prominent figures such as Louis Leakey and Dr. JC Carothers among its numbers, to develop this concept as a crisis of transition. The Kikuyu were labelled as stuck between the competing forces of tradition and modernity and subject to exploitation by oath administrators while in this delicate indeterminate state.²¹ It was concluded that Mau Mau was a mental illness stimulated through oathing ceremonies and required thorough psychological reform.

Disease theory, as it collectively became known, was vital in divesting responsibility and liability from the Kenyan Administration for causing the emergency and robbed Mau Mau adherents of agency and coherent ideology by defaming their cause as irrational.²² Crucial to perpetuation of this myth of Mau Mau were those loyalist Kikuyu who could be held up as examples of acceptance and adherence towards colonial principles of development. This conflation of loyalism and progress allowed quotidian counter-insurgency measures to be framed in traditional colonial narratives of *the civilising mission*. In the context of social differentiation, rapid change and increasing uncertainty, loyalism thus took on new importance in the unitisation of the peoples of Central Kenya. Ever more defined and binary, loyalism joined ethnicity as

²¹ See Carl Rosberg and John Nottingham, *The Myth of the Mau Mau: Nationalism in Kenya*. (New York: Praeger, 1966) 331-334.

²² See Caroline Elkins. *Britain's Gulag: The Brutal End of Empire in Kenya*. (London: Jonathan Cape, 2005): 107.

an essential feature of group classification by virtue of its perceived role in the collective psychologies of Kikuyu peoples.

The Mau Mau oath with its cultural practices of sacrifice, blood and superstition played to innate racial prejudices and was used as evidential of atavistic practice and a return to bestial way.²³ Louis Leakey, the prominent and influential self-styled *white African* was instrumental in cultivating colonial understanding of the Kikuyu. Although he himself would refrain from laying stress on accounts of perversion and bestiality in describing oaths, it was the choice reading of his work which he used to underscore the Kikuyu as a morally degraded people.

A world-renowned archaeologist and son of a missionary in Central Kenya, Leakey exhibited himself as a man not academically learned in the Kikuyu but rather enmeshed within their society. Respected and revered amongst settlers as a man of Kenya, Leakey was seen to provide a voice to countenance the so-called experts who would be dispatched from Britain. A prolific publisher, Leakey informed official and public perception through two widely read books written during the emergency and would be an integral member of the committee tasked with finding the solution to Mau Mau. As David Anderson puts it, he would, alongside Dr. J.C. Carothers, “quite literally write the prescription for Mau Mau’s cure”.²⁴

While Leakey was the committee’s leading light, Carothers was its supposed medical expert. This distinction, more a merit of his position than his accomplishment, was virtue of a long-career as the director and leading psychiatrist at Kenya’s only institution for the care of the mentally ill. Despite taking on the role in 1938,

²³ Leakey. *Defeating Mau Mau*. 79-82.

²⁴ Anderson. *Histories of the Hanged*. 282.

Carothers only professional psychiatric training was received during a six-month course at the Maudsley Hospital in London in 1946. Regardless of his limited expertise, Carothers became a leading voice in colonial ethno-psychiatry and rose to prominence in Kenya's emergency after the publication of his book, *The African Mind in Health and Disease*, which would inform the direction of the counter-insurgency campaign and widespread use of collective punishments.²⁵

Carothers did not consider African minds as naturally predisposed to psychiatric disorders, or even fundamentally different to that of the European. What was integral to Carothers' theory was social context. African mental health was maintained, he argued, by social structures embedded in traditions. As such, when removed from the rural community and put in the sites of 'colonial modernity', the African would be exposed to the forces of *detrribalisation*, which would leave them more vulnerable to mental illness.²⁶ It was in this transitional state, lacking the societal and cultural support of tradition that the African could become prey to the oath administrator. This would provide the theoretical backing to the euphemistically titled rehabilitation camps and pipeline system which would become the legacy of the emergency but would also acutely inform the style and character of punishment as an imposition of *tradition* became integral to control.

Blood Money

On 12th November 1952, Wambugu Mathangani, by then a retired octogenarian some decades removed from his time as paramount chief of Kikuyu, sat in the First-

²⁵ *ibid.* 283.

²⁶ *ibid.* 282-283.

Class Magistrates court in Nyeri to offer testimony at the inquiry of a property seizure in Thegenge location.²⁷

*“I have seen cattle seized before in the past, by the Kikuyu themselves. If someone had been murdered and nobody would say who had done it, we used to seize all their property; and then if they came forward, they got it back, but if they still refused to say, they lost it. We used to do this before the Europeans came. Really the District Commissioner is doing what we would have done.”*²⁸

Wambugu, a loyalist since the earliest days of colonisation, was speaking of the Kikuyu custom of *blood money*, the payment of restitution to the family of a victim from the individual, family or community deemed culpable for the crime. Blood money was a reflection of Kikuyu concepts of justice which considered infringements as personal offences between parties, as opposed to European penal traditions which customarily viewed crimes primarily as against the state. The invention and use of forms of native custom, real or imagined, have been explored in works by Terence Ranger and Mahmood Mamdani, in documenting how colonial forces in Africa sought to manipulate and alter these traditions in supporting indirect structures of control.²⁹ This section looks to challenge this one way narrative, in exploring how the Kenyan administration’s use of collective punishments was informed, co-opted and bastardised into colonial means of discipline from the Kikuyu practice of blood

²⁷ Ex- Senior Chief Wambugu s/o Mathangani. *Inquiry: Seizure of cattle in Thegenge location on 10th November, 1952; Under section 7 and 8, Cap.45, Laws of Kenya.* pg. 14. FCO 141/5932 (2/1), TNA.

²⁸ *ibid.*

²⁹ See Mahmood Mamdani. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.* (Princeton: Princeton University Press, 1996); Terence Ranger. “The Invention of Tradition in Colonial Africa” in *The Invention of Tradition*, Hobsbawm and Ranger. (Cambridge: Cambridge University Press, 1983)

money, despite contradictions between the practice and European concepts of jurisprudence.

Wambugu was on the stand at an inquiry following the murder of preeminent loyalist and fellow senior chief Nderi. Scarcely twenty-four hours after the declaration of emergency conditions, as the Kenyan administration was supposed to be concentrating on their counter-insurgency campaign in earnest, news of the chiefs death along with his official escort, Kenya police constable, Joseph Areau, and tribal police constable, Kanjoki Dabari came as a blow to the loyalist cause that demanded swift attention.

On news of a large oathing ceremony taking place near to his own home, the senior chief alongside agricultural officer, Graham Gable, planned out an operation to break-up the gathering and arrest its participants. Travelling as two separate parties down the Gura river, Nderi, moving along the top of the ridge marking out the Karangia sub-location, reached the pre-arranged meeting point first. Despite plans to wait for back up, and with little regard for his own safety, on seeing the some 500 strong assembled crowd, Nderi went to challenge them. A proud and imperious man by nature, the chief could not countenance such blatant disregard for his authority within his own district and was resolved to take action. Using panga and simi, machete-like tools usually reserved for clearing brush, the long-standing chief was mercilessly hacked to death by the angry crowd alongside his two escorts.

When the authorities arrived on the scene, numerous people were thought to have fled with those that were remaining uncooperative to questioning. The police, accompanied by a platoon of the Lancashire Fusiliers, probed the crowd for answers and information on the crime. No one present was prepared to offer any useful

insight regarding the killings or evidence which might lead to its perpetrators capture. Despite arrests being made in connection with the murder, information to secure prosecution was lacking for authorities. After more than two weeks of frustration at this silence, Oswald Edmund Branford Hughes, the district commissioner Nyeri, approached the provincial commissioner's office for the approval of a collective punishment.

The use of such tactics was not unique in the area. Earlier in 1952, Unjiru, a sub-location of Thegenge, had been subject to a separate collective fine following a spate of arson in the Aguthi and Thegenge locations where investigations deemed inhabitants to be withholding evidence.³⁰ Only a month preceding the death of Nderi, sub-headman Ndugunya of Unjiru, was "most cruelly and brutally murdered" in the conduct of his duties, once again with no links or evidence forthcoming to connect perpetrators to the crime.³¹ Present in the district through this turmoil, Hughes was resolute that more definitive action was needed.

The stock seizure at Thegenge was deemed fitting of the crime, with initially some 3,500 head of cattle and 6,000 sheep and goats being taken in an early morning raid by the police and military.³² This was a case where the "good" would be made to suffer with the "bad".³³ The three sub-locations of Karangia, Unjiru and Kihora were deemed liable for forfeiture due to both their proximity to the scene of the crime and the sheer number of eye-witnesses thought to be present at the large scale meeting.

³⁰ *O.E.B Hughes, DC Nyeri. Inquiry: Seizure of cattle in Thegenge location.* Pg. 6. FCO 141/5932 (2/1), TNA

³¹ *Findings. Inquiry: Seizure of cattle in Thegenge location.* Pg. 21. FCO 141/5932 (2/1), TNA

³² *O.E.B Hughes, DC Nyeri. Inquiry: Seizure of cattle in Thegenge location.* Pg. 6. FCO 141/5932 (2/1), TNA

³³ *16th Witness - Taiti Njugi. Inquiry: Seizure of cattle in Thegenge location.* Pg. 16. FCO 141/5932 (2/1), TNA

With all three densely populated settlements occupying a 4km stretch along the Gura river, for a frustrated Hughes, ignorance was a convenient excuse.

In contrast to later examples of collective punishments, the seizure at Thegenge was conducted before the introduction of emergency regulations and therefore required a full inquiry before a First-Class Magistrates court before the forfeiture could be approved. Considered necessary for the sake of due process and accountability of action, holding court at Nyeri was Douglas Penwill, First-Class magistrate *ex officio* by virtue of his role as district commissioner Machakos.³⁴

One district commissioner sitting in on arbitration over a case brought forth by another was by no means a misnomer in the administration of justice in Kenya, the arrangement relied on the supposed impartial virtue of colonial officials to put objectivity before allegiance to their fellow administrators. This was a reflection of a system that favoured the appearance of oversight over actual probity, as not to hinder the practicalities of control.

The *Athamaki* or Kikuyu elders of each sub-location were called to the inquiry to give statements and question the witnesses as spokespeople of those subject to the seizure, however only three elders, all of Kihora sub-location appeared for the day in court.³⁵ Representatives of the police, administration and loyalist community, including ex-senior chief Wambugu, were in attendance to speak on the transgressions of the location and in favour of forfeiture. A select few locals were also present, coming forward at their own request to object to the punishment.

³⁴ Myles Osborne. "The Kamba and Mau Mau: Ethnicity, Development, and Chiefship, 1952–1960." *The International Journal of African Historical Studies* 43, no. 1 (2010): 63

³⁵ Note. D.J Penwill. *Inquiry: Seizure of cattle in Thegenge location*. Pg. 1. FCO 141/5932 (2/1), TNA.

The inquiry served the purpose of not only validating the legitimacy of the seizure, but as a way of justifying the form of punitive action used. Ex-senior chief Wambugu's explicit assertion that Hughes was just doing "what we would have done" was a powerful commendation of the correctness of this action both in execution and in the use of a familiar form of native justice.³⁶

The collective punishment at Thegenge however was an aberration of widespread Kikuyu conceptions of the limits of blood money, not only in scale but in the direction of who was made applicable for punishment. Colonial unitization of native peoples did not correspond with Kikuyu designations, which circumscribed such punishments to that of the sub-clan or *mbari* to which the culprits belonged rather than delineated by geographical area.

Anger and dissatisfaction over the perceived arbitrary nature of the punishment was vocally expressed at the inquiry. The new headman at Unjiru sub-location, Mundio Njire, was directing labour at Kiandu school as the late chief was being murdered. Only in the role a matter of weeks following the murder of the previous headman, Mundio knew nothing of the crime or its perpetrators but protested firmly to the inquiry:

"Headman Ndugunya was of my own 'mbari' (sub-clan). He was murdered. It is not fair for the stock of the people of his sub-clan to be taken away. The stock of the 'mbaris' of the two men accused of his murder should not be returned; they should pay the blood money out of it. There are 3 clans in my

³⁶ Ex- Senior Chief Wambugu s/o Mathangani. *Inquiry: Seizure of cattle in Thegenge location*. Pg. 14. FCO 141/5932 (2/1), TNA

*sub-location, but many sub-clans. I am 'mumbui'; the two accused are 'muchera' and 'murtherandu'; the third who ran away is 'muchera' (clans)."*³⁷

Mundio's explanation of blood money, in contrast to that of Wambugu, reflects both the personal nature of the punishment and specificity with which it was intended to be used.

Under Native customary law in East Africa, crimes were commonly viewed as private wrongdoings between individuals. In most cases which went before Native Tribunal, monetary fines were the generalised form of restitution meted out between *mbari*. Even in cases of murder or personal harm, it was financial recompense, which was the preferred punishment, giving name to the practice of blood money. This was anathema to European penal traditions which viewed crimes as in breach of the peace and in violation of the laws enshrined within. In essence, misdemeanours were acts against the community at large. In this system, punishment was focussed on the individual and personalised to be equitable to the seriousness of the crime committed.

As the Kenyan administration acted to co-opt certain aspects of native practice, a third hybrid system of colonial justice was fashioned. Informed from a mix of European penal traditions, colonial psychology and aspects of native customary law, this amalgamation was a malleable concept distinct and unrecognisable to European or African jurisprudence. Mundio's understanding of the limits of blood money was echoed by Elder Kariuki Ichura:

³⁷ *Mundio s/o Njire – 9th Witness. Inquiry: Seizure of cattle in Thegenge location. Pg. 13. FCO 141/5932 (2/1), TNA*

“We never had trouble in Kihora, so why are we included? I was born and brought up there, and I have not seen any bad men. We used to burn bad men. The Government should punish the evil men who are arrested and their clans – the blood price in this District is 60 goats and 6 rams and 200/- worth of beer.”³⁸

In both these testimonies the collective responsibility of the *mbari* was the feature around which blood money as a concept operated. The sub-clan, or liminally, the clan, was held responsible, to and for, the actions of its individuals. Demarcation of this form did not correspond with the simplified geographic and ethnic unitization employed by the Kenyan state.

As has been detailed, a belief in the communal nature of East African society informed colonial policy of unitization; however, such sweeping generalisations ignored the nuances of identities and groups within ethnicities which were vital differentiators in Kikuyu conceptualisations of collective responsibility. The sheer scale of forfeiture this incurred as a result was alien to Kikuyu understanding.

The contesting statements of ex-senior chief Wambugu and the residents of Thegenge served to make blood money, at the inquiry at least, a disputed practice. The presence of the prominent loyalist leader at the Nyeri court was vital for the colonial state. After the murder of Nderi, a show of solidarity between the loyalist community and the Kenya Government was essential; but more than this, Wambugu’s testimony, due to his pre-eminence and experience, was an endorsement of the appropriateness of Hughes’ actions. The specificity with which

³⁸ *Elder Kariuki s/o Ichura. Inquiry: Seizure of cattle in Thegenge location.* Pg. 17. FCO 141/5932 (2/1), TNA.

the residents of Thegenge speak of the *blood price* “in this district” and of the peculiarities of the sub-clans involved are superseded by Wambugu’s simplistic assertion that “we used to do this before the Europeans came.”³⁹

Making use of loyalist collaboration to justify coercive actions of control would be a vital component in legitimising the use of collective punishments throughout the emergency. The quid pro quo between loyalist access to the benefits of the state and legitimisation of more coercive tools of control formed the understanding through which *constituencies of control* could flourish.

Those residents of Thegenge who appeared before the inquiry were not to have their efforts rewarded. When Penwill delivered his findings, he only made passing reference to the contrary evidence to which the people had raised. Instead, he took the opportunity to make it clear that a collective punishment was suitably named and intended to do just that.

“The seizure of these cattle is in effect a collective fine; in stock instead of, as more normally, in shillings. There is no doubt that the seizure of stock in order to obtain evidence where none is forthcoming is thoroughly familiar to Kikuyu custom, as the evidence of Ex-Senior Chief Wambugu (10th Witness) shows. Furthermore, all Kikuyu admit that if a man commits murder, his sub-clan and, if necessary, his clan (‘mbari’ and ‘muhiriga’) are liable to find stock for the blood price. The system of collective responsibility is thoroughly familiar to them, and on it is based the pattern of their daily lives. What is not familiar to them, indeed, is individual responsibility, an alien European concept

³⁹ Ex- Senior Chief Wambugu s/o Mathangani. Inquiry: Seizure of cattle in Thegenge location. Pg. 14. FCO 141/5932 (2/1), TNA

developed through centuries of Christianity; a man's kinship group is responsible for his actions, not he alone. It is true also that to take stock from the area is perhaps a more equitable form of collective fine than to take part of his wages or savings from every adult male since the taking of stock affects every member of the community – the woman in whose care they are, the young men who hope for wives and the young girls who hope for husbands.”⁴⁰

The important takeaway from the evidence given by various witnesses in the inquiry was not, in Penwill's view, that *blood price* was specified by clan or sub-clan, but instead that collective responsibility was a known concept to the Kikuyu. It was this abstract concept of collective responsibility which was carried forth and reinforced through a bastardised understanding of *blood price* to support the needs of the state, rather than the widespread Kikuyu understanding.

Grounding acts of oppression in local custom, even imagined ones, was a vital function of normalising these processes within the operations of the state. As would become common practice throughout the emergency, this interpretation and reinterpretation of native customary laws was a further tool of control. The uncodified nature of these rules meant that clarification was more often a construction to fit the peculiarities of challenges posed to the state. Here too, loyalists played a crucial role as the repositories of these so-called genuine expressions of native control.

Penwill identifies the punitive capacity of forfeiture to affect not only the individual but the familial unit as a merit in its favour. Note is given to the effect this can have on children looking for spouses. The payment of livestock was part of the traditional

⁴⁰ *Findings. D.J Penwill. Inquiry: Seizure of cattle in Thegenge location. Pg. 22. FCO 141/5932 (2/1), TNA.*

Kikuyu wedding dowry, termed the *bride price* and therefore was an essential facet of maturation and evolution through the private sphere of Kikuyu society.⁴¹ Penwill, in making reference to this, illuminates the far more vengeful element of collective punishment. Where *blood money* was conceptualised as a compensatory action, collective punishment was rooted in the idea of discipline. Prevailing racial conceptions of African custom and development, not advanced “through centuries of Christianity”, legitimised the entrenchment of this coercive practice presented as “thoroughly familiar to them”.⁴²

The colonial state took a moralistic stance in judgement of the perceived failure on the part of the Kikuyu to abide by modern British principles of ‘right’ and ‘wrong’. Collective punishment was the blunt tool with which this could be taught. Persistence of the failure to report the commission of a crime and learn the lessons of these principles was not seen as a resistance to their function, but rather an invitation for more blunt and arbitrary means of teaching. Far removed from the restitutive intentions of *blood money* therefore, collective punishment was a vindictive and distortive act which sought to discipline and deter through the upending of the Kikuyu’s everyday lives.

Despite seeking to punish, there was still a recognition of limits. In a colonial state legitimised and self-justified through its civilising mission, to completely destroy the development of an area by means of such forfeiture would undermine the narrative of supporting progress. Penwill was mindful of this in concluding statements:

⁴¹ See Jane Kinuthia, Lucy Wathika & Yakobo Mutiti. Gendered Identities in Gikuyu Marriage Negotiation Discursive Domain. *International Journal of Linguistics and Communication*. 3, No. 2 (2015).

⁴² *Findings*. D.J Penwill. *Inquiry: Seizure of cattle in Thegenge location*. Pg. 22. FCO 141/5932 (2/1), TNA.

“No social ceremony of importance can now take place in the 3 sub-locations; nor is there milk or manure for the people. I am, possibly, exceeding the scope of my Inquiry, but I feel that I must point out that it will be most difficult to return to normal life and constructive development in an area swept so completely bare. It is suggested, therefore, that while proof of hostility on the part of the people of the 3 sub-locations is deemed to be sufficient, a proportion only of the cattle should be confiscated and sold, and the remainder returned.”⁴³

Collective punishments were, therefore, a balancing act. Between the contesting imperatives of discipline and development, collective punishment occupied a grey area. As racial conceptions of African peoples remained prevalent, discipline and development could coexist socially in the teaching of moralistic virtues of right and wrong, but practical economic concerns fundamental to development acted as a limiting factor, at least initially. As this thesis will go on to show, practical concerns for the deprivation caused by such policies soon were shelved as the belief in the need for ‘discipline’ took hold. This would have ruinous effects on the Kikuyu population of Central Province and become a contributing factor to the 50,000 excess deaths through disease and malnutrition seen in the conflict.

Even in the return of stock, however, demands for efficiency gave space to summary action. Concerned over the spread of disease and limitations on food should the livestock remain in Nyeri any longer, provincial commissioner of Central Province E. H. Windley instructed Hughes that while the return of some stock will surely raise

⁴³ *Ibid.*

many claims from their owners, this should be “iron(ed) out with arbitrary justice”.⁴⁴

Any grievances related to this it was said could be explained away as owing to the consequence of punitive measures “they had brought on themselves”.⁴⁵

Windley’s fears were to prove valid. The seizure of thousands of head of cattle, and other livestock, all packed into confined spaces in Nyeri township lacking suitable grazing land meant a race against time before a combination of hunger and disease caused significant losses. Anthony Dorman, the provincial veterinary officer, estimated that this was a situation which could scarcely be managed for 10 days.⁴⁶ Despite half of the stock earmarked for return, a 30-day period allowed for appeal and with cattle beginning to perish, Windley was becoming desperate.

Legally, the administration was in a bind. Under the *Special Districts Administration Ordinance (Cap.45)* through which collective punishment had been conducted there were no terms to authorise the sale of stock pending appeal. Mindful that obviating this would leave the government liable for damages, John Whyatt, the Member for Law and Order, suggested that, in his legal opinion, any charge put against the administration should be no more than that of the livestock’s worth. More pressing were the concerns over the political capital that could be levied in claims that such action showed appeals had been prejudged, however the defence of “common sense” given the circumstances were deemed weighty.⁴⁷

⁴⁴ *Disposal of cattle collected from 3 sub-locations of Thegenge*. PC CP to DC Nyeri. 21st November 1952. FCO 141/5932 (3), TNA.

⁴⁵ *ibid*

⁴⁶ *Anthony Dorman. Inquiry: Seizure of cattle in Thegenge location*. Pg. 10. FCO 141/5932 (2/1), TNA.

⁴⁷ *Note*. Member for Law and Order to Governor. 19th November 1952. FCO 141/5932 (4), TNA.

The actions at Thegenge were indicative of a colonial state which valued control above all else but had the dexterity to utilise a range of cultural and political means to attain it. As seen in the previous chapter, the ad hoc, flexible nature of the administration and its approach to justice, offered opportunity for coercion to manifest in the negotiated understanding of customary laws. Again, with collective punishments, latitude afforded to loyalist interpretation was mutually beneficial in gearing administrators with an effective coercive tool to be wielded against common opposition, those outside of their constituency.

At Thegenge, the practicalities of the seizure were of secondary importance to reacting swiftly and decisively to a demonstration of ill-discipline. The events that followed left the administration scrambling for a resolution; but in delivering order, the punishment served its purpose. The illogical contradiction of causing chaos to enact control, although seemingly paradoxical, was inherent to the distortive nature of parochial domination which functioned by virtue of being arbitrary and uneven to impress authority over a locality.

Justifications made in parallels to *blood money* were disingenuous comparisons to a nuanced and specific practice, acknowledged through its private compensatory purpose, rather than as a medium of discipline. Established, therefore, in the narrative of colonial discourse by the beginning of the emergency period as, “thoroughly familiar to them”; reactive and chaotic, collective punishments armed district officials with a blunt weapon of control to be wielded in first response to

challenge.⁴⁸ With the introduction of new sweeping emergency regulations, these arbitrary powers were to become even more pronounced.

Emergency Regulations and the Protection of Loyalists

The declaration of emergency conditions in October 1952 were soon followed by a slew of *emergency regulations* which were geared at aiding the Kenyan administration's counter-insurgency campaign. These regulations significantly increased the colonial states coercive capacity and can be broadly divided into two categories.

Control regulations gave power to the quotidian administrative fightback; these varied from limits on freedom of movement, curfews and the establishment of restrictions on trade, to the introduction of identity cards and censorship on media. These protocols also empowered officials to mount searches of property, arrest suspects without warrant, conduct small scale operations and, importantly, enact collective punishments. Security regulations gave the counter-insurgency forces the power to take offensive measures against terrorist forces. In addition to allowing for the use of deadly force in specific circumstances, these powers allowed for suspects to be detained without the need for trial and authorised the large-scale resettlement of the Kikuyu population.⁴⁹

The use of such sweeping emergency powers was common to counter-insurgency campaigns throughout Britain's empire in the post-war period, with similar policies

⁴⁸ *Findings. D.J Penwill. Inquiry: Seizure of cattle in Thegenge location.* Pg. 22. FCO 141/5932 (2/1), TNA.

⁴⁹ See David French. "Nasty Not Nice: British Counter-Insurgency Doctrine and Practice, 1945–1967." *Small Wars & Insurgencies* 23 no. 4-5. (2012): 744-761

used in Malaya, Cyprus, Nyasaland and elsewhere. Emergency regulations were vital in taking the fight directly to insurgent forces in immediate efforts to deter further attacks, but David French has argued they provided an equally important secondary function. These protocols allowed for a demonstration of what historians of counter-insurgency have termed “exemplary force” to be used against the civilian population which was vital in intimidating cooperation with security forces.⁵⁰ In the case of a colony like Kenya, where this proved less effectual, the counter-insurgency campaign instead reacted by increasing coercion in the form of large-scale detention and resettlement.⁵¹

This broad-ranging analysis fails to grasp the parochial and knee-jerk nature of the Kenya case. It was the highly localised and reactive nature of how these control regulations were implemented and employed which dictated the degree of compulsion used. While no less impactful in its coercive character, the often-chaotic implementation served to restrict the utility of the purported exemplary function, more generally, but worked effectively in demonstration of support for loyalists as part of the maintenance of local *constituencies of control*. Collective punishments in this regard were, in limited part, a demonstration of government strength, but one that was haphazard and restricted to the locality in which it was administered. The exception to this was in the case of settler farms, where the speed and execution of these punishments were a vital function of sating European demands for retributive actions.

⁵⁰ See Huw Bennett. “The Other Side of the COIN: Minimum and Exemplary Force in British Army Counterinsurgency in Kenya.” *Small Wars & Insurgencies* 18 no. 4. (2007): 638-664

⁵¹ French. “*Nasty Not Nice*”. 748-751.

It is therefore more accurate to state that rather than demonstrations of government strength being ineffectual, they were only a marginal aim of a process which, through the lens of loyalism, was principally concerned with hastily supporting the needs of local structure of control. In moving away from these big-picture and comparative studies, with a granular focus on new documents, the utility of these quotidian measures are shown to be far more effective than may be first assumed.

The introduction of emergency regulations did not significantly change the functional process of how collective punishments operated but had a measured effect on the levels of oversight involved in the procedure.⁵² To make the punitive action relevant to the exigencies of the emergency, expediency in dealing with the increased volume of cases and the needs for swift and effectual discipline had to be met.

In practice, provincial commissioners under emergency regulations were empowered with the authority to instruct their regional officials to carry out seizures of livestock, vehicles or other moveable property based on; suspicion of aiding or abetting terrorists, the failure to take reasonable steps in halting the commission of a crime, and/or, the suspicion of withholding evidence that may lead to the capture of the criminals responsible. Crucially, under the regulations introduced in November 1952, collective punishments could only be instituted in relation to evidence of an actual crime, general recalcitrance, at least at the beginning of the emergency, was a bridge too far for such punishment.

One meaningful change enacted by the regulations was to remove the necessity for inquiries, like that following the seizure at Thegenge. This was part of a streamlining

⁵² For information on the nature of the colonial state and bureaucratic dynamics. See, Berman. *Control and Crisis*. 73-127

of the process which now instead functioned with a report from the provincial or district commissioner, informed by his district team, containing his recommendations sent to the Governor for final approval.⁵³ If previously the process of oversight was dubious at best, it was now largely lost altogether.

The simplified method for the administering of collective punishments fit the immediate needs of the emergency in arming the provincial administration with the authority of action to act quickly and decisively to instances of perceived challenge, but in doing so increased the capacity for arbitrary action at a low level. Not only now was there no longer a need for an inquiry to be held into the reason and function of collective punishments, but it was principally the narrative presented by the district officials that constituted the official account of the actions leading to forfeiture. This gave the provincial administration a monopoly over the information presented to the higher reaches of the Kenyan administration responsible for the approval of this action. Essentially, the provincial administration could control and construct the narrative of events to justify their actions. This was an essential facet of local constituencies of control, as corroboration of portrayed narratives between officials and their loyalist allies presented an opportunity for the wide use of coercion within constituencies to those deemed 'other'.

While principally characterised here as the connection between Kikuyu loyalists and low-level district officials, constituencies of control operated within Kenyan structures of governance at various levels. Whereas formal connections between central and peripheral administration present themselves more obviously, at the centre of

⁵³ This was made necessary through regulation 4A, section 2, of the Emergency (Amendment)(No.3) Regulations 1952. See, *The Kenya Gazette*, [Vol LIV – No 66] Supplement No. 61. Notice No 1253 (25 Nov 1952) 591.

administration the influential white settler community was often another primary concern, and headache, of the Kenyan government. Here too, mutual benefits were gained in the maintenance of an understanding between both parties.

Fundamentally, protection of settler position and privilege within the operations of state was a trade-off for acquiescence.⁵⁴ For the Kenyan government, to keep the settler community content was to keep them from interrupting their actual work in development and administration. As Bruce Berman has argued, retaining legitimacy in colonial rule relied on the state keeping imperial trusteeship as an “exclusive prerogative of the colonial bureaucracy that could not be divided or shared with settlers”.⁵⁵ Informing this line of thought was the potentially troubling connection between settlers and influential voices in the metropole. Being able to present an official narrative of events to the Colonial Office was important for the administration in retaining the confidence of the British government. Control of information was key.

A strong and punishing stance in fighting against the Mau Mau menace was the common demand of settlers throughout the emergency and this was manifested through early examples of collective punishment. Contemporaneous with the punishment at Kanyoni, several cases involving instances on European farms concerning offences ranging from the murder of farm labourers to the aiding of raiding parties by squatters were also raised for punishment.⁵⁶

⁵⁴ For settler/administration dynamics. See, David Throup, *Economic & Social Origins of Mau Mau 1945-53*. (London : James Currey, 1987); Bruce Berman & John Lonsdale. *Unhappy Valley: Conflict in Kenya and Africa*. (London : James Currey, 1992)

⁵⁵ Berman, “Up From Structuralism”, in Berman & Lonsdale, *Unhappy Valley*. 195-196.

⁵⁶ *Memorandum*. Secretary of African Affairs to Chief Native Commissioner. 22nd December 1952. FCO 141/5934 (2), TNA

In Nanyuki district, the break-in and theft of firearms by an armed raiding party at the homes of Mr. Norman and Mr. Howard-Williams led to the district commissioner, Anthony Galton-Fenzi, to institute a seizure of 25% of the livestock of resident labourers on the farms. Ransacked during their owner's absence, police investigations provided no strong or forthcoming evidence to link perpetrators to the crime.⁵⁷ Undeterred, Galton-Fenzi justified the seizure in his report through piecing together the work of a tracker dog, the testimony of a man arrested on a fellow settler farm and probability based on geographic location in summarising that "It is quite definitive that a considerable proportion of the Resident Labourers on both of these farms were implicated either before, during or after the incident".⁵⁸ The Secretary of African Affairs was less convinced. In his report to the Governor, he lamented the findings as "so scanty", yet despite his misgivings accepted the recommendations of the case.⁵⁹

While seemingly an abdication of responsibility to due process, the central administration's response reflected a measure taken to fulfil its duty to its constituents. In accepting the 'facts' presented for the case of forfeiture, the state was supporting both its obligation to members of the settler community and the provincial administration in allowing for the use of swift and punitive justice. In this regard, the search for an objective truth was subordinated to practical concerns of control.

⁵⁷ *Report from the District Officer Nanyuki, in accordance with regulation 4A, section 2, of the Emergency (Amendment)(No.3) Regulations 1952.* DC Nanyuki to PC CP. 14th December 1952. FCO 141/5934 (1/1), TNA

⁵⁸ *Ibid.*

⁵⁹ *Memorandum.* Secretary of African Affairs to the Governor. 29th December 1952. FCO 141/5934 (3), TNA

This desertion of probity was mirrored in the central administration's response to another settler case in Nanyuki. After the murder of five pro-government African labourers on Mr. Clarke's farm in Mweiga Ward, the district officer responsible ordered the seizure of 50% of all the livestock belonging to the resident labourers on both Mr. Clarke's farm and the adjacent farm owned by Mr. Boyes. Despite the production of a far more thorough and indicting report, this case too was not without problem.⁶⁰ The commission of the crime on the night of 22nd November 1952 meant it had occurred before the introduction of the new emergency regulations, making the subsequent seizure on 10th December lawfully uncertain.⁶¹ The attorney general, John Whyatt, speaking to these legal concerns was quick to express his opinion that, "the facts of the case can, if the emphasis is shifted slightly, support a seizure under the emergency regulations". This euphemistic suggestion to distort the facts presented was carried forward in the forfeiture of 769 head of sheep from 85 resident labourers on the two farms, as no specific date was listed for the commission of the crime in the subsequent signed order.

With the omission of inquiries in the streamlined system for collective punishments under the emergency regulations, Whyatt, as both member for law and order and attorney general, served an important role as the Governor's legal advisor before approval of forfeiture. Yet, here too, rather than function as a level of oversight, Whyatt instead supported these constituencies of control by aiding to make their actions permissible. Once again, control, efficiency and support of constituents came before a responsibility to due process.

⁶⁰ *Report from the District Officer Nanyuki, in accordance with regulation 4A, section 2, of the Emergency (Amendment)(No.3) Regulations 1952.* DC Nanyuki to PC CP. 14th December 1952. FCO 141/5935 (1/1), TNA

⁶¹ *Memorandum.* M.L.O to Governor. 2nd January 1952. FCO 141/5935 (4), TNA

In cases of collective punishment concerning settler farms the objective was clear. To deal with instances of challenge in the quickest and most effectual manner. This was typified by a forfeiture carried out on the farm of Michael Blundell, as a result of a Mau Mau meeting taking place there. As leader of the settler community in the Legislative Council, Michael Blundell was a thorn in the side of the Kenyan administration and a vocal figure in pushing for more settler influence in the counter-insurgency campaign.⁶² Only a few months previous, Blundell had been threatening a “settler backlash” against Africans should the government not take decisive action to deal with the present crisis.⁶³ In dealing with the high profile incident, provincial commissioner, Carruthers “Monkey” Johnston, forwarded no formalised report to the Governor, asserting instead that, “extenuating circumstances do not exist in this case as all the resident labour were fully aware of the fact that a Mau Mau meeting was taking place but no report was made either to the police or farm manager.”⁶⁴ On this basis, not only did the resident labourers have all their livestock seized and forfeited, but crops to the value of £400 were duly taken and their labour contracts cancelled.⁶⁵

For those 17 men and their families, both their material wealth and means of livelihood were removed in an instant.⁶⁶ No question was raised in relation to this seizure from the higher echelons of the colonial state, with it passing by the desks of the attorney general and Governor with no resistance. Typically, settler demands for

⁶² Anderson. *Histories of the Hanged*. 112.

⁶³ *ibid.* 53.

⁶⁴ *Order under Emergency (Amendment)(No.3) Regulations 1952*. PC Rift Valley Province to Governor. 5th December 1952. FCO 141/5936 (1), TNA.

⁶⁵ *Ibid.*

⁶⁶ *Order under Emergency Regulations 1952*. DC Nakuru to PC Rift Valley Province. 29th December 1952. FCO 141/5936 (8/1), TNA.

swift and retributive action to demonstrations of resistance was a requirement the administration was willing to meet if acquiescence followed; in the case of Blundell's farm, there was no question. Arbitrary use of emergency powers was a function of political expediency.

Away from settler attention, the use of these regulations proved no-less coercive but far more inconsistent in how they were adjudicated. Collective punishments in the early emergency period provided the district official the authority of action to act within his locality in support of challenges to loyalists, consequently this made for a system with a great degree of variation in exactly how, and in reaction to what, these regulations would be instituted. In the first few months of the emergency, those crimes which would, and would not, spark a collective punishment fluctuated wildly dependent on the characteristics of the official in charge and that of his loyalist allies. Indicative of this disparity were the seizures at Othaya and location 11 of Fort Hall.

The former, a stock seizure at Kahajo itura in the Othaya Location of Nyeri, followed an attack on two loyalists in the location which left one dead and the other injured. Francis Wanjohi Kiragu, the leader of the Kairuthi resistance group, an early variant of the Kikuyu home guard, was killed after being set upon and wounded by two rifle bullets fired into his chest. Impaired from his injuries, Francis fell from his bicycle but managed to run some 200 yards before being overtaken and hacked to death by pangas. His friend, Nathan Kimotho Gathithi had his scalp furrowed by a bullet in the melee but managed to make his escape and avoid further injury.⁶⁷ Despite taking place half-a-mile east of Kairuthi on the busy Othaya - Kairuthi road and in the

⁶⁷ *Report on Outrages Committed in Othaya Location since the Declaration of the State of Emergency.* Ag. DO Othaya Division to DC Nyeri. 17th February 1953. FCO 141/5955 (1/3), TNA.

daylight of the early evening, no information was forthcoming when police arrived at the scene. In the midst of the event, attention was attracted to the area by the distressed shouts of local women, but as the investigations started these same voices fell silent.⁶⁸

The Othaya attack followed shortly on the heels of a spate of crimes in the division, ranging from attempted murder to loyalist disappearances, the most heinous of which was the brutal murder of a headman and police askari near Iriaini school a few weeks earlier.⁶⁹ With police investigations proving fruitless time and time again, each of these instances in isolation could have justified a collective punishment under the emergency regulations. Far removed from the hasty resort to retributive action seen in settler areas, J.L. Wordsworth, the acting district officer of Othaya division, sought the council of the pre-eminent local loyalist, chief Paolo and a number of the elders of the Local Tribunal before Francis' death who impressed upon him the need for punishment. It was the fatal attack on the home guard leader that finally spurred him to action.

The total seizure of 719 head of cattle and over 1300 sheep and goats from 191 families was a statement; recognised as "severe" but apt to the crime, it had the desired effect.⁷⁰ Eleven people were forthcoming with evidence in relation to the murder of Francis' following the seizure which caused Hughes, the district commissioner in Nyeri, to have the forfeiture schedule rewritten with these families retaining their livestock.⁷¹

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Note. Ag. CNC to Governor. 24th February 1953. TNA, London. CO 141/5955 (3), TNA.

⁷¹ *Cattle Seizure – Othaya Location*. DC Nyeri to PC CP. 2nd March 1953. FCO 141/5955 (7), TNA.

In effect, the case at Othaya is a textbook example of what collective punishment was intended to achieve. In both punishing those who refused to give information while simultaneously breaking the Mau Mau silence, the colonial state induced the desired effect. However, given the number of incidents against pro-government allies needed to convince the need for punishment, conceptualising the case as in protection of the loyalist is problematic. Wordsworth's initial resistance to request the use of such sweeping punishments was emblematic of a section of officials who were conservative towards the use of these new powers. Be it reservations about the nature of the punishment or the implication of a failure to retain control, some treated the use of such action as a last resort.

The case at location 11, by contrast, saw a comparable seizure without such reservations. Based off limited evidence and meagrely detailed report, a third of the livestock of six *matura* were taken following the murder of two police officers, Constable M'Imberia of the Kenya Police and Gitau Kabuthi of the Tribal police.⁷² With no one coming forward to report news of the attack to authorities only five miles away in Fort Hall, the residents of the area were deemed complicit to its commission. The sole evidence of supposed guilt was the movement of livestock in small numbers in the days leading up to the murders. Herds had been transported away from the *matura* to the shared grazing land at Tumutumumu, near Tana power station, with the last cattle leaving the morning of the policemen's death. On this basis, a seizure of over 500 cattle and 700 sheep and goats was carried out on 103 residents by the district commissioner Fort Hall.⁷³ Baring acknowledged this as a "particularly

⁷² *Report on seizure of cattle in accordance with section 4A(2) of the Emergency (Amendment)(No. 3) Regulations 1952, (G. Notice No. 1253/52). DC Fort Hall to PC CP. 14th January 1953. FCO 141/5946 (1), TNA.*

⁷³ *Note. CNC to Governor. 16th January 1953. FCO 141/5946 (3), TNA.*

bad case” and deemed approval necessary in this instance as “good work has clearly been done by the police.”⁷⁴ Showing support for the wounded authorities was paramount in considerations.

These two cases in isolation are a microcosm of the regional and personal variance with which emergency regulations were enacted. While the willingness with which the local district official was ready to turn to more coercive measure in the maintenance of control differed in both cases, this was emblematic of a system which relied on the judgement of the *man on the spot* first and foremost to make the best decisions on just how to manage *his* locality. Despite a clear disparity in the factors leading to the seizures, the precipitating incident in both cases included the murder of active loyalists involved in the counter-insurgency campaign against Mau Mau forces.

Protection of the loyalist was, at a basic level, essential to maintenance of legitimacy in the emergency, but was foundational to local constituencies of control. The colonial capacity for coercion was relational to the protection of the loyalist as the acclaimed ‘legitimate expression of native interest’, however loyalist consent to this was predicated on the benefits this provided, not least of all their safety. Coercion and loyalist support was therefore necessarily synergistic, the weakening of one of these factors had a detrimental effect on the other.

Common to both of these examples was the readiness of the central authorities to accept and support the measures taken by their provincial colleagues in the forfeiture of seized stock, but this goodwill was not limitless. In a case in Kiambu regarding an attack on a loyalist witchdoctor, the solicitor general was full of

⁷⁴ Note. Governor to CNC. 22nd January 1953. FCO 141/5946 (4), TNA.

condemnation for the handling and reasoning of a seizure made by district officer J.A. Cumber, but in this example too criticism was measured through the lens of control.

A skirmish involving elderly witchdoctor, Moi Kairu and Wakanuthi Nderi left the former bruised and shaken, and provided the basis for a seizure of some 282 head of cattle, 150 of which the district officer recommended for forfeiture.⁷⁵ In his report, Cumber noted that Wakanuthi had grabbed and thrown Nderi to the floor outside his home while accusing him of helping the government in performing *Gutahikio* cleansing ceremonies. Wakanuthi was restrained by his son and another man before the fight could escalate further allowing Moi to escape. This, he argued, was a planned and premeditated attack which was done with the implicit consent of the residents of the *itura* by means of their lack of assistance in apprehending the men responsible and apathy towards assisting the subsequent investigations. For Cumber, the fact the three men connected with the incident were still at large was deemed damning of local connivance against authorities.⁷⁶

The Solicitor General, Eric Griffith-Jones, was less convinced. In laying out his measured criticism of the “pretty precarious grounds” on which the seizure took place, he was very keen to spell out the limits of exactly what the emergency regulations allowed for.⁷⁷ *Emergency Regulation 4A* permitted for collective punishment by reason of either, a crime that had been committed that the residents had failed to prevent, or, in effect, that the inhabitants of an area or a substantial

⁷⁵ Report from DO Kiambu, in accordance with Regulation 4A(2) of Emergency Regulations (Amendment) (No. 3) 1952. DC Kiambu to PC CP. 18th December, 1952. FCO 141/5941 (1/1), TNA.

⁷⁶ Report from DO Kiambu, in accordance with Regulation 4A(2) of Emergency Regulations (Amendment) (No. 3) 1952. DO Chura Division to DC Kiambu. 14th December, 1952. FCO 141/5941 (1/2), TNA.

⁷⁷ Note. Solicitor General to Governor. 30th January 1953. FCO 141/5941 (6), TNA.

number of them, were Mau Mau supporters. These reasons were intentionally nebulous, as Griffith-Jones concedes, in order so they could be “prayed in aid in any case in which the circumstances so admit.”⁷⁸ Necessary to this however was the commission of a crime, as specified under the Penal Code. In order to justify this seizure against these grounds therefore, Cumber needed to quantify the intention of Wakanuthi to cause grievous bodily harm, and therefore commit a crime, or implicate the inhabitants of the itura as Mau Mau supporters, to prove therefore that this was the reason for the attack. In providing an account based largely on assumption and postulation, he achieved neither.

Griffith-Jones was condemning in his disapproval stating: “It is apparent from the report, however, that the D.O did not fully appreciate the points raised and took a great deal for granted.”⁷⁹ Despite his dissatisfaction the solicitor general accepted a partial forfeiture of around half the stock seized, while providing the suggestion that a reminder to district officers about the limits of the regulations should follow.

This resolution was telling, even in the clear recognition of the incorrect use of collective punishment, support for the actions of the provincial administration was still forthcoming. The solution of a partial seizure was inherently arbitrary and unequitable but was symptomatic once again of both the chaotic and uneven form of punishment and degree to which the central administration would go to accommodate the actions of the provincial administration, even when deemed wrong. This was rationalised through a belief that it was more productive to try and avoid future inconsistencies than correct present errors.

⁷⁸ Ibid.

⁷⁹ Ibid.

The disaggregated and local nature of administrative rule and controls meant these errors could be dismissed as isolated incidents, rather than representative of a trend of excessive use of coercive powers. This was a principle which would be repeated throughout the emergency, and notoriously replicated in explanations over the infamous deaths at Hola Camp, as isolated and the work of “a few bad eggs”.⁸⁰ This was a representation of the constituency of control between the centre and periphery, which, in times of challenge, relied on a synergy between the provincial administration’s ability to inflict isolated coercion and the central administration’s readiness to provide the tools to do so in the maintenance of control. To restrict the provincial administration’s powers was to open criticisms of limiting the ability to do their job. Control was deemed relational to the capacity for coercion.

Further objections to the facts of the Kiambu case were not reserved to the Solicitor General but were raised in discussions of the Executive Council by Eliud Mathu, the council’s appointed African representative.⁸¹ Mathu contested that to his understanding the origins of the skirmish were not explicitly Mau Mau related but rather a beer drinking quarrel over debt.⁸² As not to undermine Mathu’s position, it was insisted by the chief native commissioner that N.F. Kennaway, the district commissioner of Kiambu, hear his comments.⁸³ Any concerns of impropriety on behalf of the district officer’s investigations were quickly and offhandedly dismissed as without substance by Kennaway, who insisted that all necessary steps had been taken to corroborate this information.⁸⁴

⁸⁰ See, Elkins. *Britain’s Gulag*. 344-353.

⁸¹ For a detailed account of Eliud Mathu. See, Jack Roelker. *Mathu of Kenya: a political study*. (Stanford: Hoover Institution Press, 1976)

⁸² *Collective Punishment*. DC Kiambu to CNC. 17th January 1953. FCO 141/5941 (4), TNA.

⁸³ *Collective Punishment*. For CNC to DC Kiambu. 13th January 1953. FCO 141/5941 (2), TNA.

⁸⁴ *Collective Punishment*. DC Kiambu to CNC. 17th January 1953. FCO 141/5941 (4), TNA.

Unsurprisingly, Kennaway's account was accepted and, perhaps indicative of his appointed status, Mathu's anxieties ignored. Fundamentally, the concern shown for Mathu's interjection was little more than humouring but was characteristic of just how constituencies of control operated in colonial Kenya.

Loyalism had no significant role within the operation of the central administration. As we have seen, both settler communities and the provincial administration had relationships with the centre that operated in different and varied ways, but hierarchical structures of control meant that appeals to loyalism were outsourced to the purview of the provincial administration. The position of Mathu on the Legislative Council was, in essence, symbolic. A 'progressive' measure to shield the colonial state from criticism of lack of representation for the African community. His continued status relied on him fulfilling this role as a figurehead for the native community, while not providing a dissenting voice. In the Kiambu case, where conflicting narratives were presented, the central administration indelibly fell in line with their partners in the provincial administration. In the disaggregated structures of colonial control, a commitment to maintaining and supporting these communities was paramount to the practicalities of rule.

Life after Lari: Expediency and Punishment

By early 1953, familiarity had developed with the new powers at the disposal of the district officials. Across the Central Province and Rift Valley, and accelerated by events, the period would be transformative on collective punishments from its piecemeal origins to use on an industrial scale. Supporting this change were amendments, both clerically and practically, which would help alter collective

punishments from an exceptional to everyday means of control. Functionally, as knowledge of the limits and usage of these powers increased, so did the expediency with which they were implemented but with the increasing number of cases, the necessity to streamline the administrative burden meant the creation of a pro forma to increase clerical efficiency in reducing time spent chasing up additional information.

In Central Province, a standardised report structure for the detailing of collective punishments was in use by April, which provided all the necessary information needed to satisfy a case for punitive action. In addition to clear itemising of functional information, such as dates, locations and quantities of seizure; the new report structure required precise information relating to the reasoning for punishment, the circumstances of the case and the recommendations for forfeiture from both the district and provincial commissioner.

By formalising these arrangements, the speed and ease with which cases of collective punishment could be constructed and reviewed greatly increased. This was an important bureaucratic change in the establishment of collective punishment as a dependable means of quotidian control. In making them simplified and straightforward to implement, this functioned to make them prosaic and commonplace. Part of normalising the use of coercion in everyday control was making it less work.

The use of this new form was debuted in the Muruguru sub-location of Aguthi in a strong case involving both the capture and death of one Kikuyu guard, as well as a subsequent attack on a home guard outpost which result in another man dead and numerous others wounded, leaving the district officer satisfied that a considerable

number of inhabitants in the location were members of Mau Mau.⁸⁵ The recovery of a body from the Sagana river in late April was that identified to be that of, Warue Githue, a man who had been missing and presumed captured since early March, with no word on his location until his corpse was removed from the river near a public watering place over a month later. The state of decomposition of the body on discovery by the police and its location close to a habitually populated spot on the river, lead investigators to conclude that its presence had gone wilfully unreported to authorities.

A mere two days later a large-scale attack by a well-armed Mau Mau gang upon the Muruguru Kikuyu Guard was conducted, resulting in injuries and a casualty. No prior warning was given to the Guard, despite the central location of their post, or subsequent attempt to hinder the escape of those responsible by locals as reinforcements from the Gatitu and Thiginigi Kikuyu Guard came to their counterpart's rescue.⁸⁶ Under this new format the case passed without reservation through the echelons of central colonial administration with the forfeiture receiving consent soon after.

Despite presenting particularly robust conditions for seizure, such a swift and unedited passage for a case not involving settler interests had been by no means usual. Clerical developments were important in making forfeiture easier, but by the middle of 1953, events had overtaken circumstance to refocus the attention of the Kenyan administration. A brutal attack on the inhabitants of the Northern Kiambu

⁸⁵ *Report of Stock Seized under Regulation 4A of Emergency Regulations 1952*. For PC CP to Ag. CNC. 5th May 1953. FCO 141/5973 (1/1), TNA.

⁸⁶ *ibid.*

village of Lari was to become a decisive moment in the conflict and the single biggest example of Mau Mau violence during the emergency.

The sheer scale of bloodshed seen in the attack took the colonial state aback, with the organisation of insurgent forces taking them thoroughly by surprise. As Anderson notes, any complacency or lingering hope that Mau Mau was an opposition who might be easily defeated was thoroughly extinguished by the events of 26th March.⁸⁷ Lari was an instance of such brutality and violence that it would have a seismic effect on realigning loyalism in Kenya. The cacophony of fear, anger and confusion was to cause a vacuum for increased coercion to fill. Unmatched for its notoriety in violence narratives, this section instead documents the broad effects of Lari on the wider ecology of punishments used in the conflict, suggesting that even Mau Mau's most infamous event can offer opportunity for reinterpretation.

On receiving reports of a dead body found in the location of headman Wainaini, the Lari home guard patrol set off in the late evening on a hike to Lari's eastern boundary to investigate. When they arrived, they were met with a grizzly scene. The mutilated corpse of a local loyalist, displayed openly alongside a bustling footpath. The public setting of this gruesome find was by no means an accident. In the time that it had taken the patrol to make the three-mile journey to the scene, some several hundred insurgents had gathered in clusters of separate gangs throughout the Lari location. With the home guard absent and occupied, huts of the loyalist residents were set ablaze with doors being tied shut with ropes and wire to hinder means of escape.⁸⁸ Armed with pangas, axes and other crude weaponry the gangs pounced

⁸⁷ Anderson. *Histories of the Hanged*. 132.

⁸⁸ Note. SAA to CNC. 27th March 1953. FCO 141/5659 (94). TNA.

on those occupants that made free from the burning buildings, cutting them down, man, woman and child alike, in brutal fashion.⁸⁹ For the home guard returning from their investigations, the sight of fire against the night sky as they rushed back towards their homes left them fearing the worst, but the reality they would find was beyond their wildest fears.

Initial reports were rough on details, but it was thought well over 100 people had been killed and over 50 huts burned to the ground. In an attack which was viewed as “almost open rebellion”, the families of the home guard had all lost their lives.⁹⁰ Local preeminent figure Ex. chief Luka Wakahangare along with his four wives were murdered, however his successor, chief Makimei, miraculously survived the chaos.⁹¹ Known as a tough operator, Makimei was one of the earliest chiefs in the Kiambu region to organise a Kikuyu home guard unit. Equally popular with the administration as he was despised by Mau Mau, Makimei knew long before the massacre that Lari was a hotbed for Mau Mau sympathisers, but he and his followers were not prepared to give into lawlessness.⁹²

District commissioner Swann, reporting the following day, viewed the attack as an attempt by almost a complete location to wipe out all home guard resistance groups.⁹³ If Mau Mau and the home guard had been trading jabs, Lari was the insurgents right-hook. In supporting the formation and recruitment of these local militia since the end of 1952, the Kenyan administration had positioned the Kikuyu

⁸⁹ For a detailed account of the Lari Massacre, see Anderson. *Histories of the Hanged*. 119-180.

⁹⁰ Note. SAA to CNC. 27th March 1953. FCO 141/5659 (94). TNA.

⁹¹ Ibid.

⁹² Anderson. *Histories of the Hanged*. 124.

⁹³ Note. SAA to CNC. 27th March 1953. FCO 141/5659 (94), TNA.

home guard to be the force to take the fight to Mau Mau in the reserves.⁹⁴ Lari presented itself as a critical juncture. With loyalist forces putting their lives on the line with devastating results, the administration needed to be shown to be doing more to protect them.

The events of the 26th March were made worse still by yet another attack, this on a police post in Naivasha. A well-planned night-time assault left one African policeman dead, several more wounded and the contents of the post's armoury looted of its weapons and ammunition.⁹⁵ Raiders under Mau Mau leader Mbaria wa Kanui made use of a stolen truck to break down the gates of the post and overrun the unsuspecting garrison causing many of the guards to flee for their lives.

Simultaneously a second group broke open the gates to the adjacent transit camp, freeing some 170 prisoners.⁹⁶

As news of what had occurred that night spread throughout the Central and Rift Valley Provinces, the perception of the conflict underway throughout Kikuyuland began to change in the eyes of much of the population. Lari was a departure from the sporadic pattern of assassinations and isolated violence that had been the hallmark of the early emergency period, it was ruthless, it was brutal, and it was organised. In the anger and confusion of the subsequent days, what became

⁹⁴ Anderson. *Histories of the Hanged*. 124.

⁹⁵ *Situation Report - Naivasha, 27th March 1953*. Provincial Commissioners Office. 27th March 1953. FCO 141/5659 (92), TNA.

⁹⁶ The following night in Kijabe, a lorry transporting prisoners was mistaken for a similar terrorist incident causing the European guards to open fire killing one home guard and two prisoners being transported from the African Inland Mission home guard station. On inquiry the case was dismissed as an "unfortunate affair" made understandable by the circumstance. – See *Kijabe Police Station incident*. Superintendent of Police, lower-Rift Valley District to Senior Superintendent of Police Rift Valley. 31st March 1953. FCO 141/5659 (135/1), TNA; *Kijabe incident*. DC Naivasha to Chief Secretary. 14th October 1953. FCO 141/5659 (183), TNA.

abundantly clear was that Lari had begun a new phase in the conflict, violence on a whole other scale had been unleashed and it was not to be recaptured.

While the administration scrambled to work out what this meant for control, the loyalists in the home guard were quick to learn their lesson. Lari had realigned what was to be deemed permissible, an intensification of violence in response to the dreadful events could now not only be understood but in part justified. Rather than wait for Mau Mau to strike them down, they were to be proactive in their action. In the following weeks, reports of excesses became increasingly common, as the home guard looked to take no prisoners in encounters with Mau Mau gangs. In one such case, a skirmish between a home guard patrol and a Mau Mau gang just north of Lari in early April ended with all twenty-one terrorists killed and none captured.⁹⁷

Loyalist resort to excessive violence represented a perceived failure of the provincial administration to adequately fulfil their role within their constituencies of control in Kenya. These structures of domination relied at a most basic level on the state being able to protect its loyalist constituents. Lari was a tipping point, but one which was months in the making. For those facing the violence and intimidation of Mau Mau, the provincial administration was showing themselves to be woefully incompetent in stamping out the menace. The very creation of home guard groups was an early sign of wavering confidence as loyal Christian chiefs felt the need to take security and self-preservation into their own hands. These groups would only subsequently receive the backing and come under the auspices of the provincial administration.⁹⁸

⁹⁷ Anderson. *Histories of the Hanged*. 133-134.

⁹⁸ *Ibid.* 124

The violent loyalist Kikuyu reaction to Lari represented a democratising of coercion within constituencies of control, but one that had occurred through happenstance rather than design. Fearing a situation that could spiral further out of control, the colonial authorities became acutely aware of the need to win back the confidence of loyalists, and more specifically, the Kikuyu Guard. To do this, protection of the loyalist would have to become a notion of primary concern.

With the aims of support and protection clear, the inevitable question for the administration became how this was best achieved. In a collective punishment case in Nyeri these debates became pronounced. The killing of the head of the Gekondi Kikuyu Guard in a firefight in Githanji village sparked the punitive action after it was discovered on investigation that the four terrorist responsible were spotted earlier in the day walking through the Githanji populated sub-location carrying a stolen rifle, yet no report of this was made to authorities. The subsequent seizure, which represented 50% of that owned by 141 inhabitants of the Kiragu and Githanji Ituras was suggested for forfeiture by the assistant district officer and further recommended by the provincial commissioner.⁹⁹ The deputy Governor, Frederick Crawford, however had misgivings:

“I have considerable doubts whether the forfeiture of such a large number of cattle – 440 – and sheep – 824 – will really improve the position of the Home Guard in that area, or whether it will, on the contrary, arouse persisting feelings of bitterness.”¹⁰⁰

⁹⁹ Report of Collective Punishment ordered under Regulation 4A and 4B of the Emergency Regulations 1952. PC CP to CNC. 3rd July, 1953. FCO 141/5976 (1/1), TNA.

¹⁰⁰ Note. Deputy Governor to Ag. CNC. 11th July 1953. FCO 141/5976 (3), TNA.

Crawford's concerns, although measured, questioned the very effectiveness of collective punishments as an instrument for the protection of the loyalist. Did these punishments dissuade further action or merely breed resentment and potential vengeance?

Despite very valid concerns, no rethink of collective punishments as the preferred tool of quotidian coercion was tabled. The district commissioner was quick to assuage any fears, making it clear that extra stock had been returned to those known loyalists and, as such, he believed that the position of the Kikuyu guard would not be adversely affected in any way.¹⁰¹ This led the provincial commissioner to declare himself satisfied that "this action has not given rise to feelings of bitterness amongst the loyal Kikuyu."¹⁰²

The caveat of loyalty in the provincial commissioner assertion was indicative of provincial constituencies of control and how collective punishment was conceptualised in this context. Crawford's reservations touched on the concept of the battle for the *hearts and minds*; to not make enemies of those who might yet be allies was a potential blueprint for success in the conflict. This was incompatible with the provincial administration's defined constituency of control. These constituencies operated only for those who were active in their loyalty. Being passive, or worse yet, active in opposition, was to become othered and cede the right to goodwill.

For the provincial administration therefore, inspiring bitterness in those disloyal was not of concern in disciplining the intransigence of these othered, in fact protection from such coercive measure was one of the benefits to loyalty. To the degree that

¹⁰¹ *Collective Punishment - Nyeri District*. Act. CNC to PC CP. 16th July 1953. FCO 141/5976 (4), TNA

¹⁰² *Collective Punishment - Nyeri District*. PC CP to CNC. 30th July 1953. FCO 141/5976 (5), TNA

the questions at Githanji represented a new discord in centre-periphery ideas over fighting the quotidian counter-insurgency, the result was unerringly familiar. With the seizure approved and the stock forfeited, despite any concerns the central administration may have been harbouring they were keen to not interrupt the provincial administration from doing their job.¹⁰³ The basic principle of Kenyan administration remained steadfast, if in doubt, defer to the *man on the ground*.

Despite suggestions the central administration was beginning to question the wisdom of using collective punishments in the protection of the loyalist, the rate and extent to which the punitive actions were used was undiminished throughout 1953. Significantly, rather than any scaling back of these punishments, developments in the justifications accepted for forfeiture actually saw collective punishments made more effectual and widely applicable. Despite no explicit change in the emergency regulations following Lari, increasingly there was an implicit understanding that cases were deemed permissible with protection of the loyalist being reason in of itself to validate forfeiture.

In a case in the Karika itura of Fort Hall, the seizure of stock based on the suspicion of the harbouring of terrorists was approved on the understanding and recognition of the good work done by the local home guard in discovering the case.¹⁰⁴ At the same time in Nyeri, district officer, George Norman Hampson, was explicit in detailing his reason for a similar punishment in the district:

“The efforts made by the small section of loyal people in this Sub-Location must be supported strongly if progress is to be maintained. I am satisfied that

¹⁰³ *For Approval. See Forfeiture Notice.* 19th August 1953. FCO 141/5976 (10), TNA.

¹⁰⁴ *Seizure of Stock.* DC Fort Hall to PC CP. 7th June 1953. FCO 141/5979 (1/1), TNA.

this act of arson was carried out by the disloyal elements of the population prompted by the Mau Mau members in their midst. It was considered necessary that these people be taught that they cannot with impunity wreck the good work being done under very difficult conditions by their own Kikuyu Guard."¹⁰⁵

The Nyeri case which concerned the burning of a Kikuyu Guard post in Kianjogu demonstrated no strong or concrete evidence to tie the people of the sub-location to the crime, nor explicit suggestion that locals were withholding evidence relating to its perpetrators. Instead, it was the characterisation of Kianjogu as 'bad area' which had disrupted the work of the Kikuyu Guard for a long time which was presented as reason enough for punishment.¹⁰⁶ The approval of this without question by the central administration represented a significant shift in the accepted rationale for collective punishment. Spurred on by Lari and the subsequent home guard violence, the provincial administration's quotidian capacity for coercion was increased to try to rebalance their constituencies of control.

As protection of the loyalist, and by proxy, the disciplining of dissonance, became integral to the justifications of collective punishment, character judgements on the ill repute of areas with assurances that measures would not detriment those deemed loyal became the few limiting factors on the punishments' use. While the commission of a crime was still necessitated, a failure to bring forward useful information was tantamount to complicity unless one's loyalty was proved.

¹⁰⁵ *Report of Collective Punishment Ordered under Regulation 4A and 4B of the Emergency Regulations, 1952.* DC Nyeri to PC CP. 22nd May 1953. FCO 141/5980 (1/2), TNA.

¹⁰⁶ *Ibid.*

This was the case in the Kihome sub-location of Mahiga where the discovery of a gang and hideout in the village in late June, a crime itself admissible for collective punishment, was justified instead by reference to a home guard murder that had been carried out the month before. In his official report, district officer, John Cato Nottingham, was damning of Kihome, calling it “a notorious area which has consistently refused to cooperate with the government in its measures to eliminate Mau Mau.”¹⁰⁷ The death of six Kainithi home guard in May was loosely tied to the gang discovered in the village, with the men thought to have hidden there the day before the murder without word being passed to authorities.

The Kihome case was illustrative of the new pattern of justification that emerged after Lari. A character judgement of the area followed by reference to hostile actions taken against the loyalists of the home guard form the basis of reasoning for punishment, despite the explicit crime which precipitated the forfeiture being the harbouring of terrorists. By mid-1953, the colonial state was no longer just relying on the loyalist community for support, with the home guard front and centre in the fight with Mau Mau forces, the Kenya government was increasingly dependent on these men in their continuing counter-insurgency efforts. Not lost on the provincial administration was the political utility of emphasising the need therefore of keeping these men on side. As a force directed below the provincial administration, keeping the home guard protected and content was to supply district officials with the tools to do so. Inexorably, this meant increased capacity for coercion.

¹⁰⁷ *Report of Collective Punishment Ordered Under Regulations 4A and 4B of the Emergency Regulations 1952*. DO Mahiga Location to PC CP. 3rd July 1953. FCO 141/5981 (1/1), TNA. John Nottingham (DO Mahiga) was later the co-author of the influential work on Kenyan nationalism, ‘Myth of Mau Mau’.

Lari and its aftermath had highlighted the inequity in local constituencies of control that had developed in the emergency, with the burden of this supposed mutually beneficial relationship falling increasingly unduly on the home guard, with mounting cases of excessive interpersonal violence the result. If the provincial administration were to satiate this vengeful desire, they needed to be showing themselves to do more. The refocusing of collective punishments was one way the provincial administration sought to correct this imbalance.

As seen in the cases of Kihome and Kianjogu, in taking expedient action against, so called, bad areas in protection and support of home guard efforts the provincial administration sought to re-establish themselves within their constituencies of control. With the Kikuyu guard giving the loyalists an indelible stake in their own protection, the provincial administration needed to lean into coercion to validate their position within these structures.

The ever more arbitrary nature of collective punishments was not without reason therefore, reliance on the increasingly forceful home guard induced the provincial administration to react with coercion principally to preserve their position as arbiter of control and fulfil their obligation to their constituencies. In the rapidly more coercive localities of Central Kenya, the benefit of loyalism, at least in part, would be 'protection' from the administration's own capricious and expeditious punishments.

Control through Chaos

The increasing trend of coercion through the latter half of 1953 was paralleled with a continued narrowing of the limits of loyalism, with association or commitment to the local home guard becoming an essential signifier of loyalty. Consistent with this,

locales of collective punishment were being characterised as “probably the worst in the division” and “indoctrinated” with Mau Mau, as the othering of those not explicitly loyal was accentuated to justify more and more heavier punishments, deemed necessary to be effective.¹⁰⁸

As has been shown, in the wake of Lari, the provincial administration, already beneficiaries of significant independence of action, were given almost *carte blanche* to dictate the scale and direction of everyday means of control at a parochial level, with palpable effects being had on levels of coercion. The shared long-term goals of the central and provincial administration in the defeat of Mau Mau and return of peace gave life to these conditions, but the competing influences of metropole and loyalist pressures respectively created points of contention over the limits in trying to achieve this.

This section will explore the effects of this on the power dynamics within the constituency of control between the central and provincial administration, in demonstrating that while there were instances of oversight and challenge, ultimately these were at best, limited, with oversight operating more accurately as a defence to complicity.

In the Karura sub-location of Maugutu, a collective punishment in September followed a successful operation of the security forces in which General Kamwamba, a Mau Mau leader along with 3 of his gang were killed. The operation was the culmination of several incidents in which gangs, and even mention of influential Mau Mau figures, had been spotted in the area but had each managed to escape owing

¹⁰⁸ See *Seizure of Stock, 10th July 1953*. DO Kandara to PC CP (PW Low). 10th July 1953. FCO 141/5984 (1/1), TNA; *Stock Seizure: Mungaria Sub Location, Nyeri*. PC CP to CNC. 19th August 1953. FCO 141/5990 (1), TNA.

to the pattern of irrigation ditches on the highly cultivated land making pursuit by vehicle difficult.¹⁰⁹ Corroboration of these suspicions in the incident with Kamwamba and his men led the district officer, Thomas Leslie Edgar, to carry out a seizure of 311 head of cattle and 375 head of sheep and goats from 90 owners in conclusion that those in the sub-location must have been active in sheltering and assisting the terrorists.¹¹⁰

Seemingly a cut and dry case for forfeiture by late 1953, it was once again Deputy Governor Frederick Crawford who offered pause for thought. As previously with the case in Githanji village, Crawford questioned what would be the perceived effectiveness of a collective punishment against the people of Karura if their silence was a by-product of fear produced by the presence of the gang.¹¹¹ A pragmatist rather than an enlightened thinker, Crawford would become the centre of another colonial controversy later in life when in 1968 the British Government revoked his passport for his public support of Rhodesia's Unilateral Declaration of Independence.¹¹²

The provincial commissioner's response was as brief as it was definitive, dismissing any question of concerns in just a sentence, asserting, "The local people were deliberately assisting terrorists."¹¹³ With the forfeiture being approved mere days later, whether the provincial commissioner's statement removed doubt, or not, it was

¹⁰⁹ *Report of Collective Punishment Ordered Under Regulations 4A 4B of the Emergency Regulations 1952*. PC CP to Ag. CNC. 12th October 1953. FCO 141/5994 (1/1), TNA.

¹¹⁰ *ibid.*

¹¹¹ *Note*. Deputy Governor to Ag. CNC. 21st October 1953. FCO 141/5994 (3), TNA.

¹¹² Sir Frederick Crawford (Withdrawal of Passport). Hansard HC Deb. 764. Col. 1041-1116. 14th May 1968 [Accessed 10th December 2020]. Available from: <http://hansard.millbanksystems.com/commons/1968/may/14/sir-frederick-crawford-withdrawal-of>

¹¹³ *Note*. PC CP to Ag. CNC. 13th November 1953. FCO 141/5994 (5), TNA.

enough to head off central administration interference in a practice that had become a firmly local issue.¹¹⁴

Views on the extended use of collective punishments in Nairobi were not always treated with misgiving, however. Following another particularly large seizure instituted by J.L. Wordsworth, this time in Muthuaine Itura of Tetu in South Nyeri, Windley, as acting chief native commissioner showed his support by emphasising the positive effect of forfeiture:

*"Recent Intelligence Reports indicate that people are becoming increasingly anxious about the presence of terrorists in their locations. Collective punishment as a means of discouraging terrorists is paying dividends to the extent of forcing local inhabitants to realise that accommodating terrorists is now a dangerous proposition. Recently there have been cases of non-militant factions running away from terrorist gangs in order to avoid possible identification with them."*¹¹⁵

Unlike some of his colleagues at the highest echelons of the central administration, Windley had a strong affinity for the work of men on the ground. As the long-term provincial commissioner of Central Province, including during the early months of the emergency, he knew the utility of collective punishment to the provincial administration and had himself supported the passage of many such orders through

¹¹⁴ In a similar case in the Muhito location of Nyeri in September 1953, officials were this time pre-emptively asked to clarify whether fear played a role, as this was of interest to the Deputy Governor. This case however never reached Crawford's desk nor was published in the official Gazette after the case file was lost in the secret registry for six months. On discovery it was decided it was best to avoid publication to minimise publicity of the error. See, *Forfeiture Order - Muhito Location, Nyeri District*. FCO 141/5995, TNA.

¹¹⁵ Note. Ag. CNC to Governor/Member for Legal Affairs. 31st December 1953. FCO 141/6008 (2), TNA.

to forfeiture. Now in Nairobi and with a seat at the top table, Windley was still keen to see these measures continue.

Reports that collective punishments were having the desired effect were well received. The increasing trend of heavy punishments had alarmed the Attorney-General's office, as while legally in order, Whyatt had questioned the good such strong measures were having.¹¹⁶ In entrusting the provincial administration with a larger capacity for coercion, the central administration had deferred the means of control to those with the supposed expertise of how it should be instituted. Naturally, this was only permissible as long as this could be shown to be effective.

Positive reports were to assuage fears. With the quotidian fightback against Mau Mau seemingly turning a corner, and collective punishment being heralded as duly instrumental to this, an energised and rejuvenated provincial administration were not ready to rest on their laurels. As coercion met success, some district officials were prepared to push the limits of exactly what was now deemed permissible.

In Location 6 of Fort Hall, about 15 miles away from the district centre, a complete stock seizure around Kigumo was carried out by district officer Donald Clay on November 20th 1953.¹¹⁷ An area already suspected of widespread Mau Mau oathing, an organised sweep by the King's African Rifles, Kikuyu guard and Police was conducted after a group of terrorists thought to be responsible for the death of George Lisle-Shaw were believed to have been spotted in the area.¹¹⁸ The previous

¹¹⁶ *Ibid.*

¹¹⁷ *Report of Stock Seizure, 18th December 1953.* DC Fort Hall to PC CP. FCO 141/6010 (1), TNA.

¹¹⁸ After burial, the body of Mr. Lisle-Shaw was dug back up and mutilated by Mau Mau adherents looking for valuables. The remains were later reinterred in a different plot in Nairobi. See, Peter Ernest Walters. interviewed by Conrad Wood. Imperial War Museum (Oral Histories) 21st January 1993. <https://www.iwm.org.uk/collections/item/object/80012711> [Accessed: 20th February 2021]

month, Mr. Lisle-Shaw, a settler farmer of long-standing, had been killed during a failed attempt to chase off a Mau Mau gang from his plantation in Thika.¹¹⁹

Predictably vigorous in response to a threat to the settler population, security forces found a known oath administrator housed up and armed in a hut in the village.

Reluctant to move and wielding a simi, the Kikuyu Guard took expedient action as he was shot with a bow and arrow through the chest causing him to bleed out. In the commotion of the oath administrator's death, another man reacting to the security forces presence made quick to flee the scene. Despite pursuit and fire from the King's African Rifles, the second man managed to reach the bush on the outskirts of the village and make his escape.¹²⁰

As justifications for collective punishments go, the case at Kigumo presented itself as a fairly usual event. It was deemed clear the population had been harbouring these terrorists willingly and given that they were also suspected to have all retaken the oath, a seizure of livestock was, by late-1953, a formality. In fact, the district officer had held two barazas in the area at Gakuyu and Kahumbo on the 6th November warning the populace that he would bring in the KAR and KG if it were believed that there was violation of these very offences.¹²¹

What was to set Kigumo apart from other cases of collective punishment and make it a site of contention between the centre and periphery was Clay's supplementary actions. Following the seizure of livestock, and in excess of his authority, the district

¹¹⁹ *The Kenya Gazette*, [Vol LV – No 56]. Notice No 2634 (1 Dec 1953) 1173.

¹²⁰ *Report of Stock Seizure, 18th December 1953*. DC Fort Hall to PC CP. FCO 141/6010 (1), TNA.

¹²¹ *Ibid.*

officer ordered one hut in each village to be burnt to the ground. Not waiting for recourse from superiors, this was done accordingly by the home guard present.

Arson was a preferred tactic of Mau Mau throughout the emergency, in Kigumo, Clay was showing that he was quite literally prepared to fight fire with fire. In passing the desks of Johnston in Nyeri and Windley in Nairobi, it was not the district officer's unusual orders which raised eyebrows, but rather the size of the seizure itself.

Reducing the number of stock marked for forfeiture from those first seized was a fairly common occurrence, as the deterring effect of a large seizure met the practicalities of that which could be legally justified. Whether surreptitiously or wilfully ignored, no mention or concern was made of the hut burning.

Concurrently with the Kigumo case passing through the halls of Government House in Nairobi in January 1954, Baring sent out an order to all provincial officials to make it clear that with support for Mau Mau amongst the Kikuyu population apparently on the wane, now was the time to make clear the distinction between "good vs. bad areas" in the application of collective punishments.¹²² As has been shown, such character assessments of trouble areas were by no means new in justifications for forfeiture, what Baring's comments were aiming to do is formalise this within the process.

Ostensibly presented as a measure to ensure probity, the structures of colonial control and reliance on the *man on the ground* as the pre-eminent, and often sole, source for information meant that in reality an area could be as 'bad' as a district official chose to present it. It was this hegemony on information and the agency that

¹²² This was done by phone on 12th January 1954. See, *Note*. Deputy Governor to Ag. CNC. 14th January 1954. FCO 141/6010 (4), TNA.

came with knowing what and when to reveal it that is vital to understanding how power is contested and accumulated within a colonial bureaucracy.

With Baring's orders fresh in the mind, Whyatt reacted with a mix of shock and confusion to the report from Fort Hall. Given the lack of information pertaining to just why these huts had been burnt to the ground, the attorney general advised the Deputy Governor that until both the district official can be found for comment and the provincial commissioner made clear, in light of the Governor's wishes about good areas, whether he believed this area could be classed as bad, that no forfeiture order be produced. As it appeared to Whyatt, "the DO was acting in excess of his authority in giving an order to burn huts".¹²³

Apart from the often-lumbering pace of colonial bureaucracy, it was over six weeks between seizure and the provincial administration being asked to comment on the actions at Kigumo. In that time, owing to disease, wet weather and lack of grazing, the district commissioner Fort Hall had taken the executive decision to dispose of the livestock on the 24th December. Eager to offer some defence of his actions, he was quick to state that the seizure had been reduced to only that of 3 matura, rather than the location as a whole.¹²⁴ Left with no other option and purely as a formality, 'Monkey' Johnston conceded, "in the given circumstances there appears to be no alternative but to recommend that all stock seized is forfeited."¹²⁵

It was another whole month before a reason for the district officer's purportedly *ultra vires* actions was offered, but the explanation, when forthcoming, was deemed salutary enough. The *Tengira* huts or guest houses in each village had been burnt, it

¹²³ Note. Attorney General to Deputy Governor. 14th January 1954. FCO 141/6010 (3), TNA.

¹²⁴ Note. PC CP to Ag. CNC. 13th January 1954. FCO 141/6010 (3), TNA.

¹²⁵ *Ibid.*

was claimed, as an oath administrator and gunman had run from village to village taking refuge in these huts, eventually making good their escape. As such the provincial commissioner was keen to claim it could hardly be considered a good area.¹²⁶ Despite three months passing between the seizure and receipt of this information, and no mention of these terrorists in the initial officers' report, Crawford was happy to accept this explanation as "reasonable".¹²⁷ With the stock already disposed of there was no alternative course of action possible, the forfeiture was ultimately approved.

The case at Kigumo raises several questions. Was the central administration's acceptance of Clay's measures a true reflection of deeming his response, as Crawford put it, "reasonable", or were they realistically left without any recourse to take action against him? What does this say about the power of district officials and accountability, were they ultimately only accountable to themselves?

While it is not possible to truly know the official's motivations, it is telling that Clay's actions did nothing to hinder his ambitions. It was only one year later that he was to receive a promotion in being appointed district commissioner of Kwale.¹²⁸ The lack of penalty or punishment can be seen as a condoning of the district officer's actions but is perhaps a greater indication of the reluctance of the central administration to take a firm stance against the provincial administration as it pushed the bounds of its authority. The limited resistance shown by the attorney general was ultimately rendered moot as the provincial administration took the executive decision to sell the livestock before forfeiture had been approved.

¹²⁶ *Stock Seizures*. PC CP to Ag. CNC. 11th February 1954. FCO 141/6010 (8), TNA

¹²⁷ *Note*. Deputy Governor to Attorney General. 18th February 1954. FCO 141/6010 (10), TNA

¹²⁸ *The Kenya Gazette*, [Vol LVII – No 37]. Notice No 908 (5 Jul 1955) 672.

Despite the practicalities of Kigumo, the central administration's willingness to accept and allow wrongdoings was indicative of a government far happier with posturing than punishment when it came to the transgressions of their allies. Presenting themselves as at the mercy of circumstance without recourse to other action was to abdicate responsibility and, again, exploit the structure of colonial bureaucracy in dismissing incidents as unfortunate and isolated.

It is hard to be charitable to the central administration's response to actions in excess of the provincial administration's authority. The implications of its answer, as demonstrated, was to defend itself from claims of complicity by presenting events as beyond their control rather than to take any defined stance to ensure this would be a situation not to be repeated. In essence, the state was condoning the use of disproportionate coercion as long as this could be localised, liminally justified, and most importantly, not attributed to them. As argued by Berman and echoed by Branch, the workings of government operated through the function of the provincial administration and it was them that stood at the forefront of the counter-insurgency campaign.¹²⁹ Consistent with the established pattern of colonial rule in Kenya, the central administration was content to leave control, and the means for doing so, to the provincial administration.

The most contentious feature of Kigumo was the three-month interlude between seizure and receipt of reason for hut burning, alongside the hasty acceptance of the unsubstantiated account eventually supplied by Clay. Despite no mention of the presence of the two men noted as justification for burning in the initial report, this

¹²⁹ See, Berman. *Control & Crisis in Colonial Kenya*. 347-76; See also, Daniel Branch & Nicholas Cheeseman. The politics of control in Kenya: Understanding the bureaucratic-executive state, 1952–78, *Review of African Political Economy* 33 no. 107 (2006), 11-31.

correction supplied some months later was treated as irrefutable evidence of a lack of wrongdoing. While it is not possible to know the objective truth of what precipitated Clay's actions, what Kigumo starkly demonstrates was the reliance on the *man on the ground* in supplying the official account of exactly what was going on within the districts of Kenya. Where information was monopolised by a select few, power inevitably followed.

'Construction of Narratives': The Power of Information

The introduction of collective punishment was indelibly linked to information. The aim to break the silence Mau Mau had monopolised through oath-taking was acutely connected to the advantage this gave them in launching their insurgency efforts. For the provincial administration, in mounting their own quotidian counter-insurgency, collective punishments aimed to induce the population into bringing forth information related to crimes. In order to justify this, the presentation and reasoning of the 'facts' as they related to purported crimes was vital in qualifying the use of collective punishment.

In this section it will be considered how the structures of colonial bureaucracy in Kenya allowed for the construction of narratives within districts. The newfound prominence for characterisations of good vs. bad areas in the application of collective punishments meant that, more than ever before, the state was reliant on the *man on the ground* for information and portrayals of morality in the administration of control. It becomes necessary to consider the power this imbued in the provincial administration in the application and use of these coercive controls. This section will demonstrate where the passage of information is funnelled through specific avenues

of communication, the construction of narratives becomes an irresistible function of effectual control.

At a fundamental level, a key element of bureaucratic work within a colony was in the collection, analysis and circulation of information. This was as true in Kenya as elsewhere. The holding of *baraza* or public meetings was a traditional way for district officers to disseminate information and hold forum with the people in their district. An important function of these meetings was allowing the district official an opportunity to quash rumours, often framed as educating the people about the dangers of 'nefarious' and self-interested African leaders.¹³⁰ In the rural hinterlands of Central Kenya, where rumours had the propensity to take on a life of their own, this was not treated lightly.

A specific section of district intelligence reports was dedicated to "rumours and gossip" to ensure these whispers were treated with the necessary gravity.¹³¹ The value of the *baraza* was not lost on officials. Before turning to repression of collective punishments, an appeal to *their people* was the provincial administration's first move. In the months before the declaration of emergency conditions, they went to work holding meetings in towns and villages throughout the province to champion the benefits of development practice, while warning against Mau Mau and the tighter restrictions which would follow if lawlessness continued to escalate.

It was the connection between a district official and *his people* forged through interactions at *baraza* which the colonial state valued a great deal. As the *man on*

¹³⁰ *Secret Intelligence Report - August 1952, Nyeri District*. DC Nyeri to PC CP. 2nd September 1952. FCO 141/5721 (63), TNA.

¹³¹ For an example of a district intelligence report, See *Special Intelligence Report: Meru District. 16th August - 15th September 1952*. DC Meru to PC CP. 16th October 1952. FCO 141/5721 (73), TNA.

the ground with his finger on the pulse, it was generally accepted that the district official was the authority on local conditions and knowledge of the peoples. This situation was challenged somewhat in the post-war period as technical departments expanded into more comprehensive field service, although as the situation in Kenya deteriorated the state defaulted in strengthening the traditional form of administration. This relational notion was built into the formal lines of communication within Kenyan administration and is reflected in the constituencies of control that would inform the pattern of coercion and control during the emergency.

At the apex of the Kenya Government, the Governor and secretariat held a sole formal line of communication with the Colonial Office. At least officially, all the information that was received at the metropole about the condition in the colony was supposed to travel through this authorised channel. This was reflected on the level of centre-province relations, with information purporting to the African being passed, when on the record, through the office of the provincial commissioner. Even within the provincial administration itself, the district official functioned as the formal repository and representative of the loyalist voice in that area to the higher echelons of administration. At each level of government therefore, ample opportunity presented itself to ensure that the information passed between the strata of colonial officialdom was filtered in a way to present that limb of the Kenya administration in the most favourable light or portray events in a particular way to highlight the need for expedient action.

Control over the flow of information was thus a tool to help unlock the range of available options to administrators dependent on the insight of local conditions that was filtered to higher authorities. As was the case with Mau Mau oath-taking, discretion

was power. In the cases of collective punishment explored throughout this chapter a respect of the expertise of the *man on the ground* is common. In those handful of examples where the wisdom of, or information supplied by, the district official was questioned, most notably at Kigumo and Githanji, any doubts were largely dismissed or dropped on limited explanation, as deference for the word of a fellow administrator trumped probity.

Notwithstanding this obeisance of officialdom, the very structures of colonial lines of communication meant that if the central administration wished to substantiate some information supplied from the district, then it would be protocol to refer this back to the very district commissioner who had raised the case in the first place. These factors worked in tandem to imbue the district official with a great deal more agency than may first be appreciated.

The control over information between the hierarchies of administration, while clearly very strong, was in no way unqualified. While transmission and repeated summarisation of information as it often slowly passed its way up the colonial ladder presented the minor obstacle of distorted messages and changed emphasis, one very real problem was the challenge presented by circumvention of official lines of communication.

Both the White settler and Asian communities formed a number of lobby groups to impress their views upon the central administration, side-stepping their provincial counterparts, and ensuring their voice was represented within Nairobi. It was common for settlers to be beneficiaries of personal ties among officialdom which further could be exploited for establishing communication away from the public discourse. Moreover, these groups had in varied personal, organisational and

mercantile ways connections to influential representatives in the metropole which provided another arena to compromise the sanctity of official channels.¹³²

Despite the presence of these limited avenues for additional information, the metropolitan state remained predisposed to avoiding interference in a colony where it could. Generally, only in the instance of events which may prove embarrassing or damaging to domestic politics did authorities in London move beyond the official line. These unofficial avenues of communication inform the constituencies of control we see during the emergency period, where the central administration ensured for an expedient and thorough response to challenge against settlers in efforts to minimise the use of these channels. While it could not be said that the secretariat spoke for the settler communities, their actions were directed at keeping their voices muted.

Unofficial lines of communication were far less comprehensive for the African population, as it was assumed at almost all levels of colonial officialdom that the provincial administration spoke for the native. This control of information allowed for the discretion on both form and content of exactly what information would be passed up the hierarchies of state. Still, this monopoly on information could sporadically be compromised by outside interest groups. These were most commonly European missionaries or church groups operating in African areas. Unsurprisingly, when instances of specific abuses or exploitation were raised these were generally investigated by the provincial administration itself, allowing again for the facts of the case to be necessarily skewed.

¹³² See, David Throup "The Origins of Mau Mau." *African Affairs* 84, no. 336 (1985): 399–433; John Newsinger. "Revolt and Repression in Kenya: The 'Mau Mau' Rebellion, 1952-1960." *Science & Society* 45, no. 2 (1981): 159–85.

In contrast to the immigrant communities, dissenting African voices were hardly audible to the secretariat. In the few rare exceptions, the benefit of the doubt was inevitably given to the provincial administration, even in cases involving loyalists. This was notable in the unambiguous disregard for Eliud Mathu's concerns in the face of Cumber's testimony in the case of the assaulted witchdoctor in Kiambu. Within provinces themselves, district officials and loyalists alike could rely on their partners within the constituency of control to provide information in defence against claims of extrajudicial or uncommon action, with an intensification of violence on one hand defended as understandable and resort to coercion dismissed on the other as "doing what we would have done."¹³³

Given the control that district officials had over the information it shared with the upper echelons of the provincial administration, let alone the higher authorities in the secretariat, the decision to validate character assessments as instructive to the application of collective punishments in January 1954 only further enhanced the quotidian coercive powers of the *man on the spot*. The move from Baring only acted to formalise the trend set in train by local officials themselves, who increasingly throughout 1953, following the fallout of Lari, highlighted the unrepentant, uncooperative and hostile nature of localities to justify the need for punishment in the protection of the loyalist.

With security for the loyal African being the fundamental basis upon which provincial constituencies of control operated, and coercion in the form of collective punishment being the most effective and efficient way for the provincial administration to offer

¹³³ Ex- Senior Chief Wambugu s/o Mathangani. *Inquiry: Seizure of cattle in Thegenge location*. Pg. 14. FCO 141/5932 (2/1), TNA.

this, the choice presentation of information in the construction of narratives within the district became irresistible to ensure that the status quo within the district could be maintained and loyalist support could be counted upon.

As has been seen, the rapid development of collective punishments from its pre-war function as an extraordinary form of discipline to an everyday means of control within the emergency endowed the provincial administration with a robust and broad weapon which it could wield liberally in reaction to instances of challenge. Justified though the concept of *blood money* and a supposed appropriateness to Kikuyu culture, the connection between the provincial administration and loyalist elite proved vital in validating these actions, allowing coercion to thrive for collaborative gain. The chaotic and uneven application of the punishments made them effective locally in impressing upon the population the force with which the administrator in charge could act. However, the increasingly violent nature of the conflict, highlighted by Lari, meant more needed to be done to justify the security function of district officials within localised constituencies of control to ensure the gain remained collaborative.

In the interchange between the provincial administration and its loyalist supporters during the emergency, it was coercion which was the commodity in which district officials could do business. To achieve quotidian domination in the rural corners of Central Kenya therefore, maximising the capacity for coercion meant controlling information in shaping perceptions of local conditions. Coercion alone however could not guarantee loyalty. By the beginning of 1954, the counter-insurgency campaign was entering a new stage. The struggles of the early emergency had shown that winning victory over Mau Mau would require more than just force, it required imagination and a vision for the future. Making loyalty a viable alternative to

insurgency necessitated the Kenyan administration to make loyalty mean something. It was in this change of attitude that collective punishment would take on an altogether different role.

Chapter 4: Re-imagining Collective Punishments

By the beginning of 1954, collective punishment had become a part of everyday life in Central Kenya. The readiness with which these punitive measures were meted out left wealth and livelihood of those deemed disloyal throughout Kikuyuland at the mercy of capricious provincial administrators, who were often all too ready to make use of their extensive powers. The outbreak of violence triggered by Lari sparked a period of retributive bloodshed between 1953 and the middle of 1954 which Dan Branch has termed “conditions of civil war”.¹ As the home guard and Mau Mau engaged in a series of skirmishes and attacks one after another, Kikuyu interpersonal violence took on a new form as denunciation, killing and demonstrations of power became commonplace in the conduct of quotidian affairs in an increasingly brutal conflict. As explored in the previous chapter, in attempts to fulfil their basic obligation of security to their constituents and regain parochial control, the provincial administration moved to maximise their own coercive capacity in this period through the application of increasingly arbitrary punishments contingent on nebulous designations of good vs. bad areas. As the exigencies of the emergency tested the limits of loyalism and control, the Kenyan administration had defaulted to using the stick to ensure fidelity, from mid-1954, as the official mind turned to the carrot, collective punishment would once again see a shift in its application and focus.

This chapter will explore how collective fines grew in prominence in 1954 as stock seizures began to wane, tracing how this modification conceptualised as a more

¹ Daniel Branch. *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization*. (Cambridge: Cambridge University Press, 2009) 59.

equitable form of punishment fit the changing focus of the colonial state. In examining these alterations in the context of the processes of villagisation and, liminally, detention, the chapter will demonstrate how in the end the proliferation and use of collective punishments diminished in Central Kenya as circumstances changed and more coercive practices took hold. Ultimately, it will be shown that the prominent role played by loyalists in the fight against, and eventual defeat of, Mau Mau led to a reconstitution of the constituencies of control at play in the districts of the colony; one which was to have lasting repercussions into Kenya's independence. In doing so, this chapter will re-imagine the well documented developments of villagisation and the Swynnerton plan, not purely as rewards for loyalism or as economic transformations, but part of a process of harmonising local constituencies of control which has been unbalanced by the disproportionate role played by loyalist in the conflict.² In doing so, this builds on the work of Branch in particular in conceptualising the period as crucial to securing loyalist collaboration, but places greater impetus for this shift on increasingly unsustainable living conditions caused by repressive quotidian controls, rather than the material rewards offered by the state.

The chapter begins with an analysis of the pivotal period of early 1954, conceptualising the events of Operation Anvil and subsequent relocation of thousands of Kikuyu out of Nairobi through the prism of localised constituencies. Not a sea change in policy, but rather emblematic of appeals to closest stakeholders,

² For 'Rewarding Loyalism' See, Daniel Branch. "The Enemy Within: Loyalists and the War Against Mau Mau in Kenya." *The Journal of African History* 48, no. 2 (2007): 291–315; For the most detailed account on villagization-policy in Kenya. See, Caroline Elkins, *Britain's Gulag*. (London: Jonathan Cape, 2005) 233–74; For links between development and political control. See, Myles Osborne. 'Controlling Development: 'Martial Race' and Empire in Kenya, 1945-59'. *Journal of Imperial and Commonwealth History* 42, no. 3 (2014): 464–85.

Anvil passed responsibility of these supposedly detribalised Kikuyu to the provincial administration and traditional structures of tribal control, while sating settler demands for action in the metropolis. Faced with an expanding population of 'others', this section demonstrates that balancing local constituencies of control, especially in new villages, became a dual process of giving loyalists a larger stake in public life combined with the restriction of access to allowances and resources for those deemed unloyal.

In the second section, Collective fines, the changing context of the war is highlighted in the adaption of collective punishments to allow for the application of fines. Incorrectly considered interchangeably with forfeiture in established historiography, the section details how the move to allow for the application of fines was indelibly linked with villagisation and attempts to punish women more directly for their role in the conflict.

The third section, Funding coercion, builds on this analysis in locating the collective fine in the context of the war council's costly programme of relocation and agrarian reform. Subtly different from the early process of forfeiture, tweaks to the way income from fines was handled allowed the punishment to become a crucial factor in localised social reform.

Finally, in the last section, Testing the limit, it is analysed how increased security, rather than deter use of collective punishment, made the administration all the more keen to meet those increasingly infrequent acts of challenge with expedient and forceful reaction. Changing expectations of what it meant to be loyal, acted to weaken the necessary grounds for inducement of punishment and alter conception of what collective punishments sought to achieve. As the provincial administration

worked to attack disloyalty through retributive action in support of their constituents, the limits would progressively be what the secretariat could deem permissible without the risk of embarrassment or ire from the colonial office.

Rewarding Loyalism

In tracing the developments of the Kenyan emergency, historians have indelibly focussed upon a handful of climacteric turning points recognised as pivotal to the defeat of Mau Mau and success of the counter-insurgency campaign. Much the same as Lari has been acknowledged as key to changing the course of events by rousing opposition to Mau Mau terror in early 1953, the proceedings and actions of the early months of 1954 have been credited with casting the die for the insurgents' eventual defeat. Both militarily and socially, this period has been viewed as a watershed in the conflict, with Operation Anvil and the beginning of villagisation and land consolidation under the Swynnerton plan taking place in quick succession, conceived as the War Council aspiring to convert momentum and loyalist confidence gained through military success into tangible reward. Less discussed of these crucial months was the move by the central administration to act on the long-standing request of provincial administrators to allow for the application of collective fines. Why Baring chose this moment to empower district officials with yet greater coercive powers becomes clearer in the context of the surrounding events of the period.

The man behind the upturn in British fortunes in 1954 was George 'Bobbie' Erskine. A general of high repute with numerous campaigns to his name, Erskine was drafted in to replace Major-General Hinde as commander-in-chief of the British counter-insurgency campaign in June 1953. The man he replaced, Hinde, had been deemed

cavalier and out of his depth after the events at Lari and a number of diplomatic missteps had done enough to show Whitehall he was thoroughly unsuited to the role.³ By contrast, though a shrewd and accomplished operator, Erskine's appointment, as Anderson notes, was one of Winston Churchill's few meaningful interventions in the conflict; recognised by the then ailing Prime Minister as a pragmatic foil to the often "excitable" cadre of the Kenyan administration.⁴

The immediate impact of Erskine's presence through the latter half of 1953 was the beginning of a much more competent military campaign, with Mau Mau's forest fighters being slowly forced away from proximity to their home locations and preferred bases in the forest. Operations worked to cut off supply lines of food, intelligence and support, testing the militants' resolve as they were left increasingly isolated deep in the depths of the forest. By the beginning of 1954, with the relative military situation much more secure, Erskine turned his attention to Nairobi.

Confronting Mau Mau passive organisation in the city was no small undertaking, but the General's solution was as simple as it was brutal: a swift and unparalleled crackdown on Kikuyu in the capital, a sudden blow that would leave Mau Mau with no time to react. Learning the lessons of the leaked Operation Jock Scott at the beginning of the emergency, senior police, military and administration officials met in secret over a number of months to plan what would become Operation Anvil, the largest urban cordon and search action ever conducted.⁵

³ David Anderson. *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. (London: Weidenfeld & Nicolson, 2005) 180.

⁴ Anderson. *Histories of the Hanged*. 180.

⁵ *ibid.* 200.

The military success of Anvil is not an area of debate in the historiography of Mau Mau, Daniel Branch calling it, “the wars most decisive act”,⁶ echoing Elkins who affirms, “From the military’s point of view, it was a complete success”⁷. By the end of the operation on 26th May, over 50,000 KEM had been screened with 24,100 Kikuyu males detained, in addition to this, a further 2150 women and 4000 children were forcibly repatriated to the reserves.⁸ The operation had achieved everything that Erskine had hoped, but for those loyalist Kikuyu whose lives had been utterly turned upside down, it was nothing more than treachery; as Anderson succinctly expresses, “Anvil broke the back of Mau Mau’s organisation in Nairobi, but at what cost?”⁹

In its heavy-handed and blunt execution those Kikuyu who had been living in fear of Mau Mau had been made subject to paralleled state repression. In the chaos and confusion of the sweeps, anything from incomplete information and misplaced documentation to mistaken identity could mean labelling with a *Delegated Detention Order* (DDO), removing the right to trial and securing transport to Langata transit camp for further screening. For those deemed more serious offenders, *Governor’s Detention Orders* were conceived allowing for the option of later trial for prosecution. These were eventually altered so as to carry the further punishment of removal of the rights to land and make possible the forfeiture of any and all of a family’s property.

Anvil was blunt and unerring by design, the sheer scale and extent of the bureaucratic operation with the planning involved lent itself to the view that it was

⁶ Branch. *Defeating Mau Mau*. 115.

⁷ Elkins. *Britain’s Gulag*, 124.

⁸ Anderson. *Histories of the Hanged*. 204-205.

⁹ *ibid.* 212.

better to be safe than sorry. With those being held without trial in the tens of thousands, the human element in the process was completely lost: staggeringly, nearly half the Kikuyu population of Nairobi was detained. Utterly dehumanised in the eyes of the security forces, the approach to the Kikuyu became “what’s one more?”.

To all appearances therefore, Anvil seems to represent a sea change in the interaction between the state and the Kikuyu, but in fact when viewed through the paradigm of the constituencies of control at play in Kenya can be seen as a reconstitution in line with the traditional colonial framework. As previously explored, in the rural and provincial regions, the maintenance and justification of control was modulated through the relationship between the provincial administration and the loyalist community. This mutually beneficial, yet at times complicated, association was required on behalf of the colonial power to sustain control over the vast reaches of Kenya by supporting tribalized power structures, while granting access to the advantages of the state to those loyalist collaborators. In the urban centre of Nairobi, the situation was vastly different; not only was there no tribal structure of chiefs and headman but as a colonial hub there was no need to rely on loyalists for support.

The constituencies of control at play in the capital were instead between the central administration and settlers, with security forces playing an increased role in support of this connection during the emergency. Detribalised and isolated from the agency parochial loyalism provided, urban Kikuyu were left reliant on support of missionary groups, churches and European employers to fight abuses with little success. The forced migration set in train by Anvil was in part rationalised by a sense that traditional tribal structure lost during urbanisation had contributed to the rise of Mau

Mau. More practically, in removing those Kikuyu not detained from Nairobi and sending them to the reserves, the Kenyan government was eliminating the Mau Mau threat from the capital and appeasing their more vocal settler constituents. The burden for dealing with these Kikuyu was passed to the provincial administration and by proxy the loyalist structure of control.

The timing of the unprecedented social, political and economic reforms set in motion in 1954 was vital. The mutual notion of constituencies of control in the provinces of Kenya had been severely tested over the course of the emergency. As state coercion increased, more and more the sole benefit of loyalism was protection from the wrath of the administration itself. Even at a fundamental level, the undue threat posed to loyalists from Mau Mau combined with the hazardous leading role taken by the home guard in fronting provincial counter-insurgency operations meant progressively loyalists were not afforded the assurances of security which provincial constituencies of control were built upon. Reabsorption of huge numbers of Kikuyu into the reserves following Anvil, many of whom were treated with suspicion and distrust, was just another such burden to bear. Luckily for those loyalists disgruntled with their lot, rewards for loyalism were to follow.

The economic, social, and political reforms which swept through Central Province in 1954 which Dan Branch has termed, the non-military counter-insurgency, may have initially had the modest aim of securing loyalism through the continuing emergency, but soon became the foundation of a moderate platform of modernisation substantial in Kenya's state-building and development.¹⁰ More by luck than judgement, the

¹⁰ For Kenya's state-building and development. See, Joanna Lewis. *Empire State-Building: War & Welfare in Kenya 1925-52*. (Athens: Ohio State University Press, 2000): 360-374; See also, Osborne. *Controlling Development*. 464-85.

restructuring of African reserves through villagisation and land consolidation struck a chord with concepts of authority and power within Kikuyu society. These reforms allowed for the loyalist elite to shape the moral economy of Central Province through a newly constructed network of patronage, which ultimately would secure their position long into the post-colonial period.¹¹ Unbeknownst to the administration, the non-military counter-insurgency would sow the seeds of Kenya's eventual independence. More pressing for the colonial state first however was dealing with the huge numbers being relocated from Nairobi and settler areas back to the reserves. This was mediated through villagisation, termed by Anderson as the "most punitive measure of all", and the process which was to usher in social revolution throughout Central Province and completely reshape the landscape of Kenya.

In June 1954, the War Council took the significant action of enforcing villagisation throughout the area of Kikuyu reserves. In less than eighteen months, around 1 million Kikuyu were resettled in over 800 villages.¹² Practically, the process involved relocating almost the entire rural population of the Central Province away from residence amongst smallholdings into newly constructed villages built at key points along busier roads, crucially located within 500 yards of a home guard post. Each village was built to house up to 500 people and located as such that one home guard post could service two or three villages.¹³

As with many of the policies enacted in Kenya, villagisation was inspired by previous action taken in similar colonial campaigns, first the Boer War and more

¹¹ Branch. *Defeating Mau Mau*, 120.

¹² The exact numbers vary depending upon account. See Elkins. *Britain's Gulag*, 235; Anderson. *Histories of the Hanged*, 294.

¹³ Branch. *Defeating Mau Mau*, 107.

contemporaneously in Malaya. Similar to the Asian colony, the villages were justified through claims of their importance as part of the colonial state's euphemistically named, rehabilitation campaign; with re-education, recreation and construction within the villages being part of community development, championed as vital to winning the *hearts and minds* of the Kikuyu. The government's claims did little to match their actions however, as Elkins makes clear. Despite lobbying and support for the campaign amongst leading rehabilitation figures such as, Thomas Askwith, a lack of funding and opposition amongst district officials into a perceived threat to their authority left no hope of implementing 'rehabilitation' in the newly constructed settlements.¹⁴

The villages constructed hastily throughout 1954 were principally of two forms. The first were protected communities constructed for home guards and their families. The second, and far more common, were punitive villages designed for Mau Mau suspects and their dependents which were characterised by high degrees of surveillance and coercion. In essence, this second form of village were concentration camps meant to achieve nothing more than punishment for dissonance. Newly constructed villages acted to congregate the Kikuyu meaning control over the population and security was indelibly increased. It was this which historian on Kikuyu land reform, Maurice Sorrenson, cited as the "master stroke" which would act as the mortal blow to Mau Mau.¹⁵

Effectively, once a village was established, punishments could be applied more readily and with greater ease. Non-cooperation could mean curfews, the closure of

¹⁴ Elkins. *Britain's Gulag*, 236-237.

¹⁵ Maurice P. K. Sorrenson. *Land Reform in the Kikuyu Country: A Study in Government Policy*. (London: Oxford University Press, 1967). 79.

markets or greater restrictions on movement. Conversely, those areas which demonstrated themselves to be loyal or compliant could receive a number of benefits, from agricultural services to a reduction in mandated forced labour.

Ultimately, villagisation allowed the provincial administration to stamp its authority over the countryside and effectively end the passive support for Mau Mau which had been the lifeblood for forest fighters. The constituencies of control at work in the provinces were retooled with the chiefs and home guard assuming a large modicum of control over daily life in the villages. These changes, although in part a reflection of a need to reward the efforts of loyalists, should be viewed in the context of the increased power these groups held.

The pre-emergency relationship between provincial administration and loyalists was thoroughly alien to the situation almost two years into fighting. By mid-1954, control in the localities of the Central Province was largely moderated through the institution of the home guard. As noted, even the construction of new villages was centred around the location of home guard posts. Security, the basic foundation upon which provincial constituencies of control had operated, was therefore no longer simply the remit or responsibility of the provincial administration. With the loyalist communities playing a burdensome role in their own protection, it became essential to reimagine constituencies of control to account for this new reality. One way this was achieved was in giving loyalists a larger stake in public life.¹⁶

¹⁶ This has been explored by Frederick Cooper, Jim Brennan and others in discussion of urban citizenship in East Africa in 1940s-50s. Government policy was to bring moderate Africans into the machinations of the state to try and make citizenship worth something, this was similar in the reserves of Central Province, however against the background of unusual levels of punishment and coercion. See, Frederick Cooper. "Decolonization and Citizenship: Africa between Empires and a World of Nations." In *Beyond Empire and Nation: The Decolonization of African and Asian Societies, 1930s-1970s*, edited by Els Bogaerts and Remco Raben, (Leiden: KITLV Press, 2012): 39–68; James R. Brennan. *Between Segregation and Gentrification: Africans, Indians, and the struggle for housing in*

New local councils were formed, charged with the formation of policy and implementation of directives from the secretariat. These were soon dominated by loyalist elites, who maximised the opportunities that the early stages of post-conflict reconstruction afforded to them in exploiting these to their own ends and profoundly impacting the course of local districts for the future.¹⁷ Similarly, despite widespread knowledge of abuses, the provincial administration turned a blind eye as the home guard were largely left to exploit their service and position for material gain, with intimidation, extortion and corruption all too common.¹⁸

These actions, or inactions in the case of abuses, were steps taken by the provincial administration to recalibrate the balance of power within provincial constituencies of control. While villagisation itself was the singular most coercive act of the emergency, it established a system where quotidian coercion was increasingly monopolised in the frequent abuses of the home guard. This was a successful system in instituting control throughout Central Province but required the provincial administration to alter their previous role as marshal of security and coercion, the solution was to incentivise loyalism. By far the most telling expression of this was the Swynnerton Plan.

As the security situation in Kenya continued to improve, the question which occupied the minds of decision makers in Nairobi was not merely how to end the fighting but how peace could be maintained. Preventing the recurrence of Mau Mau required the Kikuyu to have too much to lose in engaging with nationalistic fervour. The solution

Dar es Salaam, 1920-1950. in JR Brennan, A Burton & Y Lawi (eds), *Dar es Salaam: Histories from an Emerging African Metropolis*. (Oxford: African Books Collective, 2007): 118-135.

¹⁷ Branch. *Defeating Mau Mau*. 109.

¹⁸ This is a subject extensively researched in secondary literature on Mau Mau, for the most damning accounts see, Anderson, *Histories of the Hanged*, 289-327; Elkins, *Britain's Gulag*, 233-274.

was a revolutionary process of land reform and agrarian improvement that would create a whole new generation of Kikuyu gentry from the ranks of the loyalist elite.

In encouraging class formation, the central administration was conceptualising stability by reimagining Kenya in Britain's image. Not only was this considered essential to long-term development and required to protect strategic and economic British concerns, but a "normal step" in the evolution of a country.¹⁹ Despite social and economic factors, agrarian reform was still very much a tool of counter-insurgency. Mau Mau was at its core a conflict over the issue of land. The creation of a landed and landless class, dispossessing the *ahoi* tenant farmers access, was as much to reward the loyalists Kikuyu as it was to mark the insurgent defeat with ignominy. Any consideration of *hearts and minds* only extended to those liminally viewed as loyal.

The Swynnerton plan, published in late 1953, offered a clear strategy for the social and economic overhaul of the Kikuyu countryside. The report proposed promoting the cultivation of African cash crops, the development of credit facilities, and the provision of resources for farm planning. More substantially, the plan called for the consolidation of Central Province's fragmented land holdings into larger connected plots to be followed by the introduction of private land tenure. The process of land consolidation was helped infinitely by the contemporaneous practice of villagisation, with the removal of people from their land allowing authorities to proceed with the surveying and marking-out of new plots, while more straightforwardly ruling in the settlement of claims. Unsurprisingly, convicted Mau Mau insurgents were typically

¹⁹ Bruce Berman. *Control and Crisis in Colonial Kenya: The Dialectic of Domination*. (Nairobi: East African Publishers, 1992) 369.

disqualified from land reallocation altogether, with many others deemed disloyal subject to harsh treatment in the distribution of holdings determined by the local land committees.²⁰

The implementation of the villagisation and the Swynnerton plan presented a number of areas of strategic potential for the provincial administration to exploit. This was important to the ongoing process of recalibration of the balance of power within provincial constituencies of control. In contrast to the trend emerging during the developmental turn of the previous decade, the provincial administration retained full control over the direction and application of agrarian reform under Swynnerton, with all decisions made in the interests of security. The autonomy held by district officials allowed for preferential application of the new reforms to ensure that these could be aptly named as rewards for loyalism. In restricting the access to credit, allowances for cash crops, help offered for farm planning and membership of cooperatives, the provincial administration ensured that loyalism, and with-it cooperation, could be incentivised.

With the provincial administration no longer hegemonic over security or coercion, incentive became the primary function through which the provincial constituencies of control could operate. This did not leave the administration toothless, however. Parallel to these reforms were modifications of collective punishments suited to fit the changing context of the counter-insurgency. The introduction of the collective fine in March 1954 was a precursor to the full roll-out of villagisation and the Swynnerton plan, but when viewed together the longer history of these events show how the

²⁰ Anderson. *Histories of the Hanged*, 294.

Kenyan government was active in ensuring their preferred form of quotidian punishment stayed relevant in the context of the social revolution soon to follow.

Collective Fines

The effectiveness of the forfeiture of livestock, underpinning collective punishment throughout the early emergency period was the importance of cattle and other animals to provincial life in the reaches of Central Provinces. Beyond the obvious value of animals as a source of food, a large herd of livestock was a demonstration of wealth and therefore import within Kikuyu society. Not lost on the colonial state was also the importance of animals as part of a traditional wedding dowry. Loss of livestock did not just mean potential economic hardship therefore but could restrict social advancement. It was the threat of these factors that made collective punishments the preferred form of punitive discipline used by district officials in the everyday.

Forfeiture of livestock did however present some difficulties. The storage and processing of large numbers of live animals required devoted time and resources, both in the clerical work for administrators and the practical burden placed on district veterinary staff.²¹ Despite best efforts, loss of stock was common given a lack of suitable grazing land and confined conditions which contributed to the often-rapid spread of disease. More functionally, collective punishments were limited in their application to those who had livestock which could be seized. While the communal nature of the punishment did mitigate this issue by affecting the entire family

²¹ Note. DC Nyeri to PC CP. 22nd February 1953. FCO 141/5955 (1), TNA; *Hearing in the 1st Class Court at Nyeri. 7th Witness: Anthony Edgar Dorman, European, Christian.* 12th November 1952. FCO 141/5932 (2/1), TNA.

structure and larger mbari as a whole, it required both the development of a culture of fear and for the location to turn against the offending party to have the desired effect. Regardless of its inequitable nature, the forfeiture of livestock as the means of collective punishment sustained in the early emergency period because of its perceived effectiveness as a form of control, it was only as the changing context of the conflict put this effectiveness in question that alternative means of punishment were considered.

The forced relocation of thousands of Kikuyu from major urban areas, as well as from settler farms throughout the Rift Valley and beyond had a significant impact on the composition of people living in the reserves of Central Province. Long before the events of Operation Anvil, repatriation had meant an influx of some 150,000 Kikuyu into the reserves with little employment or land on which to grow food or graze livestock.²² More than just an administrative and ecological nightmare waiting to happen, this posed a significant challenge to the district officers' preferred means of control. If those Kikuyu who may be the focus of punitive action have no livestock, then how are collective punishments meant to be effective? The government's solution was to widen the tools of coercion available once again to the provincial administration with the introduction of the collective fine.

On the 7th March 1954, the emergency regulation governing the use of collective punishments was altered to allow for the application of monetary sanctions on locations deemed active in the furtherance of Mau Mau. Functionally, the requirements by which collective punishments operated did not change, nor did the established process by which they were applied. The new powers bestowed upon

²² Elkins. *Britain's Gulag*, 125.

district officers were made use of almost instantly. Following a murder in the Kangema division of Fort Hall district on 6th March, just two days later a collective fine of 20 shillings, the equivalent of two-thirds of the monthly wage earned on communal development work, was ordered to be applied against every male in the district, thought to be up to 10,000 people.²³ To all intents and purposes the Kangema case looked a very simple example of a collective punishment, however the reality of the application was far less so.

Operating as a form of test case for the amended *Emergency Regulation 4A*, the secretariat took a guiding role in shaping the reasoning, timing and execution of the Kangema collective punishment. Contrary to normal practice, attorney general John Whyatt took the liberty to draft the order form for the district officer of Kangema, Wilson. He was keen that the government were not to be seen to be applying retrospective penalties on crimes with the use of new powers.²⁴ As such, Whyatt dated the order the 8th March while specifically citing the reason for punishment as Kangema being active in the furtherance of Mau Mau as just cause for punishment, rather than the murder which had occurred just a day before. He was forthcoming with his reasoning, in shifting the focus of the punishment to the encompassing and nebulous crime of acting to further Mau Mau, the administration was given the plausible deniability they required against any claims of retroactive action.²⁵

Despite the publicity given to this, privately in a memo to Baring, the Deputy Governor Frederick Crawford cited the previous murder by a gang of some 70 Mau

²³ *Order Imposing Fine*, DC Fort Hall to CNC, 10th March 1954. FCO 141/6031 (8), TNA.

²⁴ *Memo*. Attorney General to Deputy Governor, 7th March 1954. FCO 141/6031 (1), TNA.

²⁵ *Ibid.*

Mau adherents as grounds for such strong action.²⁶ The crime was deemed one which could not go unpunished, but tact was required to ensure the carefully constructed timeline of the fine was strictly adhered to. It was Crawford himself, in league with the chief native commissioner, that fashioned the agreed process by which this would be achieved. Ensuring each step was carried out as directed, the Deputy Governor instructed the CNC to confirm the district team submit a report specifically stating that gangs had been harboured within the location and/or that the inhabitants of the area had failed to report the presence of such gangs. This was necessary to correspond with the order which had previously been produced by Whyatt. More than this, Crawford instructed that compulsory villagisation in the area was to be hastened throughout the district except for those few loyal areas and up to 500 Mau Mau suspects, a seemingly arbitrary number, be picked up for detention by the district commissioner on either Governor's detention orders or initially on the new *Community Detention procedure*.²⁷

The lead taken by the central administration in Kangema and the expedient and strong measures that followed were a misnomer in the common application of collective punishments during the emergency but speak to the ever more arbitrary process of discipline in action throughout Central Province. The little oversight of collective punishment that existed previously functioned by the secretariat analysing the reports produced by district officials to ensure sanctions were being applied correctly. Kangema turned this on its head with the central administration instructing on what the reports were to contain. By early 1954, with the security situation steadily improving and those deemed loyal more readily identifiable, the purpose of

²⁶ *Memo.* Deputy Governor to Governor. 7th March 1954. FCO 141/6031 (2), TNA

²⁷ *Communal Punishment: Kangema Division*, DG to CNC, 8th March 1954. FCO 141/6031 (6), TNA

collective punishments was no longer about dissuading criminal action or encouraging communal condemnation. Although these were still marginal aims. Collective punishments were primarily about punishing those who were perceived as challenging the authority of the state.

Kangema was not to mark the beginning of the central administration taking a greater role in quotidian punishments, it was once again the provincial administration who were to take the lead in those collective fines which were to follow. Regardless of intent however, the central administration's cameo role had provided a lesson for the provincial administration on just how their new powers could and should be employed. With the tool of collective fines at their disposal, the presence of challenge was to be met with swift and largely indiscriminate justice.

The importance of villagisation to the introduction of collective fines should not be overlooked. In the case in Kangema, Crawford makes specific mention of the need to increase the speed of villagisation in the area for the total of the punishment to have the maximum punitive effect. As noted, the use of collective fines in this context had the value of impacting all male residents of the location equally, regardless of the livestock owned. This change was imperative in part given the increasing numbers of Kikuyu being sent back to the reserves from all over Kenya, but more pertinent to this modification was the effect the process of villagisation itself was having on restricting the ownership of livestock throughout Kikuyuland. As Branch notes, as a result of limited space in new villages during relocation "all livestock was confiscated".²⁸ Through such measures, it became necessary to reposition collective punishments to a form which could still be applicable to the changing context of the

²⁸ Branch. *Defeating Mau Mau*. 109.

conflict. If the dual process of villagisation and the Swynnerton plan was aimed at creating a class of waged Kikuyu peasantry, then the solution was to direct punishments against disloyal pockets.

The provincial administration did not require great encouragement to make use of their new coercive powers, or to test the limits of what these powers allowed.

Although the home guard had destabilised their monopoly on coercion within local constituencies of control, restricting access to the rewards of cooperation alone did little to help the provincial administration meet instances of direct challenge.

Punishment was still a vital function of control and an essential part of demonstrating the administration's authority. In Kibingo and Minyua *matura* of location 6 in Kigumo, a collective fine was instituted in April 1954, after enquiry into the murder of twelve loyalist the previous month had returned no helpful information.²⁹

Investigations into the events of the evening of 19th March returned evidence of a gang being hosted in the location, after signs of a feast for a large number of men were found at the scene. At dawn of the following morning, the Kikuyu guard under headman Wainaina arrived to investigate a burning hut which had been spotted by them in the early hours to find the mutilated and dismembered bodies of twelve loyalist men and women strewn throughout the area. Apart from for a small handful of people, the remaining adult inhabitants of the two *matura* were nowhere to be found when the Kikuyu guard arrived, having hastily left the location with all their belongings in tow in the night.³⁰ Given the estimated time taken to prepare and devour the feast thought consumed by the gang, it was deemed there to be ample

²⁹ *Copy of Report on 12 murders in Loc 6.* DO Kigumo to DO Fort Hall, 7th April 1954. FCO 141/6034 (1/1), TNA

³⁰ *ibid.*

time for anyone who wished to have taken information to the home guard post to do so. In addition to this, the decision to spend the night removing themselves and their belongings from the scene, rather than help in bringing forth information, was believed just another sign of complicity.

Such an act of defiance required punishment, but the penalty meted out by the district officer at Kigumo, Donald Clay surpassed even that charged by the central administration at Kangema. Only six months after taking the *ultra vires* action of hut burning, Clay was once again testing the limits of his powers in applying punishment to all adult residents in the two *matura*, both men and women of or over the apparent age of 18 years, to the cost of 20 shillings each.³¹ This marked a significant change in the application of collective punishments. Forfeiture of stock, the basis of early examples of the practice, had been predicated on the idea that in directing punishment against adult male Kikuyu, the entire family structure would be impacted. Collective punishments had not previously been focused against the actions of women. In the Kigumo case, the emphasis placed in the district officer's report on the hosting and feeding of the Mau Mau gang, traditionally conceived as a female activity, in part explains this change. The introduction of fines allowed for more directed punishments, so women could specifically be targeted for demonstrations of dissonance.

Here too, the process of villagisation showed similar development. Elkins notes that "villagization was intended as a punitive strategy to contain, control, and discipline Mau Mau women."³² Although women had been central to insurgency efforts within

³¹ *Order imposing fine*. DO Kigumo to DC Fort Hall. 7th April 1954. FCO 141/6034 (1/2), TNA.

³² Elkins. *Britain's Gulag*, 240.

the passive wing of Mau Mau principally in the supply of food, support and information, the tools of quotidian coercion that had been at the disposal of the provincial administration restricted what could be achieved in directly punishing them for their role. As the security situation in Central Kenya improved and loyalists felt more emboldened to publicise their allegiance, the provincial administration took a more active stance in punishing and disciplining disloyal women.

In the Konyu location and Mathira Division of Nyeri, similar cases involving the supply of food and shelter to Mau Mau gangs likewise resulted in collective fines against both the male and female inhabitants of the locations.³³ Rather than relax their efforts, as Mau Mau influence first appeared on the wane the provincial administration upped the coercive control to solidify their advantage. The establishment of monetary fines had not just introduced a new wrinkle into collective punishments but changed the direction and focus of how these could be applied. The cost of disloyalty in Central Kenya was given a fixed price.

Funding Coercion

After the decision was made by the War Council to proceed with the extensive programme of relocation and agrarian reform which was to punctuate the non-combatant counter-insurgency from mid-1954, the first and perhaps biggest roadblock for the Kenyan Government was the expense of such an initiative. The ramping up of security operations alongside the loss of commercial revenues were starting to mount in Kenya, as the cost of the emergency was becoming prohibitive.

³³ See *Communal Punishment. Reference your Conf.E.42/119 of 20th December, 1954*. DC Nyeri to PC CP. 25th January 1955. FCO 141/6039 (1/1), TNA; *Communal Fines*. DC Nyeri to PC CP. 10th February 1955. FCO 141/6041 (1/1), TNA

In December 1953, with the deficit growing steadily, the Kenya Government predicted that it would need financial assistance of as much as £6 million, if there were to remain reasonable levels of liquid resources going forward.³⁴ Predictably, Whitehall was less than enthused. If running at a deficit was a source for consternation, asking the treasury for more money was a cardinal sin.

The man tasked with securing this support was the minister for Finance and Development, Ernest Vasey. The son of an actor from Cumberland, Vasey, unlike most of his colleagues, joined the colonial government from an elected seat in the Legislative Council in 1950. After moving to the colony in 1937, he served separate terms as Mayor of Nairobi and as the councillor for Nairobi North before crossing the floor and taking on the role as minister of finance at the start of the Emergency. Vasey's appointment was in part a measure made in convenience to end the stand-off between the government and settlers over fiscal policy but would prove to be a successful manoeuvre. Through his industry and application Vasey would be instrumental in the modernisation of the treasury, encouraging investment, supporting new industries and establishing the Kenyan stock exchange in 1954.³⁵

Vasey returned from Britain in July having achieved a substantial coup. Lobbying alongside Lyttleton, he was able to convince R. A 'Rab' Butler in the treasury to part with his much-needed funds. Critically, this was attained without Whitehall taking control over Kenyan finances. In lieu of this however, the treasury gave Vasey a strict directive; the Kenya Government was to adopt every practicable means of

³⁴ *Kenya Financial Assistance*. Sec. of State to Governor. 2nd July 1954. FCO 141/6609A (3), TNA.

³⁵ Sarah Stockwell. "Vasey, Sir Ernest Albert (1901–1984), politician in Kenya and businessman." Oxford Dictionary of National Biography. 23 Sep. 2004; [Accessed 26 Jan. 2021] <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-63463>

increasing their revenue.³⁶ The question for the administration became how to fund all the initiatives suggested by Swynnerton, while making good on this edict.

Villagisation was ongoing but already there were already well over one hundred thousand repatriated Kikuyu in the reserves as a result of the earlier forced removals from settler areas. Dealing with these people, most of whom were unemployed, had no access to land or needed some source of income from relief work, became the primary concern.

Projections made by Baring's newly founded Reconstruction committee for the estimated cost of relief expenses alone totalled over £2 million for the subsequent two years, exceeding the entire budget for all Kikuyu agricultural reform under Swynnerton. 'Monkey' Johnston in Nyeri painted a similarly bleak picture, suggesting without such stimulus the reserves of Central Province faced starvation and ruin.³⁷

The lack of money available meant creative solutions were necessary to raise revenues and implement reform. One solution was to make those deemed disloyal pay the cost of dissonance.

From the start of the emergency, the sales accrued from forfeited livestock and property were placed in *Provincial Emergency (Collective Punishment) Fund* accounts. These were managed by the Kenyan treasury with access for each Provincial Emergency Committee. Monies raised by forfeiture, after the deduction of expenses, were not earmarked for specific use but were at the discretion of the Governor-in-council.³⁸ In some instances, part of the total sum levied would be used

³⁶ *Financial Assistance from H.M.'s Government. Addressed to the Governor, Nairobi from Secretary of State.* 5th July 1954. FCO 141/6609A (3), TNA

³⁷ Elkins. *Britain's Gulag*, 127.

³⁸ *Collective Punishment.* For Secretary for African Affairs to All PC's. 28th November 1954. FCO 141/6533 (48), TNA

as restitution for the aggrieved parties akin to the practice of blood money, but most commonly the accounts would service the expenses of the local security forces.

Often the initial acts of dissonance which invited collective punishment made necessary an increased home guard presence. Spending the fines this way was rationalised as payment for the added security burden. The changes enacted by the *Emergency Amendment of 1954* which allowed for the imposition of collective fines also subtly altered where the money raised from collective punishments was sent.

For all new collective fines made under the emergency regulations the money was credited directly to *Revenue – Licences, Duties and Taxes*, with only that money raised by forfeiture in default of fine payment being dealt with under *regulation 4A* and therefore being placed in the provincial accounts.³⁹ Practically, this meant that the monies accrued from collective fines were credited to the treasury, rather than provincial administration. In doing so, the government created a new revenue stream so desperately needed, while altering the context of collective discipline from one based in the idea of local security to that of a function of development. For the Kikuyu subject to the new form of emergency collective punishment, the penalty would appear substantially no different. But this bureaucratic tweak made the collective fine a means by which funds could be extracted from those disloyal to pay the cost of relief efforts.

Targeting the Kikuyu themselves to pay for the cost of the emergency was not new to 1954. In November 1952, with the emergency scarcely a month old, discussions were ongoing between the provincial and central administration as to how, and by

³⁹ *Emergency Regulations: Collective Punishments*. Colony Accountant to All PC's. 2nd June 1954. FCO 141/6533 (12), TNA

what method, the Kikuyu could be made to pay for their part in the declaration of emergency conditions.⁴⁰ The application of fines and levies on areas for the increase in security presence had a long history in the colony through the *Tribal Police Ordinance of 1930*, however early discussions concentrated less on the financial and security aspects of a levy, instead viewing it punitively as a propaganda tool for other ethnic groups to demonstrate that complicity in crime has consequences.⁴¹ It was still some months later before a special emergency tax was enacted. Just days after the Lari Massacre in March, the Kikuyu, Embu and Meru population were made liable to payment of Shs.20 per year for their culpability towards the ongoing fighting.⁴²

Unlike collective punishments, initially all KEM adult males were required to pay towards the tax regardless of perceived loyalty.⁴³ The Governor's Sociological committee recommended for the revocation of this in May 1954 as part of measures to incentivise loyalism within the reserves.⁴⁴ To that point, limited exemptions were set aside chiefly for the Central Province Kikuyu guard.⁴⁵ Membership of the home guard was unpaid and as such actions were taken to increase the value of the role, however even with the introduction of incentives these benefits only amounted to the equivalent of Shs.15 per month for a full-time member.⁴⁶ The burden of an extra

⁴⁰ *Emergency Measures, 1952. Reimbursement of Expenditure incurred.* PC RVP to CNC. 22nd November 1952. FCO 141/5937 (1), TNA

⁴¹ *Ibid.*

⁴² Branch. "*The Enemy Within*", 302.

⁴³ *Taxes (Kikuyu, Embu and Meru Tribes).* Hansard Vol. 587 1st May 1958 [Accessed 28th January 2021]. Available from: [https://hansard.parliament.uk/Commons/1958-05-01/debates/8e6cafe4-469a-4bce-926f-f4af3c3d60ba/Taxes\(KikuyuEmbuAndMeruTribes\)](https://hansard.parliament.uk/Commons/1958-05-01/debates/8e6cafe4-469a-4bce-926f-f4af3c3d60ba/Taxes(KikuyuEmbuAndMeruTribes))

⁴⁴ *Report on the Sociological causes underlying Mau Mau with some proposals on the means of ending it.* Pg. 11. Sociological Committee. 24th May 1954. FCO 141/5888, TNA

⁴⁵ Exemptions were brought into effect for CP in December 1953 alongside other benefits such as better rations and revocation of school fees for loyalist children. These benefits were not extended to the home guard in the Rift Valley or elsewhere, as it was believed that with most in steady waged employment the same hardships did not apply. See, *1954 Special Tax.* DO Londiani to Forest Officer, Mariashoni Forest Station. 8th February 1954. FCO 141/6750 (89), TNA

⁴⁶ Branch. "*The Enemy Within*", 302.

Shs.20 per year was therefore not an insignificant sum. As Elkins notes, Kikuyu repatriates working in labour gangs in the African reserves were supposed to receive a wage of around Shs.30 per month, but most never received any compensation at all.⁴⁷ Life in the reserves for those removed from their homes in the Rift Valley was about scraping together enough money to pay the punitive tax levies. When defined loyalty was the only way to avoid excessive financial hardship, the allure for many was simply protection from the state coercion.

Theoretically, the labour schemes comprising villagisation and agrarian reform were supposed to provide the Kikuyu with regular pay which could be recouped through taxation for further investment. These plans were in reality frustrated by overflowing transit camps and insufficient funds to pay for relief programmes on any sort of regular basis. It is in this context that we have to understand collective fines. The application of the penalties was often not an individual punishment but were accompanied by the speeding up of the process of villagisation within an area. A Shs.20 levy, the common penalty amount, in essence provided the financial boost with which the process of villagisation could be funded. Moreover, the fine which represented two-thirds of a repatriate's 'potential' monthly earnings, was distinct from the special tax in that it was declarable against both men and women. The collective fine therefore while presenting itself as a penalty, functionally operated as an applicable loyalty tax. The Kenyan government received another stream of revenue, and the provincial administration were empowered to punish those disloyal areas to pay the cost of their own coercion.

⁴⁷ Elkins. *Britain's Gulag*, 128.

The rise of collective fines in 1954 did not mark the sudden demise of collective punishment. Outside of the Central Province especially, where the processes of villagisation and agricultural reform were not a focus, forfeiture of stock remained a valued weapon in the administrator's arsenal. The collective fine did however open new avenues of punishment within these areas also. On settler farms in Naivasha and Nanyuki, the option of collective punishments allowed for extra financial penalties to be placed on squatters.⁴⁸ Repatriation to the reserves was common for those Kikuyu deemed in connivance with Mau Mau, but the additional application of fines acted once again to have those disloyal elements in part pay the cost of this process. Far removed from *hearts and minds*, the quotidian counter-insurgency campaign became about pricing the Kikuyu out of resistance and funding new structures of domination.

In Nyeri and Fort Hall, where the coercive frameworks were being constructed, collective fines flourished into 1955. As fines lost their novelty as an exceptional form of punishment, increasingly they began to be used more widely. Emblematic of this was their usage as a punishment for resistance towards communal labour schemes. Exploited extensively in the construction of villages and on development projects, communal labour was another practice justified through a bastardised interpretation of tribal obligation and an essential element of mitigating the expansive costs of the non-violent counter-insurgency.⁴⁹ The emergency regulations allowed for simplified financial punishment for a failure to report for labour obligations. Substantially, fines allowed for collective punishments to not only be applicable in the instigation of

⁴⁸ See, for example, *Kenya: Mau Mau unrest; collective punishment under the Emergency Regulations 1952; monetary fine files*. FCO 141/6045 (51), TNA

⁴⁹ *Communal Punishment. Reference your Conf.E.42/119 of 20th December, 1954*. DC Nyeri to PC CP. 25th January 1955. FCO 141/6039 (1/1), TNA

villagisation, but also during the process itself. In this sense, fines were instrumental in the transition towards physical structures of control by empowering the provincial administration at each step to punish those disloyal Kikuyu in the interim, helping to establish a dominance which eventual villagisation would solidify. This changing concept of control in Central Kenya after early 1954 meant the administration was no longer purely reacting to challenge but rather proactive in the establishing of structures of domination.

The prevailing climate of the emergency had elevated violence, both publicly and privately, to pre-eminence as the discourse of social relations and had acted to make neutrality or indifference within localities an untenable position. The rise of the home guard as the chief force of the counter-insurgency acted to transform the conflict into a vicious, yet intimate, personal struggle amongst the Kikuyu themselves. One in which the colonial administration would lose their monopoly over coercion and intimidation, as loyalist forces reacted to Mau Mau hostilities with a terror campaign of their own making.

It is mindful of this that we must consider the introduction of villagisation and agrarian reform. The increasingly burdensome role played by the loyalist in their own security acted to undermine an assumed primary benefit of affiliation with the state.

Moreover, reliance on the home guard had starkly demonstrated the woeful inadequacy of established coercive practices to enact control. The motivations for the move to villagisation and agrarian reform were therefore two-fold. Firstly, recalibration of local constituencies needed to reward loyalty and make it something which had value. Secondly, villagisation particularly aided in completely reimagining control within the reserves of Kenya. In concentrating the KEM population in new

villages built around home guard posts, not only was the connection between Mau Mau and their supporters physically severed but the Kikuyu homesteads *en masse* were turned into carceral spaces. This acted to both increase the ease of control and punishment, while reducing the reliance of the state on the Kikuyu guard for security operations. In compelling defined areas, curfews, shop closures and fines became the functions of quotidian control for the administration due to the simplicity with which they could be implemented. These factors combined to allow the provincial administration to pay back the efforts of loyalists while reducing home guard reliance and re-establishing themselves as a force for coercion within local constituencies of control.

The story of the Kenyan government's reaction to the violence which had become the language of social relations in the emergency was therefore not to adapt to a new reality of loyalist coercive activity, but to recreate constituencies to a traditional framework by means of an innovative form of structural domination that not only acted to punish those disloyal but co-opt loyalist agency. A process not a policy, the political, economic and social reforms which punctuated 1954 relied on collective punishments, particularly fines, in the interim to empower local officialdom to mitigate challenge and hasten the progression the best way they knew how, by making those Kikuyu deemed disloyal pay for it.

Testing the Limits

In October 1954, two years into the emergency, the situation in Central Kenya and position of loyalism was entirely different. The violence which had been so influential in shaping allegiances in the early period of fighting had given way to structures of

control, sending more and more people increasingly towards loyalism in search of security. The success of the counter-insurgency campaign and ongoing process of villagisation did much to sway all but those most committed to abandon their support of the forest fighters due to constant surveillance and control in village life. For those loyalists, security bred confidence and emboldened them to begin to speak out in opposition to Mau Mau. For the vast majority looking to better their lot, agricultural reform and state benefits increasingly showed loyalism as the best path to self-mastery. All of this combined by late 1954 to a scenario where control in the reserves had firmly swung towards the provincial administration and their loyalist constituents.

Increased control naturally diminished the reliance on collective punishments through late-1954 and beyond. Yet, this tightening of control made the provincial administration more keen than ever to ensure that instances of challenge, however muted, were met with expedient and emphatic reaction. As such, although structures of domination reduced the frequency of penalties and Mau Mau was firmly on the decline as an opposition, the grounds to induce collective punishment continued to weaken.

In Konyu location of South Nyeri, a forfeiture totalling 50 head of cattle was carried out against the inhabitants of Ndimaini village, after no information was brought forward about the presence of four armed terrorists spotted in the location in late June. Rather unusually D.E Johnston, the D.O Mathira Division, set the inhabitants of Ndimaini an ultimatum. In the belief that the men were known to the villagers, they were given 3 weeks in which to find the terrorists, and otherwise to show their

allegiance to the government or face punishment.⁵⁰ Writing his report the following month, Johnston made clear that not only had the residents done nothing to resolve the situation, but terrorists' tracks were still found in the vicinity and offences were still occurring, with over 60 coffee bushes belonging to a Tribal Policeman having been destroyed in the interim.⁵¹

The subsequent forfeiture held at Ndimaini raised some questions in Nairobi. What crime did the inhabitants commit in being intimidated by armed terrorists? Can those villagers accosted be said to identify themselves as Mau Mau? Were reasonable steps taken to try and stop the destruction of the coffee bushes? As with previous attempts at oversight throughout the emergency, the secretariat's input was far less concerned with probity and due care than it was with covering themselves from accusations of misconduct. The attorney general's office functioned in this system to direct on how to selectively read the regulations to fit the needs of the emergency, rather than restrain the counter-insurgency to the bounds of the law. As such, on further consideration it was judged by R.H Mills-Owen, the acting attorney general, that the very presence of the terrorists in the area could be considered a crime, with the failure of the villagers to either obstruct their escape or bring forward information of their presence as complicity and therefore guilt.⁵² Accordingly, this judgement meant the nearby Meiri village was also drawn in for similar punishment.⁵³

The case at Ndimaini is emblematic of what collective punishment had become by late-1954 and beyond. The consolidation of structural domination in Central Kenya

⁵⁰ *Seizure of Stock*. DC Nyeri to Ag. PC CP. 5th August 1955. FCO 141/6110 (1), TNA

⁵¹ *Ibid.*

⁵² *Memo. Ag.* AG to SAA. 25th August 1955. FCO 141/6110 (6), TNA

⁵³ *Seizure of Stock*. DC Nyeri to PC CP. 5th August 1955. FCO 141/6111 (1), TNA

and improved security situation had made acts of overt dissonance rare but the reaction to them emphatic. Even in cases where the grounds for punishment were questionable, the provincial administration looked to act without ambiguity to ensure that their rediscovered control was not met with challenge. One feature making this possible was the increasing levels of loyalty within Kenya. The form and function of coercion in colonial societies was regulated and measured through numerous temporal and situational factors. The composition of these factors was influenced by the unique political economy of the colony and instructed how, and with what force, coercion could be applied at any particular time.

Foremost among these was loyalty or support from a section of the indigenous population which could be positioned as the purported legitimate expression of native interest. As the numbers of those deemed 'other' fall and support increases, the use of compulsion against those remaining dissonants is justified and excused as the will of the majority. Earlier in the conflict when this situation was reversed, the protection of a threatened minority provided the optics for the counter-insurgency response. Framing the government response in relation to protection of the loyalists allowed a fluid narrative to take hold.

By 1955, the security situation and position for loyalists within native society in Kenya meant the colonial government had raised expectations of what it signified to be loyal. The onus of loyalty was placed upon those Kikuyu themselves to prove through active demonstrations of opposition to Mau Mau rather than words of fealty to the administration their allegiances. While this was a developing trend throughout the emergency, with failure to bring forth information related to crimes punishable through collective punishment, it was only after the establishment of the structural

domination begun in mid-1954 that the provincial administration had the means to regulate and enforce this effectively. In Ndimaini, Johnston's three-week ultimatum to find the armed terrorists which had intimidated the *Itura*, based on a belief that the perpetrators were known to the inhabitants, was characteristic of the disregard paid to those Kikuyu thought to be sympathetic to Mau Mau. The security and protections offered by the state were strictly reserved to those people and groups which were deemed to deserve it. Visible loyalty was the price of admission into the constituency of control.

This change represented the collective punishment re-discovering its pre-emergency conceit as a motivation for *self-policing* and collective responsibility amongst Kikuyu communities. The dismissal of the formal home guard at the beginning of 1955 brought self-policing back into the fold. As the Kikuyu guard was disbanded, a section of the force was incorporated into the tribal police and its reserves, all of which remained under the provincial administration's control. The majority however were 'stood down' and made responsible for their local area and homes in unarmed "watch and ward" groupings.⁵⁴ Labels notwithstanding, the nature of their work remained largely unchanged. These loyalists were relied upon to keep a close eye and firm grip over life in Central Province's new villages. These changes regardless still acted to bring loyalism under increased scrutiny. If villages could not be trusted to manage their own control, then collective punishments still served as an efficient way to do so while punishing their failure. With Mau Mau as a force firmly on the wane, collective punishment thus began to transition back to its pre-war origins as a localised deterrent, be it one immeasurably altered by the emergency experience.

⁵⁴ Branch. *Defeating Mau Mau*. 115.

After three years of recurrent use throughout Central Province, familiarity and practicality meant that both officer and African alike knew that the threat of action still carried a very real weight.

Having found the power of expeditious coercion a panacea to the tribulations of administration some district officers became used to applying regulations as they saw fit. Autonomy of action meant testing the boundaries of what was permissible in the administration of 'their' location, it was in these grey areas that many officials were more than happy to operate. In most cases, as we have seen, this manifested itself in challenging the secretariat to use flexibility in their definition of a crime, to allow for the consistent use of punishment throughout the emergency. The agency afforded to the *man on the spot* in knowing best for their district encouraged them to define their own limits of what would and would not induce punishment, as well as the force of discipline to apply. Worked out in association with their loyalist elite, this inspired an uneven and uniquely localised coercive system that was a reflection of the character of the constituency of control in place. Essentially, autonomy for local administrators allowed quotidian control to mirror local loyalist demands for reprisals.

While the consolidation of structural domination in Central Province reduced the frequency of collective punishments, it did not stop district officers from trying to exploit the regulations in new and different ways. As this section will show, never as straightforward as may be initially assumed, the varied different agendas incumbent in this form of quotidian punishment meant that maximising coercion was, for the provincial administration, an essential function of harmonising localised control.

On 12th July 1954, a lorry belonging to chief Ben Jacobs of Location 13 of Fort Hall broke down at the side of the road within the Kangema district. That night the vehicle

would be set upon by militants and set alight, destroying it entirely. The case of the burnt-out lorry would be just such an instance of an officer trying, albeit unsuccessfully, to apply a collective punishment in a creative way to resolve a problem efficiently and effectively. However, what makes the case stand out was a resurfacing of centre/province disagreement over unconditional support for leading loyalists, and the rare outcome of a collective punishment not being supported to conclusion.

Already in the evening and stranded on the side of the uneven dirt road through Kangema district, the driver of chief Ben Jacobs lorry had a choice to make. Try as he might to fix the vehicle as the light continued to fade over the Murang'a countryside or make his way to the nearby village of Thaitu, leaving repairs for tomorrow. Tired and hungry with seemingly no easy fix, the driver opted for the latter with designs to return at sun-up. These plans were however no sooner made as they were scuppered. Almost as quickly as darkness fell against the district, it was soon once again bright with the lorry illuminating the night sky. Set on fire and left to burn, no attempt was made to raise alarm of the arson until the flames had already done their work. Coming back at first light, all the driver found was smouldering remains. Those responsible had fled quickly into the night, their task complete. Robin Otter, the district officer Kangema, was the man left to deal with the fallout.⁵⁵

As with other acts of dissonance without strong leads to the culprits and no forthcoming information, Otter's move was to resort to collective punishment. On investigation it was argued that the inhabitants of the location were complicit in the

⁵⁵ *Copy of Report on Communal Punishment*, DC Fort Hall to PC CP, 17th July 1954. FCO 141/6072 (1/1), TNA

active burning of the lorry, as such it was believed these areas were all liable for punishment under the emergency regulations.⁵⁶ Perplexingly, when the district commissioner forwarded his report in support of Otter's action, he in contrast argued that it was a gang responsible for the outrage which had been fed and harboured by the inhabitants of six *Matura* surrounding the scene.⁵⁷

Despite this confused reasoning, a communal fine was requested to be carried out at Shs.20/- per person for all males and females of or above the age of 18 years. Quite unique to collective punishments by 1954, rather than these funds be debited for government use, it was conceived that the money levied would be paid to chief Ben Jacobs to reimburse the value he had lost in the arson. The district commissioner of Fort Hall, Pinney, made the punishment's intention clear with some rudimentary maths:

*It is proposed that the fine of Shs.20/- levied on approximately 1,000 people will produce enough money to reimburse [the] Government which will compensate Chief Ben for the loss of his vehicle.*⁵⁸

Although the arbitrary numbers supplied by Pinney had no relation to those deemed culpable for the crime, the closed ranks of the provincial administration and their secretariat champion, the chief native commissioner, endorsed Otter's action without reservation. Turning a blind eye to the reality of the case served the purpose of allowing the provincial administration to efficiently compensate a leading loyalist for

⁵⁶ *Emergency Regulation 4A Order Imposing Fine*, DO Kangema, 17th July 1954. FCO 141/6072 (1/2), TNA

⁵⁷ *Copy of Report on Communal Punishment*, DC Fort Hall to PC CP, 17th July 1954. FCO 141/6072 (1/1), TNA

⁵⁸ *Section 4. Report on Communal Punishment*, DC Fort Hall to PC CP, 17th July 1954. FCO 141/6072 (1/1), TNA

their loss, an act taken in support of their closest ally within their constituency of control. Unfortunately for these men, the attorney general had a harder time overlooking the facts as they were presented.

The implication of the punishment was that 1,000 people had been complicit either in the burning, or in the harbouring and feeding, of the terrorist responsible for the crime. At very least, the action would imply these persons would all have had been aware of the broken-down lorry's presence as to make this known to the terrorists responsible, despite it having broken down only a few hours before. Even under the lightest scrutiny, not only did the complicity of such numbers seem wholly doubtful, but the attorney general doubted the involvement of the local population at all:

“As the lorry had broken down only a few hours before it was burnt, it seems unlikely that 1000 people could have been involved in a plot to set it on fire. As a matter of fact the District Commissioner does not suggest that more than a few persons were involved and limits the culpability of the inhabitants to “feeding and harbouring” these few persons, though I should have thought it doubtful that as many as 1000 people took part in “harbouring and feeding”. However, the theory – it is but a theory – changes and it is said that it was the local population which did the burning, acting on the orders of the gang. But as mentioned above, it seems unlikely that as many as 1000 persons would have taken part in a burning of this sort. Leaving aside the theories there is a hint that a solution may be found by applying a formula:

Cost of lorry = £1000 = £1 x 1000 men and women.

*But nowhere does anyone mention the possibility that a substantial number of the 1000 men and women might have been asleep when the lorry was set on fire in the middle of the night.”*⁵⁹

Regardless of insistence, the attorney general was not prepared to consent to such an action without more proof. The emergency had made the provincial administration used to expedient use of at times unchecked power. Not unlike with the home guard, as the war entered its final chapter, some in the secretariat were becoming increasingly mindful of a need to challenge instances of excess. On the other hand, the provincial administration was not keen to see their rediscovered autonomy once again limited by Nairobi politics.

Offered a chance at reflections, the secretariat resistance was not taken as an opportunity to reconsider punishment, but rather as a stumbling block to practical control. Ignorant, wilfully or otherwise, the provincial commissioner did not interpret the attorney general's reluctance as symptomatic of the weakness of the case but rather the need to further convey the negative temperament of the area.⁶⁰ As discussed in the previous chapter, the concept of *bad areas* had become central to collective punishment cases throughout 1953. With this in mind, 'Monkey' Johnston suggested to his district teams that either demonstrating the arson was a culmination of smaller crimes or indicating that the population had standing orders from terrorists to set alight all abandoned vehicles should be evidence enough for sanction.

This suggestion got the provincial administration onto the same page. A further report was produced stating that the six Matura in question constitute a bad area,

⁵⁹ *Memo.* Minister for Legal Affairs to Governor, 3rd August 1954. FCO 141/6072 (3), TNA

⁶⁰ *Memo.* PC CP to DC Fort Hall, 9th August 1954. FCO 141/6072 (4), TNA

which experience had shown were under orders to report all vehicles left unattended to local gangs if they could be suitable targets.⁶¹ On this basis alone it was believed that such a punishment was fully justifiable. Once again, the attorney general, Whyatt, was unconvinced:

*“The guess – it is only a guess – that some of the local population pointed out the target may not be unreasonable but to suggest that as many as a thousand men and women, spread out over six matura, were needed to point out this target to the gang seems to me to be very far-fetched.”*⁶²

Try as they might, the Provincial Administration could not make the maths add up. The assertion of the matura constituting a bad area was not a topic of debate, but Whyatt was unprepared to consent to such a heavy punishment based on sullenness alone. Even in previous marginal cases where bad areas had been disciplined, the secretariat protected their legal and ‘moral’ position by ensuring that the reason for punishment could be directly attributed to the commission of a crime. As tenuous as that position could often seem, even when under the most modest scrutiny, this stance allowed the government to retain a sense of due process and logic to what otherwise was an often chaotic and distortive form of control.

Ensuring collective punishments could be attributed directly to the commission of a crime was essentially what allowed the government to conceptualise the action as a measure taken for justice and not just state-sponsored retributive act. However, for the officers up and down Central Province they were just that, a weapon with which to attack disloyalty wherever it reared its head. To create and maintain a culture of

⁶¹ See, *Report on Collective Punishment*. DC Fort Hall to PC CP, 29th September 1954. FCO 141/6072 (5/1), TNA

⁶² *Memo*. Minister for Legal Affairs to Governor, 2nd October 1954. FCO 141/6072 (7), TNA

fear, the threat of coercion must be real and apparent. In day-to-day administration a tool which allowed one to rob an area of their livelihood at the officer's discretion provided the answer.

This dichotomy of feeling in relation to collective punishment was representative of the constituencies of control to which both organisations align. In the hinterlands of Central Kenya, forfeiture and fines were undoubtedly a method for control over those disloyal elements but were as much a means of security for constituents. Part of emboldening would-be loyalists was demonstrating the administration had teeth to bare and the strength to protect their interests. In contrast, the secretariat were far more concerned with avoiding any situation which could lead to embarrassment or questioning from the Colonial Office and politicians at home. The motives and rationales for both groups were therefore similarly informed by a desire to appease their stakeholders at either ends of the continuum of colonial rule.

While the motivations of both the central and provincial administration usually overlapped, it was only in those most marginal cases where pressures from the extremes caused real disunion. Furthermore, the changing context of the war made the question of such expedient use of harsh punishment a more troubling question to answer. In the end, the provincial administration had operated throughout the emergency in testing the bounds to which the regulations could be stretched in the name of practical administration; it happened to be in the wreckage of a smouldering lorry where they found the unlikely limit.

Despite his rejection of the Kangema case, Baring took the time to personally lay out the reasoning for his decision. Aware of the efforts expended by his district teams, he was keen to ensure that his verdict should not be misconstrued:

A collective punishment can and should be imposed if there is reasonably sure information that a gang had been harboured in a certain area and no information given, or that a crime had been committed by a gang in an area, that many people knew about it and that no information was given. But in this case the Chief was careless in leaving his lorry by the roadside. It is possible that the local people informed a gang who then burnt it; and this is the District Commissioner's view of what happened. But it is just as possible that a passing gang came on the lorry by chance and burnt it. In these circumstances there is too much guesswork to justify a heavy collective fine. But it should not be inferred from my decision that where there is less guesswork, punishments of this nature should not be inflicted.⁶³

The decision to not proceed with the collective fine was thus excused as circumstantial. Yet, irrespective of the reason for cancellation, the case at Kangema observed a landmark for the practice. In the preceding years of the emergency, oversight seemingly existed merely to give an illusionary sense of due process to quotidian practices of coercive control. Presented with a case of collective punishment, the colonial government had functioned to ensure that the emphasis of a report was curated to fit regulations. At Kangema this situation changed. In taking the step to apply red-lines and fulfil their supervisory role, the secretariat had defined the limits of coercion at the lowest-levels of colonial administration. What is more, they had shown themselves willing to take a stand against unrestrained use of emergency powers.

⁶³ Memo. Governor to Minister for African Affairs. 6th October 1954. FCO 141/6072 (8), TNA

Despite the secretariat's landmark decision, Baring's response belayed any suggestion that the Kenya government was about to remove their support from provincial officers. Control in the districts of Central Kenya was, and would continue to be, modulated through the work of the provincial administration. Independence and authority of action was still reserved in the field officer's role, but in theory at least, Kangema offered a warning that this was to be stopped short of retributive action. The lesson to be learnt by the provincial administration was however far more pragmatic. Retributive action still remained permissible as long as it could be linked to the commission of a crime.

The success of the non-military counter-insurgency thus had a lasting effect on collective punishment but not as it may first be assumed. The consolidation of structural domination acted to reduce the frequency of fines and forfeitures throughout Central Province commensurate with dwindling Mau Mau support but served to inspire the provincial administration to pursue more marginal cases in an attempt to build upon loyalist momentum. The concurrent dismantling of the home guard made the question of security all the more pertinent, as officers strived to make use of the powers afforded to them in transitioning back into their traditional role as the executor of law and order within their constituencies of control. Even in 1955, the provincial administration was testing the limits of what was permissible under emergency regulations in the construction of cultures of fear within their districts.

It was not the opportunism of the provincial administration alone however that altered collective punishment. The inconsistent application of regulations at the centre in support of provincial teams inspired speculative testing of these boundaries. Indeed,

in both the cases at Ndimaini village and Kangema, the very presence of terrorists is treated as reason for complicity in the first but not substantive enough to imply guilt in the next. While situational factors of scale, time and detail weigh heavily on the secretariat's eventual outcome in both events, the choice reading of regulations encouraged provincial teams to apply for punishments in a belief that consent was always a possibility. Ultimately, this support of low-level agency with fluid regulations encouraged speculative punishment which in turn needed to be supported. In effect, this was a perpetual cycle with the output being further coercion. Although Kangema did show that this too had its limits, when imbued with such power, the basic guiding principle of defaulting to the *man on the ground* left coercion an inevitability.

Despite secretariat intimation to the contrary, collective punishment was conceptualised at a parochial level as a retributive tool. When challenge meant that loyalty became a question, collective punishment invariably presented an answer. As the conflict pressed on, attempts to reassert traditional dynamics of control within provincial-loyalist constituencies required the provincial administration to restore their legitimacy through responsiveness to the needs of loyalists. Where the non-military counter-insurgency acted to reconstitute the rewards of loyalism, protection and security were still lacking. Collective punishment filled this vacuum by convenience as much as design. Established as a means of quotidian control in the early emergency, the provincial administration became reliant on its efficacy and ease of use. These qualities combined with secretariat acquiescence in the creation of a punishment which could be applied widely, readily and quickly.

The communal nature of fines and forfeitures made 'protection' from the states own coercion another important element. A deterrent with real consequence. Rather than

immediately wither as Mau Mau opposition weakened, collective punishment found renewed meaning. Constituencies of control throughout Central Kenya operated in the late emergency period through a culture of fear predicated on collective punishment.

Collective Punishment - Data Review

In taking a step-back to reflect on the sample of collective punishment data dealt with within this thesis, the picture of a capricious, uneven and thoroughly localised structure of control becomes all the more clear.⁶⁴ The most striking feature of the data on initial inspection featured in 'Table 1' of the Appendix, is the highly variable individual cost of stock seized for forfeiture not only between but within districts in different collective punishment cases.⁶⁵ In Kiambu, for example, in December 1952 alone, the residents of Kanyoni lost an approximate value of livestock totalling Shs.158 per person, for a failure to bring forward any information of an oathing ceremony in the area. While not an insignificant amount, the total was dwarfed by that charged against the residents of Ndeiya, who lost approximately Shs.1091 per person for the failure to bring forward any information about a non-fatal skirmish involving a loyalist witchdoctor.⁶⁶ In other cases involving complicity for the murder of known loyalists, such as that at Othaya and Location 11 of Fort Hall, despite

⁶⁴ In total the FCO 141 disclosure contains 157 cases of collective punishment and a further 27 fine cases. A total of 127 of these refer to the Central Province between 1952-1956. A representative selection of these have been used within the thesis to exemplify the capricious and uneven nature of the punishment.

⁶⁵ For Appendix, see pg. 357 of the thesis.

⁶⁶ The price of livestock was variable. For example, the price per head of cattle is noted in different sources between Shs. 70 – 200. The numbers used reflect the most commonly quoted figures for sale. (Cows Shs. 125, Small stock Shs. 20, Donkeys Shs. 100.) Additionally, seized bicycles were sold for Shs. 75. See, for some examples of prices, J.M.B.Butler, DO Nyeri. Inquiry: Seizure of cattle in Thegenge location. 12th November 1952. Pg. 8. FCO 141/5932 (2/1), TNA; Confiscation of Stock Under Emergency Regulations. Veterinary Officer Narok to DC Narok. 3rd February 1955. FCO 141/6533 (65), TNA.

representing far larger total seizures, the individual cost was still lower than that at Ndeiya.

The reason for such a disparity may not seem abundantly clear given the relative seriousness of these cases but is reflective of the inconsistency in the process and local variation in how severely punishments were applied. The percentage of property seized for forfeiture was not something enshrined in policy, but instead relational to the desire of the local official to punish an area for their perceived level of intransigence or the number of those believed to be conspiring with Mau Mau. A forfeiture of fifty percent, for example, of the livestock in an area was therefore not consistent across itura, villages or districts. What is more, the arbitrary nature of the punishment meant that those with higher number of livestock were disproportionately affected.

Considering the data in 'Table 1' in sum therefore reveals no strong pattern for an increase in scale or severity in punishment over time, nor any great change in the specificity with which the punishment was applied. It was conceived as, and remained, a blunt and capricious tool for localised punitive discipline with the ferocity ultimately being decided by the officer in charge. The data adds weight to the narrative of an inconsistent, localised and uneven nature to colonial rule described here. Control and punishment was something which was indelibly coloured by local concerns.

Unfortunately, the data available for fines offers only very limited texture about the scale of these punishments and the number of individuals effected. This is often a factor requested but ignored in the reports supplied by officials. What is clear when we compare the individual cost of forfeiture to that of fines, however, is a significant

decrease in the cost of these punishment per person. In most cases, the fine levied amounted to Shs.20 on either the entire adult male population or both men and women depending on the specifics of the case. Rather than be a move to lessen the blow of such punishments however, it is important to understand this shift in the changing context of the war. By the introduction of collective fines in mid-1954, previous forfeiture was combining with a steady stream of repatriates from settler areas to heavily alter the complexion of those Kikuyu living in the native reserves. Increasingly landless, without livestock and reliant on emergency communal labour to eke out a meagre living, traditional communal punishments needed to be reimagined to make them effective. With the Kikuyu repatriates working in labour gangs in the African reserves receiving a wage of around Shs.30 per month, a fine of Shs.20 meant the loss of well over half a month's wages. No less capricious therefore, the communal fine instead represented the adjusting of punishment to fit an increasingly impoverished population.⁶⁷

The tangible effect of the ready use of such policies was to impart localised deprivation on a provincial scale. Collective punishment was in practical terms as much a policy of food deprivation as it was a material and financial punishment. Losing livestock not only meant losing their value, but also access to the products they produce. As villagisation began to take hold in the latter part of 1954, and for thousands repatriated from settler areas, suffering the ignominy of landlessness only augmented this hardship further. For those employed on communal labour schemes, extractive fines returned abysmal wages to the government purse as quickly as they were paid out, when anything was paid out at all. Often therefore landless, without

⁶⁷ Elkins. *Britain's Gulag*. 128.

livestock and forced to toil on communal schemes without great reward, impoverishment amongst the Kikuyu population of Central Province naturally followed. With this in mind, the reason for the 50,000 excess Kikuyu deaths noted in John Blacker's demographic study begins to become clearer.⁶⁸ When discipline became a process of imparting deprivation, Kikuyu deaths unfortunately followed.

As this chapter has demonstrated, the shift in focus of collective punishment reflected broader shifts in the changing context of the conflict itself. After mid-1954, the war against Mau Mau took on a quite different character. Accordingly, the form and function of collective punishment changed to reflect this. The effectiveness of the non-military counter-insurgency's programme of reforms in mapping out a new road to self-mastery for the Kikuyu reduced the need to break the Mau Mau silence, however this created openings for collective punishment to be redirected in new and novel ways.

The introduction of the collective fine allowed for the application of localised penalties which could act as financial stimuli towards the process of villagisation, thus making those deemed disloyal pay the cost of their own coercion. The structural domination this ushered in over Central Province allowed the question of what it meant to be loyal become all the more unqualified. The more nuanced unitisation of the early war gave way to a simplistic assertion of loyal or disloyal, a distinction which was both understandable and applicative. As military success bred security the burden of proof was impressed on the Kikuyu themselves to prove their loyalty

⁶⁸ John Blacker. "The demography of Mau Mau: fertility and mortality in Kenya in the 1950s: a demographer's viewpoint." *African Affairs* 106, no. 423 (2007): 205-227

as instances of opposition arose. For many in the provincial administration however, the answer to challenge was ultimately retribution.

Despite undergoing these shifts of emphasis and purpose therefore, by the late emergency period collective punishment eventually returned to its pre-war utility. A means to reprimand the unruly and react to instances of challenge. Coming around full-circle, collective punishment reverted to a function of security in re-establishing the provincial administration as the force of control within localities, albeit one transformed by the emergency into a real and present threat. It was the ready use of this form of discipline, alongside the wider repertoire of punishments explored in the next chapter, which formed an ecosystem of control in the districts of Central Province which would ultimately break Kikuyu resistance in making resistance an unfeasible proposition.

Chapter 5: 'Perfecting the Discipline' - Diversification of Punishment

In February 1954, well over a year into the emergency, John Pinney sat in his office in the Kikuyu township of Fort Hal' (Murang'a) in a frustrated stupor. Within his district alone in the past few months, livestock forfeiture, curfews and shop closures had followed more instances of violence, oath-taking and murder as the protracted conflict continued.¹ Despite the implementation of emergency regulation and restrictions in one form or another placed on the Kikuyu people since the beginning of the counter-insurgency campaign, the problem of Mau Mau in the reserves of Central Kenya showed no signs of abating. For Pinney, the district commissioner of Fort Hall, the issue was clear. For too long, life had been allowed to be "business as usual" for those living in his district and now was the time for action.²

His solution was as simple as it was definitive, discipline. The entire population of the district needed to be subjected to intense discipline until such a time that they realised that they can no longer assist Mau Mau and must instead rise as a whole to put an end to the trouble. Such a stance was by no means unique to Pinney, nor new among the varied calls championing stronger punitive powers from the cadre of the provincial administration; but in the early months of 1954 as the attentions of the Kenya government turned increasingly to intensifying pressure against Mau Mau's *passive wing*, such pleas found considerably more accommodating ears.

¹ *Seizure of Stock Report*. DC Fort Hall to PC CP, 14th December 1953. FCO 141/6009 (1/1), The National Archives, London (Hereafter, TNA); *Report of Stock Seizure*. DC Fort Hall to PC CP. 18th December 1953. FCO 141/6010 (1), TNA

² *Governor's Directive No.2 of 1954*. DC Fort Hall to PC CP. 15th February 1954. FCO 141/6818 (36a), TNA

This last substantive chapter diverts from the largely chronological approach employed previously to thematically consider how the wide and diverse repertoire of punishments made available to low-level agents active in the Central Province were used, frequently in combination, to make opposition a wholly untenable proposition. The first section, the *Muhiriga* shall decide, places General China's revelation that the local population of an area were always complicit and aware of acts of violence in the context of changes in the Kenyan administration's treatment of the passive Kikuyu population in early 1954. The developments in policy and direction this inspired were to have a lasting influence on the voracity and scope of controls.

The second section, *Diversifying punishment*, documents the varied ways the administration acted to use these to take control of Nairobi and the wider reaches of Central Province through the interplay of regulations targeted at those Kikuyu deemed undesirable. Sometimes far more vast than first supposed or understood within the wider reaches of the administration, the section illustrates how it was the layering of these controls and restrictions that acted to compel opposition into surrender in making sustained resistance unviable.

The latter half of the chapter traces villagisation and communal labour within the context of *Government Directive 3*, which instructed for the closest possible administration and buttressed the role of the administrative officer in the field as akin to the government. As *Directive No. 3* facilitated for coercion to become the norm, one of the main benefits of loyalism was to be protection from the worst of the provincial administration's own coercion. The threat of removing this protection was designed to sustain complicity. Within both of these processes, the provincial

administration and loyalist elite were imbued with agency to varying degrees in manifesting control within localised constituencies.

In the final section, reward and discipline, this is expounded upon in demonstration of how the provincial administration and loyalist elite promoted the importance of the other in security and control within districts to further bolster their own position by association in the view of the central administration. In the disaggregated structure of colonial administration, where latitude and agency was earned through appearances of accord, voracity of coercion became relational to the degree of localised collaboration. This chapter concludes that it is this combination of structural controls and hegemony of the provincial administration and loyalist elite within constituencies which acted to normalise the use of quotidian coercion that made opposition no longer a tenable position for even those most devoted of Mau Mau adherents. As the degree of amiability to the administration became inversely proportional to the voracity of compulsion faced, life in the Central Province was a continuum of coercion which only loyalty could diminish.

The punitive process of villagisation, alongside the social, economic and political reforms which were to shape Kenya's non-military counter-insurgency in rewarding the efforts of loyalists throughout 1954 and beyond are well known.³ Less commonly discussed by historians are the continued dialogues and ever developing means of quotidian punishment and coercion which carried on concurrently with these changes. In this chapter, the administration's fight with the passive wing of Mau Mau

³ See for an account of 'Villagisation', Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya*. (London: Random House, 2005); For 'Rewarding Loyalty' see, Daniel Branch. *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War, and Decolonization*. (Cambridge: Cambridge University Press, 2009): 117-147; David Anderson. *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. (London: Weidenfeld & Nicolson, 2005): 293-297.

will be explored through the ongoing pleas and efforts of provincial agents to both maximise their coercive capacity by means of diversifying the restrictions available to them, and to normalise the notion of increased coercion as a necessary and essential practice.

In doing so, the chapter will further the debates made previously in demonstrating how the impetus and direction of everyday coercion was a firmly 'bottom-up' process, emanating not only from the provincial and district levels but informed through deliberation with the loyalists within these constituencies. This builds on the analysis of Branch in arguing that the loyalist role in the conflict is far more nuanced than first be assumed.⁴ The mutual interdependence of loyalists and local colonial officials forged complicated localised dynamics, which required correspondingly localised resolutions. How this manifested itself in everyday controls throughout Central Province will be examined here in far more granular detail than has been previously attempted in the established literature. In sum, this chapter will again go to show how quotidian controls were not only chaotic and irregular in their conceptualisation and construction, but how it was the capricious and variable implementation of these rules which created a culture of fear.

Furthermore, the chapter will argue that the swing towards loyalism seen from mid-1954 was, in part, due to the increasingly unsustainable living conditions that localised restrictions placed upon the Kikuyu as villagisation took hold. This aligned with the factors of increased security and convergence of the rewards of loyalism with that of the long-standing political goal of increased land access and greater security of land tenure, as outlined by Branch, to make loyalism a viable and

⁴ See, Branch, *Defeating Mau Mau*, 55-93.

preferred alternative.⁵ The war against the passive wing was to prove decisive in bringing an end to Mau Mau resistance as a tangible threat. As the constituencies of control committed to disciplining the Kikuyu people, harsh quotidian controls would ensure that life in Central Province would be anything but “business as usual”.

‘The Muhiriga Shall Decide’

On 15th January 1954, the fortunes of the British campaign and direction of the conflict was to irrevocably change. In the Karatina reserve of Nyeri district, security forces intercepted a large Mau Mau group thought to be more than a hundred strong as they crossed the area between Mount Kenya and the Aberdares. In an erratic skirmish, the group were cornered in a valley, with armed forces on the ridges above. Rushing towards the end of the valley, in search of escape, a number of Mau Mau were caught in the crossfire; among them was one of the group’s most pre-eminent leaders, Waruhiu Itote, better known by his *nom de guerre*, General China.⁶ In the commotion of the battle, China had caught two bullets; the first to his throat and second to his chin. He stumbled back into the valley, careering into the thick undergrowth below, injuring himself further and temporarily losing consciousness.⁷ Later that same day, having lost a lot of blood and believing his time was up, China staggered to a local outpost and offered himself up for surrender.

The news of China’s capture was music to the ears of the Kenyan Administration. It marked the first time a senior general had been captured by the British, and as such, an opportunity to gain some good PR in a campaign that had been insofar lacking in

⁵ Branch. *Defeating Mau Mau*. 96.

⁶ Anderson. *Histories of the Hanged*. 232.

⁷ *Ibid.* 232.

tangible successes. Special Branch was similarly eager to take advantage of whatever intelligence might be obtained from a man known to be Mau Mau's leader on Mount Kenya. What was to be the result of the interrogation was to have a more defining effect on the future course on the conflict than any could ever have envisioned.

Assistant Superintendent Ian Henderson, a man firmly of the white highlander mould, was brought in to deal with China. Versed in the Gikuyu language and culture through a youth spent amongst Kikuyu children on his family farm in Nyeri, Henderson was a man whose name would become synonymous with the darker side of the British campaign through his role in transferring torture techniques learned during his time as an officer in the Kenyan Criminal Investigation Department to those military gangs he oversaw operating in the forests.⁸ Naturally expecting to be tortured, the anxious General China had stressed upon his capture that he held high Mau Mau rank, and was formerly a British soldier. Yet quite the opposite of beaten, he was taken to hospital to have his wounds treated. A far too valuable commodity to be discarded as others may have been, General China presented an opportunity to be taken advantage of.

The interrogation was to last at least sixty-eight hours.⁹ At first reserved and apprehensive, soon China began to speak widely about his role within Mau Mau, eager to make clear false impressions of the movement and its composition. His emphatic and evocative descriptions of the forest gangs and their organisation gave the administration their first strong insight into life for Mau Mau fighters, a sense of

⁸ Elkins. *Britain's Gulag*. 54.

⁹ Huw Bennett, *Fighting the Mau Mau: The British Army and Counter-Insurgency in the Kenya Emergency*. (Cambridge: Cambridge University Press, 2012): 235.

the size of their forces and the tactics they employed.¹⁰ By the time the process was over, Henderson had collected forty-four pages of densely packed typescript which provided an unprecedented intelligence coup.

After fulfilling his apparent usefulness, China was taken to be made to stand for his crimes. Unlike most other Mau Mau trials however, his time before the court at Nyeri was uncharacteristically short. Unwilling to deny his rank or status with the insurgent forces, the presiding judge, Justice MacDuff, found him guilty of consorting with terrorists and sentenced him to hang. China was however never to see the gallows. In a controversial move, the Mau Mau leader was offered a pardon should he cooperate in aiding authorities in entering negotiations with the rebels. Despite protestations in Kenya, what London wanted was to bring the insurgents to terms. Reassured by Henderson, China agreed to the deal and on 4th March 1954, just over a month after he was sentenced to death, Baring announced to an incredulous Kenyan public that the Mau Mau leader had been pardoned.

The account of China's capture, interrogation and subsequent surrender deal has received substantial scholarly interest because it reveals how the fight in the forest began to turn from January 1954. What has received comparatively little attention however is the impact of China's disclosures on the thinking and actions of the administration towards the passive wing of Mau Mau. In this section it will be demonstrated how China's disclosure that the local population were complicit in incidents of challenge led to a significant shift in the approach taken by the provincial administration towards their areas and the need for discipline.

¹⁰ See Anderson, *Histories of the Hanged*. 230-235.

Keen to take the initiative following the capture of China, Baring wrote two directives to his provincial officers. In the first he laid out plans for villagisation, justified through an assertion that even though villages were not a part of Kikuyu culture, that when under threat, “danger over-rides the custom”.¹¹ In the second, he did not champion a specific policy or punishment but rather a reconsideration of the administration’s attitude towards Kikuyu waverers:

“In the past, when most gangsters lived in the forests, many areas were raided. At present in some cases the gangs live in the reserves and instead of receiving some measure of help during an isolated raid are contained in the reserves and succoured by their inhabitants over a long period. On the other hand, in other areas there has been a good turnout to resist Mau Mau gangsters.

I think the time has come for us to take more stringent measures than in the past against inhabitants of areas where gangs are known to operate both night and day over a longish period. At the same time, I also think that ways and means of rewarding areas which resist Mau Mau should be considered. I should be grateful for the views of the Provincial Administration on how this can be done”.¹²

In both directives, the Governor warned of caution but defaulted to the expertise of the provincial administration in how these changes could be applied. In the case of villagisation, any blanket or sweeping order imposing the creation of villages was considered a “mistake”, it was rather the obligation of the district officer in concert

¹¹ H.E. The Governor’s Directive No.1 of 1954. 1st February 1954. FCO 141/6818 (35), TNA.

¹² H.E. The Governor’s Directive No.2 of 1954. 1st February 1954. FCO 141/6818 (35/1), TNA.

with leading loyalists to work out the amicability of an area to such proposals and how to overcome opposition where it appeared.¹³ Fears of alienating would be allies with overzealous reprimands were the reason for a hint of concern, but the lesson learnt by the central administration from China's examination was that more needed to be done to sever ties between the reserves and the forests, either through punishment or reward.

The provincial administration made no secret of its reluctance to reward the Kikuyu. During interrogation China had insisted that no large-scale attacks were carried out in the reserved area unless the *Muhiriga*, clan of that area, supported the action. Thus, if China was to be believed, wherever a significant incident had occurred the local population were complicit in not only being aware of the action but giving consent to it being carried out.¹⁴ Placing the credibility of China to one side, such assertions carried weight with the provincial administration precisely because it aligned with the preconceptions and prejudices about the supposedly duplicitous nature of Kikuyu, and perhaps more pertinently added further credence to arguments in support of the need for additional discipline.

If the *Muhiriga* was complicit when an incident took place, then punishments and restrictions which targeted the whole district were therefore appropriate in their response. The suggestions put forward in turn were thus less designed to distance those problematic areas in the reserves from the forests, as Baring may have intended, but to discipline entire districts through tight restrictions until a time in

¹³ H.E. *The Governor's Directive No.1 of 1954*. 1st February 1954. FCO 141/6818 (35), TNA.

¹⁴ *Governor's Directive No.2 of 1954*. DC Fort Hall to PC CP. 15th February 1954. FCO 141/6818 (36a), TNA.

which they could by virtue of their actions show themselves to be aligned with the government.

Under suggestions from the district commissioner Fort Hall, all Kikuyu would be barred from internal or external movement without the prior agreement of a district officer; would not have access to public transport; would have no right to hold markets for the sale of goods and be banned from export trade unless they were a member of the Kikuyu guard. In addition to these restrictions, each adult Kikuyu would be required to take part in forced communal labour four days a week, working primarily on agricultural tasks such as ditch digging and scrub clearance.¹⁵

Recommendations for and the limited use of such restrictions were by no means new in Central Kenya by 1954, but the scale and direction suggested eclipsed that of previous practice. Between October 1952 to late 1953, the government had made wide use of restrictions to on one hand punish and on the other direct its backing specifically towards those who had publicly demonstrated their loyalty, either through their actions or membership of the home guard, by means of exemptions. As standard, pass laws were introduced within reserves to restrict movement and a special tax on all adult Kikuyu, Embu and Meru men at Shs.20 was introduced. Duly members of the home guard and known loyalists were given exemptions on both counts.¹⁶

Following Mau Mau attacks, communal labour orders were issued to repair property or infrastructure damaged in raids, as well as be used in the construction of government camps and home guard posts. Additionally, curfews were placed on a

¹⁵ *Ibid.* 2

¹⁶ Daniel Branch, "The Enemy Within: Loyalists and the war against Mau Mau in Kenya," *Journal of African History*, 48 (2007): 302.

number of trouble areas in hopes to deter further action. These restrictions, alongside the use of collective punishments, formed the basis of the provincial administration's quotidian response to instances of challenge. Importantly these, alongside supplementary punishments in the form of revocation of trading licences, restriction on public transport and banning of markets amongst others, were limited to specified small areas where issues had occurred.

Precisely what limitations were imposed upon the Kikuyu was thus varied, uneven and contingent upon both the activity of Mau Mau in that area and the reaction the administrator decided to take to it, the suggestions made in early 1954 sought to make restrictions more standardised across full districts. By subjecting an entire district to restrictions aimed at the whole population, it was reasoned that it would be easier for those areas which had a genuine desire to cast off Mau Mau to show by their actions their loyalty.

Conversely, when incidents occurred under tighter restrictions and with the presumed consent or acquiescence of that *Muhiriga*, then additional punishment was more readily justifiable. The subsequent application of these would be where the discretion of the local administration came into focus. The diversification of these additional punishments was not only in the breadth of punitive actions available, but in who had the power to employ them. Part of making discipline effective was to give comprehensive latitude to even the most junior of administrative staff.

The suggestions of the district commissioner Fort Hall found significant support from the wider provincial administration after being discussed at a meeting of district

commissioners and assorted chiefs in Nyeri on 4th March.¹⁷ Here again, preoccupied with the complicity of local people in Mau Mau attacks, the district commissioners' were insistent on the need for securing effective punishment for Mau Mau incidents, throwing the weight of their backing behind proposals for the burden of compensation for losses to be placed on local inhabitants. Similar sentiments were echoed by the district officers of Nyeri district, believing that as long as the *Muhiriga* shall decide, the people of that area should make good the loss until such a time they can be deemed loyal.¹⁸ This vocal support from the provincial administration had the desired effect, with the emergency regulations being altered only days later on 7th March to allow for the application of collective fines. In only a matter of weeks after his capture, the Kikuyu of Central Province were repaying the cost of China's disclosure.

The 'confirmation' of long held suspicions against local Kikuyu in Mau Mau operations ushered in wider application of restriction policy across the Central Province, with a willingness to make more expedient use of the arrays of punishments available. In white settler areas, where the application of fines was impractical, District officers were empowered to reduce the rations of farm labourers should they be suspected of providing food for Mau Mau gangs.¹⁹ Those deemed complicit in aiding or sheltering Mau Mau fighters were also liable to have their labour contracts cancelled and forcibly relocated back to the reserves.²⁰ This was

¹⁷ *Extracts from Third meeting of District Commissioners and Chiefs held at Nyeri on March 4th/5th 1954, To consider policy and reconstruction in the Kikuyu Land Unit.* 5th March 1954. FCO 141/6818 (45), TNA

¹⁸ *Communal Punishments.* DC Nyeri to PC CP. 2nd March 1954. FCO 141/6818 (43), TNA

¹⁹ *Extract from Minutes of Central Province Emergency Committee held on Friday, 12th March, 1954.* 12th March 1954. FCO 141/6818 (48), TNA

²⁰ Those who had their labour contracts cancelled and were sent back to the reserves were often put to work on compulsory labour schemes and received meagre pay if at all. See Elkins. *Britain's Gulag.* 116-118.

similarly the case for those Forest squatters employed at lumber camps and working in forest clearance.

Two separate incidents in the Nyeri Forest Reserve in February saw nineteen men have their contracts cancelled and be forcibly removed from the forest with their families. The first in the Kabage Forest area followed the brutal decapitation of a Kikuyu Guard where local complicity was suspected, in the second seven men were taken into custody as alleged oath administrators. In both cases the non-cooperative attitude of the people involved was enough to remove individuals, and their families, right to remain in both employment and the forest.²¹

Concurrently at the village of Naro Moru, still in Nyeri, a forfeiture of sheep was requested following the murder of white settler Anthony Gibson, a day after the disappearance of fifteen forest squatters. Despite the only forthcoming information from 78 of the 85 people that remained being an admission to taking the oath, and no evidence being given as to the whereabouts of those suspected missing squatters, punishment for the crime was only directed at those missing with their families free to remain in the forest.²² Even within the bounds of a single district, the direction and voracity of punishment was varied due to the individual officer enforcing it. How and to what degree these powers were employed were inherently localised. A reflection of the disaggregated and capricious nature of colonial control itself; the form, fit and function of punishment was too delimited and thus inherently uneven.

²¹ *Collective Punishment - Nyeri Forest Reserve*. DC Nyeri to PC CP. 6th February 1953. FCO 141/5954 (1/1), TNA; *Collective Punishment - Nyeri Forest Reserve. (Kabage Area)*, Govt. Notice No. 1253 of 25/11/52. DC Nyeri to PC CP. 16th February 1953. FCO 141/5958 (1/1), TNA.

²² *Impounding of Sheep*. DO Nyeri Station to DC Nyeri. 8th February 1953. FCO 141/5964 (1/4), TNA.

In spite of no tangible change in restriction policy in the first months of 1954, the capture and subsequent disclosure of General China changed the lens through which the provincial administration saw instances of challenge from Mau Mau and, as such, altered what was deemed the appropriate response. Only a few months earlier, in August, the district commissioner Nyeri had asserted that the administration was always acutely aware that, “a heart turned is better than a heart burned”, yet despite the insistence of Baring to move to reward loyalist for their efforts, the limited concern shown to the Kikuyu population had only further decreased with China’s revelation.²³ Throughout the beginning of 1954, provincial control was to be geared towards making the ‘decision’ of the *Muhiriga* have real consequences.

Diversifying Punishments

In the hectic streets and bustling suburbs of Nairobi, removed from the influence of the Muhiriga, the war against Mau Mau’s passive wing took on a vastly different complexion. While the number of active Mau Mau fighters in the capital may have been as few as 300 by the start of 1954, a vast majority of the city’s African population was suspected of supporting the movement.²⁴ This urban population was crucial in supplying and sustaining forest fighters, as well as sheltering active insurgents who carried out assaults on targets within the city and in the surrounding areas. In short, Nairobi was a town where Mau Mau thrived.

²³ *Half Yearly Report - Nyeri District. 1st January to 30th June, 1953.* DC Nyeri to PC CP. 27th August 1953. FCO 141/5721 (95), TNA.

²⁴ Anderson. *Histories of the Hanged.* 200.

Dealing with the detribalized and autonomous urban passive population had been a concern of the administration since the late 1940s. Many of the early examples of a more militant type of resistance in the period came from the *Forty Group*, young men, employed in Nairobi, whose ambitions outgrew the conservative style of Kenyatta and demanded more direct action. Physically removed from traditional structure of control, these “time-bandits”, as Lonsdale has termed them, rejected ancestry, the sequence of personal growth and authority of elders, in casting off obligation and order.²⁵

In the capital and without the traditional means of social control, these men were cited to affirm the administration’s worst prejudices about the moral degradation that rapid modernisation and detribalisation had on the Kikuyu. Vitaly, in reinforcing the irrationality of traditional structure of authority over the Kikuyu mind, this acted to absolve the state of responsibility for the outbreak of violence and rejection of control. Thus, through the distorted lens of the state, violence, coercion and compulsion could be justified as in aid of the Kikuyu moral wellbeing.

Such a problem required a novel solution, the British administration’s answer was an urban cordon and search operation, the scale of which had never been seen.²⁶ From 24th April 1954, Operation Anvil saw Nairobi come to a standstill. For the next month, the city became a closed district, with all movement in and out being monitored by a force of 20,000 men placed at checkpoints, screening centres and roadblocks throughout Nairobi’s centre and suburbs. The intention was to screen all the Kikuyu residents of the capital, with only those deemed suspicious or unable to provide

²⁵ See John Lonsdale, “The Moral Economy of Mau Mau” in *Unhappy Valley vol 2: Violence & Ethnicity*, ed. Berman & Lonsdale. (Oxford: James Currey, 1992): 326-460.

²⁶ Anderson. *Histories of the Hanged*. 200.

documentation for their presence in Nairobi undergoing further questioning at holding camps outside the city. The sheer scale of the operation, combined with a considerable mistrust of the Kikuyu, soon meant however that any early estimates of numbers would prove woefully misjudged. As screening teams rushed to work through the masses of Africans waiting to be seen, only the most rudimentary distinctions were employed. Like elsewhere in Central Province, being Kikuyu was prima facie evidence for suspicion.

By 26th May, when the operation finally came to an end, over 50,000 Kikuyu males had been screened. Of this number, almost half were detained without trial.²⁷ The mass removal of Kikuyu men, alongside the exodus of many more women and children, forcibly or otherwise, had a profound effect on both the social fabric and economy of Nairobi. Formerly the most numerous ethnic group in the city, the proliferation of Kikuyu as traders and shopkeepers was seen as a network of both material and financial support to Mau Mau. Anvil saw the number of Kikuyu reduced in the capital to only a quarter of its workforce.

The repercussions for the city's trade were marked. Over the ensuing months, new regulation was directed at formalising the prohibition of Kikuyu trading in Nairobi, as the law caught up to what the military operation had started. Keen to avoid alienating supporters through a blanket suppression of KEM trade, district officers were instead given the authority to withdraw the trading licence of any person who was suspected of supporting terrorism.²⁸ In addition, under the new *Emergency Regulation 4F*, the issue of new licences became contingent on the blessing of the local officers, who

²⁷ *Ibid.* 305.

²⁸ *Kikuyu Retail Trade in Nairobi*. Officer-in-Charge, Nairobi Extra-Provincial District to Secretary of Defence., 7th July, 1954. FCO 141/6140 (10), TNA.

were empowered to refuse applications at their own discretion.²⁹ Controlling Nairobi's trade became the administration's business.

The restrictions placed on trading licences was only one of a repertoire of punishments and controls used in tandem by the Nairobi administration, geared at recapturing control of the capital. Requirements for Passbooks, tenancy and employment, as well regulations outlawing vagrancy were only a number of the steps taken to remove the undesirable from Nairobi, what gave such plans thrust was no singular policy but how these controls interplayed together.

For those who had their livelihood taken away through the revocation of trading licences, unemployment meant forced relocation out of the city back to the reserves of the Central Province. Where shop owners had been taken to either the Langata, Manyani or Mackinnon Road screening camps, passbooks would not be issued to their wives, children and employees meaning that if they chose not to follow they would soon be driven from the capital regardless.³⁰ For many of those who remained, the vacuum of Mau Mau intimidation was soon filled by corrupt home guard, looking to take full advantage of their new position.³¹ In the struggle for the city, the new emergency regulations in essence empowered district officers with a mandate to forcibly remove Kikuyu to the reserves at their own discretion. Where Anvil had been the landmark moment in the fightback against Mau Mau, it was what followed that transformed the capital. Breaking Mau Mau control in the city transpired as refashioning Nairobi as a place hostile to Kikuyu presence.

²⁹ *Control of Kikuyu Retail Trade*. SAA to Officer-in-Charge, Nairobi Extra-Provincial District. 16th July, 1954. FCO 141/6140 (20), TNA.

³⁰ *Kikuyu Retail Trade in Nairobi*. Officer-in-Charge, Nairobi Extra-Provincial District to Secretary of Defence., 7th July, 1954. FCO 141/6140 (10), TNA.

³¹ Anderson. *Histories of the Hanged*. 209-210.

In the wider reaches of Central Province, the introduction of equivalent legal powers was not extended, but here again the combination of existing regulations allowed for the effective use of punitive power through other means. The conditions in the provincial townships and trading centres were significantly different from that of Nairobi. The limitation of the *Emergency Regulation 4F* to target only KEM trade made it insufficient for provincial townships where Asian-owned trade dominated, as such the powers were never extended beyond the Nairobi extra-provincial district. In the absence of this singular expedient control however, officers of the Central Province made use of tandem regulations to have a similar effect.

If any trader of any race was suspected of supporting Mau Mau then they could be effectively dealt with by the temporary closure of their shop under *Emergency Regulation 4D* and thereafter, if necessary, under *Emergency Regulation 16A (2)* have the entry of any Kikuyu, Embu or Meru prohibited on that premises.³²

Effectively, these twin regulations worked to first halt the immediate threat and then act to suppress any further issue. Like most of the emergency regulations, these controls empowered district officers to be as capricious as they thought effective.

A successful trader in Central Province, Gosar Maya Shah, was at the mercy of such action when his store in the Mweiga township was closed in March 1954. Shah's Kikuyu assistant and store manager became suspected by local police of consorting with Mau Mau in the sale of goods through intermediaries and in acting as a treasurer for the secretive society. The district commissioner Nanyuki wasted no time

³² *Item 5. Legal Powers to cancel trading licences.* 18th August 1954. FCO 141/6140 (22), TNA.

in using his powers to close the premises and request that the Temporary Occupation Licence (TOL) for the store be cancelled.³³

Largely absent running another shop some ten miles away in Nyeri township, the first Gosar Maya heard of this was when he received a note from the district commissioner ordering him under emergency regulations to close his store for three months, neglecting to give reason for why. Only a week later, the police were in touch to hand Gosar Maya a letter from the Land Office purporting to cancel his lease for temporary occupation of the site and requesting that the building be demolished with the plot handed over to them.³⁴

In the provincial townships of Central Province, away from the attention of the capital, the latitude given to a district officer to disrupt the livelihood of an individual deemed to have been consorting with Mau Mau was vast. This was due in part both to the disaggregated nature of the state and the exigencies of Mau Mau conflict meaning those men on the ground needed the capacity to react quickly to challenge. Yet, the effects of their actions often had more far-reaching consequences. As Gosar Maya fought against his charge and the premises remained closed, the local population of Mweiga were left with only one Indian shop from which to buy supplies. Although the local district officer was quick to assuage any fear of potential shortages due to proximity to Nyeri, restrictions placed on KEM access to public

³³ *Plot No. 3 Mweiga Trading Centre. Gosar Maya Shah.* DC Nanyuki to PC CP. 16th March 1954. FCO 141/6818 (49). TNA.

³⁴ *Re: Plot 3. Mweiga Trading Centre. Gosar Maya to Deputy Chief Secretary.* 22nd March 1955. FCO 141/6140 (23/1). TNA.

transport meant the prospect of a twenty-mile round-trip by foot for those required to make the trek.³⁵

It was over a year before it was agreed the shop at Mweiga could have a trading licence reapplied contingent on the sale of the property away from Gosar Shah.³⁶ In that time, the people of the township were at the mercy of either a significant journey or a virtual monopoly. Here again, the cost of the crime of the individual was paid by the *Mbari* as a whole.

Similarly, in Thika, two hotels, three dwelling houses and a shop were all closed after a raid was made on a shop in the Old African location of the township. The bust returned a Pachett gun and magazine, as well as two automatic pistols and led to a search and the arrest of 14 people in a nearby hotel who failed to produce papers for their presence. This followed reports of a sizable gang of Mau Mau in the area seen a few nights before on Mr. Moir's farm. The following day, a further ten men were arrested sitting in the bush on the side of the main road near the charcoal market, with none of them in possession of any kind of paper.³⁷ Left in no doubt that these were gangsters recruited in Nairobi and proceeding to the Reserves, but unable to provide evidence for prosecution, the DC Thika defaulted to compulsion to try and extract more evidence. Even in the belief that these men were not local, again, it was the people of the township that would be made to pay until evidence could be found.

It was not just the district officer who had the autonomy to disrupt the lives of the Kikuyu, however. In Nakuru, the county council compiled a list of rules and

³⁵ *Closure of Asian Shop of Gosar Maya in the Mweiga Trading Centre*. DO Mweiga to Member for Commerce and Industry. 15th March 1954. FCO 141/6818 (49a). TNA.

³⁶ *Gosa Maya's Shop - Mweiga*. DC Mweiga to PC CP. 12th April 1955. FCO 141/6140 (25/1). TNA.

³⁷ *Closure of Shops and Dwellings. Emergency Regulations 1952. Section 4D*. DC Thika to Member for Commerce & Industry. 9th September 1953. FCO 141/6818 (23). TNA.

regulations which outlined the circumstances under which the sale of leases could be prevented, specifically to African traders. For example, licences for beer halls, markets, laundries and bus services, or any others which may be described as social services were to be rejected in favour of local authority control.³⁸ In addition, termination of leases was accepted for all traders who were criminals, joined proscribed organisations or who were otherwise “unable to make the grade”.³⁹ Here too, loose definition allowed for flexibility in application.

Outside of the provincial townships in the native land areas the ability of the district officer to close stores was even more pronounced. As part of *Emergency Regulation 4A* which dealt with collective punishments, administrators were empowered to close shops, markets and other establishments if there was suspicion of Mau Mau activity in a location. Just as with stock seizures, following the commission of a crime, as intentionally ill-defined within the regulations, officers could take expedient action in closing premises to halt further offences or if there was a suspicion that evidence was being withheld. However, as opposed to communal punishments where a report of the seizure was passed up the administrative hierarchy for some form of oversight, any store closed under *Emergency Regulation 4A* did not require a report be made available to the central administration for potential revision or cancellation. In fitting with much of the hand-to-mouth and disorderly nature of the quotidian counter-insurgency, the extent of these almost autocratic powers was far more by accident than design.

³⁸ *Nakuru County Council: Notes on the grant of leases to Africans in Townships*. 7th July 1953. FCO 141/6749 (186) TNA.

³⁹ *Ibid.*

In August 1956, following an appeal to the Supreme Court, D.W. Conroy, the Acting Attorney-General, raised surprise and alarm about the unsupervised extensive powers granted to even the most junior officers to close stores under *Emergency Regulation 4A*.⁴⁰ The popularity of market closures, in particular, among provincial officialdom had sustained throughout the emergency as a choice form of collective punishment chiefly because of the unique punitive effect it had on the community as a whole. Full families were affected as closures meant not only restriction on purchasing supplies, but an inability to sell surplus produce grown on shambas to earn extra money. For a district officer trying to demonstrate his authority, the effortlessness with which the punishment could be applied allowed it to become an expedient and timely recourse, and one which crucially did not come with any inconvenient red tape.

Soon after Conroy's discovery, concerns over political appearance saw regulations tightened to remove powers of closure away from district officers and require district commissioners to report any such instances to the provincial commissioner.⁴¹

Coming almost four years into the emergency however, countless shop owners, traders and proprietors had been left defenceless against the caprice of their local official, as this significant procedural failure had gone completely unnoticed to the attention of the Kenya Government in that time.

This devolving of almost absolute power to close stores at whim in the native reserves, mistakenly or otherwise, was typical of a disaggregated system which entrusted those further away from the auspices of Nairobi with a higher degree of

⁴⁰ *Emergency Regulation 4A*. Ag. AG to MAA. 11th August 1956. FCO 141/6140 (32). TNA.

⁴¹ *Emergency Regulation 4A*. Ag. PC CP to SAA. 25th August 1956. FCO 141/6140 (34). TNA.

coercive power in a presumed trade-off for control. Closer to capital and the attention of the Central government, white settler and Asian communities, the vigilance with which punitive policies were employed reflected the additional scrutiny these stakeholders had on the means of control. Away from watchful eyes in the reserves, the absence of a comprehensive and well-manned bureaucratic system meant control was far more contingent on the availability and willingness of the *man on the spot*, along with native authorities, to make expeditious use of coercion, what Mamdani has termed, “decentralized despotism”.⁴² Consequently, the augmentation of these powers was often hand-to-mouth and chaotic, done in reaction to challenge. As a new issue would arise, the solution was to further empower the officer in charge with the means to deal with it. Once these powers were granted however, just what would provoke a response, and to what degree, became the remit of the *man on the spot*.

It should be noted that it would be a mistake to conflate this absence of a fleshed out bureaucratic system with there being no system in place for negotiation and modulation at all. Clearly, given the paucity of available European administrators and often rapidly changing circumstances, some form of decentralisation became an inevitability. This, however, was only an option because of *institutional segregation*, which gave power to native chiefs to operate through native institutions in mediating control. Through inventive modification and, far more often, complete fabrication that reconstituted rural power through native power structures, provincial control gained a

⁴² For ‘Decentralized Despotism’, See Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. (Princeton: Princeton University Press, 2018): 37-61

form of legitimacy and, vitally, became actionable in close negotiation between chiefs, headmen and local administration.

The disaggregation of coercive power in the reserves of Kenya was not only marked with difference to Nairobi and provincial townships, but the native lands themselves were further disordered by the presence of *prohibited* and *special areas* within districts. Introduced throughout much of the Kikuyu reserves in 1953, special areas were defined as zones in which fire could be opened on any individual who failed to stop when challenged by authorities. In prohibited areas, such as, the Aberdares and Mt. Kenya, authorities were given the right to shoot any individual seen within or entering the zones at sight.⁴³ The extension of special areas throughout 1953 followed a basic pattern. On the discovery of a Mau Mau encampment or safehouse, or following the commission of a crime, local district officials in step with their provincial security committee would petition that a special area be extended to allow for the deadly use of force in the policing of a district. Considered essential in fighting the counter-insurgency, these requests were readily approved, as such by early 1954, most of the Central Province and increasing stretches of the Rift Valley Province had become defined as special areas under *Emergency Regulation 22B*. Never keen to miss an opportunity, the administration used enshrinement of special areas to add coercive controls and diversify the range of restrictions at play within districts. Curfews were introduced to regulate movement at night and make vagrancy illegal, a common problem in larger townships. Additionally, special taxes were also introduced to pass the cost of crime onto the Kikuyu themselves.⁴⁴ The practicalities

⁴³ John Newsinger. "Revolt and Repression in Kenya: The 'Mau Mau' Rebellion, 1952-1960." *Science & Society* 45, no. 2 (1981): 171

⁴⁴ *Kikuyu: Emergency Measures*. DC Kericho to PC Nyanza Province. 4th February 1954. FCO 141/5660 (154/1). TNA.

of these measures were of secondary concern to the appearance of authority they conveyed. Curfews, it was recognised, were almost impossible to enforce to any high degree, but offered another form of restriction that could be used in defining between those law-abiding Kikuyu and those deemed willingly in flagrant of the law. What these regulations were seen to provide for in sum was to change the perspectives of districts. The combination of restrictions was packaged as a psychological hit to Mau Mau in dispelling the notion that an area was one where they could afford to rest. For those Kikuyu at home in special areas without exemptions, curfews and higher taxes were just more in a long list of controls which made life increasingly untenable.

The expeditious use of the wide range of emergency regulations and controls at the disposal of the provincial administration thus combined to make the everyday life of the Kikuyu at their mercy a problem. Even for proven loyalists, for whom restrictions were at best a nuisance, the effects of the controls were felt in most aspects of daily life. For the lion share of those living throughout the Central Province however, for whom the full brunt of the administration's duress was felt, controls proved a source of strong-armed torment. From upending daily routines and restricting movement to lightening wallets and taking advantage of their labours, emergency regulations progressively achieved what the provincial administration intended them to, to collectively punish and discipline the supposedly unremorseful and obdurate population. Much less a question of *hearts and minds*, from early 1954 the quotidian response was rather compulsion until the back was broken. This was only to become more pronounced as plans for villagisation gathered pace.

Villagisation

In late April 1954, as Nairobi was being placed under military lockdown with the beginning of Operation Anvil, a third directive from Government House was issued to give the war against Mau Mau's passive wing a new dimension. Coming only a few months after the previous directives, the circulation of the third sought to make clear the Government's policy on the administration of Kikuyu, Embu and Meru peoples. Frederick Crawford, at the time acting Governor, was unambiguous in insisting that the Government gave full support to the "closest and firmest possible administration" supported by the use of administrative penalties. Despite recognition of the significant role Mau Mau intimidation played in suppressing information and terrifying those amicable Kikuyu from helping the government, the long-time Deputy Governor was unabashed in declaring that "everyone must be made to understand that the Government has the power, which it will not hesitate to use".⁴⁵

The timing of the directive not only coincided with Operation Anvil, but closely followed the formation of the War Council the previous month, which aimed to increase the coordination and direction of the counter-insurgency campaign at the highest level. For the ever-paranoid members of the provincial administration however, this marked just the latest example of increasing military influence over the Kenya government since the arrival of General Erskine in July 1953. Overtly aware of the distrust amongst provincial officialdom to portents of challenge to their autonomy of action, the directive was just the shot in the arm they needed:

⁴⁵ *The Governor's Directive No.3 of 1954*. 26th April 1954. FCO 141/6247 (1). TNA.

“...it is essential to emphasise the authority of Provincial Commissioners, District Commissioners and District Officers so that the population clearly understand that the administrative officer in the field is the Government and that he must be respected and obeyed.”⁴⁶

Illustrating the predominant authority of the administrative officer however not only meant confronting all challenges of Mau Mau in Central Province but making clear the distinct and unique jurisdiction of the administration from that of the Security Forces. Practically, this meant reacting to measures taken militarily with the sharp imposition of administrative penalties. The wide licence of the security forces in their operation including the use of lethal force against insurgents meant maintaining the balance of supremacy in the administration's favour was a process of gearing them with such coercive powers in the conduct of everyday control to leave unambiguous their authority. The nearing autocratic autonomy with which provincial officers were empowered to act by mid-1954 was bolstered further still under *Directive No. 3*, as officers were encouraged to make use of all available punishments to react with exemplary force to breaches of the law. Chief amongst these was the newly redefined villagisation programme.

The chaotic implementation, definition and redefinition of policy during the Mau Mau emergency was a recurrent theme. A symptom of the ad hoc and makeshift nature of colonial administration at the extremes, the application of specific and limited policy proved incompatible with the broad needs and myriad issues which the administration faced in the diverse reaches of the colony. In the absence of time for extensive planning, testing the applicability and appropriateness of new regulations

⁴⁶ *ibid.*

and determining how to make them broadly effective was a case of trial and error.

The provincial administration, always keen to maximise their authority of action, were quick to bemoan any limitations of policy. The rapidly changing situation in the conflict and this expeditious source of feedback made for the redefinition of regulation a fundamental part of the process.

Conceived at first as a voluntary action, which was to be encouraged but not forced, the process of villagisation underwent a complete redefinition in just two months. Initial apprehensions about a blanket order being a mistake and potentially damaging to would be allies were quickly set aside for a radical programme of social revolution that would irrevocably change the demographic complexion of Central Province:

*“It is now Government’s firm policy to intensify villagisation in all bad, unco-operative areas as a security and penal measure, and also actively to encourage the formation of villages on a voluntary basis. In this respect this directive cancels the Governor’s directive No.1 of the 1st of February, and makes villagisation compulsory and a matter of urgency in all “bad” areas.”*⁴⁷

The nominal impetus for this change of heart was a recognition of the tangible effect physical separation of passive Mau Mau supporters from those active fighters was having 'n the latter's ability to resupply and stay tuned in with up-to-date information on security operations. In confining insurgents to the forests, and isolating them from their support structure, it was also hoped that the mental toll of the conflict would tell or, at very least, the fear of isolation would begin to weigh heavy. More practically,

⁴⁷ *The Governor’s Directive No.3 of 1954.* 26th April 1954. FCO 141/6247 (1), TNA

there was a pressing issue of the need to move thousands of 'Grey' detainees out of Manyani detention camp, amongst others.⁴⁸

In early 1954 as pick-ups continued at pace and with Operation Anvil on the horizon, the administration was presented with a significant issue of rapid overcrowding in detention camps. The process of applying individual delegated detention orders (DDO) to those detainees classified as 'Grey' before releasing them to work camps in outlying regions was restricted by further overcrowding, transport delays and limited projects for labour. The construction of punitive villages allowed for the extension of this detention 'pipeline' with those cooperative detainees being held in work camps moved on to Guarded villages in the reserves on restriction orders, and those 'Grey' ex-Manyani and elsewhere moved to work camps.⁴⁹

The extraordinary step taken to mandate forced villagisation was a departure from the mean in the Kenya government's quotidian response to the emergency. The previous imposition of punitive policies such as, fines, stock seizure and closure of markets, were in sum reactive measures, used as a salve for the wounds of Mau Mau crimes. While a number of restrictions such as curfews and limitations on movement acted as both punitive and preventive measures, the introduction of compulsory villagisation combined this in a structural change to the Kikuyu way of life under the auspices of security. Telling of this difference was the reaction among leading loyalists for villagisation, that was far more guarded to that of other punishments.

⁴⁸ Screened Kikuyu detainees were given classification as either 'Black', 'Grey' or 'White' depending on supposed Mau Mau affiliation. 'Grey' detainees were those Kikuyu who were not active fighters (Black) but were suspected of being either participants in the furtherance of Mau Mau or suspected of having taken the oath without confession.

⁴⁹ *Memo.* MAA to PC CP. 6th January 1954. FCO 141/6254 (11), TNA

During a large meeting of the *Provincial Advisory Committee* at Nyeri in January, senior chief Muhoya expressed the view of African members that compulsory villagisation should only be seen as a last resort if other measures had been tried and failed, or as a punishment for significant crimes. While the tangible security benefits of the process were acknowledged by all present, caution was preached in upturning the lives of many for the crimes of the few. Instead, leading loyalists argued for a concentration of food stores at Kikuyu guard posts, and the provision of accommodation there for those who wished for greater protection.⁵⁰

The main desire of the assorted chiefs at the advisory committee meeting was to be “brought into the picture”, locally, regarding plans for villagisation and on matters on which they felt ownership.⁵¹ Part of ensuring their own control as the emergency continued to develop was in positioning themselves as reliable local agents and mediators for the reconstruction to come. In the directive on villagisation that followed in February, Baring asked for the continued close input from trusted loyalists on how and where to push for concentration of villages, as well as hoped to use their voices to build support for the process. By April however, any mention of loyalist input in the process was side-lined as the mandate took hold.

The only allowance for loyalist action under *Directive No.3* was in the construction of voluntary villages. In contrast to their punitive alternative, these were conceptualised as well planned and permanent sites which would be positioned with proximity to local amenities and have access to government financial assistance to supplement the construction of those missing conveniences. These voluntary villages, or

⁵⁰ *Second Meeting Held at Provincial Headquarters, Nyeri, On Tuesday, 26th January 1954, to Consider Policy and Reconstruction in the Kikuyu Native Land Unit.* FCO 141/6807 (2), TNA

⁵¹ Report on meeting with Kikuyu leaders. Ag. CNC to DG. 28th January 1954. FCO 141/6807 (4), TNA

protected villages as they became known, were intended to house the home guard, their dependents and other leading loyalists and offer increased security for these targeted groups.⁵²

Duly, punitive villages were to be constructed with none of the same considerations. The absence of access to facilities, limited number of crammed dwellings and generally unhygienic conditions were integral to making these new sites fit as punishment, the lack of funding devoted to the project went a long way to ensure this.⁵³ The expectations from the Kenya government was that these new villages would be constructed as far as possible on a “no-cost basis”, with materials and labour being extracted from the local Kikuyu themselves.⁵⁴ In truth, the only commonality shared by the two forms of construction was in their label as villages.

Amongst the provincial administration there was significant support for the concentration of population. Even with the vast array of powers at the disposal of local officers, there had been a recognition that it was necessary to devise a punishment that was not “done in the heat of the moment” but was instead more thoroughly thought out as to have a longer-term effect.⁵⁵ Villagisation effectively filled this void. Wide scale plans were made for Nyeri, Kiambu, Fort Hall and Embu districts. Only in Meru was there resistance, where the district commissioner did not pursue any comprehensive policy because of a belief that the sparser population density of the region constituted a security benefit.⁵⁶

⁵² *The Governor's Directive No.3 of 1954*. 26th April 1954. FCO 141/6247 (1), TNA

⁵³ Branch. *Defeating Mau Mau*, 108.

⁵⁴ *The Governor's Directive No.3 of 1954*. 26th April 1954. FCO 141/6247 (1), TNA.

⁵⁵ *Communal Punishment*. DC Fort Hall to PC CP. 31st March 1954. FCO 14/6818 (60), TNA.

⁵⁶ Elkins. *Britain's Gulag*, 409.

In settled areas, the concentration of workers into villages on farms had been routinely employed since the earliest periods of the emergency. Rather than a general policy however, this was conducted on a largely case-by-case basis through appeals by district officials and local settlers' associations. In mid-1953, there was an issue of *Orders for Concentration of Labour* in Thika after slow uptake had seen cases of incidents rising in the district, with threats of charges against farmers who failed to comply.⁵⁷ In stark contrast to the penny-pinching in native lands however, the government set aside over £100,000 in compensation for farmers to repay the cost of relocation. As with all other forms of regulation, the worst of the compulsion was solidly reserved for the Kikuyu.

The erection of punitive villages took on average around three months. Construction of the village was the burden of those Kikuyu who were chosen to live there. During compulsory labour duty, the locals would be made to construct their own huts, tightly packed in on small parcels of land reserved for up to 500 people. Each village was located within 500 yards of a central home guard post, which itself would serve as a nexus for two or three more villages within similar proximity.⁵⁸ Trenches were dug and filled with wooden spikes and barbed wire around the outlying edge of the village and home guard post, all part of the forced labour requirements. When enough dwellings were erected, the would-be residents were promptly and forcefully relocated, squeezed into the however many huts had been constructed until more were finished and often burning those from which they had come. Undue hardship or inconvenience were all part of adding to the disciplinary and punitive focus.

⁵⁷ *Unoccupied and Unalienated Farms - Thika District*. DC Thika to SAA. 27th March 1954. FCO 141/6133 (18/1), TNA

⁵⁸ Branch. *Defeating Mau Mau*, 108.

Once inside a village the weight of the administration's quotidian coercive power became even more acute. Limitations on space meant cattle and other livestock were confiscated.⁵⁹ Food supplies were carefully monitored to ensure against hoarding and the passing on to fighters. This could also be restricted when necessary for further punishment. Those regulations that were previously unpracticable to enforce were transformed into the norm. The close presence of home guard patrols, watch towers and defences rendering curfews effective and making travel in and out of the village the subject of tight controls. With constant surveillance of the population and extensive fortification in place, these villages became carceral spaces where the only crime for many was a failure to make known their loyalty to the state. The presence of the extensive physical and legal restrictions embedded in villages has led Elkins to label them “detention camps in all but name”.⁶⁰

Cattle were stabled overnight in fenced enclosures following villagisation over fears of insurgents cattle rustling. However, because of limitations on space many were compelled to sell their animals when they moved into the new communities. Sheep and goats proved an additional problem. The administration outlawed the raising of goats within village dwellings on the supposed grounds of public health, although given reason for enclosure in the first place the impetus was unquestionably food deprivation.⁶¹ Left with little option, villagisation for many was akin to a widespread forfeiture of livestock, ridding the people of another avenue of food and income.

⁵⁹ *ibid.*

⁶⁰ Elkins. *Britain's Gulag*. 237.

⁶¹ Branch. *Defeating Mau Mau*. 113-114.

In addition to the repressive controls and squalid conditions, direct intimidation and coercion in punitive villages was rife. Employment in the unwaged home guard or other loyalist institutions had acted to monopolise loyalists' time during the first two years of the conflict, pulling them away from their lands and their main source of income. In addition, emergency regulations on movement had made it extremely difficult to get food to market, even for known loyalists, further acting to discourage productivity. Finally, the threat of being attacked by Mau Mau fighters while labouring on outlying landholdings deterred loyalists further still. As such, the possibilities to earn a steady income were severely restricted, although still better than that of the rest of the populace.⁶²

The new-found domination of the home guard over the conduct of village life gave its members licence to act largely with impunity within the bounds of the barbed wire enclosures. Perhaps unsurprisingly therefore, many exploited this opportunity to turn their service into profit. Extortion and corruption in many places became the norm. The most common and modest misdemeanours included, belongings being confiscated and taken for private use, monies stolen, and livestock appropriated. Village guard posts however became synonymous with far more extreme abuses, from beatings and torture to rape and murder.⁶³ For those subjected to the punitive village and home guard oppression, fear and anxiety became a perpetual state of being.

Due to both necessity of haste and design, new punitive villages were lacking the most basic social welfare facilities. Schools, medical centres and shops were not

⁶² *ibid.* 110-111.

⁶³ See for an account of 'Domestic Terror'. See, Elkins, *Britain's Gulag*, 233-274. Also, Anderson, *Histories of the Hanged*, 297-307.

relocated, a requisite function of avoiding escalating costs and ensuring conditions lived up to their disciplinary intention.⁶⁴ One reason for this approach was due to the demographic breakdown of those who were homed in these new villages. With large numbers of men who had admitted to, or were expected of, taking the Mau Mau oath being detained in the many detention and work camps throughout Kenya, it was the women, children and elderly who made up the vast majority of those to be rehoused. Specific punishment required limiting the provisions from which these groups were seen to primarily benefit.

The restriction of access to schools through closure had proved a contentious form of punishment throughout the emergency, not only among Kikuyu but within the administration itself. Under *Directive No. 3*, closure was authorised for under extreme circumstances but only by the permission of the provincial commissioner.⁶⁵ This reflected the sentiments of the Kikuyu leaders at a Central Provincial meeting in January who advised strongly against limitations on education being used as a collective punishment.⁶⁶ Where restrictions did happen, it was the protection of children that was cited as the primary concern. A spate of school fires throughout Embu district in March and April 1954, concurrent with the release of *Directive No. 3*, led to the temporary closure of a number of sites. Rather than directly punish the locals however, the DC Embu concluded that the attacks actually amounted to a communal punishment inflicted by Mau Mau on the local people and considered that no action was required, apart from the imposing of a rate to provide iron for the

⁶⁴ Maurice P. K. Sorrenson. *Land Reform in the Kikuyu Country: A Study in Government Policy*. (London: Oxford University Press, 1967) 149.

⁶⁵ *The Governor's Directive No.3 of 1954*. 26th April 1954. FCO 141/6247 (1). TNA.

⁶⁶ *Second Meeting held at Provincial Headquarters, to consider policy and reconstruction in the Kikuyu Native Land Unit*. 26th January 1954. FCO 141/6807 (2). TNA.

school roofs which the people would rebuild with their own exertions.⁶⁷ Opposition to suspension of education services was predicated on a belief that such punishment would “do more harm than good”. The punishment being too wide and indiscriminate with a chance to trigger more problems, with those causing the most trouble viewed as those not attending school in the first place.⁶⁸ As long as closures threatened to cause as much damage to loyalists as opposition, disapproval remained steadfast.

The creation of punitive villages acted to redefine this distinction. In undergoing forced villagisation, a clear separation was made that the residents of that area were disloyal and, as such, passive supporters of Mau Mau. By virtue of this, any concerns over social welfare were side-lined for containment, control and discipline. Along traditional colonial lines, access to education became another facet of everyday life which was a ‘gift’ of the state and one which only loyalists had a defined right to. While many were losing access to education, Kikuyu Guard members in full-time operation were given the extra benefit of waived school fees for up to three children.⁶⁹

The new voluntary villages and loyalist home guard posts emerging throughout the Central Province were erected with access to such facilities in mind, and, as such, served as significant propaganda tools of just what the cost of disloyalty looked like. As the process of villagisation was pushed forward, it would prove to be fertile ground for extenuating this difference in showing just what the everyday could be when in opposition of the state.

⁶⁷ *Destruction of Bridges, Embu District Emergency Committee*. DC Embu to PC CP. 17th March 1954. FCO 141/6818 (53). TNA.

⁶⁸ *Extract from WAR/C.375*. 22nd November. 54. FCO 141/6247 (3). TNA.

⁶⁹ *Second Meeting held at Provincial Headquarters, to consider policy and reconstruction in the Kikuyu Native Land Unit*. 26th January 1954. FCO 141/6807 (2). TNA.

Communal Labour

A regime of forced communal labour dominated the quotidian lives of Kikuyu villagers. Even when huts had been completed, trenches dug and barbed wire laid out, the hard labour was only beginning. As a practice, communal labour had been employed in one form or another since the earliest days of colonisation. Known as, *Kazi ya umoja*, it was presented as a traditional artefact revived by the colonial state to give common purpose to disparate communities.⁷⁰ Colonial communal labour, however, was more accurately another example of an *invented tradition*, a colonial construct justified under the guise of supposed native origin.⁷¹ Distorted and bastardised to fit the needs of the state, the practice was an easy source of labour delivered through coercion.

Thomas Spear has warned against a pessimistic narrative of dependence in colonial reinvention. He claims that traditions were generally more complicated, and that both colonised and colonisers in a dialectical interaction constantly fought to reinterpret them.⁷² Although communal labour might be considered as another "reinvention" of tradition, locals in Kenya embraced it when they were given more influence over the sorts of tasks they were assigned.⁷³ Ideologically, therefore, communal labour represented another of the "tensions of empire" in which colonial visions for African

⁷⁰ Opolot Okia. *Labor in Colonial Kenya After the Forced Labor Convention, 1930–1963*. (London: Palgrave Macmillan, 2019). 8.

⁷¹ See Terance Ranger, "The Invention of Tradition in Colonial Africa," in Eric Hobsbawm and Terance Ranger, eds., *The Invention of Tradition*. (Cambridge: University of Cambridge, 1983): 211–263.

⁷² Thomas Spear, "Neo-traditionalism and the Limits of Invention in British Colonial Africa," *Journal of African History* 44 (2003): 3–27

⁷³ Okia. *Labor in Colonial Kenya*. 8.

development based on communal ethos were equally challenged and contested by those groups who were meant to be passive receptors of this 'enlightenment'.⁷⁴

Whereas tradition could be reinvented and then disputed, it still needed to be grounded in some legitimate cultural domain in order to be replicated. Though the historic validity of colonial communal labour was not always so clear, a cooperative social system of simple transfer of labour surplus did exist in precolonial Africa among most ethnic groups.⁷⁵ These mutual labour systems were generally run at a low-village level within the *mbari* and were not governed by any official or formal structure. Importantly, this labour was casual, nonbinding and coercion was not used in ensuring its supply.

In the post-war, during what has been termed the second colonial occupation, significant discontent amongst Kikuyu emanated from increased communal labour obligations which saw women in particular heavily burdened. Over seventy percent of terracing digging, for example, was carried out using female labour.⁷⁶ The focus of much of this tension was less directed at the administration itself but at loyalist leadership, with chiefs increasingly taking advantage of agricultural campaigns to the benefit of themselves and their supporters. Compulsory labour was directed to terrace their own shambas and extend their claims over commercial grazing lands.⁷⁷

For the ordinary Kikuyu, their labours did not seem to reap any reward. Strikes and demonstrations against rapidly declining incomes and labour commitments became

⁷⁴ Frederick Cooper and Ann Stoler, eds., *Tensions of Empire: Colonial Cultures in a Bourgeois World*. (Berkeley: University of California Press, 1997)

⁷⁵ See for accounts of traditional communal labour, Okia, *Communal labor in colonial Kenya: the legitimization of coercion, 1912-1930*. (New York: Palgrave Macmillan, 2012)

⁷⁶ David W. Throup, "The Origins of Mau Mau." *African Affairs* 84, no. 336 (1985): 424.

⁷⁷ Throup. *Origins of Mau Mau*. 411.

commonplace in the late 1940s, with cattle maiming becoming a trademark of disillusioned squatters. The spread of militancy that would inspire Kikuyu communities in the early 1950s emerged out of this struggle. The oath of unity, for example, which became the basis of the early Mau Mau oaths was founded amongst protestors at Olenguruone, unique in that it bound not only men to the singular cause, but women and children also.⁷⁸

During the Mau Mau uprising, communal labour underwent significant re-calibration to become an effective disciplinary instrument. The British intensified the use of community labour as a punitive tool against the Kikuyu population initially as a means of surveillance and security, but with the benefit of extracting productivity out of a population where many had been made unemployed and landless through forced repatriation and restrictions. *Emergency Community Work*, as it became known, relied disproportionately on women, lasted for a longer period of time, and resulted in far higher penalties and sentences than regular communal labour when resistance occurred.

Integrated as part of the new village routine, the forced labour projects lauded as development, would see violence, coercion and intimidation used as part of everyday practice. Due to this use of coercion by the provincial administration's local officials, communal labour was a matter of major discontent among all inhabitants of the village. Communal labour was therefore recognised by the Kikuyu as a type of punishment, although one for which they were unclear of the cause, as loyalists were

⁷⁸ For more on Olenguruone, See Throup. *Origins of Mau Mau*. 399-433.

also required to work alongside communal labour gangs, a notion those non-loyalist were quick to ridicule.⁷⁹

Communal labour obligations throughout the villages of the Central Province would start before the crack of dawn, with the home guard summoning villagers to work. Women rushed to prepare whatever meagre food they could for their children, before leaving them in the care of their elder siblings or elderly and disabled relatives. In many instances children would need to be left in the care of near strangers or even completely on their own.⁸⁰ One district officer even insisted on putting children to work, despite official policy forbidding the practice.⁸¹ If food were hard to come by or had been all eaten the previous night then it was common to go the day without. Malnutrition and disease in villages was far from uncommon, with excessive levels of infant mortality as a result.⁸² Any delay or absence in the morning left the chance of beating a very real threat, with the home guard quick to punish those thought to be shirking their duties.

Villagers were made to carry their own tools as they marched sometimes as much as two to three hours in darkness to their work site. The ever-present surveillance of the home guard was kept in close escort to ensure the villagers kept good pace.

Fatigued from the journey, the women were then tasked with filling the rest of the day with back-breaking work. To draw distinction between emergency communal labour and regular communal labour obligations, the Kenya government outlined the type of projects which punitive villages were meant to be employed on in a report to

⁷⁹ Branch. *Defeating Mau Mau*. 112.

⁸⁰ Elkins. *Britain's Gulag*. 242.

⁸¹ Branch. *Defeating Mau Mau*. 108.

⁸² *ibid.* 113.

the International Labour Organisation in 1954.⁸³ Emergency Labour was stated to be reserved for activities such as, repair or reconstruction of bridges, schools, home guard posts, and other infrastructure damaged or destroyed by Mau Mau terrorists; laying out of new villages necessitated by emergency consolidation of the population in larger units for defence purposes; and certain drainage, irrigation, or soil rehabilitation works to make new land available to the local population, this translated in most cases to the clearance of scrub land. Perhaps the most common form of emergency communal labour in operation in Central Province was the construction of roads for access by security forces and the digging of ditches around forest areas. Despite the administration's insistence to draw distinction between emergency measures and those deemed progressive work, the determining factor for the type of communal labour carried out in a locality was principally what was demanded by the local official. It is perhaps no surprise therefore that for the Kikuyu, communal labour in all its forms was just simply known as *gitati*, forced labour.

If villagers were to stop working or not hit their quotas, then they were liable to be beaten or taken in for investigation of having Mau Mau sympathies. The home guard, who were quick to stamp out any suggestion of unrest, were on hand to impress on the workers when their work was unsatisfactory. Breaks for food, drink and rest were often forbidden, making it not uncommon for the women working in gangs to collapse and even die due to exhaustion and hunger.⁸⁴

The demands placed upon those at the mercy of emergency communal labour reflected its punitive concerns and belied any justifications that the work was

⁸³ Okia. *Labor in Kenya*. 188.

⁸⁴ Elkins. *Britain's Gulag*. 243.

utilitarian and ameliorative in its function, demonstrated in part by its incoherence with the cooperative labour tradition as understood in African cultures and even to earlier examples of colonial collective labour. In the pre-emergency period, there was an upper limit to which communal labour could be applied. This maxed out at twenty-four days per year. Under the *Emergency (Communal Services) ordinance* however, this was revised to allow for thirty days a quarter.⁸⁵

In reality, the hours villagers were made to dedicate to communal labour projects were even higher. In the Kikuyu districts, as villagisation rapidly spread throughout 1954, communal labour was often carried out four days a week, Monday to Thursday from 7am to 5pm, with a short break in-between.⁸⁶ A trend established after strong lobbying from the district commissioner Fort Hall.⁸⁷ Between communal labour obligations and stricter curfew restriction, villagers were unsurprisingly left with little time for the growing of crops and rearing of livestock. Even if one could muster the energy, many in the new densely packed villages had neither the space nor land to grow even a meagre return. Unable to provide effectively for themselves, food shortages in villages would become a trend which would sustain throughout the conflict.

Food denial for terrorists was a driving factor behind the initial push for concentration of the Kikuyu population. Once in villages all the maize produce being grown for sale would be sold directly to maize control as to limit movement.⁸⁸ That food stored within the village for consumption would be securely stockpiled near the home guard

⁸⁵ Okia. *Labor in Kenya*. 188.

⁸⁶ *ibid.* 191.

⁸⁷ *Governor's Directive No. 2 1954*. DC Fort Hall to PC CP. 15th February 1954. FCO 141/6818 (36a) TNA.

⁸⁸ *Intensification of Operations Against Mau Mau - Memorandum by the Minister of African Affairs*. 22nd November 1954. FCO 141/6247 (14). TNA.

post or, along with cattle, in *boma* or enclosures that were fenced and ditched. This became standard practice for all villages throughout the Kikuyu districts by 1955.⁸⁹ Doing everything within their power to limit the voluntary passing of food to terrorists was recognised as vital in offering a psychological blow to the beleaguered forest fighters in hopes that surrenders would follow.⁹⁰ As long as hungry villages equalled hungry forests then conditions would continue. For the mass of Kikuyu however, this was just another way that deprivation would take hold throughout the reserves of Central Province.

Reward and Discipline

For those living in loyalist villages, the disruption of the emergency was still impactful on everyday life. With the vast majority of men active in the home guard, the burden of communal labour obligations fell again on women, although as a form of benefit to their home guard husbands, they were saved from the worst of the hard labour.⁹¹ Restrictive curfews, food controls and trading limitations also heavily impacted loyalists economic opportunities, but for the most part they were saved from the worst of the malnutrition and disease which villagisation represented for many. This trend of conditions and opportunities being marginally improved for those loyal to them was a reflection of the administration plan for rewarding loyalists.

As part of Directive No. 3, Crawford outlined a list of incentives that were designed to act in tandem with administrative penalties to assuage those wavering or apathetic

⁸⁹ *Appendix - Action Against Passive Wing*. DC Nyeri to PC CP. 29th March 1955. FCO 141/6247 (37/1). TNA.

⁹⁰ *Psychological Warfare - Memorandum to Assistant Commissioners of Police*. 8th June 1955. FCO 141/5683 (13) TNA.

⁹¹ *Recommendation 14. Report on the Sociological causes underlying Mau Mau with some proposals on the means of ending it*. 24th May 1954. FCO 141/5888 (1). TNA.

Kikuyu to demonstrate their loyalty to the government side. Foremost among these was a relaxation of administrative penalties in areas in which cooperation was forthcoming. Known loyalists could benefit from access to movement passes, reduced communal labour obligation, protection from punitive taxes and dispensation to grow cash crops such as coffee and pyrethrum.⁹²

Offering these 'carrots' presented an opportunity to both encourage those good areas and project a powerful propaganda message to those suffering from the worst of the repression; loyalty had tangible advantages, and against the backdrop of punitive village life perhaps represented a viable alternative in the pursuit of individual self-mastery.⁹³ For the administration, the trade-off was clear. When the carrots were simply protection from their own coercion, withdrawing these again were easy.⁹⁴ In making coercion the norm, offering inducements became akin to protection from the administration's own duress.

For those Kikuyu in closest association with the colonial state, villagisation offered new opportunities to exploit. Leading loyalists, in league with their administrative allies, dominated everyday life in the villages. During the day, the chiefs established the regular routine, for example, by specifying when livestock should be taken out to graze in the morning and then moved at night to the guarded *boma*.⁹⁵ At nightfall, each village was subjected to a complete curfew, which was enforced by the local home guard unit under the direct purview of that district's administrative officer. Loyalists were able to radically shape the form of village life and the future trajectory

⁹² *Discipline and Communal Punishment - Fort Hall District*. November 1954. FCO 141/6247 (15/1)

⁹³ See for accounts of Kikuyu 'self-mastery'. See, Branch, *Defeating Mau Mau*. 130-146.

⁹⁴ Fort Hall District Appreciation of the Situation - November, 1954. 13th November 1954. FCO 141/6247 (1/1). TNA.

⁹⁵ Branch. *Defeating Mau Mau*. 109.

of local communities by commanding local councils and adjacent committees, from which Mau Mau sympathisers were prohibited. As such, local policy creation and implementation of those programmes sent down from the central administration were likewise under the sway of loyalist elites.⁹⁶

Villagisation represented a new dimension in the constituencies of control in action in Central Province, but the reaction to it manifested in a familiar form. With the population contained and under the close watch of agents of the provincial administration, maximising domination over the native lands sustained through leading loyalists amplifying the necessity of wide coercive powers and restrictions for officials, who in turn supported their positions within these new structures.

The *African Advisory Committee*, for example, recommended for a 22 hour curfew to be applied to villages that was suspected of supplying Mau Mau or had not reported the presence of a gang in the vicinity, stressing it was common practice to give prior warning of arrival in any area, and that a collective punishment for supplying, harbouring or failing to report the presence of a gang was always therefore justified. As such, In order that there might be no delay in the applying of curfew order it was recommended that district commissioners should be authorised to exercise the power to enact such a curfew at a moment's notice.⁹⁷ Once applied, local chiefs and home guard were made responsible and empowered to ensure the curfew was followed. Enacting localised coercion between leading loyalists and administrators was a well-practised *tête-à-tête*.

⁹⁶ See, *Kenya: Central Province Advisory Council; formation; minutes of meetings*. FCO 141/6807.

⁹⁷ *Intensification of Measures Against the Passive Wing - Memorandum by the Minister of African Affairs*. 22nd November 1954. FCO 141/6247 (17/1). TNA.

Discourse between the provincial administration and Nairobi played on the importance of this close collaboration in negotiating the delicate balance between disciplining the Kikuyu people and forcing them towards the grips of Mau Mau. Discipline and toughness, it was said, was dependent entirely on the men, who with two years' experience on which to call could offer the right way to deal with the Kikuyu people. It was the chiefs themselves who "offered all ideas" for disciplining and punishing the villages occasionally added to from officers working in the field and thus the secret for an end to being "tough indiscriminately for toughness sake" and "perfecting the discipline" lay with them.⁹⁸ Projecting the loyalist elite firmly at the centre of negotiating control in villages gave the provincial administration more indirect power to exploit by way of their intimate connection with loyalist agents. For the loyalist elite themselves, domination of village life offered more opportunities to turn control into personal gain.

Thus, we can see that villagisation as a process only acted to aggrandise both local administrators and the loyalist elite as mutual engagement in the constituency of control offered reciprocal benefits. For those outside of this constituency, the passive wing and Kikuyu reserves at large, General China's disclosure of supposed complicity was taken as all the justification necessary for repression. The repertoire of brutal restrictions and punishments which this empowered aligned with the oppressive structural change of village life to create untenable living conditions for the continuation of opposition. As loyalism emerged as the only viable alternative to

⁹⁸ *Discipline and Communal Punishment - Fort Hall District*. November 1954. FCO 141/6247 (15/1), TNA

alleviate the compulsion, the future landscape of the Central Province was to be dictated by the local constituencies of control.

The war against the passive wing was to prove decisive. By the time the movement's last remaining leader, Dedan Kimathi, was captured some two years after General China in October 1956, the fight against Mau Mau had already been long won. Yet, the reason for the fall of the struggle's figurehead, some four years after the emergency had been declared, can only be fully understood in the context of this fight. In separating the people and the forest fighters, the Kenya government severed the insurgents' means of support, but by placing the Kikuyu in squalid and repressive punitive villages, the administration broke their spirit. The secret to perfecting the discipline and winning the war was making life for those up and down the Central Province an everyday struggle.

Ultimately, diversification of punishment during Mau Mau was about arming administrators with the varied set of coercive tools necessary for dealing with the distinct and contrasting pressures of administration over the diverse reaches of Central Provinces. While the conceptualisation and development of these actions was often deeply rooted in parochial issues, they were subsequently legislated for on a provincial or state level. In practice, this provided administrators with a repertoire of measures which could be used in isolation, but were more commonly applied in combination, to form an ecosystem of control by virtue of the broad and distortive effects these compound factors had on numerous facets of everyday Kikuyu life. This created for a situation where everything from the movement and livelihood of individuals to the financial future and daily routine of entire communities was at the mercy of the caprices of an administration that increasingly justified their role by the

level of coercion they could apply to those opposed to by localised loyalist elites. In this context' the administration's quotidian response to Mau Mau would play out as a myriad of chaotic and uneven localised responses in line with the varied characteristics of Central Provinces' constituencies of control.

Conclusion

“I consider that the circumstances reported by Mr. Thatcher are in every sense correct, and I strongly recommend approval of this punishment which was at the time the only effective means available for the officer on the spot of restoring respect for Government and shattered morale.”¹

The question of quotidian control in Central Province traced throughout this thesis puts the quote by O.E.B Hughes presented in the introduction in a new light. While superficially it can read as a commentary on the utility of collective punishment, the granular archival approach taken here has been instructive in revealing far more about the motivations, rationale and impetus behind the actions and policies of the provincial administration and how these were more nuanced than may first be assumed.

Far more illuminating than a simple value assessment of the punishment therefore, the casual off-hand regard the excerpt demonstrates with which the provincial administration viewed their expansive coercive powers is illustrative of an organisation which treated compulsion and control as one in the same. Not only were these powers viewed as something normal and conventional to be used in reaction to challenge, but the measured contempt with which Hughes viewed the limitations of these was reflective of efforts to publicise administrative constraints in order to encourage expansion of the available repertoire of punishments. This

¹ *Report of Collective Punishment ordered under Regulation 4A and 4B of the Emergency Regulations 1952.* DC Nyeri to PC CP. 1st November 1953. FCO 141/5997 (1/1). TNA.

speaks to a wider view on quotidian coercion present within the provincial administration in Central Kenya, which regarded broad punitive disciplinary powers as fundamental to the operation of everyday control.

In this regard, this thesis has taken as its focus the development, use and effects of these powers, and sought to analyse how non-violent means of coercion were a foundational part of the British counter-insurgency campaign against the wider Kikuyu population. In doing so, it has shown that a tiering of interpersonal violence in Mau Mau narratives offers examination of only one of a repertoire of incumbent responses to challenge and turns by far the most common and immediate forms of coercive interaction with the state into historical afterthought.

Moreover, to date as scholars have analysed the Mau Mau conflict, and especially the period of intensification of operation against the passive wing from mid-1954, attempts by provincial officers to increase their personal coercive capacity have usually been underplayed for a concentration on concepts of detention and rewards for loyalism used to induce more support for the Government through incentivization. Given the fundamental nature of coercion to the operation of provincial officers, continued efforts to maximise coercive capacity should not be of great surprise. Yet, underappreciation of the localised nature of colonial rule in Kenya, specifically the agency of administrators and loyalist elite in determining the direction of districts, as well as the importance of restrictive policies in creating an ecosystem of coercion vital to the increased security situation in the period has left local everyday coercion an undervalued aspect of the Mau Mau narrative.

Acting as a corrective, here it has been argued that it was the composite impact of these controls which was a major determining factor of allegiance, as repressive

powers acted to make opposition an untenable proposition. Even though the relationship between the bureaucratic apparatus and war has received some academic attention, particularly from Bruce Berman, this study has gone further in showing the conflicting tensions between district, province, and colonial state, as well as the importance of the conspiracy of administrators and loyalists within these structures to localised control. What this thesis shows is that at a parochial level, due to the changing complexion of localised collaboration, colonial rule was increasingly no-longer legitimised by so-called paternal benevolence as Berman and other such as Joanna Lewis have claimed. Such assessments overvalue the significance of the rehabilitation initiative to provincial administration thinking, while undervaluing the role of loyalists in legitimising colonial rule. Instead, it was acting in the prescribed interest of a vocal minority of loyalists who could be presented as the legitimate manifestation of native interest which was vital to control. A support that was in-turn contingent on reciprocal coercive action against those 'othered' to remain constant. Perhaps the most telling manifestation of this change was the some 50,000 excess Kikuyu deaths caused principally by disease and malnutrition in the conflict. Concerns for paternal benevolence were side-lined for law and order as deprivation was allowed to take hold.

The original contribution of this thesis to Mau Mau historiography has not only been in bringing these controls into direct focus and documenting how their aims and direction changed with the conflict, but to relocate the stage of the conflict away from the Governor's office and Whitehall, down to Kenya's hinterland. In contrast to authors such as Daniel Branch and Caroline Elkins, who treat punitive controls largely indistinctly, this thesis has added necessary nuance. This places the thesis within the ongoing discussions and re-evaluations of coercion, decolonization, and

empire, and it paints a chaotic, archetypal, and indiscriminate picture of the coercive and punitive aspects of imperialism. While accounts such as Elkins and Branch do recognise the important coercive role these punishments played, they tend to marginalise these in relation to instances of interpersonal violence.

Such studies do, of course, have utility: the fundamental relationship between Mau Mau and violence that these studies parse out in great detail demonstrate starkly the shocking and often horrifying nature of the British counter-insurgency campaign. Moreover, such accounts were similarly defined by Britain's obfuscated colonial record which helped define their research questions. This author is quick to recognise that it was such work that set-in motion events leading to the discovery and release of the Hanslope disclosure to make this thesis possible. The detailed knowledge and diligent efforts of David Anderson, identifying a gap in the archival record, set in train the release of the migrated archive disclosure. As such, in the painstaking and fine-grained approach taken in research of these documents, the thesis stands on the shoulders of those scholars, Anderson, Branch et al. who have worked meticulously to uncover the story of Mau Mau. Nonetheless, a natural by-product of a concentration of interpersonal violence is a tendency to generalise wider repertoires of coercion, and generalising in such fashion can only take the field so far.

Now, with the benefit of distance from the initial revelation, this thesis has acted to expand our understanding of what everyday control was and how it was administered in Central Kenya. Quotidian regulations were not only haphazard and irregular in their conception and construction, but it was also their arbitrary and inconsistent application that fostered a culture of fear and allowed repression to

flourish. The move toward loyalty in mid-1954 was partly caused by the Kikuyu being forced to live in increasingly precarious situations as coercion became normalised.

Having access to a wide-range of repressive measures and making use of them are two separate issues however, what made for the oppressive and inhospitable climate found in Central Province during the fight against Mau Mau's passive wing was the willingness of officials to make full use of their comprehensive coercive capacity. For many, restrictions on movement combined with market closures and curfews in the context of punitive taxation and forced labour obligations were hard enough. For those less fortunate still, revocation of trading licences, cancellation of labour contracts or forfeiture of a good deal of one's livelihood could augment this hardship further.

Far removed from the rewards of loyalism, to be outside of the local constituency of control was to be subjected to concerted attempts to inflict deprivation. Working in tandem, the compound effect of these punishments was successful in impacting almost every aspect of the Kikuyu daily lives. The colonial authorities' readiness to engage in such repression against disloyal Kikuyu cannot be simply explained by reference to structures of domination, or the inherently oppressive nature of colonial authority. As Berman notes, this defines rather than explains this stance.²

In his analysis, Berman traces the source of incumbent collective violence to the alignment of provincial administration desires for reassertion of their previous local hegemony with the opportunity to find a solution to years of Kikuyu political agitation which had vexed and infuriated officers. The emergency's promise, in this regard,

² Bruce Berman. "Bureaucracy and Incumbent Violence: Colonial Administration and the Origins of the 'Mau Mau' Emergency in Kenya." *British Journal of Political Science* 6, no. 2 (1976): 143–75. 146.

was to allow field administrators to regain their traditional position at the centre of provincial politics. Violence was the tool through which traditional colonial norms could be reasserted.³

This thesis has shown that the release of extensive powers down to even the most junior of officials was far more extensive than even Berman gives credit for.

Moreover, control at a local level was more than just the purview of the administration but loyalist collaboration. Such *man on the spot* assessment in imperial histories is not new, but the level of autonomy demonstrated is usually reserved for much earlier periods of conquest. William Dalrymple's *The Anarchy* and John Darwin's *Unfinished Empire*, for example, outline the coercive agency of parochial officials in India, however this is primarily related to the 18th and early 19th century.⁴ In the early decades of the 20th century, there were moves in India and Egypt to disentangle from localised affairs and devolve this authority to local representatives in efforts to secure acquiescence and stability, while stifling a growing political opposition. This left localised administrators largely advisory and supervisory in their function.⁵ In Kenya however, owing to ingrained racial prejudices and the presence of the influential settler population, the approach taken was vastly different.

This thesis has demonstrated that when under extreme pressures, even in the late colonial period, closer administration in the Kenyan example did not just mean

³ See Berman. *Bureaucracy and Incumbent Violence*. 143-175.

⁴ See William Dalrymple. *The Anarchy: The Relentless Rise of the East India Company*. (London: Bloomsbury, 2019); John Darwin. *Unfinished Empire: the Global Expansion of Britain*. (London: Allen Lane, 2012).

⁵ John Darwin. "Imperialism in Decline? Tendencies in British Imperial Policy between the Wars." *The Historical Journal* 23, no. 3 (1980): 657–79. See also, John Darwin. *Britain, Egypt and the Middle East: Imperial Policy in the Aftermath of War 1918-1922*. (London: Macmillan, 1981)

material increase of boots on the ground, but far greater independence of action and coercive capacity for low-level actors. Where this agency perhaps varied from earlier periods was in the importance of loyalist communities in the access to coercion. The practicalities of control meant that colonial officialdom was ever wary of alienating this legitimising support. Access to such extensive coercive actions were by no means a given, they relied on a core of compliant local collaborators to give justification to both the appropriateness of the measures and present as a legitimate native group in need of protection.

This notion of appropriateness or coherence with Kikuyu custom corresponds broadly to the concept of indirect rule, however in practice it operated as a different type of control altogether. Made in collaboration with loyalist elites and uniquely localised, control during Mau Mau became a negotiation where supposed known punishments were altered and fabricated, fuelled by demands for retribution, to meet local needs. The willingness of administrators to make use of coercion in this regard was therefore in part because that was what their loyalist counterparts demanded. Protection of the loyalists was a process of reacting strongly to challenge with broad coercive punishments.

This creation of a hybrid system that benefited both parties and was reciprocal, operated fundamentally on this commodity of coercion. As loyalism increasingly became a punishable notion, the state was no longer required to reach out to the individual African subject; it was the role of the subject to reach out to the constituency of control. While the administration still did make known inducements for loyalism to act as rewards, the ever-present threat of compulsion for failure to do so left the burden with those othered. Overall, therefore this thesis has presented a

more institutional history of the Provincial Administration at war. Building on previous scholarship in the creation of a new and more in-depth account of the prefectural arm of government and its approach to counter-insurgency. Ultimately, the account establishes that under extreme pressure and reliant on localised autonomy, the direction and anatomy of control becomes a process of negotiation and conspiracy at the lowest levels. Although not the focus of this study, this also goes some way to explaining the longevity of the provincial administration after independence. Authority and governance in Kenya in the period was a facet of localised accord.

The history of imperial governance in Kenya was contextualised in Chapter 1, The Colonial Office and Kenyan Administration 1920-1950, giving needed background for the subjects examined later in the thesis. From royal charter territory in 1888 to protectorate and then colony by 1920, with high levels of accelerated settlement and land appropriation during this period, the development of Kenya's administration was, somewhat understandably, uneven, often disordered, and plagued with local differences. The decades preceding the emergency saw a number of significant changes in both the focus and direction of control, which acted to inform both the personality and mindset of the cadre of officers employed in maintaining the colony's law and order, as well as their evolving relationship with leading loyalist elites which would become vital in the emergency period.

This chapter acted to familiarise how officials interacted and how the machinations of control operated in tracing the structures of power in Kenya's bureaucracy, from the Governor's office in Nairobi down to the hinterlands of Central Province. In doing so, it connected developments in Kenya with interventions from the colonial office in illustrating how the administration was insufficient to deal with an ever-developing

struggle between the metropole and colony, centre and province, as the political economy became increasingly tense.

Chapter 2, Coercion and Control - Administration During the Emergency, introduced the concept of closer administration, the process by which the state's need for tougher controls gave officials at the lower levels of colonial administration more authority to act with autonomy in their districts. This opportunity to reverse a pattern of marginalisation was wilfully received by a cadre continuously fighting to protect its agency. The chapter detailed how the provincial administration was only too happy to blame a perceived separation of themselves from local institutions of power as a primary reason for the breakdown of Kikuyu civil society. It followed that control could therefore be recovered by bridging the divide between the provincial administrator and his loyalist constituents. Practically it was this accord on which quotidian control relied. The relationship served both sides by legitimising the state as the guardian of the ostensibly genuine representation of native interests, thereby discrediting the rebellious other, while providing loyalists leverage over local authority as well as the benefits of access to the state. The chapter ultimately concludes that it was this legitimising relationship that permitted coercion to emerge, since it can be justified both ideologically and practically that the direction of activity is determined with the blessing and in the benefit of a district's constituents.

Chapter 3, Collective Punishment, observed the widespread and varied application of collective punishments throughout the emergency, emphasising the chaotic, disruptive, and particularly local nature of the practice. The chapter revealed how collective punishment increased polarisation of the conflict by making loyalism an active process, and how the events of the Lari Massacre had a defined impact on the

evolving character and direction of the punishment, in the protection of the loyalist. The state succeeded in developing local cultures of control by conflating opposition and indifference, in which protection of 'legitimate' manifestations of native interest, the loyalist constituents, rendered increased burden against those labelled other justifiable. These changes, together with implicit endorsement for the legitimacy of the action by those loyalist constituents, ushered in a normalisation of everyday coercion portrayed as understood in Kikuyu culture.

Thus, the chapter articulated that, in the face of an increasingly forceful and capricious Kikuyu home guard, provincial officials progressively made expedient use of collective punishments as an integral practise in the maintenance of law and order, understanding their ability to enact expeditious coercion as necessary to maintain their position as arbiter of control and fulfil their obligation to their constituencies. As such, the *man on the ground* used their monopoly over information as an irresistible function of effectual control in cultivated portrayals of the situation on the ground to allow for the use of sweeping coercive powers. This construction of narratives, it is shown, was vital to the success of quotidian domination and the symbiosis of localised constituencies.

Chapter 4, Paying the Cost of Control - Collective Fines, revealed significant changes in quotidian punitive punishment during the key time of 1954. The chapter looked at how collective fines became a common punishment in the arsenal of routine control. Rationalised as a more equal type of punishment, that importantly matched the evolving focus of the colonial state in being effective, efficient, and vitally remunerative as stock seizures began to diminish with the changing circumstances of the war. The chapter emphasised how the significant role loyalists

played in the struggle against, and eventual overthrow of Mau Mau resulted in a rearrangement of the relations of power in play in the districts of the Central Province, which had long-lasting effects into Kenya's independence.

Even when the official focus shifted to the carrot in an effort to address this imbalance, as commonly told in Mau Mau histories, this chapter acted to show that the provincial administration took action to promote structural dominance objectives by using its new stick in unusual and creative ways, not least of all in support of a push towards villagisation. Despite changing circumstances therefore, this chapter ultimately demonstrates that the use of coercive punishments for many administrators was essentially an act of retribution, in collective fines disloyalty was given a tangible cost.

The final substantive chapter, Culture of Fear - Diversification of Punishment, evaluated the broader arrays of non-violent coercion used throughout the Mau Mau struggle. While it is commonly acknowledged in Mau Mau scholarship that Kenya's non-military counter-insurgency was moulded by the painful villagisation process as well as the social, economic, and political changes that were implemented to reward loyalist activities in 1954 and thereafter. Less is written about the continued discussions and constantly evolving forms of everyday punishment and compulsion that took place alongside these changes. This chapter highlighted these actions in looking at the numerous restrictions used to normalise coercion as a regular aspect of administration throughout the period as they were utilised in the administration's conflict with the Mau Mau's passive wing.

Consistent with the rest of the thesis, the chapter showed that quotidian regulations were not only haphazard and irregular in their conception and construction but were

also arbitrary and inconsistent in their application. It was these characteristics that fostered a culture of fear and allowed repression to flourish. The move toward loyalty in mid-1954, it is thus argued, was in part a reaction to the increasingly precarious and unsustainable conditions that Kikuyu were being forced to live in as coercion became normalised. The chapter concludes therefore that in addition to the positives of improved security and the convergence of loyalist benefits with the long-standing political goal of increased access to land and stronger land tenure security, outlined by Branch as instructive in swaying Kikuyu allegiance. The negative of unsustainable repressive controls had a similarly impactful effect on making loyalty the only practical option for survival in the districts of Central Province.

This thesis has demonstrated, through its close reading of the Hanslope disclosure documents, the significance of quotidian punishments to the outcome of the Mau Mau emergency. Far more than just a story of interpersonal violence, the history of Mau Mau through this archive can also be read as one of low-level coercive control wielded through the negotiated and brokered relationship between administrators and loyalist elements. Ad hoc by its very nature, the augmentation of these powers was often hand-to-mouth and chaotic, done in reaction to challenge. As new problems would emerge, the solution was to further empower the officer in charge with the means to deal with it.

The ecology of coercion created took the form of a spectrum of discipline from fines through to violence, which were employed in concert to create a system of domination over the Kikuyu population. While the importance of violence can never be separated from Mau Mau narratives, this thesis has acted to nuance our understanding of control in concluding that while interpersonal violence engenders

fear, it is the wider repertoires of coercion that were the most immediate, and for many most impactful, daily manifestations of domination.

FCO 141: Understanding the Hanslope Disclosure

The genesis of this thesis was conceptualised around a relatively straightforward query. Due to the controversial and highly politicised nature of the uncovering of the migrated archive, and the centrality of the Mau Mau case study to this, FCO 141 inquiry related to the emergency had been insofar tapped for its most lurid details to support claims of maltreatment and abuse at the hands of British administrators in Kenya. Although heavily detailed in the works of Elkins and Anderson, released some years earlier, this added validation and publicity to their claims and assertions of the pervasiveness of violence to the Mau Mau case. What went undetailed in much of the scholarship of FCO 141 on Kenya which followed was an answer to the question of what else the documents told us outside of violence. This offered a jumping-off point for this thesis, which intended to carry out an exploration of the archive with the aim to uncover more of what this repository told us about colonial control during Mau Mau.

Reconstructing this history from the patchwork and often vague array of sources within the archive in the production of an engaging narrative has not been without challenge. For example, weaving together the complaints of local officials present in memorandum to the provincial commissioner, with reports detailing the limitations of restrictive policy (as well as efforts taken to redefine and test these in new contexts) has required a diligent and imaginative reading of often prosaic and unadorned texts. Only through a laborious excavation and close reading of the voluminous stacks of

files and dense documents within this archive has this pattern of localised quotidian coercive control become clear.

The result has been to show that while ostensibly the fanfare around Hanslope may belie the reality of what it contained, careful excavation of the seemingly banal and dry reports, memorandum and correspondence carried out here pieces together a picture of a much more pervasive, localised, patchy and even ominous spectrum of tools of control than has previously been appreciated in Mau Mau scholarship. What is particularly significant is the pattern of localised agency which these documents have illuminated; not only were the lowest-level administrators influential in the application of policy, but the form, function and voracity of these were reinvented and transformed under localised influences.

As touched upon in the introduction, the result of such a study leads to a central theoretical question that overhangs this thesis. From the perspective of the colonial state, it is clear as to why accounts of violence and brutality would want to be concealed, but why were these seemingly more prosaic documents hidden in the first place? Riley Linebaugh has argued that the FCO understood the disclosure to be too valuable and/or risky to return, destroy or reveal, and therefore defaulted to a position of concealment.⁶ Tim Livesey however has suggested that although the British authorities intended the migrated archives' removal to be a racialised secret, that would maintain colonial-era hierarchies the commotion with which its 'discovery'

⁶ Riley Linebaugh. Colonial Fragility: British Embarrassment and the So-called 'Migrated Archives', *The Journal of Imperial and Commonwealth History* (2022): 1-28.

has been met misrepresent its often banal and familiar content.⁷ The findings of this thesis suggest that the answer may be two-fold.

If we consider the intent with which controls and punishments were instituted, the desire to protect the loyalist took the form of placing oppressive measures on all those outside of localised constituencies of control and not explicitly shown to be in-line with the government. Theoretically, the aim was to impress on the Kikuyu a sense of collective responsibility through the infliction of hardship. This was not only commonly understood but emphasised internally as justification for such a method. As noted in Chapter 5, this approach was only further galvanised in the supposed revelation that the *Muhiriga decides* which reinforced a need for discipline amongst administrators. Despite any acclaimed edifying rationale, the means by which this was achieved, as has been detailed here, was anything but.

While the administration generally engaged in characteristic abstractions and euphemistic wind to obscure the extent of the harm intended in their measures, the parallel concern and action taken to ensure loyalist allies avoided being caught up in their wake is far more revealing. In cases of collective punishment, for example, assurances from officers that loyalists were not impacted by seizures nor would be unduly affected by any possible opposition reaction was a prerequisite of approving forfeiture. The harm intended in the policy meant that in order to fulfil the *raison d'être* of protection of the loyalist and support the local constituency of control, careful steps needed to be taken to ensure that only those targets of harm felt the effects.

⁷ Tim Livsey, Open secrets: the British 'migrated archives', colonial history, and postcolonial history, *History Workshop Journal* 93, no. 1 (2022): 95–116.

This raises another rather simplistic question, what did supporting localised constituencies of control exactly mean? Or put another way, what were coercive policies actually meant to achieve? The answer, quite simply, was inflicting hardship on those considered other analogous, or worse, to that suffered by the loyalists living in those same communities. For those loyalist supporters, everyday coercion needed to be fundamentally shown to be comparable to Mau Mau violence, equal part deterrent, discipline and retribution. Sustaining any mystique over the administrator's ultimate authority within a locality meant wrestling the monopoly of coercion away from insurgent forces.

While unofficial violence was endemic, absence of a recourse to this in policy meant this could only be achieved by controls and punishments that would cause similar tangible harm to those not willing to fall in line. Thus, as this thesis has documented, a wide repertoire of everyday punishments deployed in combination were developed to fill this void. Given the injurious and damaging aim of such policies, steps taken to obscure their extent and purpose in the colonial record becomes far clearer. In fully explaining the uneven and irregular representation of this in the migrated archive however, it becomes necessary to consider the workings and structure of colonial control itself.

Owing to the fragmented and partial nature of the migrated archive, as well as the often-dry character of the material, piecing together the narrative of coercion, control and localised oppression which forms the core of this thesis has proved at times an onerous task. Not only have files sometimes been incomplete or cite other documents which cannot be located, but the detail available about coercive practices and low-level control in the disclosure has shown a great deal of regional variation in

its volume and extent. While certain areas and locations within Central Province have proved to be more fruitful in providing information about, for example, discussions between administrators and loyalists and the factors which would induce which incumbent response, others can contain scant reference to these elements or simply be absent entirely. Rather than be endemic of an exceptional indulgence in coercion in certain areas, the careful assembly of evidence in this thesis has pointed to a more systemic use of punitive actions throughout Central Kenya, although contingent on local character. To give explanation for this uneven geographical distribution of detail in the archive therefore, it becomes instead necessary to consider how it was collected.

Mere weeks before independence, in November 1963, a flight carrying four densely-packed crates of documents left the runway at Nairobi airport destined for arrival at London Gatwick. Just one of several such flights chartered over the closing months of colonisation; on board were some 1,500 documents selected from colonial government departments, transferred to London for preservation. These were records that the British did not wish to provide to the future Kenyan government; but rather wanted to retain to suppress. The transit of these files was done secretly and discreetly, with care taken to ensure that no Kenyans were privy to the cargo or its contents.

In instances of decolonisation, the removal and planned destruction of a certain proportion of documents was an accepted and well-practised routine by 1963. While local authorities were given a significant degree of autonomy to make their own judgments on what needed to be destroyed or retained; by 1961 formal orders relating to this process in East Africa were issued by the Colonial Office. During the

move towards independence in Uganda, this provided the basis for the consideration of documents and precipitated the first use of the term *Operation Legacy* amongst Kampala officials.

Due to its unique political climate, Kenya presented some additional complexities, however. The Kenyan government adopted the Colonial Office framework for selection of files, but imposed additional requirements and controls, anticipating retaliation and legal challenges from the next African government if the actual extent of the emergency's conditions became public. The effect of this, Anderson notes“, was to mean that "nowhere else would British behaviour be as cautious and guarded” as it was in Kenya".⁸

In practice, this manifested itself as a racialised *watch-system* in which documents were labelled to be viewed by British (white) staff exclusively and series listings were covertly changed to hide removals. Those classified persons who were empowered to take part in the selection, removal and destruction of documents were administrators and civil servants that were British subjects of European descent. In essence' these restrictions' express purpose was to stop sensitive information coming before African eyes.

In outlining those documents which should left, instruction issued in 1961 stated that only documents that might pose a security risk, endanger intelligence sources, or be used unethically should be removed to leave as much material as possible for “the unimpaired functioning of the succeeding independent Government, and for the

⁸ David Anderson. “Guilty Secrets: Deceit, Denial, and the Discovery of Kenya’s ‘Migrated Archive.’” *History Workshop Journal*, no. 80 (2015): 146.

proper recording of the past”.⁹ Paradoxically however, British officials were also instructed to remove papers that might “embarrass” colonial authorities. Constructing a “proper recording of the past” while avoiding embarrassments given the details of Mau Mau was intrinsically contradictory. The wide remit that such a vague instruction offered allowed local administrators to interpret this as they saw fit.

Despite Colonial Office interjection therefore, indefinite direction gave local officials significant leeway in making their judgments. What needed to be saved, transferred or simply destroyed based on its potential for embarrassment, was decided and organised at a localised level. Showing parallels to regional colonial control itself, this resulted in varied responses in which certain districts retained large quantities of files for transfer, where others used the process to burn much of their administrative record.

In this regard, it is hard not to conclude that the ignominious end to British rule in Kenya followed the same pattern of much of its history. In both cover-up and control, the incumbent response was ad hoc, uneven and reactive, with a firmly localised directive and interest. In the absence of the desire, resources and imagination to reform a system that ultimately relied on the amiability and cooperation of the *man on the spot* to carry out the wishes of Nairobi and London, the resultant decisions taken were inevitably coloured by the localised vested interests of those actors present and their closest collaborators. The result was the transfer and destruction of documents on a commercial scale. Kenya consequently had the highest number of

⁹ Livsey, “*Open secrets*”. 96-97.

files returned to the United Kingdom of any colony, with three times as many Kenyan files arriving in London.¹⁰

What is not clear is why some of these documents, like many others, were not simply destroyed. It could be, as David Anderson suggests, that some local administrators exploited the retention system not just to remove files from Nairobi, but also to keep them for later investigation in the case of challenge. Documents which could show the complicity of high-ranking representatives and government officials ensured that interests were safeguarded.¹¹ While this thesis does not attempt to proffer a commanding explanation for retention over destruction, the consistent theme of the local administration believing they were working in their constituents best interests might offer some insight.

As the thesis has shown, some administrators were all too happy to stand by their decisions taken, not only as the most feasible and applicable solutions to the problems faced during the Mau Mau conflict, but ones made in the interest of protection of the loyalist. For those steadfast in this conviction, records to this effect provided evidence of their considered process. The impetus behind hiding them in the short term would be to protect those constituents who might otherwise be compromised by their collaboration.

Given the reactive and chaotic nature of much of administration however, it is just as feasible to assume that far less scrutiny went into this process than might be presupposed. A careful reading and consideration of years of colonial papers was at odds with a colonial administration that valued expediency and convenience above

¹⁰ Anderson. "*Guilty Secrets*". 147.

¹¹ *ibid.*

nearly all else. The quick recourse to expedient coercion detailed throughout this thesis is a testament to this. The only expectation from the Governor's office was that a parcel of embarrassing secret files would find their way to Nairobi. Spoilt for choice amongst the horrors of Mau Mau, what to retain and what to destroy could present itself as a relatively arbitrary choice, as long as expectations were met.

Ultimately, destruction and transportation, at a fundamental level, both served as a means of erasure, the rigour with which the task of retention could be completed was thus dictated principally by the time and effort an administrator felt compelled to apply to it. Here too therefore, reliance on the *man on the spot* essentially meant entrusting the local administrator to act with probity over haste in the execution of his duty. As this thesis has demonstrated however, between getting the job done quickly and getting the job done right, efficiency outweighed integrity in the resolve of regional officers.

Regardless of the reasoning for retention, the very existence of the archive and its concealment is important in shaping our understanding of the imperial project and has a role in combating nescient and disingenuous histories promoted even today. In employing an open-minded approach towards those documents which have survived, this thesis has shown that the migrated archive has value to offer imperial historians outside of a narrow focus on violence. In a historical climate where narrative increasingly eclipses substance, such analytical accounts become all the more important. As scholars continue to unpack the vast material contained within the disclosure, investigation which focuses on what the documents say, rather than what they expect to find may offer the best approach in uncovering the significance

of the repository and continuing to publicise the hypocrisy of Britain's supposed moral imperialism.

Everyday Coercion in the Imperial 'Culture Wars'

In the almost two decades since the publication of Niall Ferguson's *Empire: How Britain Made the Modern World*, there has been a startling resurgence in Empire nostalgia in Britain, a phenomenon which has only gained more traction as confected discourse on everything from national curricula to museums and statues have been cultivated as new sites of imperial contestation for political point scoring.¹² Perhaps the most telling example of this jingoistic turn was seen during the 2016 campaign to leave the European Union, where reference to Britain's imperial past was freely presented as evidence of a supposedly greater world role for the nation. Emblematic of this was leading government figures such as, then foreign secretary, Jeremy Hunt proudly proclaiming that "Britain has been shaping the world for centuries and we're here to stay" and future Prime Minister Boris Johnson reminding Daily Telegraph readers "We used to run the biggest empire the world has ever seen, and with a much smaller domestic population...Are we really unable to do trade deals?".¹³

Both the imperial historian Dane Kennedy, and scholar on globalisation Marc-William Palen, have argued that it was this enduring appeal of imperial nostalgia that fuelled the pro-Brexit campaign.¹⁴ The problem with this interpretation is the implicit

¹² Niall Ferguson, *Empire: How Britain Made the Modern World*. (London: Allen Lane, 2003).

¹³ Jeremy Hunt, "Britain has been shaping the world for Centuries", Gov.uk, March 29, 2019. <https://www.gov.uk/government/speeches/britain-has-been-shaping-the-world-for-centuries-that-wont-change-with-brexit-article-by-jeremy-hunt>; Boris Johnson. "My Emphasis", Daily Telegraph. March 16, 2016. Both [Accessed: June 30, 2022]

¹⁴ Dane Kennedy, *The Imperial History Wars: Debating the British Empire*, (London: Bloomsbury, 2018) 149; Marc-William Palen, "Britain's Imperial Ghosts", The Conversation, June 26, 2017.

meaning in the term *nostalgia*. To describe the way with which imperial apologists handle questions of empire as nostalgia, is to suggest a sense of yearning for something that once existed. But, as Robert Saunders argues, “it is probably only possible to be ‘nostalgic’ for empire if one ‘forgets’ much of its history.”¹⁵ Thus, it can be said current disputes regarding the empire and its legacy are not so much about historical facts or alternative interpretations of the past. Instead, they are the outcome of very divergent, and usually incompatible, historical agendas which pit revised historical narratives against identity politics.

In this increasingly toxic discourse over Britain’s Imperial past, as choice historical interpretations are leveraged for contemporary political gain, nuanced interventions based on fine-grain archival research become all the more necessary. Yet, far too often in the context of Britain’s ongoing so called culture wars, feelings are put before facts in the presentation of tired narratives and balance-sheet approaches which try to parse out the relative value of violence against railways and the rule of law. Such conceptual analysis is neither a genuine tool for historical examination nor conducive to deepening our understanding of how these structures operated. Rather, such approaches work merely as disingenuous means to deflect criticism and diminish the failings of empire.

A far too common trend in these analyses are references to notions of *good vs. bad*, or *pride vs. shame*, that are not just inherently subjective, but are conceptually deficient to allow us to better understand the myriad complexities of empire.

[Accessed: June 30, 2022] <https://theconversation.com/britains-imperial-ghosts-have-taken-control-of-brexite-79439>.

¹⁵ Robert Saunders. Brexit and Empire: ‘Global Britain’ and the Myth of Imperial Nostalgia, *The Journal of Imperial and Commonwealth History*, 48:6 (2018), 1140-1174. 1142.

Characteristic of such contributions from commentators and journalists said to be acting 'in defence' of Britain's imperial past, are a concentration on the so-called *great men of empire*. The legacies of heavyweight figures such as Cecil Rhodes and Winston Churchill, two white supremacists unapologetically committed to empire, have become an improbable battleground over which countless op-eds and articles have been devoted. As revised scholarly understanding acts to complicate these men's legacies, rebukes to such claims present these figures at best, as champions of progress, and at worst, products of their time. Although it is not necessary to get bogged down in the conjecture of such contentions here, the vociferous defence of such men, viewed as generally acting with good intention and lauded for their successes, shows parallels to contemporaneous justifications of empire and its purported civilising mission.

The basic conceit of British Imperialism, that it was imparting the benefits of civilisation, Christianity and the rule of law to an otherwise uncivil world, relied on the enlightenment belief that history was an inevitable moral march towards progress. Thus, the teleological argument followed, that Britain's imperial success offered the measure by which progress could be defined. The dangerous implication of such rationale is that rather than be judged by the real consequence or practical repercussions of policy, it was the declaration of benevolence and good intentions which was important. Violence, dislocation and hardship could be explained away as stumbling blocks on the path to progress.

In the deliberately muddied debates of the culture wars, we can still see this process continuing today; rather than concentrate on Britain's role in the slave trade, for example, attention is turned to its abolition campaign, similarly a figure like Rhodes is

lauded for his altruism and the scholarships made in his name, rather than confront the extractive and exploitative means by which he accumulated his wealth. The positive and progressive notions that these acts are viewed to signify fit a redemptive narrative.

Among the many problems posed by such an approach to history, is the importance it places on the visible individual. As has been shown in this thesis, the everyday function of a colonial bureaucracy relies far more on the actions of the relatively faceless cadre of administrators than those at the summit of colonial power.

Presenting the empire, for good and for ill, through the actions of 'great men' is therefore yet another way to obfuscate our understanding of the past. Even contemporaneously, in instances of undeniable scandal or impropriety, placing blame on individual actors for not upholding the avowed moral standard was a way of deflecting responsibility and claims of ingrained prejudice. Thus, for each major failing a villain or villains emerge. General Dyer at Amritsar, Hastings in India, even the guards at Hola Prison Camp during Mau Mau, in each instance acts of violence or wrongdoing are explained away as the exceptional action of bad faith actors and vitally not symptomatic of a structural problem.¹⁶ Similarly today, in restricting debate to individual figures and balance-sheet histories, not only is our basic understanding of how empire operated obscured, but once again the myriad complexities are downplayed for simplistic discrete and episodic narratives about an avowed progressive benevolent intent.

¹⁶ Kim Wagner. "Review of Priya Satia 'Time's Monster: History, Conscience and Britain's Empire' (Allen Lane, 2020)", Medium, February 8, 2021. Accessed June 30, 2022. <https://kim-ati-wagner.medium.com/review-of-priya-satia-times-monster-history-conscience-and-britain-s-empire-allen-lane-2020-d08b965abbb4>

On the opposite end of the spectrum, Caroline Elkins new contribution to empire discourse, *Legacy of Violence*, frames a narrative of brutality around scathing accusations on the heinous actions of acclaimed figures such as Winston Churchill, Henry Gurney, commissioner of Malay, and Terence Gavaghan, a colonial official in Kenya. Such an approach however again raises the same conceptual issues as apologists' accounts in belaying structures of control for the distraction of individuals. The corrective to this trend has come from historians and scholars such as, Priya Satia, Kim Wagner and Priyamvada Gopal, who have sought to expose the inherent contradiction in claims of Britain's empire as a liberal and moral progressive force, not in presentation of balance-sheets, but in demonstration of the systemic violence and dislocation that was fundamental to its success and survival.

In Kim Wagner's *Amritsar 1919*, for example, the infamous Jallianwala Bagh massacre is used to illustrate that the oft extreme violence of empire was integral because it was never sufficiently strong to do without it. The massacre was thus a moment when the violence underpinning colonial rule became visible through the fractured armour of imperial benevolence. Using a slightly different approach, in Gopal's *Insurgent Empire* the rich British anti-imperial tradition and agency demonstrated by colonial subjects in influencing critique in the metropole is skilfully illuminated in undermining insincere claims that racially charged ideologies were 'of their time'. In the context of current political discourse, such thoughtful analysis is all too frequently disregarded as—*biased* or *woke* - not because it is objectively inaccurate, but because it threatens the fundamental worldview that so many people take for granted.

In highlighting the extractive and damaging nature of imperialism, scholarly study has naturally trended towards instances of explicit corruption and harm, such as, famines, massacres and the violence of counter-insurgencies in part because of the shocking and lurid details they reveal. Yet, work such as that by Wagner, in dealing with a 'singular' event of overt violence is often disregarded in the apologist narrative as exceptional and inconsistent with conventional imperial rule. Despite the extensive research in these accounts, they suffer from facile critique that they act to just score the balance-sheet differently.

It is in this regard that reassessment of quotidian control takes on greater significance. Where accounts of interpersonal violence may unveil the worst horrors of empire, analysis of control in the everyday is instructive of the prosaic, ordinary and routine. As this thesis has documented however, this can actually be revealing of something far more insidious. In this regard, studies such as this one which set about uncovering and detailing these perhaps less headline grabbing, but no less significant, systemic and ingrained systems of coercion are all the more important.

The impact such accounts can have however is another aspect of debate. In the confected culture wars, the contest for ownership over the authority to produce Britain's colonial history between universities and newspapers continues to rage. As William Davies notes:

"The conflict between the two has been supercharged by the fact that columnists and academics (along with their respective sympathisers) now frequently inhabit the same platforms, Twitter in particular. It also has an intergenerational dimension, partly as a result of the fact that newspapers are now largely read by the over-fifties, while young people are far more

likely to have gone to university. For a host of reasons (not least that its current leader is a journalist), the Tory Party has effectively become the political arm of the press, while routinely complaining about the cultural influence of universities.”¹⁷

In this schism, as discourse becomes increasingly closed off and the echo chamber of opinion deepens, the wider impact of such interventions is likewise reduced but its importance is no more diminished. The façade of bucolic whimsy, garden parties and pith helmets kept alive through inauthentic TV and Film offerings continue to fuel a nostalgia for colonial life that belies its reality, the only antidote to such fictional depictions is considered historical study which conveys the coercive actuality.

Existence in British Africa was anything but fanciful. The requirements of administration in the everyday could be a multitude of different things, but one factor binding together the vast temporal and spatial disparities was the commonality of coercion to fit this need. At the lowest levels, where control was a process of negotiation and bargaining, it was the access to compulsion which was the commodity that administrators traded in. While it may seem self-evident, it should be stated that the dynamic of compliance between colonised and coloniser was never tacit or unquestioned and relied on the imminence of coercion to function. Any suggestions of docile acquiescence or obeisance which ignore this reality are simply deceitful. Even in the case of close collaborators, the allure of potential reward could win fealty, but it was the looming threat of coercion that kept individuals from stepping out of line.

¹⁷ William Davies. The Seduction of Declinism. *London Review of Books*. 44 No. 15, 4 August 2022 [Accessed 18th August 2022] <https://www.lrb.co.uk/the-paper/v44/n15/william-davies/the-seductions-of-declinism>

Conceptually therefore, everyday colonial control can be viewed as a continuum of recourse to coercive measures. In times of relative peace, coercion is primarily intimidatory in its function, resort to compulsion is less necessary however irregular demonstrations of this force are utilised to affirm and sustain the structure of control in place. This notion can be referred to discreetly as the 'threat'. In times of explicit challenge however, control becomes a function of making wide use of broad coercive powers with the purpose of inflicting hardship as a means of support for those collaborators who were most often the first targets of confrontation. Practically, the cumulative effect of these controls and punishments operate to make everyday life an increasing struggle until opposition is deemed impractical. This can be termed the 'force'.

Thus, everyday colonial control vacillated between the 'threat' of coercion and utilisation of 'force', with the particular incumbent response within this continuum contingent on the situation and characteristics of those individuals and constituencies empowered in a locality. To put it simply, regardless of any purported benevolent intent, coercion was ever present in quotidian control which compliance only acted to mitigate.

In the exploration of the Mau Mau case study therefore, this thesis demonstrates how looking to the everyday, instead of the exceptional, can offer us more insight into the nefarious nature of colonial rule. The localised focus adopted in examining how the construction, development and application of coercive policies was a firmly bottom-up process, directed in negotiation between regional administrators and local native leaders, acts to show that colonial control was anything but monolithic. Ad hoc and reactive by its very nature, the extension of coercive powers was done hand-to-

mouth in answer to challenge and applied unevenly between districts. This led to the creation of a system of control which was chaotic, disorderly and showed huge regional variation.

While discourse today may fixate on the inane task of weighing up Churchill's pros and cons, for those Kikuyu living through Kenya's emergency, the caprices of short-clad men housed in dingy offices in Thika or Kiambu were far more impactful on their daily lives. What this thesis demonstrates therefore is the complete unsuitability of so-called great man histories in attempts to better understand how colonial control operated in British Africa. To try to appreciate the complexities of empire in the actions of a few choice individuals is as reductive and it is unhelpful, it is though studies such as this one which take a more considered view of the wider structures and dynamics at play through exhaustive archival study that can begin to better comprehend the turmoil at the end of empire and challenge the predominate invented narratives which plague discourse today.

By the same token, this thesis has set out to show that accounts which solely concentrate on interpersonal violence similarly suffer from serving to simplify the complexities of colonial control and the use of coercion. As detailed, the wider repertoires of coercive control were the most immediate daily manifestation of domination. To minimise or downgrade these in Mau Mau histories is to diminish their importance. In challenging the trend of nescient and insincere narratives in the so-called culture war, showing the depths and unexceptional nature of coercion and how it was fundamental to the operation of everyday control does more to undermine artificial claims of progress and civility than its instances of violence. In this regard, this thesis perhaps leads where broader imperial scholarly study could benefit to

follow. In turning attention to the everyday rather than the exceptional, only then can the true malicious nature of Britain's imperial project become all the more clear.

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Appendix

Table 1 – Forfeiture cases (inc. in thesis)

Area	District	Date	Officer	% Seized	Cattle	Small Stock	Add. Value Seized (Shs)*	Individuals / Families	Approx. Total Value (Shs)**	Approx. Value Per Person (Shs)
Thengenge	Nyeri	Nov 1952	(DC) J.M.B Butler	50%	1880	3000		2,700	295,000	109.26
Leshau Ward	Laikipia	Nov 1952	(DC) W.N.B Louden	100%	0	8200	4425	-	168,425	-
Kanyoni	Kiambu	Dec 1952	J.R.M Tennent	50%	12	17	225	13	2,065	158.85
Settler Farms', Lamuria	Nanyuki	Dec 1952	A. Galton-Fenzi	25%	0	217		17	4,340	255.29
Clarke's Farm, Mweiga Ward	Nanyuki	Dec 1952	A. Galton-Fenzi	50%	0	769		85	15,380	180.94
Blundell's Farm, Subukia	Nakuru	Dec 1952	(DC) D.G. Christie-Miller	-	0	50	8000	17	9,000	529.41
Ndeiya	Kiambu	Dec 1952	J. Cumber	50%	75	0	450	9	9,825	1,091.67
Location 11	Fort Hall	Dec 1952	(DC) F.A Loyd	33%	534	711		102	80,970	793.82
Kabage Forest ***	Nyeri	Feb 1953	(DC) J.M.B Butler	100%	0	0		10	0	-
Othaya	Nyeri	Feb 1953	J.L Wordsworth	100%	719	1300		180	115,875	643.75
Kabage Forest ***	Nyeri	Feb 1953	(DC) J.M.B Butler	100%	0	0		7	0	-
Naro Moru	Nyeri	Mar 1953	(DC) O.E.B Hughes	100%	0	205		20	4,100	205.00
Aguthi	Nyeri	Apr 1953	G.N Hampson	50%	64	145	375	50	11,275	225.50

Gikonde and Muhite	Nyeri	May 1953	(Ass. DO) E.G. Mithame	50%	440	824		141	71,480	506.95
Thigini	Nyeri	May 1953	G.N Hampson	25%	35	43		28	5,235	186.96
Mahiga	Nyeri	Jun 1953	J.C. Nottingham	50%	101	183		21	16,285	775.48
Location 1	Fort Hall	Jul 1953	W.H. Thompson	50%	-	-		42	-	-
Aguthi	Nyeri	Aug 1953	G.N Hampson	75%	349	697	625	189	58,190	307.88
Karura, Magutu	Nyeri	Sep 1953	T.L Edgar	50%	311	375		67	46,375	692.16
Muhito	Nyeri	Sep 1953	E.G. Mithame	30%	76	112		37	11,740	317.30
Karahiu sub-location, Tetu	Nyeri	Oct 1953	H.S.B Thatcher	30%	59	0		29	7,375	254.31
Muthuaine Itura, Tetu	Nyeri	Nov 1953	J.L Wordsworth	90%	753	1004		144	114,205	793.09
Location 6	Fort Hall	Nov 1953	D. Clay	25%	276	573		95	45,960	483.79
Location 8	Fort Hall	Dec 1953	R.G. Otter	50%	229	105		66	30,725	465.53
Ndimaini Village, Konyu	Nyeri	Jul 1955	D.E. Johnston	45%	50	0		24	6,250	260.42
Meiri Village, Iriain	Nyeri	Jul 1955	D.E. Johnston	40%	20	0		7	2,500	357.14

* Additional value seized includes bicycles, donkeys and crops.

** Prices variable but approximate value has been calculated at most consistently quoted figures. (125 per cattle, 20 per small stock, 75 per bicycle and 100 per donkey)

*** Labour contracts were terminated, and families relocated. All crops seized but no values listed.

Table 2 – Collective fines (inc. in thesis)

Area	District	Date	Officer	Fine Amount (Shs)	Eligible	No. of Individuals	Approx. Total Value
Kangema Division	Fort Hall	Mar 1954	R.G. Wilson	20	M	10,000	200,000.00
Location 6	Fort Hall	Mar 1954	D. Clay	20	M+F	N/A	N/A
Location 13*	Fort Hall	Jul 1954	R.G. Otter	20	M+F	1,000	20,000.00
Konyu	Nyeri	Jan 1955	(DC) J.M.B Butler	20	M+F	N/A	N/A
Gatunganga village	Nyeri	Feb 1955	(DC) J.M.B Butler	20	M+F	20	400.00

* Not followed to conclusion