



Taxation, Migration and the Creation of a Working Class in Kenya

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Abstract

Various scholars have questioned the often-stated migrant labour–taxation causal nexus. They have rejected the overworked stereotype that Africans entered labour service to pay taxes, obtain more livestock and marry more wives. This paper argues that migration was a historical aspect of social change, because migrant labourers made deliberate economic choices on whether to pay taxes either by exploiting available resources or by migrating. Particular analysis is made of the extent to which taxation engendered the creation of a working class cadre. The case of the settler economies of South Africa, Rhodesia, Algeria and Kenya in particular revolved around the transition of the rural population from a pastoral and cultivator economy to a truncated working class in the Thompsonian paradigm. They were not merely, as Atieno-Odhiambo declares, ‘cogs in the wheel of capitalism’. Among other reasons, Africans went out in search of paid work for the fact that force was used when their livestock were confiscated unless they left to perform wage labour. Many others went out in search of employment for the independence and self-sufficiency it gave them. The paper argues that a number of young people went out voluntarily to obtain money which they used to pay taxes but also to acquire certain material possessions such as livestock, blankets, clothes and other paraphernalia, and to become entrepreneurs. As a consequence of all these, we have the emergence of a working class cadre that has become an important life trajectory in Kenya.

Résumé

Plusieurs études ont remis en question le fameux lien causal régissant la taxation des travailleurs migrants. Ils ont rejeté le stéréotype usé selon lequel les Africains travaillaient pour payer des impôts, obtenir davantage de têtes de bétail

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et épouser toujours plus de femmes. Cette communication affirme que le phénomène de la migration constitue un aspect historique du changement social, car les travailleurs migrants font le choix économique délibéré de payer des taxes en exploitant les ressources disponibles, ou en migrant vers d'autres contrées. Il est fait une scrupuleuse analyse de la façon dont la taxation a contribué à la création d'un cadre de prolétariat. Les économies de migrants en Afrique du Sud, en Rhodésie, en Algérie et au Kenya, en particulier, étaient basées sur la transition des populations rurales d'une économie pastorale et agricole à un statut tronqué de classe ouvrière, selon le paradigme thomsonien. Ces derniers n'étaient pas que de simples «rouages dans la machine du capitalisme», comme l'affirmait Atieno-Odhiambo. Les Africains sont allés à la recherche d'un travail rémunéré pour une diversité de raisons, parmi lesquelles le fait que l'on faisait parfois usage de la force pour confisquer leur bétail, ce qui les contraignait à aller à la recherche d'un travail payé. D'autres partaient à la quête d'emploi pour acquérir une certaine indépendance et une certaine auto-suffisance. L'auteur affirme qu'un certain nombre de jeunes se sont volontairement exilés pour gagner de l'argent, qu'ils employaient ensuite pour payer diverses taxes, mais également pour acquérir certains biens matériels, tels que du bétail, des draps, des habits et autres, mais également pour devenir entrepreneurs. La conséquence en est l'émergence d'un cadre de prolétariat qui constitue un important trajectoire de vie, au Kenya.

Introduction

This paper examines how colonial African taxation led to the emergence of a working class cadre in Kenya. According to Issa Shivji, the working class in Tanzania have described themselves as the *watoa Jasho* (those who bleed sweat) (1996:xix). In Kenyan parlance, they would be equivalent to the *Jua Kali* (toiling in the hard sun). In other words, these are the 'petite bourgeoisie' that emerged as a result of social and economic change brought about by colonial capitalism.¹ E.P. Thompson (1968:12), in his seminal study of the English working class has challenged historians to rescue 'the casualties of history from the enormous condescension of posterity' and look at these ordinary people in societies around the world who daily laboured to produce wealth from which they rarely benefited.

Tiyambe Zeleza (1982), a leading authority in the study of labour and the emergence of the working class in Kenya, has correctly argued that violence and forced labour were important factors in the emergence of a working class cadre in Kenya. This paper goes a step further and examines how taxation that was enforced through violent means created a run-away working class. From a historical viewpoint, these working class identities comprised both white and blue-collar categories of labourers. Among these were the chiefs, clerks, teachers, interpreters, tax collectors, farm labourers, masons,

carpenters, house painters, barbers, cobblers, taxicab drivers, commercial sex workers, domestic workers, dock workers and nurses. In sum, they were the 'salaried', a small group of Africans who since the advent of colonial rule earned salaries, wages or fees for services rendered (Kitching 1987).² E.S. Atieno-Odhiambo (1974) has shown how these working class identities became powerful after 1922 when the peasantry declined and were overtaken in the world of *kazi* (work) by an emergent proletariat who by 1952 were in the category of urbanites who *Kula Raha* ('enjoyed leisure').³

The emergence of a working class

The creation of a working class in Kenya went through various stages (Wolff 1974; Stichter 1975). The first stage from 1888 to 1895, saw coastal Arabs, Swahili and Kamba offer their services for wages and in particular to the Imperial British East Africa Company (IBEAC). In the second stage, 1895 to 1914, the colonial government decided to establish settler-dominated agriculture as the basis of Kenya's economy.⁴ The sentiment was well captured by the then Governor Henry Belfield, who stated that:

We consider that taxation is the only possible method of compelling the native to leave his reserve for the purpose of seeking work. Only in this way can the cost of living be increased for the native and it is on this that the supply of labour and the price of labour depend (*East African Standard* 8 February 1913).

Among the first commercial enterprises to demand for African labour came from the coastal region. The employers were Europeans, Asians and Arab landowners who grew crops like maize, beans and rubber. For example between 1907 and 1908, plantations based in Malindi required some 350 to 800 labourers.⁵ Also in need of labour were the Public Works Department, the Mangrove Concession at Ngomeini and the maintenance of the railway line. Most of the labour that sought employment in these places came from among the Nyamwezi, Swahili, Kikuyu and the Kamba. At that time it was recorded that Malindi 'district provides none or few labourers'.⁶ The average pay per month was Rs. 12 for the Nyamwezi and the Swahili who received no monthly rations, while the Kikuyu received Rs. 6 with rations of maize meal and beans. The longest serving were the Nyamwezi who worked for about 12 months, while the Kikuyu worked the least for only six to eight months. The tax rate was Rs. 3 per hut and it was widely acknowledged that the tax certainly aided the labour market especially during periods of drought.⁷

The third stage from 1914 to 1919 coincided with the mobilisation of the Carrier Corps for service during the First World War. The fourth stage 1919 to 1930, which continued up to 1939, saw the establishment of a regular

labour supply. Van Zwanenberg (1975) has however argued that wages at this stage were in general too low to be used as the primary incentive to induce men to migrate from their homes as wage labourers.

According to Sharon Stichter (1978) the next stage developed between 1939 and 1947. By then the size of the African work force had substantively increased due to the fact that there had been a shift from agricultural to industrial labour.⁸ The colonial state, however, resisted most industrial developments in the colonies to protect their own industries back home. But this policy changed during the Second World War because Europeans in Kenya were unable to obtain provisions by sea from Britain. The result was the creation of the Kenya Industrial Management Board (KIMBO) which pioneered the manufacture of margarine and soap such as Lux, Sunlight, Lifebuoy and Omo. Accordingly, there was great shift from the rural areas to the urban centres in search of employment in the new industries particularly in Nairobi (Zwanenberg and King 1975; Swainson 1980).

The first step employed by the colonial administration to create a migrant wage labour class was the removal of land rights from the African people. Land as shown by C.K. Meek (1946) had something of a sacred character and rights over land were more jealously treasured than any other form of rights. Discussing land issues among the Kamba and the Kikuyu, Tignor (1976) argues that the manner in which land was alienated shaped many developments during the colonial period. Land deprivation was to be the genesis of a process that was to uniquely revolutionise and deconstruct the lives of the African people into a world of migrant wage labour, hitherto unfamiliar to them. Without adequate land and the emergence of a cash economy, a psychology of acquisitiveness began to consume the African public. People sought material possessions like better hoes, soap, sugar, salt, blankets and bicycles among other items that came with the capitalist penetration of African economies. This was made possible through the reinvigoration of the pre-colonial market system.

Taxation–migrant wage labour nexus

The application of taxation policies to compel Africans into a wage labour system has a long history in Africa. The case of the settler economies of South Africa, Zimbabwe (Rhodesia), Algeria and Kenya in particular revolves around the transition of the rural population from a pastoral and cultivator economy to a wage earner class.⁹ In these settler economies, various approaches were adopted to obtain cheap labour for the colonial-capitalist enterprises. A major aspect of that process was the extent to which taxation engendered African participation in migrant wage labour and the emergence of a working class (Atkins 1993; Manchuelle 1997).

Various scholars in the literature have questioned the often-stated migrant labour-taxation cause-nexus. One good example is Keletso E. Atkins, *The Moon Is Dead! Give Us Our money!: The Cultural Origins of an African Work Ethic, Natal, South Africa, 1853–1900*. In this erudite book, she has rejected the overworked stereotype that Africans entered labour service for two reasons: to pay taxes and to obtain an increase in livestock, which translated into marrying more wives. In the case of Kenya, Sharon Stichter in *Migrant Labour in Kenya*, and Van Zwanenberg, in *Colonial Capitalism in Kenya*, have also cautioned about overstating the role of taxation in compelling the acceptance of migrant wage labour.¹⁰

Giovanni Arrighi (1970) has distinguished the ‘discretionary’ and ‘necessary’ factors for a migrant labour system. The argument he raises is that migration was a historical aspect of social change. Migrant labourers made deliberate economic choices on whether to pay taxes by exploiting available resources or to migrate. These migrants were adaptive and exploited available opportunities to better their economic well being and acquire certain material possessions that came in with the new colonial dispensation. Kanogo has shown that the squatters who migrated to the Rift Valley were not ‘a passive or malleable appendage to the colonial system’ (Kanogo 1985:1), but people who resisted coercion and subordination by establishing a socio-economic sub-system that operated within, and to some extent in competition with the settler economy (Ibid). In discussing the migratory patterns of peasants, Teodor Shanin has made an important observation that ‘any analysis of labour migration must consider the processes of disintegration and change in rural economies and societies’ (Shanin 1978:28).

The origin and manifestation of a tax regime

Direct tax collection in Kenya began in 1901 when Lord Landsdowne, the colonial secretary sanctioned the levying of a tax not exceeding two rupees upon every African dwelling (Tignor 1976). This was the first measure under the Hut Tax Regulations of 1901 to impose a flat rate of tax on Africans in Kenya. These regulations were then repealed by the Hut Tax Ordinance of 1903. By this ordinance, the Protectorate Commissioner was empowered to impose a tax on all huts and to vary it from time to time, provided that the rate imposed would not exceed three rupees per annum (Mungeam 1978).

Until 1910, the tax levied could be paid in kind, labour or cash. The latter was possible since the rupee had in 1901 been introduced as a medium of exchange. In 1910, through the Poll Tax Act, another direct tax was introduced to cover every male aged sixteen years and above. This tax was basically meant to place young men within the tax bracket. The hut tax, unlike the poll tax, was a form of property tax, being levied according to the number of huts

owned by the taxpayer. Incidentally, hut tax was akin to a wife tax since women were actually the ones who resided in individual huts in polygamous households. It was assumed that the number of huts a family owned were an indication of its wealth.

Migrant wage labour in Kenya to a large extent was a colonial creation. But the poor response by Africans to wage labour was partly because some of the communities had self-sufficient economies. Others though not self-sufficient due to factors like drought, famine and a harsh climate were not ready to work under arduous and strenuous conditions. Others were victims of deliberate colonial induced poverty that forced people to migrate in search of a means of survival. Thus, during the colonial period, Africans in Kenya were not docile victims who simply responded to the trumpet call to join migrant wage labour just to pay a tax. In fact the only reason most of them were discouraged from continuous employment was due to poor and unattractive working conditions such as low wages or even non-payment, mistreatment, poor accommodation, lack of food and medical facilities. As one European farmer bluntly stated, '... from the farmer's point of view, the ideal reserve is a recruiting ground for labour, a place from which the able-bodied go out to work, returning occasionally to rest and beget the next generation of labourers' (Harlow and Chilver 1965:246).

The problem of who was to work for the white settlers, however, persisted, as the dispossessed Africans were not inclined to leave their homes in search of wage labour. Where land forfeitures did not sufficiently push people into the labour market, taxation frequently did. Taxation that had its origin in the need to generate revenue to pay for the cost of administration, was exploited to compel reluctant Africans to seek wage labour. Those who ventured out did so because of the need to obtain the hut and poll tax, to appease the local chief or to purchase an item like a blanket or livestock (Kitching 1980). In this case, the Kikuyu people had a lot of its quality arable land alienated. But in spite of this loss, they were at first extremely reluctant to offer their labour, notwithstanding the fact that their region was among those that witnessed the first wave of European settlers. This reluctance was due to the fact that the men had no tradition of agricultural work for pay and in any case the warriors felt that it was below their dignity (Clough 1990). In addition, the Kikuyu as among other agricultural people, had their own pursuits to be followed of clearing, planting, weeding and harvesting. This went hand in hand with a clear division of labour. While the men cleared and burned virgin territory and looked after livestock, the women dug, planted, weeded, harvested and attended to the everyday household chores (Muriuki 1974; Tignor 1976). Incidentally, much of the colonial legislation that was drafted

was done under the erroneous assumption that there was idle male labour in the reserves to be exploited.

Conversely, the Kikuyu like other Kenyan people, the Kamba, the Luo, and the Luhyia, were among the first people to be coerced into migrant wage labour. They had many reasons for joining a trade they detested, foremost being loss of land, taxation, oppression by chiefs and the need for a cash income (Kanogo 1989). More importantly there was the emergence of the *ahoi* (tenant families attached as clients to a wealthy *Mbari*) class of individuals who from 1905 relied on labour to obtain taxes, dowry and even food. It is to this group of individuals that the colonial settler economy turned for its labour needs (Leys 1975).

Lord Delamere the doyen of the settlers had stated that 'land is no use without labour' (Ochieng 1985:106), thus setting in motion determined efforts by the colonial administration to make the African people provide the labour required. And so with a 'firm hand' the colonial administration attempted to meet the demands of the settlers for cheap labour, a demand that was made even more acute by the fact that the settlers had limited capital and rudimentary agricultural technology. As a result the settlers aimed at reaping a comparative advantage through the use of cheap labour. Here they obtained the support of the colonial government that was determined to ensure the success of the European settler farming.

But with most African people shunning wage labour, the colonial state continued to come under settler pressure to provide labour by all means. A first piece of legislation had been enacted called the Village Headman Ordinance of 1902, which gave powers to headmen to recruit labour for farms and estates. Nothing much came out of this. In 1906 the government passed the Masters and Servants Ordinance which introduced a thirty-day ticket system (Ochieng 1985). This was meant to protect employers from workers who broke the agreement to work for the number of days required. According to this system, at the end each day the ticket was marked to indicate whether the labourer had performed his daily task or not. Payment was only made at the completion of thirty working days, and was based on the record on the work ticket. In addition the Ordinance laid out a number of other working conditions.

Firstly, it permitted for the signing of contracts for up to three years and provided for a three-month's imprisonment for those in breach of the contract. Secondly, for any other serious and minor offences an employee could be fined up to one month's wage or sent to prison for one month. These included not starting the work contracted, absence without permission, intoxication or even the use of what was considered to be rude language. Thirdly, to protect employees, employers were subject to fines of up to one thousand rupees or

one month's imprisonment for withholding wages, detaining employees' stock and failing to supply food.¹¹

The system was very unpopular with African labourers, since it was prone to misuse and abuse by the employers. For example, some employers deliberately failed to mark the ticket even when the labourer had performed his task. Sometimes the employer claimed that the work had not been satisfactorily carried out, and refused to mark the ticket. Furthermore, some employers tended to dismiss the labourers before the completion of the thirty days. Thus, such labourers ended up losing the wages for the days they had already worked.¹² Active state involvement in the procurement of labour was ended in 1908 leaving the chiefs and headmen to shoulder the responsibility of recruiting labour for professional recruiters that had emerged.

Naturally, unsatisfactory working conditions neither helped to keep employees for a long period time nor encouraged new recruits. Word about poor working conditions spread and this dissuaded other people from joining the labour force. In 1907 the colonial administration urged the chiefs through the newly created Native Affairs Department to do its best to supply labour for the settlers, planters and others.¹³ But in 1908 this policy was discontinued by an order of the Colonial Secretary and replaced with that of 'encouragement'. According to the policy of 'encouragement', local administrators were only to advise professional labour recruiters on where to obtain labour. Chiefs and Headmen were not to take part in direct labour recruitment. However, this policy was not always adhered to because the local chiefs and headmen did not see any difference between the two policies (Stitcher 1978). This means that whenever the local chiefs and headmen received labour recruiters in their stations they thought it was their duty to ensure that they obtained labour for them.¹⁴ In any case, a chief's efficiency and effectiveness was often judged from the number of labourers recruited and the taxes collected. Some chiefs therefore, became overzealous and predatory in their work. Such chiefs were ready to use all means at their disposal including force to recruit labour.¹⁵

By 1910 these attempts by the colonial administration to use recruiters, the chiefs and taxation legislation had not ensured a steady supply of labourers. This led to the repeal of the Masters and Servants Ordinance No. 4 of 1910. In this amended legislation employers were required to house their labour, provide food, blankets and medicines (Tignor 1976). Professional labour recruiters were also encouraged. These were people whom by themselves or through various agents or messengers recruited labourers for other employers.¹⁶ These professional labour agents worked on commission for any employer and had to obtain a licence valid for twelve months from the District Commissioner.¹⁷

This 1910 legislation too did not satisfy settler requirements for a stable labour force. African labour was needed in road construction, in the military, within the administration itself and for the emergent settler farmers. It was during such high demand for labour that calls for increased taxation were made. The result was the setting up of the 1912-13 Native Labour Commission by the Governor Sir James Hayes Sadler to find a solution for the protracted labour problem. The Commission was mandated to inquire into the issue of the labour shortage, the introduction of the *Kipande* pass system and to make recommendations.¹⁸ Mr. J.W. Barth who was a Judge of the High Court chaired the Commission. Other members of the Commission included C.C. Bowering, J. W. Arthur, B. G. Allen, G. Brandsma, A. F. Church, Lord Delamere, F.G. Hamilton, G. Williams and M.H. Wessels. It was essentially a reaction to settler desperation for cheap labour and the government's determination to sort out the problem. The evidence obtained has been described as a 'mine of information' on prevailing labour practices and European views of African labour (Tignor 1976:108-109). Evidence was collected from settlers, government officials, missionaries, Indians and in the words of the historian George Bennett (1963:34) 'even natives'. It was indeed the first time that the African's voice was heard – but not listened to. The evidence and the report itself is a major historical document. In all there were 284 witnesses, of whom 205 were Europeans, 64 were Africans and 15 Indians. Settler after settler who came before the Commission demanded in the most precise terms that the 'natives' should be forced out of the 'reserves'. In addition they demanded that taxation and land alienation be applied to force them out to work for wages, and hence provide cheap labour. There was also a recommendation that a tax remission be awarded to those who proved that they had worked for wages. On the other hand the African witnesses enumerated many reasons why they sought wage labour and the problems they encountered while at work.

For example, Gatoro wa Mureithi from Dagoretti, told the Commission that, 'he first went out to work to earn money for a wife and to pay the tax for himself and his mother... but was paid nothing as his employer had gone away and had never returned' (Bennett 1963:233). The employers and particularly the settlers did not take most of these complaints into consideration. For them the only way forward to solve the labour problem was through increased taxation, reduced land, the use of corporal punishment and the introduction of a pass system akin to the one that was in use in South Africa. One of them, G. F. Perry, argued that 'in his opinion the tax should be much heavier, in order to make more of them come out and work, the poll tax should be increased to Rs. 15 or Rs. 20' (Ibid:141).

However, A.C. Hollis the Secretary for Native Affairs, argued that increased taxation would not increase the supply of labour and that if the Africans were heavily taxed, 'there would arise the possibility of a revolution' (Ibid). According to Hollis, all that the settlers demanded was that the colonial administration 'exploit the native for Europeans' which could have not have been easy considering the fact that it was not difficult for the African people to evade some of the colonial demands like taxation and wage labour.¹⁹ John Ainsworth, the Provincial Commissioner of Nyanza, contended that so long as the African people were subjected to any form of uncongenial work outside their districts there was always the danger of desertion. Labour shortages he explained were the result of a variety of factors. These included, lack of proper food, poor and filthy accommodation, low wages, lack of medical facilities and ill treatment by the overseers. These discouraged many from seeking wage labour or working for a longer period of time. Dr. Norman Leys, a medical doctor and a prominent critic of the colonial administration, argued that 'the Kikuyu tribe believes that Government is here to enrich its servants by the tax, and its friends by labour on their farms'.²⁰

This brings out the ambivalent relationship between the state, the African people and the settlers over the use of taxation. From the evidence given to the Commission the African people went out in search of labour for a variety of reasons. Among others was the fact that force was used when their livestock were forcefully confiscated unless they left for wage labour because it 'taught the young men that it was a good thing to work'.²¹ Many others went out in search of employment for the independence and self-sufficiency it gave them from the authority of the elders. From the report most of the African witnesses stated that they went out to work to obtain money to pay for their taxes and generally to increase their wealth in terms of livestock. But the awful conditions of work due to low wages, poor accommodation and medical facilities discouraged many from working longer. But in a society that was slowly becoming monetarised the African people who gave evidence to the Labour Commission felt that the best way to obtain money to pay taxes and meet other responsibilities was through being employed whether by the government or by the white settlers.

The final report of the Commission made a number of recommendations, which had a bearing on the future taxation policies of the Protectorate. First, that the chiefs were to be assisted by retainers and headmen to supply labour. On the other hand, the report rejected any form of direct government participation in recruiting labourers as this would have amounted to compulsion.²² This, however, failed to take into cognisance the fact that the chiefs were indeed agents and employees of the colonial administration and could lose their employment if they failed to supply labourers. Second, the

report recommended that attempts be made to improve the appalling conditions under which African labour worked. These involved the many hazards in the work place such as brutality, poor and monotonous food, filthy accommodation, sickness, death, hardships on journeys and transport and the dismal wages. Third, it recommended the introduction of a system of identification to deal with labour deserters. This was to become the *Kipande* (pass). To Ainsworth the *Kipande* was ‘... the pass, which could be carried in small tin case fastened to a cord to be worn round the neck’, and it ‘should be issued free of charge’.²³ Fourth, the commission called for the abolition of squatter farming, a phenomenon that had already become entrenched (Kanogo 1987). Fifth, the commissioners outlawed professional recruiters and instead called for the establishment of government labour camps in which District Officers would direct those seeking work.²⁴

Equally important, there was a call for the establishment of a system of labour inspection to deal with the rampant cases of labour abuse by employers. Abuse took various forms such as refusal to pay wages, physical assault, poor diet, wretched living conditions and lack of medical facilities. In addition, the report recommended the expansion of technical and agricultural education for the benefit of the African people.²⁵ And finally, in what appeared to have been a setback to the settler demands, the final ‘minority report’ of the Kenya Labour Commission of 1912-13 held that ‘... taxation is unjustifiable as a means of increasing the labour supply’.²⁶ On that anti-climatic note, the settlers appeared to have lost the battle to press for the use of taxation to compel African labour.

With the outbreak of the First World War in 1914, all the resources, human and monetary, were channelled to the war effort. The settlers provided tangible support to the battle against the Germans as many volunteered to join combat. After the war this act of ‘patriotism’ strengthened settler bargaining power. The colonial administration had all along avoided bowing to settler demands for cheap African labour. Demand for labour had reached high proportions due to what Zeleza has described as ‘demographic haemorrhage of able-bodied males’ (1989:165), who perished as a consequence of the First World War. As a result and certainly in an act of desperation the colonial government in 1919 introduced the Northey circulars, which attempted to regularise the use of forced labour.

Forced labour, the *Kipande*, and the ‘Northey Circulars’

As early as 1900 the use of forced labour had been a common feature of the nascent East Africa Protectorate. This was at first disguised as tribute labour (Zeleza 1989:164). Chiefs, Headmen, Liwalis and District Commissioners were pressurised to provide labour for the construction of roads, government

buildings, construction of dams, bridges and for the European settlers. Along the coast and particularly in Mombasa and Malindi forced labour was used in the construction of roads. They were paid in cash which they later used in the payment of the hut tax.²⁷

Forced labour was also used as a form of penance for those who could not afford to pay their Hut Tax. This was a common feature along the coast where the policy was that 'the total amount of work done was equal to the amount of the tax due'.²⁸ In 1906 a settler farmer by the name of B. L. Besson of Mombasa wrote to the sub-commissioner complaining that his labourers had run away due to high taxes charged and that his 'work was completely spoiled'.²⁹

In 1908, the use of forced labour had been legalised 'on the basis that the state was the agent of the civilising mission' (Zeleza 1989:164). This was, however, limited to 'essential public works' in the name of 'communal labour' organised around a particular village or location or village. The 1912 Native Authority Ordinance demanded that women and children be required to provide labour for government activities. This act authorised Headmen to issue orders to the Africans 'requiring the able-bodied men to work in the making and maintaining of any watercourse or other work constructed or to be constructed or maintained for the benefit of the community to which such able-bodied men belonged'. In addition, 'the Ordinance gave the headmen legal powers to regulate the movement of natives from the jurisdiction of one headman to another' (Oliver 1929:233). Not much was achieved because desertions 'were effective during the early decades of colonial rule precisely because the peasant sector was able to absorb the deserters' (Zeleza 1989:166).

Systematic exploitation of African labour was made easier by the Registration Ordinance, which was mooted in 1915 and implemented in 1920 due to settler pressure. The act had laid down that every African male above the age of 16 years should be registered and had to carry a certificate of identification. It was to be produced on demand by a Police Officer or any authorised person. One notable feature was that it bore the fingerprints of the bearer. When the Labour Commission of 1912-13 had heard various views, one of the strong recommendations that came out of the European witnesses was the demand for a form of identification to net labour deserters, tax defaulters and to control the movement of the African people. Considering the fact that most of the settlers were of South African origin, the concept of a pass system underpinned the strong influence of the South African settlers in the introduction of the *Kipande*. For instance back in 1908 Governor James Sadler stated that in South Africa, under the pass system, '... you get a disciplined native, you know where every native is, what his wages are and his employ-

ment' (quoted in Wolff 1974:105). The *Kipande* was to become a tool of domination and control. The *Kipande* meant different things to Africans, settlers and the state. For the Africans it was a reminder of the fact that their annual taxes had not been paid and that there was a possibility of being forcefully recruited to offer their labour in the settlers' farms or other colonial enterprises. Equally important, the *Kipande* had to be worn around the neck which to most people was a badge of slavery for it restricted the movement of African labour from one employer to another. In sum, the *Kipande* system, while helping to stabilise labour and wages for the settler economy, did so to the detriment of the African labourer (Somjee 1980). The *Kipande* registration system was the most concrete manifestation of a coercive labour control system. In the pass, the employer recorded the registration number, resident district or town, time worked, the nature of work, name of previous employer, the rate of pay, if the tax had been paid and general comments made on the suitability of the individual as an employee (Ibid:6).

By 1923 labour shortages had been minimised as Africans responded to market pressures. One of the most important changes that occurred was the fact that a wage-earning class had taken root (Ochieng 1985). It was a class that depended entirely on wage earning for everyday sustenance. This was brought about by the land, labour and taxation policies of the colonial state. It was also motivated by a growing taste of an African consumer class who had begun buying goods from Indian shops and emergent African entrepreneurs who had established businesses in most rural centres (Marais and Somerset 1973). The declining role of the Kenyan peasant and the emergence of a working class that no longer relied on land for survival made this possible.³⁰

Conclusion

The emergence of a migrant wage labour force and a working class in Kenya was primarily a product of African resourcefulness, European white settlement and the colonial state. Unable to provide for their own labour and lacking in capital, the settlers sought cheap African labour. They, however, found a reluctant people who still lived by subsistence farming, herding livestock and practising barter trade and who had no desire to abandon their traditional way of life for a thankless existence in settler farms. But from 1903 this gradually changed with the arrival of the first white settlers and the introduction of a cash income. One of the first methods applied by the government to counter the reluctance of the African people to supply labour was the alienation of African land for European settlement and the enactment of harsh labour laws.

These measures were, however, not adequate to guarantee enough labour for the settler farms and public works. To counter these the government wielded the taxation weapon as a tool to compel people to leave their reserves in search of labour. In this, the settlers played a central role in pressurising government. The conflicting testimonies given by the colonial administrators, the settlers and the African people to the Labour Commission of 1912-13 show that taxation did not fully succeed in driving the African people into migrant wage labour. A number of young people went out voluntarily to get money that they used to pay taxes but also to acquire certain material possessions like livestock, blankets, clothes and other paraphernalia.

Notes

- 1 The emergence of class stratification in Kenya has been captured in, Gavin Kitching, *Class and Economic Change in Kenya: The Making of an African Petite Bourgeoisie, 1905-1970* (Nairobi 1980).
- 2 As to whether prostitution can be considered a working class activity, see Luise White, 'Domestic Labor in a Colonial City: Prostitution in Nairobi, 1900-1952', Sharon Stichter and Jane Parpart (eds.) *Patriarchy and Class: African Women in the Home and the Workforce* (Boulder 1988), pp. 139-159.
3. See also E. S. Atieno-Odhiambo, 'Mugo's Prophecy', B. A. Ogot and W. R. Ochieng (eds.) *Kenya: The Making of a Nation, 1895-1995* (Maseno 2000), pp. 9-10. On working class and leisure in urban Nairobi, see his 'Kula Raha': Gendered Discourses and the Contours of Leisure in Nairobi, 1946-1963', Andrew Burton (ed.), *The Urban Experience in Eastern Africa, c. 1750-2000* (Nairobi 2002).
4. For literature on this categorisation, I have benefited from Peter Ndege, *Economic Change in Kasipul Kabondo, 1800-1962*, M.A thesis, University of Nairobi, 1987, pp. 184-185. See also, Richard Wolff, *Britain and Kenya, the Economics of Colonialism* (Nairobi, 1974), pp. 92-94.
5. KNA/PC/COAST/1/1/116, 1906, Special Report of Malindi, 1906-10.
6. Ibid.
7. Ibid.
8. Kenya had the first manufacturing industry in 1922, which produced 'Tusker' beer. By 1939 the country was producing her own cigarettes, soap, cement and canned fruit and vegetables.
9. A good account is found in Marian Lacey, *Working for Boroko: Origins of a Coercive Labour System in South Africa* (Johannesburg, 1981). See also Colin Bundy, *The Rise and Fall of the South African Peasantry*, p. 135. On migrant labour in Southern Rhodesia, see, C. van Onselen, *Chibaro: African Labour in Southern Rhodesia 1900-1933* (London 1977). van Onselen has argued that taxation alone, however, did not solve the mining labour problems, hence Chibaro or forced labour, pp. 95-101. In the case of Algeria see, David

- Prochaska, *Making Algeria French: Colonialism in Bone, 1870-1920* (Cambridge 1989).
10. The best work on migrant labour in Kenya remains, Sharon Stichter, *Migrant Labour in Kenya: Capitalism and African Response, 1895-1975* (London 1982) and R.M.A. van Zwanenberg, *Colonialism and African Response, 1919-1939* (Nairobi 1975), pp. 76-103.
 11. Masters and Servants Ordinance, 1906, May 8, 1906, Regulation, No.8, April 2, 1906, quoted in Tignor, *The Colonial Transformation of Kenya*, p. 102.
 12. KNA/PC/NZA/3/20/21/, *Master and Servants Ordinance Circular*, No 12, 1906.
 13. KNA/PC/NYA/1/2/3, Ainsworth Miscellaneous Record Book, 1908-1918. Ainsworth to the Secretary Native Affairs Department, on Hut and Poll Tax dated 4 May 1910: A Memo on taxation in E. A. Protectorate for the years 1905 to 1910 dated 5 May 1910.
 14. KNA/NZA, /Nyanza Province Annual Report, 1903-1918.
 15. KNA/DC/, Kisumu District Annual and Quarterly Report, 1908.
 16. KNA/PC/NZA/3/20/2/1, Master and Servants Ordinance Circular No. 12 of 11 February 1910.
 17. Ibid.
 18. Government Printer, Native Labour Commission Evidence and Report, 1912-1913.
 19. *Native Labour Commission Evidence and Report*, p. 119.
 20. Ibid., p. 272. Dr. Norman Leys is the author of the book titled, *Kenya* (1924) which is critical of the colonial administration and its land, labour and tax policies among others.
 21. Ibid., p. 217.
 22. Ibid., p. 329.
 23. Ibid., p. 137.
 24. *Native Labour Commission Evidence and Report* , p. 328.
 25. Ibid.
 26. Ibid.
 27. KNA/PC/COAST/1/1/116, Notes for Special Provincial Report, Rabai sub-district, 1905-1910.
 28. KNA/COAST/1/1/193, German Book 1895-1905, vol. 2. Chapter 5, p. 290.
 29. Ibid.
 30. A fine analysis is found in Atieno-Odhiambo, 'The Rise and Decline of the Kenyan Peasant, 1888-1922'.

References

- Arrighi, Giovanni, 1970, 'Labour Studies in Historical Perspective: A Study of the Proletarianization of the African Peasantry in Rhodesia', *Journal of Development Studies*. Vol. 6 No.3, April.
- Atieno-Odhiambo, E. S., 1974, 'The Rise and Decline of the Kenya Peasant, 1888-1922', in *The Paradox of Collaboration and Other Essays*, Nairobi: East-African Literature Bureau, pp. 90-100.
- Atieno-Odhiambo, E. S., 2000, 'Mugo's Prophecy', B. A. Ogot and W. R. Ochieng (eds.) *Kenya: The Making of a Nation, 1895-1995*, Maseno: Maseno University. pp. 9-10.
- Atieno-Odhiambo, E. S., 2002, "'Kula Raha": Gendered Discourses and the Contours of Leisure in Nairobi, 1946-1963', Andrew Burton (ed.), *The Urban Experience in Eastern Africa, c. 1750-2000*, Nairobi: British Institute in Eastern Africa.
- Atkins, Keletso E., 1993, *The Moon is dead! Give us our money!: The Cultural Origins of an African Work Ethic, Natal, South Africa, 1853-1900*, London: Heinemann. p. 29.
- Belfield, Henry, 1913, *East African Standard*, 8 February 1913, quoted in Clayton, A., and Savage, D., *Government and Labour in Kenya, 1895-1963*, London: Frank Cass. p. 41.
- Bennett, George, 1963, *Kenya: A Political History*, London: OUP p. 34.
- Berman, Bruce, 1990, *Control and Crisis in Colonial Kenya: The Dialectic of Domination*, London: James Currey. pp. 55-57.
- Bundy, Colin, 1979, *The Rise and Fall of the South African Peasantry*, Berkeley and London: Heinemann and University of California Press. p. 135
- Clough, Marshall, 1990, *Fighting Two Sides: Kenyan Chiefs and Politicians, 1918-1940*, Boulder: University of Colorado.
- Harlow, V. and Chilver, E.M., (eds.), 1965, *History of East Africa*, vol. ii, Oxford: OUP.
- Kanogo, Tabitha, 1987, *Squatters and the Roots of Mau Mau*, Ohio: Ohio University Press.
- Kitching, Gavin, 1980, *Class and Economic Change in Kenya: The Making of an African Petite Bourgeoisie, 1905-1970*, Princeton: Yale University Press.
- Kitching, Gavin, 1987, *Land, Livestock and Leadership: The Rise of the African Petit-Bourgeois in Kenya, 1905-1918*, Nairobi: East African Literature Bureau.
- Lacey, Marian, 1981, *Working for Boroko: Origins of a Coercive Labour System in South Africa*, Johannesburg: Ravan.
- Leys, Colin, 1975, *Underdevelopment in Kenya: The Political Economy of Neo-Colonialism, 1964-1975*, London: Heinemann.
- Manchuelle, François, 1997, *Willing Migrants: Soninke Labor Diasporas, 1848-1960*, London: James Currey.
- Marris, Peter and Somerset, Anthony, 1973, *African Businessmen: A Study of Entrepreneurship and Development in Kenya*, London.

- Meek, C. K., 1946, *Land, Law and Custom in the Colonies*, London, CUP.
- Mungeam, G. M., 1978, *Kenya: Select Documents 1884-1923*, Nairobi.
- Muriuki, Godfrey, 1974, *A History of the Kikuyu, 1500-1900*, Nairobi: Oxford University Press.
- Ochieng, W. R., 1985, *A History of Kenya*, Nairobi: Macmillan.
- Prochaska, David, 1989, *Making Algeria French: Colonialism in Bone, 1870-1920*, Cambridge: CUP.
- Shivji, Issa, 1986, *Law, State and the Working Class in Tanzania*, London: James Currey.
- Somjee, S. H., 1980, 'Kipande: The Symbol of Imperialism, 1914-1948: A Study in Material Culture', Staff Seminar Paper, Department of Literature, University of Nairobi,
- Stichter, Sharon, 1982, *Migrant Labour in Kenya: Capitalism and African Response, 1895-1975*, London: Longman.
- Stitcher, Sharon, 1975, 'The Formation of a Working Class in Kenya', Richard Sandbrook and Robin Cohen (eds.) *The Development of an African Working Class: Studies in Class Formation and Action*, London: Longman, pp. 22-48.
- Teodor Shanin, 1978, 'The Peasants are Coming: Migrants Who Labor, Peasants Who Travel, and Marxists Who Write', *Race and Class*, vol. 19, p. 280.
- Thompson, E. P., 1968, *The Making of the English Working Class*, New York: Vintage.
- Tignor, R., 1976, *The Colonial Transformation of Kenya: The Kamba, Kikuyu and the Maasai, 1900-1939*, Princeton: Yale University Press.
- van Onselen, C., 1977, *Chibaro: African Labour in Southern Rhodesia 1900-1933*, London: Pluto Press.
- van Zwanenberg, R.M.A., 1975, *Colonialism and African Response, 1919-1939*, Nairobi: East African Literature Bureau, pp. 76-103.
- van Zwanenberg, R.M.A., 1975, *Colonial Capitalism and Labour in Kenya, 1919-1939*, Nairobi: East African Literature Bureau.
- White, Luise, 1988, 'Domestic Labor in a Colonial City: Prostitution in Nairobi, 1900-1952', Sharon Stichter and Jane Parpart (eds.) *Patriarchy and Class: African Women in the Home and the Workforce*, Boulder: Univ of Colorado. pp. 139-159.
- Wolff, Richard, 1974, *The Economics of Colonialism: Britain and Kenya*, New Haven: Yale University Press.
- Zelega, Tiyambe, 1982, 'Dependent Capitalism and the Making of Kenyan Working Class during the Colonial Period', PhD thesis, Dalhousie University.
- Zelega, Tiyambe, 1992, 'The Colonial Labour System in Kenya', W. R. Ochieng and R. Maxon (eds.) *An Economic History of Kenya*, Nairobi: Heinemann and East African Educational Publishers.