The Bleaching Carceral: Police, Native and Location in Nairobi, 1844-1906

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ABSTRACT

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This dissertation provides a history of the white supremacist police-state in Nairobi beginning with the excursions of European-led caravans and ending with the institutionalizing of the municipal entity known as the township of Nairobi. It argues that the town was not an entity in which white supremacist and colonial violence occurred but that it was itself an effect white supremacy. It presents the invasion of whiteness into the Nairobi region as an invasion of a new type of power: white supremacist police power. Police power is reflected in the flogging of indigenous peoples by explorers, settlers and administrators and the emergence of new institutions including the constabulary, the caravan, the “native location” and the punitive expedition. It traces the transformation of the figure of the indigenous other as “hostile native,” “raw native,” “native,” “criminal-African” and finally “African.” The presence of whiteness, the things of whiteness, and bodies racialized as white in this settler-colonial society were corrosive and destructive elements to indigenous life and were foundational to the construction of the first open-air prison in the East African Hinterland.
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for Asha

for black(ened) people

Dans cette ville inerte, cette étrange foule qui ne s’entasse pas, ne se mêle pas: habile à
découvrir le point de désencastration, de fuite, d’esquive. Cette foule qui ne sait pas faire foule...

- Aimé Césaire, Cahier d’un retour au pays natal
Introduction

Whiteness for white people, but especially for non-white people, is a violent, confining institution. In several spaces the presence of the white body invites sensations of anxiety, of conspicuous or invisibility, discomfort, humiliation, a sense of disorientation, futility and punishment. The white body is not simply a body among others. As signifier and weapon its presence in white supremacist society convicts others of their inferiority. It inspires self-immolation through toothpaste and skin-lightening cream, and the surgeon’s scalpel. It encourages a mother’s assault on the body of her child. It leads her to the diurnal rituals of pressing the nose bridge of her baby together in the crib, the foam of chemicals or the heat of curling irons searing a toddler’s scalp. The rickshaw driver flogged with the umbrella of the white gloved lady and flogged again for impertinence on the magistrate’s steps knows first-hand that the space of whiteness is violent, corrosive and confining. He would laugh at Foucault’s warning about the expanding carceral society. After a day of nursing the slices on his back inflicted by the kiboko,¹ the strain in his neck from averting his gaze, hanging up his kipande,² praying for the quiet after the raid or hut-tax collector’s visit he might think of asylums and prisons as a respite. The whites, their bodies, the intrusion of their material, the itch of their language, the world they make is hot, poisonous, corrosive, and containing all the chloric properties of their perverse invention, bleach, a liquid state of white supremacy. After the deluge of settlers and the open-air prison left in its wake, the open-air sjambok strikes that forced

¹ Hippopotamus-hide whip.

² Pass card.
prostrations, the sus laws, the man under the weight of a rickshaw would not be threatened by a police-state. The proceeding is a brief history of that man put under the rickshaw; the history of the burning. From the first flickers of the approaching caravan and the gallant attempts to meet it with a flurry of arrows, to the quiet resignation, for some, in the midst of the conflagration, sat in the township of ink and raiding.

*The Bleaching Carceral* is the white supremacist police-state, peopled by white-bodied settlers, explorers and administrators ruling over and manipulating the bodies, lives, and environment of the indigenous inhabitants in the space historically referred to as Nairobi. It is white supremacist and not European because European ethnic and national distinctions collapsed in the region. The discursive construction of power and authority in the region was raced white. Nairobi and the wider region of what would become the East Africa Protectorate had a uniquely explicit white supremacist identity due to the conceptualizing of the space as the “White Man’s Country.” As will be shown, the logic of law, the conceptualization of the good society as presented in newspaper articles, the liberal and illiberal prescriptions for progress offered by administrative officials all reflected the presumption that whites would decide, white bodies and interests where to be especially protected, and the telos of progress was “white” civilization.”

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3 Although not an explicit aim, the dissertation might be also read as a study of racialized masculinity and the conflict between oppositional masculinities in a colonial setting.

4 With the possible, notable exception of the Jew. The Jew in Europe, however, has always had a strained relationships with white nationalism. During the first third of the 19th century in Germany for example, (the period immediately preceding the period studied in this study), a time or racialism and nationalism, the Jew was beginning to be positioned as a “race” outside of the Volk. See Shlomo Sand, *The Invention of the Jewish People* (London: Verso, 2009), 64-95.
This white-supremacist order was also, in effect, a police-state. In late fifteenth-century Europe, during the collapse of feudalism, the term “police” was ubiquitous. Throughout Continental Europe there was a growing concern about how to manage the “masterless” men who escaped their feudal lords and were causing disorder near the guilds and emerging urban centers of capitalist production. The term police was synonymous with the term policy and both denoted the “legislative and administrative regulation of the internal life of a community to promote general welfare and the condition of good order…and the regimenting of social life.” Mark Neocleous continues, defining the concept of polizeistaat operative in this dissertation: “The institutions and activities considered necessary for the maintenance of good order were known as Policey Ordnung, or Polizeiordnungen – police ordinances – and referred to the management and direction of the population by the state. In giving rise to the Polizeistaat they referred, in effect, to the well-ordered police state.” In late settler-colonial society, community was racialized as white. To that end indigenous life, bodies and space were subjected to a long process of conditioning in order to create from the chaos and ambiguity of resistance a serviceable, pliant, well-ordered and policed population in the service of the white community.


6 Here I follow Mahmood Mamdani’s argument that colonialism’s practices were transformed after experiences with colonialism in Asia. As the East African Hinterland was one of the last African frontiers, administration officials and South African settlers’ white supremacist techniques of control were further informed and shaped by experiences elsewhere on the continent. See Mahmood Mamdani, Citizen and subject: Contemporary Africa and the legacy of late colonialism. (Princeton: Princeton University Press, 1996), 18.

7 Population, unlike the ambiguous group of hostile natives, is an “object and subject” of the modern preoccupation with security (read as both economic security and security of the body and property). Michel Foucault, Security, Territory, Population: Lectures at the Collège de France 1977-1978 (New York: Picador, 2007), 11.
Racism and a relationship of colonial exploitation left the polizeistaat with a less than energetic drive to achieve the state of prosperity except as it regarded the state coffers (property of the Metropole), industrial capital and start-up funds for white settler agriculturalists. For the native population this meant the police-state was stripped down to its bare fundamentals of force, coercion, confinement and exploitation. The Volk were alien, the Fatherland was an enemy, and the “state of splendor” was experienced as theft and the strikes of kibokos and police batons. Racial hatred and a strident Aryan nationalism only sharpened the edges of the expanding carceral society. The following is an account of this space-whitening project. It tells the story of the birth of the institution of Nairobi (as opposed to Nairobi the Maasai “watering-hole”) and in doing so says something, I hope, about white supremacist modernity.

Chapter 1 of my dissertation is a history of the European missionaries’ first excursions into the East Equatorial African “hinterland.” It performs a close reading of missionary travelogues and memoirs to trace the contours of the emerging racio-spatial imaginary. It argues that the series of oppositions that begin to appear at this moment – such as “hostile native” and “bush” people, hinterland and proximate interior – become the foundation upon which the notions of race, space and criminality in the protectorate are constructed.

In my second chapter I argue that the European-led trading caravan was the proto-settler colony. As a space of violence and discipline, it prefigured the colonial police-state that was Nairobi. The travelling line of laborers, beaten and sometimes killed, always under the thumb and lash of white leaders is the first order of white supremacist control in the hinterland space.

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that would become Nairobi. I focus on the use of flogging in the constitution of the white supremacist order and pay particular attention to the quasi-enslavement and *negroization* of the “native” porter.

Chapter 3 examines the punitive expedition and pacification as constitutive of the nascent protectorate order – rather than events occurring *within* it. I argue that the administrative state is performatively constituted through a series of violent acts. There is an effort on the part of administrative officials to represent this violence as punitive in order to represent the violence of the nascent administrative order as police power rather than a series of military actions. The punitive expedition occupies the interstitial space between conquest and policing, but this reflects the mode of performance and the nature of the ideological representation of violence rather than a decisive change in the form of violence or strategy. Police violence throughout the protectorate is racialized violence and as such it will continue to be expeditionary in nature. Alongside the transformation in the representation of military violence as police violence, there is a related transformation in the representation of the native, where he begins to be seen as criminal rather than hostile.

In my fourth chapter I look at the ways in which space and indigenous subjectivity begin to fall under the sway of white supremacist ideology. Space becomes reproduced as administered space and sections of that space are read in terms of racialized zones. At the same time the indigenous or “raw natives”9 are interpellated through law and anthropology as *natives*. The native appears in law as a site upon which the state and state power can be deployed. This figure

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9 “Raw native” was a term used in the protectorate era (1895-1920) that referred to an indigenous person who seemed to emerge from the hinterland and the spaces before white penetration. The raw native would be thought to speak little English, retain most of his or her “customary” culture, and be little affected by European influences.
stands in contrast to the explorer’s figure of the hostile native who remains an existential threat to white bodies and whiteness. Chapter Four also examines the ways in which the white body itself acts as a disciplinary instrument. I argue that the presence of the white body in white supremacist society in and of itself constitutes an *act* of violence. Before legal restrictions, state violence and flogging, and an intensified racio-spatial control, the presence of the white body as a fetish object, induced deference and managed the indigenous body. It is the foundation of the bleaching carceral.

After the culmination of this series of white supremacist effects and practices, we reach in Chapter 5 its penultimate expression as the town. The town, I argue, rather than being a material or imagined geographical entity can best be described as an effect of white supremacy. The chapter explores the formal inauguration of the municipal order and the new techniques of policing it represents. It examines the birth of the municipality as a new, powerful performance that effects the racialization of space and the spatializing of race. Pass Laws, quarantine, policing sex work, the beginnings of white-only areas and ghettoization take place at this moment and become the building blocks of the administrative and bureaucratic order. This is the moment that the white supremacist carceral order in operation at a midway point between Uganda and Mombasa is renamed the town of Nairobi.

A study of the white supremacist imaginary and the performance of racial power, racialized space, and police power, requires a study of ideas, language and ideology. I apply the methodologies from literary studies and history and perform close readings of archival material.

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10 The town has long been associated with police power. Foucault goes as far as to suggest that to police and to urbanize is the same thing. It is through police power and the practice of policing that the town emerges as a recognizable entity. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-1978* (New York: Picador, 2007), 335-339.
explorers’ travelogues and memoirs, administrative officials’ diaries and letters, newspaper articles and legal documents. This material reveals not necessarily, or not only, the thinking of the varied white supremacists in positions of power in the region but also the literary sphere of white supremacy that, uttering projects of controlled space in chorus, produced the town. Attention is paid to transitions in the description of othered bodies. The nature of the appearance of the “native” figure in law and writing about law, for instance, reveals more about white supremacist construction and policing of the colonial subject than the state-produced statistics\(^\text{11}\) on the “native population” in a particular jail at a particular time. Instead of assuming that the town and the native exist, the central presumption of this work is the hypostatization of the town and the indeterminacy of the native. Native and town are events. It is the task of police power to ensure or bring about some coherence in the interpretation and staging of these events, and when necessary, to transform them.

Chapter One

The Encounter

From the Age of Discovery to the Age of Exploration in East Africa

On the seventh of April, 1498 Vasco da Gama the captain-major of a fleet sent by King Dom Manuel of Portugal in search of spices, anchored in Mombasa on the East African coast. After navigating under a sky of African gulls and scissoring through a sea full of penguins, dolphins and walruses the four-ship fleet sailed passed the Great Fish River in the Eastern Cape, South Africa. In pushing beyond this river the fleet moved beyond the last marking post of Bartholomew Diaz wherein its crew became the first Europeans to ever round the continent’s cape.

After various activities including bombarding the hostile beach towns of Mozambique, trading beads and cloths with the inhabitants and naming islands, they reached Mombasa and Malindi thereby opening East Africa to Portuguese presence. As for the islands, he named the first one Ilha do Açoutado or “the island of the flogged one,” after the flogging of the Moorish pilot whom he thought had misdirected them. The European presence in East Africa was thus

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13 Ibid., 32.
inaugurated with the whip. The Portuguese would go on to set up colonies and forts in Mozambique, Mombasa and Zanzibar etc., but would not venture deep into mainland Eastern Africa preferring to remain on the coasts for trade. In the late 17th century they would eventually be expelled by Omani Arab power, thus foreclosing whatever interest in a European exploration of the East African interior that might have developed. This would be so until the mid-19th century.

In 1842 the German missionary Rev. Dr. Johann Ludwig Krapf after failing to find much proselytizing success in Christian, but too often syncretic, Abyssinia, went further south to East Africa to continue his evangelizing work. On the 13th of March, 1844 he arrived in Mombasa, a port town long vacated by the Portuguese and under the rule of Omani Arabs from the new

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15 Other Europeans, especially the French (and including Euro-Americans) would remain interested in trade on the East African coast and the islands of Reunion, Madagascar, Mauritius and especially the island of Zanzibar (Unguja) in which the East African slave trade was centered.

capital of the Omani sultanate in Zanzibar.\textsuperscript{17} He carried with him a letter of recommendation from Seyyid Said the Sultan of Zanzibar, which was to be presented to the governor of Mombaz (Mombasa) Ali ben Nasser (who had also happened to be the representative of the Sultan of Zanzibar to the English government.)\textsuperscript{18} Owing to what he thought of as the friendliness of the inhabitants and officials, Krapf eventually decided that it was God's will to set up a mission station in Mombasa where he would be able to spread the Gospel to the Galla (Oromo) by way of the Wanika.\textsuperscript{19} From his missionary station in Mombasa he was able to reach the Mijikenda and as later explorers\textsuperscript{20} would celebrate, he would become the first European to travel beyond the coast and penetrate inland into the country of the Mijikenda coastal peoples and into the hinterland of Mombasa. As the work of converting the heathens, being simultaneously an anthropological and a geographical study involving becoming acquainted with the new

\textsuperscript{17} In 1837 the Sultan of Muscat and Oman, Seyyid Said defeated the ruling Omani clan (the Mazrui) in Mombasa. In 1840 he moved his capital to Zanzibar (Unguja) from Oman.

\textsuperscript{18} Krapf, \textit{Travels}, 126-128.

\textsuperscript{19} Wanika (or Wa-Nyika, meaning “people of the Bush”) was the derisive Kiswahili name given to the Mijikenda. For the Swahili as well as the European the space beyond the town, the uncultivated spaces known as the \textit{bush} and its inhabitants tended to be portrayed as inferior and as Other. It is not so for the Galla, who, as Charles New writes, were for Dr. Krapf… “though a very wild and a savage race, commended themselves to [Dr. Krapf] as greatly superior to the surrounding nations, and occupying a most important position in Central Africa. He deemed them also highly susceptible of civilizing and christianizing influences…” New, \textit{Life}, 2. They were considered a Hamitic people, the nearest there was to a civilized race in Africa. The Galla were a superior race of Africans according to 19\textsuperscript{th} century racialist anthropology and were sharply distinguished from the Bantus.

\textsuperscript{20} Joseph Thomson, for example, celebrates Johann Krapf not only as the pioneer explorer but the only one to do so armed only with an umbrella. He tells a story of Krapf and his caravan falling under attack and not being able to repel the hostile natives with ammunition. Krapf then opened his umbrella “the Gamp,” in front of the natives which had the effect of scaring them off. Thomson, \textit{Masai}, 1-7.
territories, Krapf became the torchbearer for European scientific exploration and adventure into the East African interior.

In 1847 Krapf’s partner Johannes Rebmann took it upon himself (and his porters) to venture beyond the old town of Mombasa and the surrounding area, this time driving westward towards Teita. In 1848 he moved further into the Chagga hills in the Kilimanjaro region, his party becoming the first European-led caravan to witness what up to that point was for European explorers a fabled mountain region – existing only in the rumors of Swahili merchants and guides. On November 24th he arrived in Ukambani, (the modern day Kenyan provinces of

21 This area corresponds approximately to the Taita-Taveta county in Kenya today.

22 I use the term “European-led” caravan throughout the dissertation intentionally to reflect the importance of identity and authority in East Equatorial Africa. The ethnic identity of the leadership provided the caravan with its identity (“European caravans”) despite the fact that none of the porters who represented upwards of 90 percent of the caravan were European. This displacement of the native labor with the European at the level of representation mirrors the similar displacement of indigenous people in the imagining of Kenya as a “white man’s country.” The same displacement occurs with nation-states more generally as ruling class identity is presented as a stand-in for the nation-state as a whole. That representations of caravans mirror those of nation-states serve as evidence of the close relationship between the two social orders as will be discussed in the following chapter. Secondly, in the 1894 regulations on treatment of porters both leaders and porters are given legal statuses, while the porters are given an explicitly racialized legal status. According to the regulations a “‘Leader of a caravan’ means the person for the time being in charge of a caravan or of any part of a caravan so detached as to make it impossible or inexpedient to communicate with the leader of the main body of a caravan. One the other hand a “‘Porter’ means any native African engaged for service on the caravan.” Regulations to be observed by caravan leaders and others in the engagement and treatment of Porters. Oct 17, 1984. Gazette for Zanzibar and East Africa. ZNA BA 104/4 Box 234.

23 Caravans had long been a feature of African trade. Although the date of the first caravans are unknown, ivory was passed hand to hand from the interior of what is now Congo and Tanzania to the Zanzibar by the Nyamwezi, Arab and Swahili led caravans before the nineteenth century. Yao traders controlled the Kilwa Hinterland trade and Kamba traders in southeast of Mount Kenya region in early until at least the early 19th century. Coastal merchants took over their pioneered routes in the mid-19th century. Steven Feierman, “A Century of Ironies in East Africa (c.1780-1890),” in *African History: From Earliest Times to Independence* eds. Philip D. Curton et al. (Hg.). (London and New York: Longman. S., 1995), 357-360.
Makueni, Kitui and Machakos) the country of the Akamba (Kamba people) on the Eastern border of Nairobi. In 1849 he trekked further south towards the land of the Wanyamwezi on a mission to discover whether or not another mythological site – Lake Jipe – could be confirmed to exist. He was turned back and plundered by what was understood by the Scottish explorer Joseph Thomson as “the unscrupulous chief of Machamè” of the Chagga hills.24 (Emphasis added.)

In 1849 Krapf, the torchbearer, took up the mantle yet again and went in search of his colleague Rebmann’s finding – Ukambani. Beyond spreading the Gospel, one of his purposes was to discover the source of the Nile. In this he joined others on the quest which had preoccupied almost all of the European explorers of Africa of the time. It was a feat, however, which he failed to accomplish, the honor falling to John Hanning Speke fourteen years later. During this trip he came upon a mountain which he claimed the Wakamba had named Kenia (Mount Kenya, the future namesake of the colony and protectorate.) In 1862 the German Baron Von der Decken continued the exploration of inland Eastern Africa aiming to go to Masailand.25 He was stopped by Maasai warriors and was forced to turn back but even so managed to produce what would become the first map of sections of the Kilimanjaro region. The Baron was followed by other adventures into the Kilimanjaro region beginning with the missionary Charles New in 1867. Though welcomed by a Mange (a position which he translates as “Chief”) called Mandara of the Moshi region on this first trip, New’s second excursion taken in 1874 was cut short as he

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24 Thomson, Masai, 2.

25 The term “Masailand” like similar terms denoted the general region of Masai occupancy at the time of the European encounter – roughly located in modern-day Southcentral Kenya and Northern Tanzania.
was turned back by the same Mange and plundered.\textsuperscript{26} He would die in Africa from dysentery in 1875 unable to complete a second trip to Kilimanjaro. The obduracy of the region’s peoples and their stubborn resistance to the onward charge of European exploration meant that no further success could be expected in the attempt to penetrate further inland. It was not until 1877 that another attempt was made, which was set up as a purely scientific mission by the African Committee of the Royal Geographical Society over which Joseph Thomson was commissioned to preside. After completing this task Thomson was commissioned by the Sultan of Zanzibar to seek out potential coal fields in the Rovuma Basin in 1878, which he failed to accomplish.

Parting company with the Sultan, he was sought out once again in 1882, this time to lead a caravan which was to traverse Masailand. The home of the “fearsome” Maasai, Masailand was hitherto unknown to Europeans explorers and as such the successful driving of a caravan through this country of darkness and death would be a crowning achievement for any explorer. As Thomson wrote of it, “of the regions beyond Kilimanjaro and U-kambani nothing was learned by direct observation. Geographers had to be content with the itineraries of native traders…”\textsuperscript{27}

Maasai country also stood between strategic sites already mapped and known to Europeans such as the coastal cities and Victoria Nyanza which bordered the Buganda Kingdom\textsuperscript{28} and which had

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\textsuperscript{26} This was New’s second adventure, his first to the Kilimanjaro region he considered a success as he held communion with the Chagga (chief) Mandara of Mosche. New, Life, 382. He was turned back because the Mange was insulted. Sanford H. Bederman, "The Reverend Charles New: Nineteenth-Century Missionary and Explorer in Eastern Equatorial Africa," \textit{Terrae Incognitae} 44, no. 2 (2012), 110-123.

\textsuperscript{27} Thomson, \textit{Masai}, 9.

\textsuperscript{28} The Kabaka (the sovereign) of the seventh dynasty, Mtesa, presided over a Buganda kingdom which was described by Lugard as one with “Well-made roads, kept constantly in repair…rough bridges…an army…” among other features. It was known to the British since 1858 when Speke found the source of the Nile at Victoria. In 1876 Major-General Charles Gordon George stationed his troops to the kingdom threatening to annex it to Anglo Egyptian-Sudan but agreed
already experienced two decades of European (British) presence. The objective of this adventure according to the Royal Geographical Society was “the ascertaining if a practicable direct route for European travellers exists through the Maasai country from any one of the East African ports to Victoria Nyanza, and to examine Mount Kenia; to gather data for constructing as complete a map as possible in a preliminary survey; and to make all practicable observations regarding the meteorology, geology, natural history, and ethnology of the regions traversed.”

Thomson would make the first successful voyage through Masailand and in that journey also become the first European to reach the “country of the Kikuyu, the natives of which,” he remarked, “have the reputation of being the most troublesome and intractable in this region.”

He defines the borders of the imagined country: “Their country may be described as triangular in shape, the base forty miles in breadth, in a line from Ngongo to the point of the plateau overlooking Lake Naivasha. Its greatest length is about seventy miles, the apex of the triangle ending on the southern side of Mount Kenia.”

In pushing past Ukambani into central Kenya, encountering the Kikuyu and moving on to Masailand during his 1883-1884 exploration, Thomson becomes the first European to traverse the area which was to become Nairobi.

In the early 1890s adventurous exploration was transformed into exploration for the purposes of industry and capitalist speculation with the arrival of Frederick John Lugard – famous colonial administrator and agent of the Imperial British East Africa Company – arriving to a treaty from Mtesa securing Buganda’s independence and relative autonomy (separating it from the future East Africa Colony.) Lugard, East African, 1-3.

29 Thomson, Masai, 11-12.

30 Ibid., 306.

31 Ibid., 307.
from Buganda. He was greeted by the Chief Engineer of the Uganda Railroad who was sent to survey the route opened up by Thomson a few years earlier in order to discover where such a railroad could be built. The Anglo-German Treaty of 1886 had separated British East Africa from German East Africa creating the southernmost border of Britain’s sphere of influence.\textsuperscript{32} A company of traders known as The East African Association received a royal charter over the new British East African region, two years later becoming the Imperial British East Africa Company under Sir William Mackinnon in 1888. After years of mismanagement this company which was also administrator of the territory was officially taken over by the Crown becoming the East Africa Protectorate in 1895.\textsuperscript{33}

The missionaries, soldiers, and explorers of pre-protectorate East Africa read and cited one another in their own travel diaries and celebrated each other’s discoveries. Despite the tense diplomatic climate which clouded over their nations in late nineteenth century Europe – hanging

\begin{itemize}
\item \textsuperscript{32} This border remains the border between Kenya and Tanzania today.
\item \textsuperscript{33} A sense of the hostile and saber-rattling competition over East African territory between Britain and Germany is provided by Lugard in his history of the formation of British East Africa. What is telling in his narrative is the ease with which he describes the ostensibly contradictory motives of patriotism and nationalism on the one hand and pan-European (white) solidarity on the other. He describes the efforts of private interests represented by the East African Association in claiming the territory that would be British East Africa for Britain in the face of an aggressive German imperialism as a commendable act of foresight and patriotism. In almost the same breath he describes the British Imperial government’s aiding the Germans (their sole competitor) against the Arabs through a coastal blockade in the Abushiri Revolt (1888-1889). His recognition of the “animus raised against the Europeans” demonstrates a race-thinking (or continental thinking) and racial solidarity, which was absent in a number of other places including the conquest period of the Americas. It may be argued that the technology of race and the military enlargement it called for, aided the quick subduing of the indigenous in East Africa whose loyalties were rarely racial or pan-African (if ever) at the moment of the encounter. This is not to suggest that it could or should have been, but only to comment on the unequal balance of technological possessions (in the form of ontological (racialist) unity. See Lugard, \textit{East African}, 597-599.
\end{itemize}
most darkly over Germany and England – and the competing trade interests of the companies and governments they represented, the explorers themselves demonstrated admiration and acknowledgement of one another’s accomplishments regardless of European nationality. This referencing and explorer intertextuality in East Africa amounted to the first East African explorer’s literary public sphere. It was an international European community warning, teaching, and praising each other as they faced the trials and tribulations of exploring the unknown places and peoples of the region.34 This literary public sphere also resulted in the first written knowledge produced about this region of Africa for a European audience and as such the explorer’s diary became foundational to the production of anthropological and geographical truth. These adventurers were responsible for the “invention”35 of East-Central Africa. 36

The Pacification of the Self

Town, Village, Hinterland

34 See, for example, Joseph Thomson’s praise of the explorers before him in Thomson, Masai, 1-6.

35 I reference here V. Y. Mudimbe who considers the discursive invention of primitive Africa to be largely the result of three complementary genres of “speeches”: “…the exotic text on savages, represented by travelers’ reports; the philosophical interpretations about a hierarchy of civilizations; and the anthropological search for primitiveness.” Valentin Y. Mudimbe, The invention of Africa: prognosis, philosophy and the order of knowledge (Bloomington: Indiana University Press, 1988), 69. The explorer’s diaries represent the genre of traveler’s reports.

36 The approximate space of contemporary Kenya is referred to in the explorer’s reports as “Kenia,” “East-Central Africa,” and “Eastern Equatorial Africa” among similar variations.
Starting at the beginning – i.e. with the pioneer explorer Johann Krapf – we can develop a framework for understanding the explorers’ encounter with East Africa. Krapf enters Mombasa and reads into it, appropriately, a world of many distinctions. His regretful experience as a failed missionary in Ethiopia had nevertheless allowed him to become acquainted with the Ethiopian administrative and military system – about which he conducted a detailed, anthropological study. “The form of government in Shoa is an absolute monarchy. The king is the only lord and master of the country, to whom belong the bodies, lives, and possessions of his subjects. He has no standing army… When war breaks out every district-governor must supply a contingent. The whole army may muster from 30,000 to 50,000 men, of whom about 1000 are armed with muskets, the rest being equipped with spears shields, and swords. The soldiers are mostly cavalry, mounted on horses or mules. Art and science are still in a state of infancy in Shoa.” 37 Krapf makes estimations of the political, moral and civilizational state of development of the Kingdom of Shoa. The Shoans, for him, are distinguished from both the Pagan and the “Mohammadeans” and although they are tyrannical, inferior and less advanced, as literate Christians connected to the classical world they are not portrayed as radically different from the Europeans.

Departing from his mission in Ethiopia and travelling south to Sheikh-governed Mombasa, he again makes important distinctions between the region’s inhabitants. Most important for our purposes is his distinction between races, which also map onto spatial distinctions i.e. his reading of a racio-spatial order into the city.

I was strengthened in my growing conviction by the friendliness of the people and officials of Mombaz towards Europeans, especially the English; by the proximity

37 Krapf, Travels, 35-36.
of this place to the neighboring pagan tribes, a proximity so close that a missionary can visit their villages during the day and return to Mombaz at night...I resolved, therefore, to return to Zanzibar for my dear wife, and then to take up my abode in Mombaz, studying the Swahili language, making excursions among the pagan Wanika, and becoming acquainted with the conditions of the interior, where I intended to preach the Gospel as soon as I was master of the language.38

The Swahili and Omani inhabitants of Mombasa are distinguished from the pagan people of the “bush” the “Wanika.” The Wanika are not considered Mombasa inhabitants and are not of the town but rather are a people of a space which he names “the interior,” distinct from the people of the coast and its urban towns: the Swahili. This distinction is not invented by Krapf. Wanika is a Kiswahili word and so it is then possible that it was the Swahili of Mombasa themselves who taught the explorer the difference and Otherness of these “bush” people. The Wanika was a Swahili invention and in fact signified not a particular people but various ethnic groups lumped together as people of the “bush”, despite the fact that these people had their own unique names for their various societies. This local rhetoric of inferiorization would be racialized by the European conquerors in their anthropological taxonomies of the local.

The use of location as a marker of identity in “Wanika” is important. While the identification of a people by a location may seem commonplace and not particularly notable, it must be remembered that there is no logical and immediately apparent relation between a location and a social formation. The naturalization of the location-based identification process (especially post the hegemonic rise of nation-states associating ethnicities with states and territory) renders the ideological work and political consequences of this form of naming less than immediately apparent. Calling this varied assemblage of ethnic groups the “Wanika”

38 Ibid., p. 129.
delegitimizes their place in the city, displacing Mijikenda city dwellers at the level of language, and representing them as Other to Mombasa and Mombasa life. This rhetorical work is what makes the imperative to evangelize – which requires a missionary excursion into their space (i.e. Wanika villages) – possible and intelligible. In East Africa (like in all the European world) tribal and racio-spatial ordering is a prerequisite for the missionary project. One must enter into the region of the heathen tribes – the tribes, then, must be elsewhere, that is, outside of the space of Christendom.

The appellation “-Nika” meaning bush or wilderness does not denote a political or social space but rather it is a topographical signifier and thus the people are related to the physical world rather than social space. Topographical identification means an immediate reduction of human beings to the natural environment, disassociating them from political and social space. Thus, the relation of human beings to topography rather than geography is immediately dehumanizing in ways that even reductive, geographical identities are not. Associating human beings with topography and the natural environment can aid in the removal and elimination of human beings as being of nature; they can be removed and eliminated as nature.

Krapf’s acceptance of the Mombasa region’s racio-spatial order leads him to classify and essentialize people(s) according to their relationship to urban space. Being of the bush, Krapf considers the Wanika to be both pagans and non-civil. In a signifying system which privileges the town over the rural districts the Wanika are dehumanized not only because they are of the

39 Krapf comes from a European world in which the city is privileged vis-à-vis and in an exploitative relationship to the countryside. Antonio Gramsci discusses the urban center’s parasitic relation with the country and the corresponding ideological unity of the city peoples against the country people at length in Antonio Gramsci, Selections from the Prison Notebooks (New York: International Publishers, 1971), 90-102. Like Europe, the Swahili urban coastal
uncivil, the savage and the fauna but because they are produced as unrelated to municipal space. It is not only that they are likened to animals (in the Swahili imagination), which also inhabit the bush, but that they are not Mombasites. “In the streets of Mombaz I saw some heathen Wanika, who had come from the neighboring mountains. The inhabitants of Mombaz, too, visited me in great numbers and were very friendly.” The Wanika possess no marking of Mombasa, a specifically valued space, despite their presence in the town. This form of exclusion and the denial of belonging to a space despite occupancy of it will return forcefully in the vagrancy laws, reserve and native location policy of the future protectorate. The distinctions Krapf makes, or perhaps internalizes, are not insignificant but on the contrary are the basis with which he can think through his mission. He sets up his base in the town of Mombasa among the friendly Sheikhs and makes excursions into the pagan villages. He must move from the town to the bush, from the people of the book to the pagans, and from the civilized, urban dwellers to the bush races. This traveling towards the wilderness complements the imagery of the Christian’s evangelizing mission. There are “Wanika” in the streets but he must go and travel to the bush. The mission and the missionary’s racio-spatial imaginary is a precursor to and – as will be seen – prefigures the frontier-colony, Hinterland-settled space distinction.

The Mijikenda, however, are not from the bush. Not, at least, in the sense of unknown and undiscovered space i.e. the Hinterland but rather have been for centuries intimately involved

society exists in this predatory if not parasitical relationship to the Hinterland from which they obtain slaves.

40 Thus in the Mombasa region the Manichean world does not begin with European colonialism but was recognized before the explorer’s arrival. See Franz Fanon, The Wretched of the Earth (New York: Grove Press, 1963), 42.

41 Ibid., 128.
with world networks of trade. Krapf notes the reaction of Mjikenda mothers at his presence.

“[Wanika/Mijikenda] mothers removed their children as soon as they saw me in the streets of the village, a practice not uncommon among the Wanika, arising out of the apprehension that strangers merely come to steal the children to sell them into slavery.”

Among the Mijikenda Krapf does not fear for his life (as other explorers will in the Hinterland) but rather his writings betray a sense of pity at best and always carry a note of condescension. Krapf is clear that this Mjikenda’s village is not isolated from the wider world as is evident in his witnessing the mothers’ reaction and the population being under constant threat of enslavement and slave raids. The space of the Mjikenda’s village is unknown only in the sense that it is unknown to him. Although he had not as yet been “acquainted” with this particular people, as heathens, they can be appropriately placed in his evangelical map of the world. They occupy the place of the poor savage, the piteous creatures who are the victim of the immoral slave trade in Africa. In being the imagined potential beneficiaries of his missionary efforts he was unacquainted with them as a particular, unique people but was familiar with them in their general form, the African heathen, the object of his pity and missionary work. The Wanika, then, provided specificity to the trope of the heathen, which was a figure that was immediately recognized and easily placed in the imaginary map of Africa and Africans. This coupled with the information about them provided by the Waswahili and their subject position (heathen and slave) prevented them from being read as a hostile and/or radically autonomous people.

Krapf, like the Portuguese traders before him, entered a town in East Africa. It was already a world of established distinctions between Muslim and “Kaffir” peoples, the town being

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42 Ibid., 150. See Steven Feierman’s “A Century of Ironies in East Africa,” for a history of Swahili, Arab, Kamba and other ivory trading caravans which also doubled as war-making slave captures since at least the first decade of the nineteenth century. Feierman, Century, 352-376.
something other than the Hinterland and frontier zones. He distinguishes Mombasa from the space of the interior, the surrounding villages, forests and mountains. He immediately recognizes the town and the Mijikenda villages and once he does this he separates peoples into a schema of belonging (e.g. Wanika belong in one space, the Swahili and Omanis belong in another.) This space of the proximate villages and the function of recognition operating within it is substantively different from that which operates in the Hinterland.

The town and the proximate villages or the proximate interior are both recognizable to the missionary in the Althusserian sense of recognition. Althusser argues that one subject recognizes another because ideology has always-already intepellated individuals as subjects.\(^43\) It is the same with space. A subject recognizes a town because ideology has produced a certain reformation and redistribution of space and material as a “town.” A person recognizes a space he or she has not encountered or known as a village because the person recognizes patterns and similarities in the reformation and redistribution of space and material, and through the function of recognition he or she recognizes it as a village. Krapf recognizes the heathen village because he recognizes similarities between it and other heathen villages (real or imagined.) The Mijikenda villages are accounted for in the Christian imaginary as the pagan world – they are recognized. The Hinterland, however, the place beyond the proximate and known, marks the break in epistemological space.

The notions of the proximate interior and the Hinterland are useful ways of distinguishing between two forms of remote spaces. The proximate interior – for Krapf this is the Mijikenda villages – is the space which is recognized while being otherized. It is the bush,

\(^{43}\) Louis Althusser, "Ideology and ideological state apparatuses (notes towards an investigation)." *The anthropology of the state: A reader* 9 (2006): 86
the space of the Other rather than the space of the unknown and as such it is recognized through analogy, that is, it is not recognized in the particular but in the general sense. The Mijikenda of the proximate villages are a people who have not been studied by the European but, through their relationship with the town center and their prefiguring in the missionary imaginary as piteous *heathen* to be saved, they do not represent radical alterity. On the contrary they occupy an indeterminate zone, other and familiar.

*Clair de Lune*

The representations of this somewhat familiar East Africa – the *proximate villages* – reflected as much Romantic lyricism as they did ethnographical curiosity. The time of East African exploration was also the Victorian era when in Europe Tennyson, Wordsworth and John Clare had been composing odes to the natural world and pantheism while Monet and Debussy ensured that Europe remained enthralled with the countryside. The romantic representations of the Victorian countryside found an analogy in the East African bush. The Methodist missionary Charles New describes the country of Wa-teita\(^44\) as if he were Wordsworth wandering “o’er vales and hills.”

> We here met the Wa-teita women in considerable numbers, and we moved up to camp amidst the firing of guns and the wondering cries of the native damsels and married women, who recalled former scenes of a similar character as they ran alongside with curious stares and excited laughter, their pendant breasts flapping against their bosoms like half-empty, loosely-attached leather

\(^44\) I have quoted the following excerpt from New’s diaries at length to contrast his imagery of the friendly population and cultivated space of Wa-Teita (Teita) country with the unexplored dreaded country of the Masai. The country of the Wateita – Krapf’s first stop after Mombasa in the country of the Wanika on his way to Ukambani – was considered a “watering-hole” and provided rest before Thomson’s departure for the unexplored country of the Masai.
bottles. We soon crossed cultivated fields; and in a short time we found ourselves camped under a shady sycamore, drinking deep draughts of clear water from a cool rill which splashed and tumbled down the rugged face of Ndara, and invited us by its merry music to the luxury of a bath. Unfortunately we had to restrain our ardent desire to strip at once, not on account of the feelings of the Wa-teita, but in consideration for our own, which had not yet become quite hardened to the idea of appearing in *puris naturalibus*. As the shades of evening set in, the natives ascended to their mountain homes, and then we disported ourselves to our heart’s content under splashing waterfalls, with delicious cool mountain breeze to fan us dry, and a beautiful scene before us as the moon rose over the top of the mountain, and shed a silvery sheen athwart the land, here softly lighting up the tops of the rocks, there glittering on the dew-laden surfaces of the tree leaves.45

In *Unika* (country of the Wanika), European bucolic splendors are recast. The maidens of old-country become the naked native women whose virginity and innocence are inviolable even by the town-sullied European man’s nudity. They have found new Eves in Africa. Virgin soil is here equated with virginal women. Representations of the beauty of the *natural* country extended to Africa in the explorer’s diaries when the explorer felt safe. Feeling safe meant, of course, being in contact with a people which showed no open hostility i.e. the *friendly tribes*, in this case the already encountered Wa-Teita. The sense of safety was also generated – as indicated above – through the familiarity with proximate spaces achieved through the evangelical imaginary which imagined heathen villages in addition to Krapf’s diaries which provided descriptions of the Wanika. The Wa-Teita are not the hostile natives but are the heathens on the outskirts of the missionary station. In safety, the European could wax poetic about the moon and the waterfalls.

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Teita’s “cultivated lands” allowed for analogizing with the European countryside and so the country of the Wa-Teita could be thought of as an instance of the different but romantic familiar.

*The Hinterland*

Beyond the proximate interior is the *Hinterland*. The term is useful firstly because it signifies the non-proximate zone (what was also referred to as up-country by the early European explorers) thus distinguishing it from the proximate or frontier zone. Secondly, the German term avoids the ambiguity of the British terms *back-country* and *frontier* while carrying its own (relevant) imperialist connotation being employed frequently in German writings on their exploration of East Africa. The term also possesses much relevant political import. “Hinterland theory,” a German invention, stipulated that the area (the limits of which was left undefined) lying beyond the coast occupied by a “Power” [read European power] became part of that Power’s territory. It is thus a term used to include the unknown into the space of territorial possession, which led to various officials in the protectorate era naming portions of territory under fictitious government rule as “nominally” possessed. The Hinterland constitutes the far, unexplored, uncontacted and unsubdued spaces. It is a space which is occupied by peoples whom the urban Swahili fear, and whom they consider the *Washenzi* (barbarians), a people who have no direct relation to the urban center. The people of the Hinterland are not objects of pity but

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47 This is not to suggest that there can be any government’s claim to land that is not fictitious. It is, however, to recognize the uniquely evident nature of this fiction as it is understood to exist only on the map.
produced as hostile, utterly savage, and as beings who occupy the space of the *non-proximate* in all senses. Here European representations often contained notes of the nightmarish. It is in the *Hinterland*, therefore – beyond the town and its proximate savages and savagery – that recognition fails with significant consequences.
Darkness and Light

The cradle of absolute space – its origin, if we are to use that term – is a fragment of agro-pastoral space, a set of places named and exploited by peasants, or by nomadic or semi-nomadic pastoralists. A moment comes when, through the actions of masters or conquerors, a part of this space is assigned a new role, and henceforward appears as transcendent, as sacred (i.e. inhabited by divine forces), as magical and cosmic. The paradox here, however, is that it continues to be perceived as part of nature. Much more than that, its mystery and its sacred (or cursed) character are attributed to the forces of nature, even though it is the exercise of political power therein which has in fact wrecked the area from its natural context, and even though its new meaning is entirely predicated on that action.49

We were in the midst of a wide wilderness in the dead of night; around me about thirty half-nude, swarthy savages were lying, to all appearance dead; the fires blazed fitfully, and threw a lurid light over their prostrate forms; the trees, dimly discerned, looked like grim goblins watching over us; whilst dense darkness and profound silence reigned around, and I— I was acting sentinel.50


50 New, Life, 481.
The second excerpt is taken from Charles New’s memoirs. He is commenting on an area between Ndaro and Buchuma in which he had allowed his porters to rest for the night. It was 1867 and he had travelled beyond the familiar country of the Wanika and was on the last leg of his first journey to Eastern Africa – a journey which would see him become the first European to attempt to scale Mount Kilimanjaro and explore and study the surrounding region. After his Swahili porters complained that they were tired, he gave them permission to let their loads down, gather wood and pass the rest of the night unburdened. For New this unexplored region of Eastern Equatorial Africa was likened to the creatures of Europe’s horrifying fairy tales and their imagery of darkness and demons. It is a place of radical alterity, far from the virgin countryside of the “Wanika” it is the inverse of the civil and the spaces marked as such by the “taming” of the natural environment through municipal order and urban settlement. One witnesses similar themes in Thomson who finds in European folk-tales an appropriate analogy for the African space before him: “We might imagine in the manner of our old romances that some all-powerful evil genius held sway over the land, and kept some lovely damsel or great treasure deep hidden in the interior, surrounded by a land teeming with horrors and guarded by the foul monsters of disease, of darkness and savagery. That land is the pestilential coast region where so many adventurous modern knight-errants have been doomed to die in their attempts to reveal to the

51 Although it is generally the case that authors could be expected to dramatize their experiences for the benefit of the reader, the author of these memoirs claims to make a conscious effort to avoid this. In the Preface to New’s book it is that, “The object of the work is to give as accurate a view of a portion of Africa and its peoples, and of pioneer missionary work, as possible’ not to draw a picture, but the picture; abjuring couleur de rose, making no attempt to magnify difficulties or to exaggerate adventure, but stating the truth regarding everything, relying upon reality and veracity for the interest we aim at exciting.” New, Life, v-vi.

52 This area is located in the South West of what would be today’s Tsavo East National Park in the coastal region of Kenya. New is returning to his missionary station on the coast, ending his journey.
world the fair spirit of Africa. Whichever way the traveller chooses, he finds foul swamps and
marshes, swarming with horrid creeping, slimy things, and through these he must wade by the
hour together."53

Phantasmagoric descriptions of Africa appeared in moments in the text where the caravan
was under threat and the radical autonomy of the surrounding peoples were known by and
through their hostility. The physical environment itself is endowed with meaning. Hostility and
supernatural power is read into nature revealing the explorer’s awareness of his vulnerability and
his lack of sovereignty over East African space. Charles New, in an apparent attempt to subvert
this vulnerability recasts himself as a paternal figure – the sentinel – who remains awake among
sleeping Swahili – a guardian of the guards. The dramatic caesura after the “I” and the choice
of the word “sentinel” betrays a solipsistic self-awareness which this Methodist missionary would
not fail to liken to that of David’s in the 130th Psalm.54 In this moment we witness the missionary
– the explorer – in the wilderness of unexplored Africa and a glimpse into the impression of the
environment, his worldview and his psychological condition. New is alone in the wilderness.
The porters who were carrying his items and to whom he referred as “the men” now became
half-nude, swarthy savages who slept as if they were dead. In this moment – his moment of
clarity – he is alone and his employees and companions, the porters, are reduced to aspects of the
land, becoming part of the wilderness – a transformation that only dramatizes his isolation.
Despite this metamorphosis, the Swahili porters remain his “men,” men for whom he holds a


54 “My soul waiteth for the Lord more than they that watch for the morning: I say, more than
they that watch for the morning.” (Ps. 130:6 King James Version)
paternal affection as the use of the term “sentinel” suggests. The phantasmagoric transformation of porters and unexplored space points to the utter loneliness and vulnerability of the explorer. The “speech” of such an explorer establishes fear and danger as the foundation for the future European presence in the Hinterland. 55

In the wilderness New is surrounded by darkness and light, both equally threatening. Light adds the texture of hostility to the profound silence that “reigns” around him. The African wilderness, the texture of the world around him, is utterly strange, dangerous and a reflection of the uncertainty which defines the explorer’s adventure. He continues, “…but before long sleep overcame me, and for a while I was oblivious of everything. When I awoke, feeling uncomfortably cold, I sat over the fires to warm myself. I sat till an intolerable sense of gloom oppressed me, when, just as I was thinking of rousing the men, a tremendous roar broke the stillness of the night; a lion was within a few paces of us!” 56

Light, darkness, sound, silence, flora, fauna 57 all leave Man – that is, European man, the Subject – alone in the wilderness. Not only is there a sense of danger in the natural world but the natural world itself conspires with the bodies of the natives against the subject in Africa. “A donkey belonging to the Wasuahili died, and was dragged aside into the forest. At night the hyaenas gathered together and held carnival over the carcase [sic]. Laugh! These scavengers do laugh! Laugh in peals of horrid, brutal,

55 See footnote 23. Thus fear, which at moments infused this travelers’ speech as I have shown, played a critical role in this inventing.

56 New, Life. 481.

57 “Our guns, never from our hands even in sleeping, were held ready, as, turning our backs to the fire, we peered with suppressed breath, body held down and face forward, into the darkness. Not a creature was to be seen; but a faint rustling from the grass beyond, told us that we had had a dangerous visitor, without a doubt the lion.” Thomson, Masai, 198.
fiendish cachinnation, but the effect upon the human being is to make his flesh creep.”

Animals and plants are personified and take on the air of demons, while the collective Wasuahili (Swahili) are part of the fiendishness that is the hostile world. The heart of unpacified Africa was for the explorer a wilderness where darkness and light, shadows and silence were always ominous. East Equatorial Africa is produced as a space where all sensory perceptions warn. It is the epitome of a man alone in the “dark continent of Africa” and faced with its forces, where one’s native comrades, in certain lights, reveal themselves to be part of the wild make-up of the bestial world. This phantasmagoric reformation of space is not unique to these particular writers but rather is only the Victorian replication of the classical, Euro-Hellenic tradition of imagining unexplored Africa as monster. This is what Mudimbe refers to as the classical discourse on the “geography of monstrosities” that is Africa. They read the Hinterland in the light of this classical geography. Tracing the genealogy of African Otherness, Mudimbe describes the way in which European imagining of unexplored Africa – as a place of headless satyrs and individuals with no names who lived in caves and dens – went unchallenged for centuries. The nineteenth century depiction of Africa as the negation of humanity itself, he argues, is only another expression of “the essential paradigm of the European invention of Africa: Us/Them.” New’s and other nineteenth century traveller’s accounts only expanded the discourse on African Otherness that served as the unchallenged, hegemonic reading of Africa in Europe, buttressed by exotic texts

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58 New, Life, 472.

59 Höhnel, on the first page of his diary, presents Africa as a “dark continent” almost completely robbed of its mystery. The region of Eastern Equatorial Africa – the far interior – is one of the last unexplored and thus exciting places left. Höhnel and Teleki, Discovery, 1-2.

60 Mudimbe, Invention, 71.
and scientific and philosophical work on the hierarchy of civilizations. The explorers affirmed and solidified this discourse of African monstrosity and in so doing co-authored the ideological basis of the settler-colonial state of trepidation.

_The Camp and Caravan in the Clearing._

Apart from the flora and fauna every missionary or trading caravan had to contend with the “hostile tribes.” These were invariably Africans (natives) who had previously very limited or no interaction at all with European-led caravans. They were seen as hostile because they defended their territory from encroachment or simply included trading caravans as targets for raid as they had done with other parties with cattle. Of these some of the most feared or mythologized into being fearsome were the Maasai, Kikuyu, Meru, and Embu of central and Southern Kenya. The language used to depict these people presented them as ghoulish and _dreaded hordes._ This language was in part inherited from the mythologizing of Waswahili who tended to refer to the people of the Hinterland as the _Washenzi_ (or barbarians,) and was in part derived from the discourse on African _Otheness._

I found that at Ngongo we had reached the southern boundary of the country of the Kikuyu, the natives of which have the reputation of being the most troublesome and intractable in this region. No caravan has yet been able to penetrate into the heart of the country, so dense are the forests, and so murderous and thievish are its inhabitants. They are anxious for coast ornaments and cloth, and yet defeat their own desires by their utter inability to

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61 Ibid.
resist stealing, or the fun of planting a poisoned arrow in the traders…Rarely
does a caravan come into communication without their trading ending in
bloodshed, and though they have received some bitter lessons in several fearful
massacres at Ngongo, and other places, they are yet as ready as ever to fall foul
of the traders.62

The above depiction of the Kikuyu was taken from Joseph Thomson’s 1885 account of
his pioneering journey into the heart of Maasai and Kikuyu country. In many ways the Kikuyu
are the prototypical hostile tribe for the early European explorer. Fearsome and brutal as the
Maasai might be, they were still considered to be a Hamitic people and as such still retained the
air of regality and dignity of the ancient Hamitic peoples, associated with the Ethiopians,
Somalis and ultimately Europeans.63 Thomson explains,

But first of all, let me say a few words more immediately descriptive of the Masai as a
race. Learned philologists profess to have discovered from a study of the Masai
language — and I suppose the theory may be accepted as correct — that it belongs to
the Hamitic family, as does also the language spoken by the tribes of the Nile and
North Africa. This seems to be the only clue to their family relationship, and it reveals
very little. The reader, therefore, will clearly understand that the Masai are in no sense
negroes, or allied to the Bantu tribes with which he is so familiar from the works of
our most prominent later African travellers. In their cranial development, as in their
language, they are widely different from the natives of Central and South Africa,
occupying in the former respect a far higher position in the scale of humanity.64


http://www.jstor.org/stable/40864522

The Kikuyu, however, were utter Africa. Bantu, wild, thievish and murderous they were the personification of the darkest of Africa. They were also part of the hostile tribes and an encounter with them could easily spell death for the courageous but vulnerable European traveller. They were the barrier – the people of the Hinterland – outside of the reach of the emerging civil order which was represented in these early days as peaceable trade, as expressed in the caravan.

This danger and hostility of the autonomous Wakikuyu was not, of course, without foundation. As mentioned above the caravans were often subject to war raids. In Thomson’s account of the Kikuyu attack on his caravan we witness the violence and fear of such a raid.

The cause of the original volley had been an attempt to massacre one small party by creeping up to them. They were only discovered after a simè [sword] had nearly ended the life of a porter. A prompt volley, however, had scattered the murderers, several having thus been wounded, and one left dead. At the same moment a party of natives with wonderful hardihood had got among the cattle, and tried to stampede them. Another and yet another attempt was made to effect this very desirable capture, and though they failed to carry off the lot, they at least got a few, of which some were mine. What was still worse, two of the coast porters were either speared or captured. Not a soul slept the livelong night.

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65 See also Chapter 2, the section “The Swahili as ‘Negro’ the “Negroization” of the Swahili.”

66 Ibid., 321.
The cattle raid against the caravan was a violent one as cattle raids were wont to be against any caravan or party.\textsuperscript{67} It is indeed this tradition of raiding which later colonists would cite as evidence for the state of perpetual war in the East African Hinterland and thus justifying and serving as a correlate pretext for colonialism, namely, as a project of pacification.

For Thomson, the attack on the caravan warranted a defense of rapid, blind fire into the darkness where they “of course, could not distinguish friend from foe, but fired aimlessly into the forest, in the hope of frightening the disturbers of our peace, as we tore along.”\textsuperscript{68} Darkness here returns as the explorers’ central motif – the conduit for his state of trepidation and a condition which literally blurs the categories of friend and foe, hostile native and porter. The darkness – both in terms of the hailstorm and the intent of the hostile Kikuyu – is frightened away by the superiority of European firepower. Though unintended, the use of the term “disturbers of our peace” sets up an important reading of the caravan as proto-settler colony as the term is imbued with legal and policing\textsuperscript{69} connotations. Kikuyu war raiding interrupted the proto-settler colony that was the caravan, a space of peace and order. As an external force – that is a sovereign

\textsuperscript{67} Despite promises of pacification Kikuyu raids continued to exist, of course, after the establishing of the protectorate in 1895. Arkell-Hardwick tells the story of two English men Finlay and Gibbons who were ivory trading north of the Tana River with a caravan of forty men when they were “treacherously attacked” by “six thousand natives.” They were only saved after they were able to send a message to Nairobi and were rescued by Nubian troops. A. Arkell-Hardwick, \textit{An Ivory Trader in North Kenia: The Record of an Expedition through Kikuyu to Galla-Land in East Equatorial Africa} (New York: Longmans, Green, and Co., 1903), 17.

\textsuperscript{68} Thomson, \textit{Masai}, 322.

\textsuperscript{69} As in the term “peace officer” and in the language of “keeping the peace” in British police and criminal history.
power outside of the space of the caravan – hostile Kikuyu were treated as an aggressor power and dealt with not through policing power but through war.

After a night of sleeplessness and worry the following day Thomson writes that the Swahili traders were angry and wanted revenge,

The [Swahili] traders, however, were in a furious mood, and ready for any deed of blood. An opportunity soon presented itself, and a large capture of the Wa-kikuyu was effected. Every one clamored angrily to have their throats cut at once, and they were hustled about fearfully with fierce imprecations. On all sides through the forest could be heard the native war-cry, and it seemed as if nothing but a massacre would end the episode. I let the traders do as they pleased at first, as the robbers well deserved a fright; but on seeing that they were about to proceed to extreme measures, I put in a very determined protest against any further bloodshed. With difficulty I succeeded in my endeavors, and got them released.  

This mob killing, which would later be thought of as the “lynch law of East Africa,” is here stopped by the conscientious European, despite being haunted by the savage and hostile “native war-cry.” It was necessary, however, to allow the hostile natives to undergo violence serious enough to make them fear for their lives. They were not, however, flogged. For the hostile native – and herein lies the point – the meaning inherent in the violence of flogging (which is the violence of the police and of punishment) could not be conveyed. Violence had to take a different form. The form of violence chosen was the violence of the mob and the violence of the warrior, an unsophisticated or rough violence that contained within it not the humiliation

70 Ibid., 323.

71 Ibid., 250.
and rehabilitation properties of punishment but the threat of death. Didactic violence but not spectacular violence, fear but not humiliation. This violence was the violence that is the originally and universally understood violence: the violence of total annihilation. The roughing up was limited, however – as the writer explains – by the humanity and thus superior character of the European explorer.

Despite the perceived danger, it was the raison d'être of both missionary and trading caravans to make contact. Even those caravans whose only stated goal was to find a route from Mombasa to Victoria-Nyanza were forced to trade in order to obtain supplies for the months-long journey. Lieut. Ludwig Von Höhnel, “companion” for the Hungarian nobleman and explorer Count Samuel Teleki von Szek during his 1887-1888 exploring and hunting expedition to Eastern Equatorial Africa passing through Kenia, describes the conditions of such a trade contact.

There are no markets exactly like those in other parts of Africa, as the Wakikuyu do not venture out of the forests from fear of the Masai, and caravans have to seek them. A well-armed contingent of a travelling party goes into the wood and calls the attention of the natives by firing two or three shots. In a few minutes the signal is answered by the appearance of some envoys; a time and spot are fixed on for the holding of a market, and in due course the traders make their way to the rendezvous, soon to be joined by hundreds of men and women laden with the superfluous produce of their fields, which they are very glad to dispose of. All now goes merrily, and in a few minutes piles of provisions are exchanged for strings of beads, but the slightest misunderstanding, an unmeaning and generally quite groundless cry of terror from either side is enough to cause all the natives to flee wildly away. Such, we have been told, is the usual course of proceedings, but although in the
The matter-of-fact and almost amused tone with which the writer describes the violence and deaths that result due to the mêlées, which are a consequence of trade, underline what in many other ways, is abundantly clear: the lack of value attributed to Kikuyu and to a slightly lesser extent the porters’ lives. Important also is the matter-of-fact acknowledgement of indigenous production, which is known to be capable of producing a surplus available for trade. That the first explorers were aware of this fact would seem to invalidate, or, at least, weaken, the arguments of later colonists who argued that the civilizing process was transforming native agriculture from mere subsistence farming to the production of surplus. Most important for our purposes, however, is to note the explorers’ understanding that trade in this part of Africa exists in a state of anxiety. Not only did the members of the caravan have to worry about miscommunication or misconduct leading to violence but there was also the deliberate harassment of the caravan by individual warriors and members of the ethnic groups who populated the region.

… we had a repetition of the scenes of sudden panic of the day before, although our friends continued to take the greatest trouble to maintain peace and order. Twice petty thefts were the beginning of the stampede, all the other natives fleeing as well as the thief, for of course they expected we should begin firing. In both cases a few strings of beads were all that were taken, and our friends fetched the culprits back, gave them a good flogging, and drove them

out of camp. Often, too, tipsy men, generally old fellows, caused squabbles by their open show of hostility.” 73

The “friends” Höhnel is speaking of in his story are the Wakikuyu, 74 with whom the caravan’s Somal headman Qualla 75 was able to make a blood brotherhood, permitting him to set up trade for the market. The Europeans had to maintain order among other Kikuyu, as the blood brotherhood 76 opened the floodgates of trade and caused a commotion and hustling of people attempting to sell their wares. This was done in a state of anxiety, as all were aware that the caravan was armed and any miscommunication could lead to a stampede and explosion of violence. Due to the panicked opening of trade an “immense number of native men – most of them, it is true, laden with food” – came to sell but the young Kikuyu warriors “restored order, drawing their long knives and swords, laying about [the natives] vigorously, with the flat sides only, but some blood was drawn.” 77 Soon, “one native snatched a bundle of beads out of Qualla's

73 Höhnel and Teleki, Discovery, 310.

74 This danger was not specific to the Kikuyu. Thomson describes a similar tense moment among Masai, “besides, at this time we were compelled to observe the utmost caution in all our movements, as we might at any moment stumble upon another Masai war-party It behooved us, therefore, to attract no danger unnecessarily, and to keep a strict look-out and allow no stragglers.” Thomson, Masai, 87.

75 Qualla Idris was earlier described by Höhnel as one of the “truest” followers of Stanley to the Congo. Höhnel and Teleki, Discovery, 11.

76 Höhnel and Teleki, Discovery, 292.

77 Ibid., 292-293.
hand, another stole the turban from Maktubu’s head, but the warriors themselves caught and flogged the thieves, compelling them to restore the property taken.”

It should be noted that the flogging mentioned here is unlikely to be the calculated, staged flogging (i.e. that which involved a specific ordering of the body), which Swahili laborers were to receive for thievery and impertinence. The tone of the passage and the observation that there was no corporal punishment among the Kikuyu (as will be seen later) indicates that this flogging refers to an immediate “thrashing” by warriors forcing the thieves to return the caravan’s property. The use of the word “flogging” in this context seems more like an effort to present the hostile native to the European reading audience as an inferior and a natural and potential servant for the European reader – a boy to be disciplined for misbehaving. It is a way of writing intended to assure the reading public of European might over the troublesome native boys when, in actuality, the European caravan leaders were more than aware of the gravity of the threat posed by the attacking Kikuyu. Though the capture and “domestication” of the native was not yet effected physically in the region it is attempted at the level of discourse.

The form of violence wielded against the Kikuyu “thieves” is an impetuous form of violence markedly different from both the ritual forms of violence used by indigenous courts and councils, and the European’s calculated and scientific forms of violence as punishment

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78 Maktubu was a hired slave from Nyassaland and employed as one of the nine guides of the caravan. Ibid., 33.

79 Ibid., 294.

80 The communities of the “interior” had (and have) multiple and complex systems of discipline, “punishment” and/or forms of reparation. These systems have been studied at length by explorers, a tradition continued by contemporary ethnologists and so cannot be explored here save for a few illustrative observations. According to Orde-Browne the Kikuyu “judicial
deployed after the protectorate is established. Theft, precisely because the caravan had no jurisdiction, was punished summarily by the volleys of shots of the caravan or a beating against the hostile tribesmen by one of the caravan’s trading friends. Violence used in the defense of the caravan’s European interests against hostile natives was arbitrary, unregulated, and non-ritualistic.

The trading caravan was the proto-settler colony. It was in Africa without being of it – being as it was a mobile space of European presence, authority and sovereignty. It was a space carved out in the hostile, foreign country for civility, order and a bulwark against the dreaded hordes of hostile tribes and the dangers of darkness and danger. It was also the proto-settler colony in that it carried with it African labor, here manifested as the Swahili porters, who were councils” of the Kiáma, Njáma and Moran’ja were to be thought of as “courts of arbitration or upholders of moral standards rather than authorities for the infliction of punishment.” Importantly, Wa-Kikuyu did not employ corporal punishment nor imprisonment and would only sanction the death penalty for public nuisances or outcasts. He took this to be the general system of African “tribal” law. Africans tended to have civil law without criminal law. Granville St. John Orde-Browne, The vanishing tribes of Kenya: a description of the manners & customs of the primitive & interesting tribes dwelling on the vast southern slopes of Mount Kenya, & their fast disappearing native methods of life (Philadelphia: Lippincott, 1925), 54-55. Thus there existed the ritual of courts, witnessing in performances of authority. Though it is true that many systems dealing with “offenses” focused on reparations such as the paying of “blood-money,” there are a few acts (especially witchcraft and theft) that were redressed with the use of violence. In the Nandi system if a woman performs witchcraft and the result is fatal she warned. “If she does it again her forehead is tied with rope which is pulled taut and she is beaten with sting nettles.” Geoffrey Stuart Snell, Nandi Customary Law (London: Macmillan, 1954), 76. Similarly for a thief the first offense he is beaten and fined. For the second “a thong or bow-string is tied tightly round his head just above his eyebrows and ears, and the ends after being twisted are fixed to stakes in the ground. They are then beaten with sticks which makes the thong cut deeply into the flesh. Twigs are also thrust in underneath the thong, and water is poured over the man’s head to make the wound smart.” The third time the thief is killed and his livestock is slaughtered. If a women steals she undergoes a similar treatment but along with her children. Alfred Claud Hollis, The Nandi, their Language and Folk-lore (Oxford: Clarendon Press, 1909), 75.
both of the towns and of the surrounding spaces. Physical labor would be the primary role assigned to the native in the protectorate. The form of violence used against threats to European interests and lives in the Hinterland was the violence of elimination and war, the form of violence used against threats from within the caravan – the proto-settler colony –, as we will see, was a ritualized, calculated punishment: flogging. Porters were flogged when they were insubordinate whereas when the hostile tribes threatened the explorers, they were shot at or frightened away by the spectacle of superior European firepower.

The first moment of pacification was the pacification of the self. This involved the explorer conquering his fear of the danger of the hostile environment and allowing European pioneer colonial masculinity to inspire a confidence and self-righteousness that could overcome or displace the state of trepidation. In this sense, what was being produced was a self-constituting civilized white European adventurer’s self that could conquer barbarism as it conquers its own fear of it, reversing fear’s directionality, wherein it would not the barbarian who must fear the civilized white European adventurer’s self. When this state of mind was achieved it could be used in conjunction with another important tool: the performance of “sang-froid.” This performance technique, which - involved a display of firmness and an erect bodily comportment – was deliberately used to confuse hostile natives and inspired in the Swahili porters a confidence in their European employers and in the European character. As shown above the language and imagery of indiscernibility, wilderness and danger are central features in the travel diaries of European explorers and we can conclude that for the European pioneer the space of the African Hinterland was a space (not unreasonably,) of uncertainty, hostility and thus trepidation. In the space of the unpacified, African country darkness, light, sound and silence all have the same effect – creating a space of trepidation for the European. Fear, in its simplest sense, was a
part of the colonial experience but it always registered as fear of the other, including the
otherness of nature itself. In the scarcely lit night of the camp in the clearing it was impossible to
tell what or who lurked in the surrounding dark. The space of European existence was a mobile
caravan vulnerable to the attacks of natives but also the desertion of the caravan’s armed Swahili
guides. Mid-nineteenth century explorers and traders, like the settlers and administrative officials
who would follow them, were always vulnerable to attack from savages or from the savage, the
cognates themselves revealing traces of the blurred lines between flora, fauna and natives,
between Hinterland, frontier and native subject.\(^8^1\) The untamed wild of the terrain, of lions and
hyenas or murderous wild men attacking settler livestock, disease, the savage Kikuyu and
fearsome Maasai, these were the fears and threats under which Europeans were forced to live yet
where determined to survive. The *heart of darkness* of the African night stalked the scant fog-
shrouded outposts of Civilization. In the darkness, one could not even distinguish friend from
foe, tree from goblin and porter from hostile enemy. The darkness of the uncivilized, unlit world
into which the explorer entered did not only reinforce for him the imaginary of Africa as a
geography of monstrosities but was also a visible metaphor\(^8^2\) for the evil, danger, the tribes and

\(^8^1\) In her 1935 *White Man’s Country* Elspeth Huxley, while narrating the story of Lord
Delamere’s pioneering bravery when entering the Kenyan Highlands, described the obstacles he
had to face: “Before the days of aeroplanes, motor cars and trains the Kenya highlands were
almost inaccessible. They were cut off from the rest of the world by waterless lava desert on the
north, by desert and Masai warriors on the east, by great stretches of tsetse-fly infested and
unhealthy bush to the south, and by Lake Victoria and the Congo forests to the west.” Elspeth
Joscelin Grant Huxley, *White man's country: Lord Delamere and the making of Kenya.* vol. 1
(London: Chattos and Windos, 1935), 3. Here Masai warriors are positioned not as individual
subjects but part of the hostile terrain that made the highlands impenetrable, merging flora and
people, Hinterland and subject.

\(^8^2\) The symbolism of darkness is a recurring theme in many letters of settlers and adventurers and
its use as a metaphor of evil, uncertainty and danger is perhaps most known in Joseph Conrad’s
classic novel *Heart of Darkness.*
the uncertainty of the Hinterland which surrounded the caravan. The darkness itself became a space that needed to be pacified and the fear which it inspired had to be quelled.

**Pacification and Performance**

We hoped to achieve our purpose without bloodshed, but we did not mean to trust the natives too much, and were prepared for all contingencies. Our forty axes were sharpened and, where necessary, provided with new handles; all our weapons were overhauled, and ammunition was given out. These were, of course, only precautionary measures, and we represented this to our men. Our one fear was that they would fail us, for we knew well enough what they thought about this further journey. Recently they had been very quiet, and we guessed that their silence boded no good to us. The chances were that they would leave us in the lurch at the last moment, for this had been all too often the experience of other travellers.”

The fear that surrounded the Europeans were not only of the hostile environment and unfamiliar peoples and warriors but extended to the fear of their Swahili porters and guides. Regarding the porters, interestingly they did not seem to fear that they would wake up to their trusted Swahili porters standing over them ready to slit their throats. There were many cases of thieving which were usually considered not a danger but a cost, and one that was repaid as much as possible through forms of punishment, most often flogging. What the Europeans feared most was the reality that, because of the perceived inherent weaknesses of the Swahili character and their acquaintance with and knowledge of the hostility of the upcountry peoples or simply their desire to make off with wages given in advance, they could at any moment run away from the caravan instead of continuing with it as its guide, its load-bearers and its guards. The military

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term “desertion” was the term used when writing on the threat of the Swahili porters leaving the caravan. Indeed, the escape of the Swahili would not only mean a loss in terms of payments or the stock which they carried off with them but a caravan without an army of rifle-bearing Swahili would open the Europeans up to certain annihilation. Desertion, too, in both the sense of labor dissertation and of military dissertation was an appropriate way of describing of Swahili porter escape as it suited the thinking of African labor as duty-bound and captured, and of the Swahili people as both a labor army and literal army of the mobile proto-settler colony of the caravan.

The only counter to a feckless Mswahili was the masculine firmness of the European man. For the European, confidence and a martial character were not only honorable characteristics but in the deepest of unpacified Africa they were necessary for survival. What was required to control large populations in the moment of the colony, according to Anderson and Killingray, was “a conjuring trick of enormous proportions.” The inspiration for this feat was found during this pre-colonial period where the display of sang-froid meant the difference between life and death according to the explorers. Arkell-Hardwick tells a remarkable story of performance, bluff and sang-froid.

84 Thomson writes of the danger of desertion: “With the first night in camp commenced my anxiety. I knew only too well that a very considerable number of my men had never joined with any other intention than to get their three months’ wages in advance, and then desert on the first opportunity. The majority were careful not to attempt this either at Zanzibar or Mombasa,— though ten succeeded in doing so at the former, and one at the latter — as they would run the risk of being captured. They intended to go up country one or two marches first, and then it would be next to impossible to lay hands upon them. Foreseeing this, I was careful to camp in the open, at a place free of bush or jungle, so that no one could leave without being seen. In the hearing of the men, bloodthirsty orders were given to the night-guard to shoot down without warning any one observed to go outside camp.” Thomson, Masai, 64.

The morning passed in this manner, the Wa’M’bu [Waembu, Embu people] continuing their howling, while we went through our ordinary camp routine with as much nonchalance as we could command.

…During the meal the war-cries of the Wa’M’bu increased in volume, and our men were plainly very much disturbed. They kept looking in our direction as if for orders; while we appeared as if utterly unaware that anything untoward was happening…Presently Jumbi came up with his rifle at the shoulder, and saluting, stood a yard or so away from the table. El Hakim was busily eating, and studiously ignored him for a moment or two. Presently he looked up. “Yes?” he said inquiringly. Jumbi saluted again. “The ‘Wasenzi,’ Bwana! Said he. “Well?” interrogated El Hakim again. “They are coming to attack us, Bwana, on this side and on that side,” said Jumbi, indicating with a sweep of his arm the front and rear of the camp. “All right,” said El Hakim, “I will see about it after lunch; I am eating now. You can go.” And Jumbi, saluting once more, went off to where the men were nervously waiting. His account of the interview, we could see, reassured them greatly. They concluded the “Wasungu” [White people] must have something good up their sleeve to be able to take matters so calmly.

“At the conclusion of the meal we instructed our men to shout to the enemy and ask them as insolently as possible if they wanted to fight. There was a sudden silence on the part of the Wa’M’bu when they realized the purport of the words; but in a little time a single voice answered, “Kutire kimandaga” (We do not want to fight). We then invited their chief to come into camp, an invitation he seemed very slow to accept, but after long hesitation he mustered up sufficient courage, and walked slowly into camp, accompanied by one other old man.

He was a fine-looking, grey-haired old chap, and carried himself with great dignity. Negotiations were opened with a few strings of beads, which after a

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86 Jumbi is the Swahili “Munipara” or headman of the caravan, Jumbi ben Aloukeri. “Jumbi was of medium height, with an honest, good-natured face. He possessed an unlimited capacity for work, but we discovered, too late, that he possessed no real control over the men, which fact afterwards caused us endless trouble and annoyance. He was too easy with them, and made the great mistake – for a headman – of himself doing anything we wanted, instead of compelling his subordinates to do it, with the result that he was often openly defied, necessitating vigorous intervention on our part to uphold his authority.” Arkell-Hardwick, *Ivory*, 11.

87 El Hakim is the Arabic nickname given to his English companion who was a hunter in Somaliland. It means the “Wise Man.”
moment’s indecision he accepted. We then talked to him gently, but firmly, and asked the reason of the unseemly noise outside.

“Well do you want to fight?” we asked aggressively.

He replied that the old men did not want to fight, but the young men did.

“Well, then,” we said, still more aggressively, “go away and tell the young men to come on and fight us at once, and let us get it over.”

He then added that the young men did not want to fight either.

This was our opportunity, and seizing it, we talked very severely to him, intimating that we were much annoyed at the noise that had been made. We did not consider it at all friendly, we said, and if there were any more of it, we should not wait for the young men to come to us; we should go to them and put a stop to their howling.

He appeared much impressed, and after a while returned to his people, and evidently delivered our message, as shortly afterwards the howling ceased. 88

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88 Arkell-Hardwick, *Ivory*, 68-70. A story which reveals the consequences of a less successful performance of sang-froid is told by Höhnel: “…when I came up with the rear-guard Count Teleki told me that his party had been surrounded by hundreds of warriors, who barred his way, ordering him to stop, and were only with difficulty persuaded by a few of their headmen to stand back. This change of attitude was as unexpected as it was unwelcome, but we kept calm, though we carefully watched every indication of how things were likely to go. We soon saw that the old men were the most persistent in their hostile cries and efforts to make us turn back. It was a good opportunity for showing our sang-froid. One fellow shook his fist in the Count's face several times, whilst another, who was quite tipsy, made at him with his drawn sword. The aggressors were always driven back by Utahaj, but Count Teleki was so jostled about that he presently cocked his weapon. Kassa seemed to guess what this portended, and tried to disarm the tipsy man, but he was not overpowered until Terrere, holding up his shield to protect himself, chased him down. This critical state of things had lasted for a whole hour when Utahaj begged us to pay a small tribute to quiet the people. But he threw the beads and stuff we offered him to the ground at our feet, and in the scramble which ensued for them we should certainly have had one or another spear flung at us if our warrior friends had not protected us with their uplifted shields.” Höhnel and Teleki, *Discovery*, 302-303.
The performance of sang-froid, however, was often not enough in which case the Europeans could draw on a second tool: the spectacle of military might.

We were constantly on foot, going about amongst our people to prevent any careless action of theirs fanning the smoldering fire; but at last, when arrows began to fall thickly, and the warriors on a hill on the north grew more and more insolent and aggressive, we thought it was time to damp their ardour by bringing our own weapons into evidence a little. Some of our friends were entrusted with a message that, in gratitude for their performances with their arrows, we would show them what we could do with our firespears. Utahaj lent us some buffalo-hide shields; they were set up at a distance, and, making the natives stand aside, we fired at our targets. The shields, riddled with holes, were then exhibited to the warriors, and they were warned that if we were attacked we should point our guns at them. The answer was a cry of ‘Kutire kimandaja! [Friend, we do not want war!]’ from a thousand voices.89

…When night fell we sent up a rocket every now and then in one direction or another, the unusual apparition serving to keep the natives in awe. Rockets are extremely useful for this purpose amongst the negroes of Africa, and we secured a quiet night with them now. We were careful, however, also to make forty men watch all night, relieving guard at midnight, and at 3 o'clock a.m. We mustered the men, inspected their weapons, and gave them the strictest orders as to vigilance and readiness for an emergency.90

The “Negroes of Africa” are thus uniquely susceptible to the display of technology and firepower. In calling the natives “Negroes” while describing their childlike wonder at European military superiority the European reading audience is instructed to understand the events in terms of the hierarchy of humanity. Negroes, of course, place at the bottom of that hierarchy

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89 The Europeans were not the only ones who used this trick. Swahili or Arabs used muzzle loaders against shields as a demonstration of the gun’s power over the arrow in Western Kenya (in front of the Nandi). Feierman, Century, 368.

90 Höhnel and Teleki, Discovery, 307.
representing “the most primitive life.” The hostile peoples were referred to only moments earlier in the text as aggressors and Wakikuyu are represented as Negros, drawing them – discursively speaking – into the logic of nineteenth century racial typology, Hamitic myths and raciology, and away from the radical autonomous political condition of being a hostile native. Negroization, which again is the representing (and later the interpellation of) the radical autonomous individual as a Negro, will be mobilized later in the protectorate and beyond to cement (the justification of) colonial violence, exploitation and the imposition of the police-state.

In essence, security depended upon a performance of confidence, which, because of its sheer audacity, could convince the naïve natives that the European had more power than they in fact had and thus it was necessary for them to proceed with caution. Performance and the spectacular display of superior power were established, then, from the first moments of the European contact as a way to secure European survival and to command respect. Though it would be used to greater effect and with more sophistication during the colonial period, it was an essential feature of pacification and the period of the explorers’ encounter with the Hinterland and the “uncontacted” peoples who inhabited it.

Performance was not simply a bluff; but it occurred partly due to the explorer’s understanding of what the Negro of Africa was. Performance has the capacity to serve as a universal and pre-linguistic form of communication: everyone understands a demonstration of force. It was also chosen, however, because it seemed appropriate for what the African native is: a form of humanity with whom one could not reason. The ivory trader Arkell-Hardwick


determined that it was necessary to show the natives who was boss and so he decided upon a policy of displayed aggression without any overt act: to pitch a tent in one of the “shambas” [farm land] of the fearsome Embu and eat the fruit of the property as he pleased. With this he performed ownership, sovereignty and his assurance that he was able to put down any protestations. The fact that the Waembu did not respond to his provocations confirmed for him that “with bullying natives, might is always right.”

Unpacified *Kenia* (or Eastern Equatorial Africa) in explorers’ texts is presented as a space where trade could only be conducted in the midst of great fear not only for Europeans but also for Wasuahili porters and – depending on the region – Wakikuyu, who feared to walk freely on the plains on account of the “marauding” Maasai. *Kenia* is produced as an exceptional space, separated from “other parts of Africa” in which trade could be conducted in relative peace and within the relatively stable space of the market. This exceptionalizing of Kenia is dramatized only to reaffirm that the Hinterland is the authentic Africa. Markets, continental towns, trade routes, ruins etc., that exist on the continent are considered imports or exceptions to the rule, and uncontacted, unexplored space becomes the metonym for the “true” Africa. This Africa is a place of danger, perpetual warfare, and, for the vulnerable European, a *state of trepidation*.


94 The notion of the Hinterland being in perpetual warfare is Orientalist in two important ways. Firstly, it reads conflict in Africa as (1), the natural condition and (2) considers war to be an essential characteristic of East “African” culture. The argument for pacification rested on the idea that perpetual war was specific to African culture and without the intercession of the European it would continue in perpetuity. This is despite the fact that in this same period (the mid to late 19th century) and even earlier, Europe was in a state of perpetual war. Secondly, the reading of the region as a region in a state of perpetual war is a masculinist reading. Despite tit-for-tat raids between the Masai and Kikuyu, for example, women were able to move freely
The trading caravan was the proto-settler colony of Kenya. It was a mobile fort and theatre of war performing its sovereignty, military supremacy, and even its diplomacy. It was perhaps seen to be exactly this by the inhabitants and was perhaps for this reason tested through “thievery,” assault, diplomacy, and war. Although pronouncing its sovereignty with every display of the gun, what the caravan was not able to do is establish jurisdiction. It had to rely on the good will of its friends to keep peace and order, and thieves could not be prosecuted and dealt with through a regulatory body but rather were fought or scared off. It was the objective of colonialism to move from the state of war to the state of domination, from the explorers’ state of trepidation to the peace of civil order or what is named here settler’s peace, wherein the state of fear and trepidation would be imposed on the natives as a necessary precondition for what the European settlers defined as “peace.” In Chapter 3 I examine this transformation which the European’s referred to as “pacification. The following chapter, however, examines more closely the mobile state and proto-settler colony that was the caravan. It is from the caravan that pacification was first launched in the Hinterland and it was in its image that order of the protectorate-state was created.

between peoples enabling trade among the warring parties (See Höhnel and Teleki, Discovery, 291). It must be noted that for the Masai and Kikuyu in this setting, war itself is conceived differently from the European notion of total or state war, as gender is differently related to antagonism between communities – that is, if it can be conceded that inter-ethnic raids can be read as war at all.
Chapter Two

The Kiboko Colony

In this chapter I develop my argument that the European-led trading caravan was the proto-settler colony through an examination of the caravan itself. The caravan prefigured colonial Nairobi’s police-state in its deployment of dehumanizing, theatrical violence and in its *negroization* of the “native” porter. I show that racialized porterage was a reformulation of slavery and that it was this institution’s culture of violence and social death coupled with white supremacist sovereignty over indigenous bodies and space that were literally imported via the caravan from the Swahili coast into the Hinterland. It is in the caravan that the white-supremacist order is violently performed into existence using the disciplinary instrument of the *kiboko* (or hippopotamus-hide whip.) The *kiboko* established and imparted the racial order, punished and tortured, destroyed racialized bodies, killed, disciplined gestures, confined, deterred and accomplished most of the tasks of a constabulary force with the notable exception of surveillance. Indeed, the absence of effective surveillance resulted in high levels of desertion and would only begin to be curtailed with the emergence of the protectorate’s administration’s registry of porters. The caravan marked the intrusion of the police order into the Hinterland of East Equatorial Africa and into the space that would become Nairobi.

*The Zanzibari Swahili*
The Swahili, a name derived most likely from the Arabic sawahil (often translated as coasts) originally referred to the peoples of the urban settlements of the coastal region and islands of East Africa. The term was used by the Omani Arabs who, along with the Bantu Africans, Oromo, Indian traders, and possibly some Persians (or Shirazi), intermixed with these coastal peoples for at least a thousand years creating a creolized culture, ethnicity and society.\footnote{John Middleton, \textit{The World of the Swahili} (New Haven and London: Yale University Press, 1992), 1.} This society, however, was not without its internal racial or cultural stratifications and demarcations. The elites, the Omani ruling class, continued to distinguish between themselves (whom they continued to refer to as Omanis) and their subjects who became the Swahili.\footnote{Ibid.} According to John Middleton, the Swahili were neither a loose network of coastal settlements nor were they ever a single political entity. Instead they “have for many centuries formed a single ongoing society possessing a single underlying structure. They conceive of themselves as a single ‘civilization’ (ustaarabu)…”\footnote{Ibid., 3.} Alamin Mazrui argues that the Swahili appear in the earliest document describing the inhabitants of the East African coast – \textit{The Periplus of the Erythrean Sea}. This first century Greek document described the inhabitants of the coast as a unique civilization of “men of great stature” who were feared for the piracy and had evidently inter-married with Arabs. Mazrui considers these people as the “Swahili in formation” if they had not already self-identified as the Swahili. After eight hundred years without record, Al-Mas’udi, an Arab traveller to the coast described the inhabitants as people with a common language but with both Muslims and “idolators.” This, according to Mazrui, is evidence of the
pre-Islamic Swahili civilization, a people that Al Mas’udi recorded as the Zanj.\(^\text{98}\) Despite the fact that internal racialized distinctions\(^\text{99}\) remain, the term Swahili is recognized as a reference to an East African coastal culture, language and people descended from Omanis, indigenous coastal peoples, and the formerly enslaved peoples who remain on the coast and islands of East Africa.

The history of “the Swahili” in Zanzibar reveals an identity at least as fluid as the Swahili identity on the mainland coast. The term Swahili at one point referred to the indigenous peoples of Zanzibar (the Hadimu,) at other times it meant the descendants of Arab elite men and African concubine women (\textit{masuria}) and still at others it meant only the former enslaved peoples remaining on the island with recent ancestors originating from the interior of Africa.\(^\text{100}\) Laura Fair has shown that in Zanzibar patterns of Swahili identification changed drastically in the short space of forty years. After abolition in 1897, newly manumitted slaves sought to rid themselves

\(^{98}\text{Zanj being the root word of Zanzibar (Unguja). According to Mazrui the term Zanj by travelers like Al Mas’udi, and later Ibn Battuta and Al-Idrisi referred to the inhabitants along the entire East African (Swahili) coast (including Kilwa, Lamu and possibly Comoros). Alamin Mazrui and Ibrahim Noor Shariff, } \textit{The Swahili: Idiom and Identity of an African People} \textit{ (Trenton: African World Press, 1994), 18-22.}

\(^{99}\text{Alamin Mazrui appears to imply that much of this racialization may be a lagging effect of the explicit and particular racialism and racism that invaded the coast with the Portuguese arrival. Notably, Mazrui tends to present the Swahili as a collective entity, an identity and even a nation. His view might, however, not be free from what Balibar calls the “retrospective illusion” of nationalism i.e., seeking to find the nation in the past despite the fact that the people referred to had no notion of nor intention to found the nation sought in them. Etienne Balibar and Immanuel Wallerstein, } \textit{Race, Nation, Class: Ambiguous Identities} \textit{ (London: Verso, 1991), 86.}


\(^{100}\text{Thomson, } \textit{Masai}, \textit{ 2.}
of their mainland ethnic identities, which had been sullied by associations with enslavement.\textsuperscript{101} Many instead opted to redefine themselves as Swahili, a term which at that point referred to the freeborn Muslims of the urban coastal centers. As masses of emancipated people began identifying as Swahili, the term began to connote this category rather than the freeborn Muslims with whom the newly emancipated aimed to be associated. This undesirable new meaning of Swahili – as freed slave – led to another self-redefining wave on the island with many socially mobile emancipated individuals claiming to be descended from particular indigenous Zanzibari free families. “These growing Zanzibari identities were reflected in the censuses from the period. Between the early 1920s and 1931, the number of persons who defined themselves as Swahili dropped from 34,000 to 2,000, while the number of people who identified themselves as members of Zanzibar’s indigenous categories of Hadimu, Tumbatu, Pemba and Shirazi increased by 75 percent.”\textsuperscript{102} The notion of “the Swahili people ” not only signified different things to the peoples so defined but also signified different things to different Europeans. For the British, the term would eventually become a stand-in for the ahistorical figure of the Negro, which in turn would become the basis for the invention of the \textit{detribalized} and \textit{urban native} in the colonial police-state.

\textsuperscript{101} Zanzibar’s enslaved population was principally drawn from the Nyasa, Yao, and Manyama ethnic groups and so the retaining of these identities would fate the manumitted to a perpetual association with slavery. Fair, \textit{Identity}, 150. Unlike in the Americas where slavery is unshakably engraved in phenotype, the creole or racially-mixed Swahili culture made “passing” (i.e. transitioning undetected from one identity to another for the purposes of upward social mobility) easier.

\textsuperscript{102} Fair, \textit{Identity}, 2000.
Swahili Slavery

In his *Desturi za Waswahili (Customs or Traditions of the Swahili)* edited and translated into German in 1903 by Carl Velten, the eminent Swahili lecturer Mtoro bin Mwinyi Bakari outlined Swahili traditions of chattel slavery. Slaves were obtained through African and Arab war raiding into the interior, or obtained as people sold themselves and families in times of famine. Coastal slavery was chattel slavery. The East African system, however, differed from the system in the Americas in a few important ways. For one, the descendants of slaves


104 Ibid., 169.

105 Coastal slavery was chattel slavery in as far as enslaved peoples were considered property and owners held absolute power over their lives and death. Alamin Mazrui notes efforts by “Eurocentric” historians to disingenuously draw an equivalency between plantation slavery in the Americas and coastal slavery on the coast. It is true, as Mazrui notes, that chattel slavery did not become a pillar of the coastal economy until the 19th century when the French introduced Caribbean-style plantations in Reunion and Mauritius and Arab and Swahili clove plantations were introduced on the coast after the integration of the Indian Ocean and international commercial systems. The latter moment, he argues, was that of the “transformation of the slave sector” when abolition’s restrictions on export of enslaved peoples had the effect of “internalizing” the system i.e. making the coast a region for slave labor than a base for the export of enslaved bodies. Abdul Sheriff, *Slaves, Spices & Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy, 1770-1873* (London: James Currey, 1987), 50-75. But the difference between the American and Swahili forms of slavery were in scale rather than in kind. More precisely, it was in mode of enslavement’s relation to the economy and the influence it had on wider social formations (superstructures) rather than the form of subject it produced: socially-dead property. While some European scholars, according to Mazrui might have nefarious purposes in attempting to minimize the unique inhumanity of Euro-American slavery by making it seem “no worse than, that of Arab/ Islamic/ Swahili on the coast” one detects a similar deflective move to minimize the inhumane effects of coastal slavery in Mazrui. The lack of centrality of the chattel slave system on the coast speaks to the particular configuration and geography of the global relations of production and trade and the opportunities for exploitation deriving from them. It does not suggest a particularly less inhumane practice of chattel slavery the highlighting the lack of centrality might imply. Mazrui, *Swahili*, 42-43.
were not necessarily condemned to a life of enslavement. According to Mtoro’s account of the traditional coastal slave system the child of two slave parents would be a slave but if a free woman married an enslaved man her child would not be a slave. If a free man were to marry an enslaved woman on the other hand, the child would be a slave as free birth is matrilineal.106

An important distinction made in coastal slavery is that between the Mzalia slave and the raw slave. The Mzalia slave is someone whose mother was captured from the interior and was married to a slave. The root word zalia means to be born and thus a Mzalia indicates the status of a slave who was not captured as the raw slave was, but rather born and brought up as a slave – nattally alienated107 – in coastal society and familiar with its customs. This slave and his descendants would remain slaves until the seventh generation which would be freed but would be known as a person of slave origins.108 The Mzalia would often be entrusted with domestic work similar to those of enslaved servants of the plantation households in the Americas. The Mzalia can be contrasted with the Mjinga or raw slave, jinga meaning ignorant. According to Mtoro, raw slaves are those who have arrived from the coast after capture and as a result do not know the language or customs of the Swahili nor how to wash clothes or how to cook. He or she

106 Ibid., 202.

107 Orlando Patterson argues that natal alienation – the social death in society and erasure of linkages with the ancient past or social order from which the enslaved person was removed – is essential to the formation of the slave subject. Orlando Patterson, Slavery and Social Death: a Comparative Study (Cambridge: Harvard University Press, 1982), 35-38. The Mzalia, as descent of the captured and enslaved who is trained in the traditions of the master’s culture, is nattally alienated in this strictest of senses.

108 Ibid., 172.
is untrained and was put to plantation work. The concept of Mjinga and rawness would be adopted and redeployed by Europeans years later in their conceiving of the “raw native.”

In addition to not being chosen to work in the house, the mjinga was not allowed to marry a free woman, a right that the mzalia (with the master’s permission and after manumission) would be allowed. In a system of slavery gendered in this fashion an enslaved person’s progeny would not be condemned to perpetual servitude as a consequence of ancestry. Social death, therefore, though a fact of life for the chattel slave, was not the inescapable hereditary disease that it was constructed to be in the Americas. Absence of the absolute equating of race to status in slavery, (indeed, the relative absence of anatomo-political forms of racialization in general) opened space for enslaved peoples to go to court and claim that they were in fact not slaves but freeborn and that the owners were deliberately falsely representing them as their chattel. They could “pass” for free in a social order where freedom was not phenotypically marked. These ambiguities between race, tribe and identification as slave made possible the capaciousness of Swahili identity and did not allow for the relatively sophisticated

\[109\] Ibid., 171.

\[110\] Ibid., 174.

\[111\] Patterson argues that “social death” is the condition of the social negation that defines slavery. The slave is desocialized, depersonalized, alienated from his/her community, has no existence that is not in relation to the master and is introduced into the new society as a non-being. Patterson, Social Death, 38.

\[112\] See the case that Mtoro describes of the Wassaramo for example. bin Mwinyi Bakari, Desturi, 170.
control of bodies, labor and space for which the European invention of the Negro would prove to be best suited.

The possibility of freedom for the enslaved woman’s descendants generations into the future was guaranteed only through extreme forms of misogynistic dehumanization. A child of an enslaved woman is a slave because both the woman and her reproductive power is produced as chattel, more specifically, material for the breeding of constant capital. The avenue towards eventual freedom is through this enslaved woman whose reproductive power is owned. It is in this possession of her body, reproductive capacity and progeny that the latter considered to be of the household. While she herself is produced as chattel, her progeny – wazalia – is endowed with a bracketed humanness and it is upon this basis that they may one day become free. Dehumanizing misogyny persists in a different way with the separate category of Msuria (concubine) a slave woman bought specifically for rape. The Msuria is not a wife nor completely a slave and her children would be recognized as free. As Mtoro revealed, a Msuria was more akin to a piece of luggage which many men would prefer instead of wives because as he explains: when travelling an Msuria can be picked up like luggage on a trip whereas a wife would need to be persuaded.

Mtoro’s Desturi reveals parallels between what Mtoro describes as the “old days” of the coastal slave system and the future orders of the protectorate. Firstly, the slave master had

\[113\] I use constant capital here in the Marxian sense. The question of what form of capital in the Marxist sense a chattel slave or an enslaved woman’s reproductive power may represent (fixed constant capital, circulating constant capital etc.) and in which system of slavery is an interesting one which cannot be taken up here.

\[114\] bin Mwinyi Bakari, Desturi, 175.
absolute power over the life and death of his chattel. Mtoro explains that in the olden days a caught, runaway slave would be locked up for two or three days by himself and then promised that if he were to run away again he would be killed.\textsuperscript{115} It is also important that the slave perform the status of inferiority and subservience. The slave should not sit on cane chairs or wear caps and must always show deference to the \textit{jumbe} (Swahili master and in many caravans the “headman.”) The performance of servility, an important part of enslavement culture, features again in European anxiety regarding “native insolence” and their demand for obedience and displays of deference and respect. Interestingly, Mtoro laments the current state of affairs at the time of writing the \textit{Desturi} that disobedient slaves were no longer dealt with by their masters but that the government was responsible for dealing with them.\textsuperscript{116} The encroachment of the courts on the absolute power of the master will become the central grievance of the settler against the administration. The settler struggle for the dominance over the native – as will be shown in Chapter 5 – is a fight to salvage enslavement culture in the post-emancipation protectorate.

In 1872, lifted by the gales of the abolitionist movement, the British sent Sir Henry Bartle Frere to the second sultan of Zanzibar, Barghash bin Said, to negotiate the end of the foreign traffic in slaves by sea. Though winning an agreement to end the selling of enslaved people in the public market place, the agreement did not stop completely the foreign traffic with Arabia and Persia, which still received slaves from the coast.\textsuperscript{117} In fact, as Charles New had warned, the prohibiting of the slave trade by sea led to an abundance of unmovable human cargo, dropping

\textsuperscript{115} Ibid, 175.

\textsuperscript{116} Ibid. 174.

\textsuperscript{117} New, \textit{Life}, 492.
the price of slaves and allowing the poorest of the coast families to become purchasers and
owners.\textsuperscript{118} Though the slave trade was significantly limited, and the treaty specified that no
“Indian, [or] British protected subject” could be allowed to own slaves,\textsuperscript{119} slavery persisted on
the East African Coast and Zanzibar. This created a mixed coastal economy of enslaved and
waged labor in the years between 1872 and, at least until abolition in, 1897. The coast’s mixed
economy set the stage for the odd scene of Europeans decrying Omani and Swahili slave owners’
abuses while employing similar domineering, exploitative and violent forms of control against
their porters.

The persistence of slavery in Africa led Charles New to devote a chapter near the end of
his travel diary to the abolitionist cause, making an impassioned plea for stronger British efforts
to end the scourge. The kidnapping of the Mijikenda, which Krapf mentioned witnessing during
his 1844 travels,\textsuperscript{120} continued to occur forty years later during New’s journey, as he testifies:
“Kidnapping is extensively carried on, so much so that it is considered unsafe in Unika for the
women and children to go any distance from home unprotected at the season when the grass is
tall and abundant. It is common for the Wasuahili to lay baits, in order to tempt the Wanika to
steal; when, if the bait be taken, the dupe is seized and sold. Or a man may be caught picking up
a piece of cassada [cassava, manioc] from the plantation of a Msuahili - a very venial offence;
but this is made the pretext for selling him.”\textsuperscript{121} These kidnapped Mijikenda, if they were not to

\textsuperscript{118} Ibid., 505. For a detailed study on how this process developed see Feierman, \textit{Century}, 352-376.

\textsuperscript{119} See New, \textit{Life}, 504.

\textsuperscript{120} See previous chapter.

\textsuperscript{121} New, \textit{Life}, 495.
be carried to the Persian Gulf after being sold but rather remained in Zanzibar plantations or homes on the coast would eventually be known as Swahili. For New, however, the Swahili were the kidnappers, the “freeborn Muslims” of the coast.

Slaves were also taken from the Hinterland, captured after war and ivory raids by Swahili, Arabs, Kamba and others. New describes their plight,

With regard to slaves obtained in the far interior, the march to the coast is one of the most terrible things connected with the traffic. To men performing the journey willingly, with substantial rations and no burden to carry, it is severe; but for those who are being forcibly conveyed from their homes and all they hold dear, their necks galling and jolted almost to dislocation in the prong of the rough branch by which they are secured; with heavy chains on their hands; backs smarting under frequent blows, loins lank with starvation, and tongues withered with thirst; with burdens upon their heads, and still heavier ones on their hearts; for women similarly situated, but with the addition of children alternately tugging vainly at their breast and screaming on their hips…

\[122\] Ibid.
The violence of beatings, the instruments of torture and the dehumanization\textsuperscript{123} will ring familiar to anyone acquainted with the history of transatlantic slavery as New himself points out.\textsuperscript{124} The ivory and slave caravans were movable homes of torture, a travelling unit of social death. It was an ordered procession, secured and driven by violence and the threat of death and it was this absolutist, well-ordered and well-policed social organization that was the predecessor of the porter order and eventually the protectorate and colonial urban police-states. The following demonstrates how porterage inherited the tradition of the slavery system despite the European abolitionist explorer’s conviction that wage labor was a humane alternative to the institution.

\textit{From Slavery to Porterage}

\textsuperscript{123} Dehumanization involves both the lashing of slaves like beasts of burden as well as the waste of unusable bodies. “Before the march has been continued many days a man grows sick, and is soon unable to move; the lash no longer starts him; he sinks helplessly to the earth; curses fall thick upon him; he is quickly unyoked; and, leaving him there to die the gang proceeds. A little farther on a woman becomes so weak and emaciated that she cannot continue the march, so her child being taken from her arms, and committed to the charge of another before her eyes, she is disconnected, and, with the coarsest abuse for interrupting the march of a sublime cortège (?) [sic] she, too, is left behind. Or a mother, by dint of an almighty love for her child, holds out with superhuman strength; she will not give way; but, unable to supply the child with the necessary nutriment, the little one dies; he becomes a useless encumbrance, and despite the mother's shrieks and the hot, scalding tears that course their way down her swarthy cheeks, he is torn from her arms, and is tossed aside into the tall grass as if he were a dog. At night the hyaenas make a meal of all three.” Ibid., 496.

\textsuperscript{124} Ibid. New does consider slavery in East Africa to be less horrendous than slavery in the Atlantic world but considers this an accident of production requirements. It is due to the relative lack of intensity of plantation production. “Slaves, it may be admitted, are not so hard driven in East Africa as they were, say, in America; simply because there is less pressure in the one case than in the other….So also it may be confessed that slaves are often treated with humanity, upon the same principle that many men treat their horses kindly; they are money, and, moreover, machines, which it is necessary to keep in pretty good repair…” Ibid., 500.
The system of porterage or carrier labor preserved the most essential aspects of slave culture in the protectorate and pre-protectorate era. Indeed, among the first uses to which the enslaved person was put was porterage. “After the coarser of both sexes have been sent to the plantations: of the males, some are put to the various trades, some to household occupations, others become porters…”

As in the post-emancipation Americas when newly emancipated slaves continued to sharecrop or be forced to continue to work for their former owners in apprenticeship programs – if the conditions of labor changed, its products and function had not. Facing a labor shortage in coastal Pangani, the Hungarian explorer Samuel Teleki opted to “hire some slaves” for his caravan, renting them from coastal masters when it was impossible to obtain free labor. The fact that actual slaves were used as porters and joined European caravans to perform carrier tasks illustrates that the difference in labor categories – porter and slave – signified differences in the ideologizing of labor rather than pointing to a difference in labor function. This ideologizing of the porter in the protectorate and pre-protectorate eras was more complex than that of the free-wage laborer, capital’s ideological representation of its slave. The racialization of porterage, in fact, pulls in the other direction, associating wage-labor with ideologies of un-freedom as the native (as colonial subject and servant) is the Other of the white sovereign and his radically autonomous whiteness. In the Preliminary to the 1902 Regulations on “Native Porters and Labour,” definitions give legal weight to the racializing of labor. “ 2. (b) ‘Porter’ means every person not being an European or an American who serves in or accompanies a caravan... (h.) ‘Servant’ means any person who is a native of Africa and who is engaged as an artificer, workman, or manual laborer, but does not include a domestic servant

125 New, Life, 499.

126 Höhnel and Teleki, Discovery, 24.
engaged for indoor work or any porters as hereinbefore defined.”

Racialized subjects were identified with types of labor, thereby racializing categories of work – as in types of types of employment. This racializing further legitimized forms of punishment and treatment associated with the slave system, which would be unconscionable to the European progressive’s mind and irreconcilable with notions of workers’ rights in the Metropole. Racializing and dehumanizing labor and work not only preserved flogging as a legitimate form of punishments and disciplining but allowed for the development of more expansive legislation that legally inscribed servility and the torture of natives in the form of the 1910 Masters and Slaves Ordinance.

The blurring of the distinction between slave and porter is underscored by the contemporaneous blurring of Swahili identity which, as shown above, was interwoven with the histories of slavery. On reflecting on the nature of the Swahili (whom he also refers to as Zanzibaris), Ludwig von Höhnel, the travel companion for Count Teleki and author of his travelogue, notes what he takes to be a certain haughtiness among the Swahili as observed in the study of his porters: “The Zanzibari delights, above all things, in playing the part of the grand seignior and making the natives wait upon him…The people of the village provided huts, their wives brought food, did the cooking, &c., in short, waited hand and foot upon the Zanzibari, while the latter amused themselves and drank pombe, or banana wine.”

Though performing deference and subservience to him, Höhnel notes with amusement at how the Swahili porters act

127 Regulations, No. 3 of 1902: ‘Native Porters and Labor,’ PRO CO 630/1.


129 Höhnel and Teleki, Discovery, 46.
out domineering power over the *Washenzi* natives. This performance itself can be read as evidence of the continuum between the slave system and porterage as the Swahili porter’s performing mastery over the “Washenzi” could be said to be, in part, imitating their own European bosses and the authoritarian culture of the caravan.¹³⁰ That imitation reflected a relationship less like the one between employer and employee than between master and slave. Mimicry in this form, whatever its ability to rupture colonial discourse and serve as menace to colonial authority,¹³¹ certainly did not cause any anxiety for von Höhnel or the white power he represented. Indeed, in that moment it actually expanded the reach of authoritarian culture to new subjects. Mimicry is also replication, the autogenesis of new authoritarian *culture*. The ambiguity between porters and slaves as revealed in the blurring of Swahili identity appears again in Höhnel’s note on his porters’ use of the word Wangwana (Gentlemen or Free Man) to identify themselves. “‘Wangwana’ signifies in Swahili the free, in contradistinction to the ‘Watuma’, or slaves; but the word is also wrongly used to describe themselves by members of caravans consisting almost entirely of slaves.”¹³² Notwithstanding its power as an act of resistance and reclamation on the part of enslaved porters, self-identifying as Wangwana Swahili despite being enslaved, further blurs the lines of freeborn and slave, porterage and slavery. It recasts the role of the enslaved as respectable and free wage-laborer, muddying the abolitionist’s redemptive figure

¹³⁰ Of course, it could just as equally draw upon quite indigenous notions of Swahili superiority.

¹³¹ See Homi Bhabha, *The Location of Culture* (London and New York: Routledge, 1994), 85-92. Other forms of mimicry, however, seem to support Bhabha’s proposition that mimicry destabilized colonial power.

¹³² Höhnel and Teleki, *Discovery*, 46.
of the respectable, free wage-laborer, and in so doing makes strenuous the extraction of porterage from its ties to slavery.

The enslaved peoples’ triumph over the exclusionary terms of Swahili and Wangwana was complete at the time of the Arkell-Hardwick safari. Arkell-Hardwick, a former police officer of the British South African Police which had engaged in expeditions in Mashonaland, describes the Swahili as follows: The Swahili “were originally a race of slaves, but since the abolition of slavery they have become more and more independent, and they now consider themselves a very superior race indeed. They call themselves ‘Wangwana’ (freemen, and allude to all other natives was ‘Washenzi’ (savages.) They are incorrigibly conceited, and at times very vicious, lazy, disobedient, and insolent. But once you have, by a judicious display of firmness, gained their respect, they with of course some exceptions, prove to be a hardy, cheerful and intelligent people, capable of enduring great hardships without a too ostentatious display of ill-feeling.” It was established for Arkell-Hardwick that the Swahili were not the freemen slave owners but originally a “race of slaves,” thus betraying an understanding of Swahili identity which was inclusive of the descendants of slaves. It also, however, makes firm the association between Swahili porters and slaves in the mind of the reading public (which included future European explorers and colonists.) Indeed it was the fact of being formerly enslaved that made one a desirable porter according to Höhnel. “For waiting on us there remained the three Swahili I had engaged when I first arrived at Zanzibar, one of whom, Jomari, Count Teleki chose for

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134 Ibid., 7.
himself, leaving the other two—Chuma and Baraka—to me; and, taking into account that they were once slaves, I found them most willing and attentive…”

Before examining further the continuities between porterage and slavery, it is necessary to look at how the caravan itself was structured and how it prefigured the town and police-state. It is not merely that the caravan, through its paternalistic power over native porters and their bodies, its racial hierarchies and disciplinary regime, resembled what would later become the protectorate state and colony, but rather that the explorers’ imaginary envisaged the futurity of the settler-colonial order – often imagining the caravan itself as home. Home, of course, was a settler-colonial order wherein colonial-settlers would govern and exploit the labor of the natives. On their first excursion into the wilderness Höhnel reflects aloud on the caravan as his new mobile home, “This was the first time we were really in a camp of our own, in our own movable home, and the thought filled us with the greatest delight. With eager interest we gazed on the picturesque surroundings of our halting-place, which, with the hastily constructed straw huts, the flickering fires, and the figures flitting to and fro, resembled a busy negro village.” Höhnel thinks of the caravan as a village – one over which he was lord and master – and he casts the caravan as a space set apart from the unknown wilderness which surrounds him. It is a space where racialized labor flits about, a stark contrast to the hostile wild into which they planned to enter. Significantly, he does not imagine different peoples in this moment but negro bodies. It is these nameless, flattened beings – the negroes – which are imagined as suited for the new “home,” a home which was the space of white domination. The settler-colonial home, of course,

135 Höhnel and Teleki, Discovery, 35.

136 Ibid., 29.
cannot be populated by the hostile Kikuyu, Maasai or others. It is the negro he wants and imagines, a being brought into existence through the pacification of space and the establishment of sovereignty over the black body.

The flattened figure or caricature that is the negro on the one hand, and the diversity of African peoples, social positions and racial types on the other can exist simultaneously in the explorer’s mind. In the following passage Höhnel recognizes the specificity of class and type in Wangwana [Swahili gentleman] at the same time he sees them as part of the crowd of ‘gesticulating negroes.”

As it was, however, I soon had plenty else to do, for the very next morning I found that my arrival had not been as unnoticed, as I could have wished, but was already being discussed in every quarter of the town. At the time of which I am writing Zanzibar [1886-1887] was much quieter than it is now: only one mail steamer put in a month, and as not nearly so many Europeans arrived, the appearance of one was still an event. And when, as in my case, that one was an explorer, the news spread like wildfire in the native quarter. The East Indian and Arab traders at once scented a fresh customer, and the Wangwana of Ngambu, ever eager for adventure, from amongst whom the Expedition would have to hire porters, &c, had no less reason to hail with joy the advent of a new traveller. I had, therefore, no reason to be surprised when my quarters were besieged every morning by crowds of gesticulating negroes, and I received visits every day from sumptuously attired East Indians, who came to offer me the choice of their wares in high-sounding phrases.138

It is not that the explorer was unaware of the multiplicity of African identities, ethnicities and social classes etc., on the contrary all explores spoke of African difference and distinguished

137 Throughout the protectorate period much was made, for example, about the difference between the Bantu and Nilo-Hamitic “races” and racial difference.

138 Höhnel and Teleki, Discovery, 4-5.
between tribes – armed as they were with ethnography. The knowledge of the Other was always, as Lord Curzon thought of it, a “great Imperial obligation.” Explorers continued to read the reductive, flattened notion of negro into the crowd and peoples of the town at the very same moment that they were developing taxonomies of African types and advanced knowledge of study of African difference. The indispensability of the Negro was partly due to the fact that the invention of this figure was of foundational importance to the colonial world order the explorers were imagining into existence. The Negro was what they wished and needed the native to be: a pliable, servile, idiot, and an object. He was also what the hostile native was not: radically autonomous and a threat to white power. One could simply not imagine (and therefore begin to construct) pacified space which was inhabited by the unpacified and unpacifiable i.e. the hostile savage. Imagining the pacification of space – especially when the indigenous have been spatialized and rendered as part of fauna and flora – requires imagining the pacification of the population. Otherwise one is left with the threat to order: the criminal, the social bandit, the savage.


141 See Chapter 1.

142 In Primitive Rebels Eric Hobsbawm discusses the threat of the rural bandit or outlaw to the elite social order. He shows that social banditry was simply crime but crime that expresses a mass and existential threat to the ruling order. Eric J. Hobsbawm, Primitive rebels: Studies in archaic forms of social movement in the 19th and 20th centuries (Manchester: Manchester University Press, 1971). Walter Benjamin suggests that the “great” criminal directly threatens law itself. It is the same with the hostile savage who is the outlaw, outside of the space of the law. Walter Benjamin, Reflections: Essays, aphorisms, Autobiographical Writings, trans.
The type of cognitive dissonance observed in reading the flattened figure of the Negro into African populations of Zanzibar despite being confronted with African difference was observed earlier in the explores’ reflections on the natural environment of the Hinterland as a geography of monstrosities. In the safe space of the caravan and sultan-governed Stone Town, however, there were no monsters. What the explorer imagined himself to be surrounded by instead were the negroes, the subservient black, innocuous and nameless beings. The fiction pacified the anxiety of being in a hostile environment which had not yet been brought under the sway of white power. The persistence of this anxiety also meant that native insolence was particularly dangerous. Over and above being a direct challenge to white authority, insolence reminded the European that this dumb and happy negro was a myth. There is no insolence that is not at the same time an affirmation of intelligence, autonomy, power and a declaration of right. Insolence was the smelling salt which jogged the white explorer out of his dreamscape of domination. It was a threat not only because it could inspire revolt against and the questioning of white supremacist authority but also because it threatened the crucial work of generating other

Edmund Jephcott (New York: Schocken Books, 1986), 281. In the colony, reciting tales of the grand outlaws helped and helps to maintain revolutionary stamina. “The outlaw, for example, who holds the countryside for days against the police, hot on his trail, or who succumbs after killing four or five police officers in a single-handed combat or who commits suicide rather than “give up” his accomplices, all constitute for the people role models, action schemas, and ‘heroes.’ And there is no point, obviously, in saying that such a hero is a thief, a thug, or a degenerate. If the act for which this man is prosecuted by the colonial authorities is an act exclusively directed against a colonial individual or colonial asset, then the demarcation line is clear and manifest. The process of identification is automatic.” Fanon, Wretched, 30. Ngugi wa Thiong’o remembers a famous smuggler in Limuru named Karugo who was famed for being able to drive his food truck so fast that he eluded all police. His legend gripped the population so much so that he entered language. The expression Tura na cia Karugo means speed away of do not worry about the speed limit. Ngugi wa Thiong’o, Dreams in a Time of War. (New York: Pantheon Books, 2010), 36.

143 See Chapter 1.
fictions which were dependent on the first thereby threatening the expansion of the imaginaries of the project of white sovereignty. Without the dumb negro, the theriocephaly of the African is called into question. His body may no longer be seen to have the thickness of a beast’s hide and therefore capable of withstanding several kiboko lashes once his intelligence is admitted. He could not be seen to be happy under white command when he wittingly mocked it, nor imagined as an uncritical animal having no response to violent punishment other than fear or love. The Negro’s capacity for criticism, insult and mockery proved the stories the Europeans told themselves about the Negro were hollow and this collapsed the edifice of liberal justification upon which white supremacist rule was built. Insolence undid the myth of the Negro and with it its codependent fictions. It exposed the empire without its clothes.

The ubiquity of the Negro fiction in the colonial discourse on Africa cannot be thought to be due solely to the travelling discourses on race or the racial prejudices of the period facilitated by the spread of print-capitalism. The explorers’ encounters with the natives of Africa could have done without the importation of the negro figure and instead revealed a marvelling at the

144 Not only were Africans, as primitives, thought to have a greater threshold of pain or considered not to feel pain but it was argued that they preferred flogging to other punishments. David Killingray, “‘The rod of empire’: The debate over corporal punishment in the British African colonial forces, 1888-1946,” The Journal of African History 35, no. 02 (1994): 202. Thus, they were made out to be happy about the regime of torture at the same time as they were thought to be beasts. The happy negro and dumb negro were never more spectacularly combined than in connection to torture.

145 Ludwig von Höhnel explains the native porters response to his favorite headman Qualla. “Only one or two of the other Somal shared any of Qualla's good qualities, but they were all younger, and had not, of course, had his experience. They were, however, all alike remarkable for unusual decision of character, for their esprit de corps, and their proud, reserved bearing towards the rest of the caravan; on this account, and also because to them was entrusted the infliction of the flogging which was often absolutely necessary, they were almost as much feared and loved —which amongst negroes is the same thing – as ourselves.” Höhnel and Teleki, Discovery, 106.
variety of different forms of human life and cultures confronted – indeed the discovery (and invention) of difference is the ethnographical imperative, the explorers’ mission. Thinking the native as negro reflected and reflects a desire for the existence of a passive populace which, as explained above, was a prerequisite for the nascent order of rule by white supremacy. Existential threats – which were made manifest in the radically autonomous and hostile native – were the very things the pacification process had to extinguish. The production of the negro was as important a part of pacification as the clearing the bush of poisonous snakes, fortifying a garrison or (as will be discussed later) the making of citizens. It was the quintessential act of domestication – performing at the level of discourse what was willed and would later be effected to some degree at the level of society. In the state of trepidation, however, this fiction of the passive populace would never become hegemonic ideology. In the protectorate and colony the hostile and radically autonomous native would appear again and again as the insolent native, the criminal, the gangster, the communist, the vagrant and the slum-dweller. It would rupture pacified space and disturb claims of colonial sovereignty.

Important in Höhnel’s passage is evidence of the early, pre-protectorate, explorer’s imagining of “location” which is referred to as the “native quarter.” William Cunningham Bissell cautions us not to read too much into explorers’ descriptions of “native quarters” and native towns. Bissell states that in “nineteenth century Zanzibar, there was no such thing as a ‘distinct’ or ‘formal’ native quarter.”146 Ethnic groupings were a result of accidental geographic features, cultural commonalities and economic sense rather than being the result of centrally enforced segregation. The explorers’ reading a logic of racialized space into the town presents not the

146 William Cunningham Bissell, Urban design, chaos, and colonial power in Zanzibar (Bloomington: Indiana University Press, 2011), 63-64.
reality of nineteenth century urban space in Zanzibar but rather the European explorer’s projected imaginary to be an imaginary of apartheid. That is, the imagination draws from the fuzzy\textsuperscript{147} spatial order and patterns of the town, the rigid, racially and ethnically exclusivist boundaries of the imagined police-state.

Höhnel considered the types of African ethnic groups whose natural characteristics and particularities could be put to different uses during the \textit{safari}. He reads into the cosmopolitan labor market a crowd of gesticulating negroes eager to serve him and at the same time notes the importance of African difference. In thinking African plurality in terms of utility, not only is difference recognized but it is operationalized.

The men who offered themselves to us for service in such numbers belonged to many different races, and I cannot now enter into a description of their peculiarities, but must content myself with adding that we selected, in addition to Zanzibaris, or \textit{Watu wa Ungudya} [People of Unguja. Unguja is the Swahili word for Zanzibar], a good many so-called \textit{Mrima}, that is to say, inhabitants of the coast of the mainland between Suadani and Wanga, not only because they are sturdy, willing, and obliging fellows, but because they would be very useful in Masailand on account of their knowledge of its language and customs. We should have liked our caravan to consist of Mrima alone; but we

\textsuperscript{147} Here I apply Sudipta Kaviraj’s notion of the fuzzy and unenumerated community to the imagination of space. Kaviraj argues that traditional societies (in the Zanzibar case non-European societies might be a more precise identifier) had significantly different internal constructive principles. Whereas modern (European) societies calculated their numbers and established firm boundaries in terms of types of people and physical borders, traditional societies had a differently imagined configuration of difference. While it was precise in certain regards, communal identities and forms of belonging were not mutually exclusive in the way that the modern state and census would define them. This unenumerated sense of communal identity is what Kaviraj terms “fuzzy.” I extend this to Zanzibar’s pre-protectorate internal municipal order where space, where racialized, was not an apartheid order which deemed some spaces as exclusively set aside for some but not others i.e. segregated. Instead, where space was racialized, municipal boundaries if they were imagined were fuzzy, and not those of “native locations” or apartheid which appeared in protectorate Nairobi. See Sudipta Kaviraj, \textit{The imaginary institution of India: politics and ideas} (New York: Columbia University Press, 2010), 56.
had been told we should certainly not be able to secure enough, so Count Teleki decided to take 200 Zanzibari in any case.\textsuperscript{148}

The European-led caravan itself was not simply a “mobile home” with eager and subservient negroes at the ready but a structured social unit. Most caravans consisted of the European explorer(s) and leader(s), askari, guides and wapagazi.\textsuperscript{149} The guide or headman \textit{(jumbe)} would be at the caravan’s head or near it along with the armed Europeans (although if there were more than one European they might bring up the rear of the caravan.) Following them the \textit{pagazi}, or porters, who carry the loads to be traded with the goods of inhabitants of the explored regions which they will carry back.

\textsuperscript{148} Höhnel and Teleki, \textit{Discovery}, 15-16.

\textsuperscript{149} Porters.
They are made to march in some type of order usually in single file for practicality in movement but also so that they may be put under surveillance. Finally and importantly there are the caravan’s armed guards, the Askari, a word which continued into colonial and post-colonial Kenya to refer to both solider and police officer, expressing the ambiguity of the institutions of force in colonized and post-colonial spaces.

[The Askari] carry no loads, but they are responsible for order and safety on the march and in camp; they keep the people together, encourage them on the

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150 Höhnel and Teleki, *Discovery*, 39.
march, help them to place the loads on their shoulders, and relieve of their burdens those who have become disabled. They act as interpreters and advisers in dealings with the natives, especially in regulating the amount of tribute or presents, and in the buying of provisions, &c. When donkeys or mules are used as beasts of burden, it is the Askari who wait behind to lade them. It is difficult to define the duties of the guides as clearly as those of the Askari, for of course they depend very much upon the direction taken by the expedition.\textsuperscript{151}

The wages of these workers reveal their relative importance and their station on the hierarchy of the caravan. In Count Teleki’s caravan for example the pagazi were paid five dollars a month, the askari six to nine dollars, the guides nine to fifteen dollars a month to be paid at the end of the journey (unless a bargain is made) in order to prevent desertions.\textsuperscript{152} The similarities between the settler-colony and the order of the caravan with its surveillance, exploitation of African labor, armed policing, hierarchy, notion of home and white command are obvious.

\textit{‘Gesticulating Negroes’: The Swahili Free Laborer}

The Zanzibar slave market had supplied slaves to the Arabian Peninsula, India and plantations on the island and coast for centuries. After the departure of Portuguese the French became the most influential presence on the island,\textsuperscript{153} buying slaves for their plantations in Reunion and Mauritius. In Zanzibar two thirds of the inhabitants were enslaved and – as

\textsuperscript{151} Ibid., 16-19.

\textsuperscript{152} Ibid., 19.

\textsuperscript{153} Beachey, \textit{East Africa}, 38.
discussed above – it was this creole population who would be known as Zanzibaris or the
Waswahili (the terms used interchangeably when referring to African laborers in Stone Town.)
Thus unlike the peoples of the East African *Hinterland* who were completely unknown to the
European, the urban Zanzibari was known to Europe since at least the fifteenth century
Portuguese arrival. He was known as the type of African acquainted with slavery, wage-labor,
and white authority and as such made for the perfect porter.

As the *known* African – the coastal, urban Swahili in the European explorers’ imagination
also made for the perfect caravan guide and guard in the East African Hinterland. He occupied
the space between familiar Africa (the coastal region, Swahili islands and Mombasa) and both
the *Unika* and the *Hinterland*. Together with the other known African, the urban Zanzibari – the
laborer and descendent of enslaved peoples – he formed the Swahili. As a human admixture of
multiple worlds the Swahili prefigures the colonial subject. He was the civilizable African, the
apprentice, the emancipated slave, the laborer, in some cases the merchant and in all cases the
child. As such he becomes the responsibility of the European, or, as Charles New would have it,
he becomes the man over whom one must shepherd. As the creole descendent of the enslaved,
the urban Zanzibari in particular, as will be elaborated upon later, is the first figure of the
detribalized native who is both of the town and the town’s frontier: the African bush. The
Swahili in Zanzibar make up the ‘gesticulating negroes,’ a known group that will be later
recoded in the urban centers of the colony later as the “African crowd.”¹⁵⁴ Charles New’s

¹⁵⁴ Frank Furedi traces the history of the Nairobi crowd as a political force. See Frank Furedi,
impression of the Swahili and the ambiguity of his language\textsuperscript{155} in his description of them as both men and savages, as dead objects and employees, subject as men and object as wild and natural thing reflects the vexed and therianthropic subjectification of the native of the town. In his chapter “The Ban and the Wolf,” Agamben traces the figure of the werewolf in medieval French and English law as representing the banned individual or bandit. The expression \textit{caput lupinum} (or wolf-man) has the form of a juridical statute,\textsuperscript{156} emphasizing the relation of therianthropic subjectification with the legal exception or ban. The confluence of the wolf-man and bandit or outlaw figures reinforce the point that therianthropy does not reflect European prejudice but the inextricable state of exception included in the emergent white supremacist legal order (even in its imaginative state.) It is indeed this perceived dexterity and the occupancy of dual spaces, animal and human, civil and savage which make it possible for the Swahili to guide and help the explorer survive unexplored country. The actual plurality and cosmopolitanism that produced and existed within Swahili identity was – of necessity – flattened in explorer discourse. What emerged instead was an empty category of the human, painted over in black and refilled with a Euro-American negrophobic caricature. The Swahili, in his capacity as porter, was transformed into the Negro.

\begin{center}
\textit{The Swahili as “Negro,” the Negroïzation of the Swahili}
\end{center}

\textsuperscript{155} See Chapter 1.

“I see in this white gaze that it’s the arrival not of a new man, but of a new type of man, a new species. A Negro, in fact!”

In explaining the Zanzibar character to her readers the explorer Mary French-Sheldon tells the following story:

There is, without exaggeration, more real good than intended evil in the Zanzibaris, if they are properly and judiciously treated. They have patience, obedience, devotion, and above all, pride. A circumstance revealing the pride animating them to excel each other and win some meed of praise may be best illustrated by the following story connected with one of my porters, known as the "strong man" in the caravan. Among the baggage was a long tin uniform case which, because of its weight, was a double load; I fully expected to have had it carried between two men, but after a few marches this plan was found to be exceedingly awkward, owing to the steep, rugged country we traversed, so, with discontent, the porters put down the load upon the ground after a difficult day's march. My attention was drawn to them by the confusion that ensued. Getting at the true inwardness of the commotion, I called all the porters together, and stepped before them to try my art in soothing their fretted tempers. "Here is a box which is a double load; I have heard a great deal concerning the renown of a strong pagazi [porter] in this caravan. Now, where is that strong pagazi? A man who earns double money and double posho [ugali], because he does the work of two men?" There was a decided rustle, then a jostling and parting at the back of the throng of porters, and forcing his way through there came forward a tall, stalwart fellow, with a beaming face, his smiling open mouth revealing his glittering teeth. He stood out conspicuously apart from the others, and announced proudly, "Bébé, I am that strong man." Then whirling himself like a spinning top round on his heels to display his muscular superiority, he stretched out both his arms, clinched his fists and forcibly drew them tightly up to show off his pronounced biceps, saying, "Bébé, command me." Indicating the box with my staff to him, he

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158 Bébé (or Bibi) is Kiswahili for Grandmother and is used as a sign of respect. The author signs her name as Mary French-Sheldon or “Bébé-Bwana” indicating that she became in East Africa known as Grandmother-Boss (Bwana meaning Sir or Boss).
salaamed, and grasped the handle of the great tin box, and with one single swing lifted it clean and unalteringly from the ground onto his, I presume, thick head, balanced it there, and walked off triumphantly, sending a song of defiance and rally to the other porters, who gave vent to their adulations by slapping their naked thighs, by nods, and a general hubbub such as only a Zanzibari caravan can make.\textsuperscript{159}

The characterization is similar to the famous depiction of the simple, stupid but noble Negro\textsuperscript{160} in one of the most influential novels, the mid-nineteenth century anti-slavery tract \textit{Uncle Tom’s Cabin}. “At this table was seated Uncle Tom, Mr. Shelby's best hand, who, as he is to be the hero of our story, we must photograph for our readers. He was a large, broad-chested, powerfully-made man, of a full glossy black, and a face whose truly African features were characterized by an expression of grave and steady good sense, united with much kindliness and benevolence. There was something about his whole air self-respecting and dignified, yet united with a confiding and humble simplicity.”\textsuperscript{161} At an earlier point the character Mr. Shelby, Tom’s slave master, describes Tom to prospective buyer Haley with an affection similar to that of the narrator:

\textsuperscript{159} Mary French-Sheldon, \textit{Sultan to Sultan. Adventures among the Masai and other Tribes of East Africa} (London: Saxon & Co.1892), 138-140.

\textsuperscript{160} The point that this racist invention was a staple of the era need not be belabored. A cursory glance of white depictions of the town native in the African colony and the minstrel tradition (in film and theatre) in the United States would demonstrate the universality of these characterizations among Europeans in Europe or the settler-colonies. The trope of the black, big idiot has also been powerfully used in black anti-colonial and anti-racist work. See for example the character of Bigger Thomas in Richard Wright’s \textit{Native Son} and Aime Cesaire’s “A Notebook on the Return to my Native Land.”

\textsuperscript{161} Harriet Beecher Stowe, \textit{Uncle Tom’s Cabin} (Chicago: A. Flanagan Company. 1914), 78.
Why, the fact is, Haley, Tom is an uncommon fellow; he is certainly worth that sum anywhere,—steady, honest, capable, manages my whole farm like a clock."

"You mean honest, as niggers go," said Haley, helping himself to a glass of brandy.

"No; I mean, really, Tom is a good, steady, sensible, pious fellow. He got religion at a camp-meeting, four years ago; and I believe he really did get it. I've trusted him, since then, with everything I have,—money, house, horses,—and let him come and go round the country; and I always found him true and square in everything."

French-Sheldon’s strong pagazi is Stowe’s Tom. They are both fictions, racist caricatures of the dumb Negro: noble, simple but honest. Negroization is this process of reading particular racialized peoples through the discourse of the Negro and its racist caricaturing. French-Sheldon’s reading of the Swahili porter does not depart from American racist discourse on the Negro. This discourse, it must be stressed once more, departs sharply from the discourse on the hostile native and the notes on ethnic diversity and the diversity of temperament and “peculiarities”163 of the African tribes. As Gatling guns flatten so too does the evisceration of

162 Ibid., 52.

163 See Höhnel’s description above of the diversity of races offering themselves up for employment. Arkell-Hardwick describes the essential characteristics of Wakamba, Wanyamwezi and Swahilis in the beginning of his diary. Arkell-Hardwick, Ivory, 6-8. Interestingly, Arkell-Hardwick considers the differences between African races to be observable in the ways they go about porterage. “Nothing is more characteristic of the difference in the races than the way in which they carry their loads. The Swahilis and Wa’Naymwezi, being used to the open main roads, carry their loads boldly on their heads, or, in some cases on their shoulders. The Wa’kamba, on the other hand, in the narrow jungle paths of their own district find it impossible by reason of the overhanging vegetation, to carry a load that way. They tie it up instead with a long broad strip of hide, leaving a large loop, which is passed round the forehead from behind, thus supporting the load…” Ibid., 16. Here bodily practices of labor are linked to essential types, or “race.”
African difference and the result remains the same: pacification or the elimination of the hostile native. The gun eliminates the threat of the hostile body, racist caricature eliminates the threat of the hostile soul.

The depictions of the Swahili porter as good worker, bestial, noble and eager to please his White master and the Negro slave are identical. Tom is a “large, broad-chested, powerfully made man” and the Swahili porter, Kara, is a muscular man with “pronounced biceps” who is also described in *Sultan to Sultans*’ table of contents as the “Samson of the caravan.” Both authors present the body of the African male as an extraordinarily capable body. A body most suited for labor. This feature of the African for French-Sheldon explains his suitability for labor and for Stowe, despite her interest in ending slavery and the corresponding discourse of the black body as only working machine, remains a natural characteristic of the Negro.

The reading of the Swahili and African American as large and physically capable would find its complement in the discourse on the Negro-Hamite. This was an invention of Christian and Talmudic mythology of a type of human being who by being cursed by Noah became black-skinned and destined to remain “hewers of wood and drawers of water,” the servants of servants. The Negro-Hamite was the foundational trope for both the Negro slave in the Americas and the native porter in Africa. In its generalizing and invention of a universal type of dark-hued

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165 As the discourse on the Negro influenced the reading of the African, answers to questions about how to deal with the American Negro was argued to be found in the study of his “kindred populations in Africa.” See Jerome Dowd, *The Negro Races: A Sociological Study, vol. 1* (London: The Macmillan Company, 1907), viii.
human being it became one of the earliest references available to be cited during the modern
discursive (re-)production of the Negro.

Just as the Swahili and the Negro slave are both good workers, so too – as these excerpts
reflect – are they noble, honest and eager to please and to serve their white masters. The
Zanzibaris are good, proud, patient and devoted and similarly Tom is benevolent, dignified,
steady and pious. Both Negro slave and the Swahili porter are dehumanized (or at least distanced
from normal humanity i.e. the Aryan). Tom is as “honest, as niggers go” and Kara is presumably
thick-headed. Tom and Kara, the two human beasts of burdens, can be melded together into one
type of being: the bestial, laboring, idiot.166

The Negro is not just any native or just any inferior being but is discursively produced as
a specific and unique type of being. The naked thigh slapping and hubbub that is unique to the
Zanzibari caravan in French-Sheldon is matched with the dancing, jolly Negro slave figure in
Stowe. Jim Crow, a “quadroon” boy, displays his dancing skills at the command of his master.

“Now, Jim, show this gentleman how you can dance and sing." The boy
commenced one of those wild, grotesque songs common among the negroes, in
a rich, clear voice, accompanying his singing with many comic evolutions of
the hands, feet, and whole body, all in perfect time to the music.

"Bravo!" said Haley, throwing him a quarter of an orange.

"Now, Jim, walk like old Uncle Cudjoe, when he has the rheumatism," said his
master.

Instantly the flexible limbs of the child assumed the appearance of deformity
and distortion, as, with his back humped up, and his master's stick in his hand,

166 I use the term in its 19th century medical sense.
he hobbled about the room, his childish face drawn into a doleful pucker, and spitting from right to left, in imitation of an old man.\textsuperscript{167}

That musicality was considered an essential characteristic of the Negro is seen also in Thomson as he attempts to distinguish the Hamitic Maasai from the “negro tribes.” “Unlike negro tribes, [the Maasai] led what might be called a serious life. They had no rollicking fun, no moonlight dancing, no lively songs, no thundering drums. No musical instrument whatsoever enlivened the Masai life…”\textsuperscript{168}

These racist readings of the (Bantu) African were not bigoted and malicious, on the contrary these depictions were taken from works that were written with the intention of lessening what they considered to be the inhumane treatment of Africans. In the case of French-Sheldon her expedition into the unforgiving Hinterland of East Africa was as much a feminist demonstration of the viability of the independent White woman as it was a tool to condemn excessive force and cruelty in the colonial order. In her foreword she writes,

From the public I crave indulgence for all shortcomings with the assurance that under the crushing weight of a supreme sorrow which has overtaken me whilst “Sultan to Sultan” has been press, it has been with an aching heart I have completed the work, endeavoring with fortitude to do my best to make my readers better acquainted with the possibilities of the natural primitives whom I am proud to call my friends and be called friend by, and to demonstrate that if a woman could journey a thousand and more miles in East Africa, among some hostile tribes, unattended by other than Zanzibaris mercenaries, without bloodshed, the extreme measures employed by some would-be colonizers is unnecessary, atrocious, and without the pale of humanity.\textsuperscript{169}

\textsuperscript{167} Stowe, \textit{Uncle}, 55.

\textsuperscript{168} Thomson, \textit{Masai}, 432.

\textsuperscript{169} French-Sheldon, \textit{Sultan}, Forward.
Proof that excessive force was not necessary was offered in her reporting that she only needed to whip a few men. “Counting the men who were flogged during my entire safari, the actual number does not exceed, in fact does not attain, the fingers of my two hands.”\(^{170}\) She had had to change her view on whipping which she previously opposed, but this was forced upon her by the natives’ male chauvinism. “Coaxing arguments and persuasive talks were disregarded and sneeringly laughed at, probably the more so because I, their leader, was a woman.”\(^{171}\) Her restraint in the use of force showed the potential for a more civil colonialism while her refusal to shy away from flogging when necessary demonstrated the equality of the competencies of white women and men. It showed that white, bourgeois feminism is also equal to and if need be up to the task of torturing black bodies.

The process of Negroization can, finally, be demonstrated through examining what can be thought of as a “slip” in the language of one of the explorers. Thomson tells a story of a war raid. One night his caravan’s porters were jolted awake by the sound of one of their men shooting into the darkness. They were soon to discover that the Wa-kikuyu were “stampeding” them. This occurred while Thomson and his porters were surrounded in the midst of what he describes as a hailstorm, “A terrific thunderstorm, which, being followed by hail, reduced the porters to the most abject helplessness, for nothing paralyzes a negro faster than wet cold.”\(^{172}\) The Swahili porters are here explicitly named Negros and as such they are presented as feeble

\(^{170}\) Ibid., 136.

\(^{171}\) Ibid.

and childlike – a depiction that is at the opposite end of the thieving and murderous native
Kikuyu who of course were braving the wetness and coldness of the storm to attack the caravan.
Despite the Kikuyu being of the “Bantu” peoples who were considered to be one of the “Negro
tribes” of Africa – the hostile natives who were the Kikuyu are set in opposition to the Swahili.
The Swahili are the Negroes who are paralyzed and made helpless by the fearful storm. The
Wa-Kikuyu on the other hand – despite being of the Negro races – are the fearsome outsiders
who care nothing for the storm but attacks the caravan in the midst of hail. They are fearless,
murderous and the opposite of helpless. Thomson forgets that the Kikuyu is supposed to be a
Negro as well. Negro, then, has a dual nature. Negro is not a stable, biological type despite what
nineteenth century anthropology and craniology might have proven but rather there are two
Negroes. In one case the Negro is an anthropological invention – a product of the discourses of
ethnography, race theory and craniology etc. – a type of human being that is located in its
particular place in the hierarchy of human kinds. The second is a social category determined by a
relation of power. The Negro in this second category can only be thought to exist when it can
be reasonably held that he or she exists in a relationship of dependence, inferiority and
subservience to the European subject. The being that is this Negro depends upon the supremacy
and sovereignty of white power for its existence. Without this, it is hostile, autonomous and not
of that category of a being who, without the reassurance and command of its European master, is

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173 Fanon divides the dual nature of the Negro in an illuminating way. The divide is not
anthropological and situational but rather maps onto the psychoanalytical distinction of
conscious and unconscious. There is the Negro of reflection who is a person (though a particular
type of person, a distinction that Fanon does not emphasize here,) and then there is the Negro of
the subconscious. The Negro who is known to the subconscious is recognized in its discursively
constituted form, a discourse of the nigger-savage. “The European knows and he does not know.
On the level of reflection, a Negro is a Negro; but in the unconscious there is the firmly fixed
image of the nigger-savage.” Fanon, Black, 154.
paralyzed by the wet cold. This is why it appears as the figure of the porter and the slave but cannot appear in the hostile tribe except as an expression of a will to power over the hostile tribesman and a wish or claim that he or she could be pacified. (Pacification, after all, is always at some level this drive to supplant the hostile with the Negro, the sovereign or wolf-man with the citizen, the criminal with the rehabilitated, the vagrant with the waged or imprisoned.) It thus becomes clear that this second figure of the Negro is relational and as such the Negro that is Tom and Kara (and the figures of the Zanzibari) do not exist but rather they are figures that depict a body undergoing a process of pacification and domination. The Negro as such does not pre-exist its capture by European racialized power, it is rather an effect of a process of domination: what exists is a body’s Negroization.

In the Americas as in East Equatorial Africa the Negroization of the African produced (and produces) a figure whose labor could be exploited, whose body could be tortured, whose actions could be policed, all without doing damage to Christian morality or humanist and liberal ethics. The negro body is an embodied state of exception. It is by way of this construction of a state of exception that the requisite torture, destruction and exploitation of the liberal state can be deployed to exhaustion without destabilizing its ideological representation as the wellspring of freedom, rationality and justice. The derogation of the African allowed for his/her inclusion into the civil order while neither upsetting that order nor the hierarchies and ideologies which made it possible and functional. Negroization is also a sub-function of what Etienne Balibar calls ethnicization: “Ethnicization, or peoplehood, resolves one of the basic contradictions of historical capitalism – its simultaneous thrust for theoretical equality and practical inequality.”

This function of reconciling the contradictions of capital would be achieved by the recognition of

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174 Balibar, Race, 84.
hostile tribes as ethnic groups but in doing so one includes the state of war in the social order, creating unpacified space and the impossibility of settler’s peace. Moreover, anthropological study and taxonomies of African tribes coupled with the extant relation of war rather than a relation of servitude that defined hostile peoples vis-à-vis the white supremacist order militated against Negroization, maintained the condition of radical alterity and autonomy and – as will be elaborated in later chapters – meant the impossibility of the police presence. Indeed, discursive pacification alongside military pacification and the emergence of the town had and has at its primary aim the destruction of these autonomous subjects and spaces and the creation of new colonial subjects – the process of transforming indigenous peoples into racialized Negroes was indeed the very movement of European representations of the indigenous from one of radical alterity unanswerable to white authority to civil (or native) subjects, which guarantees answerability and compliance through fear of punishment. The police may only emerge when there is a town and a negro populace. In the absence of this the state is in a constant military stance and a state of emergency. In industrialized society Antonio Gramsci argues that when the

175 As will be examined in Chapter 4, the legal status of the African as subject or non-subject was vexing and problematic for the nascent administrative order. It was Lugard himself who wrote that native inhabitants should become “protected British subjects” as soon as the protectorate was declared. He argues that they should become legal subjects because they deserved “civil rights” and the right to appeal to mistreatment as opposed to their current legal designation as “inhabitants” which was a status, he notes, that offered no more legal rights than those of cattle. At the same moment he argues for including the native under the reach of British legal power through “subjecthood,” he mentions that Arabs should become subjects of the Crown rather than of the Sultan so that they may be tried under British law. To further support his argument he mentions that once natives are subjects and also “amenable” (read subjected) to English law they would be subjected to this law regardless of the state in which they happen to be located. Lugard, East African, 627-631. Remarkably, the law that on one hand furnishes the subject with civil rights is here consciously and explicitly understood by Lugard as a means to draw the native into the Crown’s jurisdiction and address him through the power of law (and thereby forcing his or her submission to the power of legal violence.) The native would be subjected to British power not only in the protectorate but the world over. Lugard would get his wish and natives would become “British protected subjects” a few years later. (See Chapter 4.)
leading class loses the consensus it manufactured, it becomes a dominant class only, maintaining its rule by coercion. In the Hinterland, society has not been educated into an acceptance of white supremacy and sovereignty and the ideologies which facilitate its rule have yet to be established. Unlike industrialized society, the (white supremacist) educative state in the urban centers of the colony is only in its infancy and as such the need for discursive and military pacification represents the permanent state of the crisis of authority for the class that seeks hegemony (continuing in Gramscian terms.) Coercion is necessary because neither ideological hegemony nor the constabulary force which is there to correct those who fall out of line exists. In Althusserian and Foucaultian terms, the indigenous being must first be subjectified so as to be subjected to white authority. This can only be achieved through negroization. The moment of military pacification and later the expedition, is the moment of the crisis of white authority and its corresponding state of emergency that has been unable to subjectify and subject the natives. The caravan on the other hand is a space where white authority is relatively secure and is ensured by ideologies of race, labor, the hierarchical trading company, and the mobile state, which have successfully subjectified and subjected the “Negro.”

The Wasuahili are understood in terms of their type as defined by the colonial racial taxonomy of African tribes. This form of human speciation assigns to the group known as the


\[177\] According to Louis Althusser, after subjects are properly subjugated to the ruling ideology and are thereby good subjects they need no prodding but ‘work by themselves’ as automatons. The repressive state apparatus exists only for the ‘bad subjects’ which occasionally do not ‘work’ as desired. This repressive apparatus in our case is the constabulary force, which has not reached any significant development at this point in the region. See Louis Althusser, "Ideology and ideological state apparatuses (notes towards an investigation),” in *The Anthropology of the State: A reader*, ed. Aradhana Sharma and Akhil Gupta (Oxford: Black Publishing, 2006), 108.
Swahili an essence, a humanity imbued with the immutable aspects of tribal character – their natural character in both the sense of being particular to them and also in the sense of their being of nature, objects of the natural world. Unlike other “tribes” whose natural characters can be read from ethnographical study of their origin stories, cosmologies etc., the content of the Zanzibari character is part and parcel of the broader discourse on the Negro. They are not simply a negro tribe of Africa but rather they are the tribe of the Negro in Africa.

The Swahili as Zanzibari porter, objectified by the discourse of race, has his original objectification reinforced by the objectification or commodifying function of capital, which produces him as labor. Returning to Charles New standing night guard over his porters: “… around me about thirty half-nude, swarthy savages were lying, to all appearance dead; the fires blazed fitfully, and threw a lurid light over their prostrate forms; the trees, dimly discerned, looked like grim goblins watching over us; whilst dense darkness and profound silence reigned around, and I— I was acting sentinel.”

New views the sleeping bodies of his Swahili porters as both of the tribe of the Swahili and as porters, both of which are labor categories. Doubly objectified thus the Waswahili are not recognized as subjects. Describing the originary subjectification of human beings Althusser writes, “I only wish to point out that you and I are always already subjects, and as such constantly practice the rituals of ideological recognition, which guarantee for us that we are indeed concrete, individual, distinguishable and (naturally) irreplaceable subjects.”

New’s porters escape this individuated subjectification and “reconnaissance” as human. As he watches (over) his porters, New does not recognize them as individual, nor concrete, nor distinguishable but rather they are of that which is not subject: the

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178 New, Life, 481.
179 Sharma and Gupta, Anthropology, 104.
natural, the tribal, and labor. The Zanzibari’s dehumanization, however, is not as absolute as is that of the hostile tribes of the Hinterland. As will be seen in the following chapter these are not read as people at all\(^{180}\) but as howling hordes and a barrage of poisoned arrows. Swahili porters as Waswahili are objectified by the discourse of tribe as essentialized, natural(ized) beings, and as porters they are objectified as labor. It is after the first objectification process that the European reads the Swahili porter, not as an individual, but as a pacified savage – the negro native tribe of Stone Town. This, reinforced by the objectifying force of capital transforming race into labor, or labor into race, and the pacifying force of the space ideologically produced as municipal (the towns of Mombasa, Kilwa, Stone Town) etc., produced the European’s Zanzibari.\(^{181}\) Later it will be seen how capital and municipal space will effect similar transformation for other peoples during the protectorate period, transforming the Kikuyu, Kamba, Nandi etc., into the raw native, the raw native into the native, the detribalized native, and finally the civil African (a sanitized version of the Negro.) This last figure – if not also considered a detribalized native for e.g. the child of a sex worker born and raised in the town who cannot be officially linked to a particular tribe\(^{182}\) – is re-fitted with a tribal identity. One with its propensity to signify hostility scrubbed out of it and denoting rather one among many population categories of the census. This

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\(^{180}\) With the important exception of the person deemed to be the chief. The explorers regularly summoned one individual from the hostile tribes to be their interlocutor. Although that individual was always and object of curiosity for the European, through dialogue he was removed from the category of the hostile horde and became an individual.

\(^{181}\) That is, the Zanzibari not as a thing-in-itself but as a representation. A figure of the native that was not irreconcilable with European interests and often was the figure of the native the European desired the indigenous individual to be.

\(^{182}\) See Chapter 5.
new figure – the African – is the ceiling of indigenous subjectification in the nineteenth century, white supremacist discourse of East Equatorial Africa.

_Corpor(e)al Pacification: The Birth of the Whip_

The second continuity between porterage and slavery was the use of the whip to control labor. That flogging – in some cases to death – as instrument of labor control persisted after abolition or emancipation affirms the perhaps banal point that flogging and even death by flogging were not particular to slavery. In fact, flogging was the central mode of policing throughout the pre-protectorate and protectorate eras although in the latter it was, by law, only to be carried out by a magistrate. Flogging not only disciplined bodies and performed white sovereignty but it was discursive even in its enactment. The beating of particularly racialized bodies was a pronouncement of and statement confirming racist ideologies of particular types of bodies. It identified (as it continues to do today183) which bodies are bodies that can be tortured and prostrated in particular ways i.e. _floggable_ bodies. Foggable bodies – bodies that are deemed suited for torture by flogging, if not requiring it – did not mean that other bodies were necessarily excluded from this form of torture (although in the East African Protectorate most other racialized bodies would be, with the important exception of white British military bodies).184 But it did set up the black body as a referent; it was the foggable body, and therefore,

183 The discourse on which kinds of raced bodies can be destroyed, beaten, lynched of course is not limited to the time and space of the pre-protectorate Nairobi. It is, as it always was, part of a transnational idea about blackness uttered with particular frequency in white supremacist (and) liberal discourse.

184 Killingray, _The Rod of Empire_, 203.
to be flogged added insult to injury for non-natives, in that it put their privileged status into question by equalizing them with natives.\textsuperscript{185} The "micro-physics" of the body in the colony presupposed the conception of the body not only as strategy but as property.\textsuperscript{186} The racialized negro body – as a body existing for and at the pleasure of whiteness – was always-already conceived of as property, as machine and as flora and fauna. Flogging was the ritual and material practise by which the relation of property was reproduced – a strategy for producing the indigenous body as property.

Flogging was a statement about the type of body the porter inhabited and the type of policing thought necessary in the proto-settler colony of the caravan. The whip was the symbol and instrument of policing power in a caravan which did not and could not have a modern constabulary force. Where surveillance was weak (as evidenced by frequent desertions and theft) the whip identified the sovereign and the servile, enforced peace and policy, disciplined labor’s bodies and gestures (especially those of deference) and would eventually (through its regulation) impart and enforce the internalization of the legal order. It is this system that was imported (figuratively speaking but also literally as in the form of the moving caravan) into central Kenya, and ultimately Nairobi from the Swahili slave-coast.

\textsuperscript{185} The indigenous African was the referent to the most debased human throughout the settler-colonial Africa. Gandhi in South Africa, for example, campaigned against the mistreatment of Indians on the basis that they should not be reduced to the status of the native savages.

A flogging of a slave

As an illustration of judicial cruelty, we give the following fact. One morning a Msania\(^{188}\) came to our tent in a very excited state, exclaiming, "Oh, white man! white man! Do go to the market-place, they will kill the man! They will kill the man! Do go and help him if you can!" As the Msania was not likely to have been so affected about a little matter, we thought there must be something very


\(^{188}\) An individual from the costal area of contemporary Bereito Wasania, Kenya.
bad going on, and we went to the market-place. Arrived there, this is what we saw. A man almost nude was slung up by his hands to the flagstaff several feet above the ground, with nothing else to support him and to keep him from swinging about but a piece of coir-rope around his waist. His back was severely bruised, was bleeding fast, and he was gasping for breath. Seeing us, he groaned out, "Oh, Waunguana! Waunguana!" (Oh, gentlemen! gentlemen!) in piteous appeal to us. I shall never forget it. A noisy crowd was standing around, among which were a large number of Belooch [Beluchi] soldiers. These men were in their glory, and were gloating over their victim. It was their especial privilege to lay on the stick; and they had already been practising their brutalities, though the beating was suspended upon our appearance. Armed with heavy sticks of "mtogue," as tough and supple as a piece of gutta-percha, they had been exercising all their muscular power in beating that wretched man, one by one parading up and down before the panting man, and carrying out the programme thus: "Son of a dog! Etc., etc., behold this stick, how lithe and tough; just the thing for thy back,— I'll teach you! Take that, that, and that! It smarts does it? Good, you shall have more by-and-by; but I must breathe." Moved by the cruel scene, we interceded for the poor man, and he was for the time released; but, as we afterwards learned, we had no sooner left the town than he was rebound and flogged to death! It should be observed that the man had been guilty of some petty theft. Such is slavery in East Africa.  

In the above passage Charles New narrates the murder of a slave by flogging. The incident occurred in Malindi, likely during his trip to the Swahili coastal town in 1866. Importantly, he identifies the slave’s death by flogging as an example of judicial cruelty and tyranny and earlier in the passage he made the case for the abolishing of slavery due to the “social and judicial tyranny and cruelty” to which the institution had given rise.  

New was offended not only by the brutality of the torture and killing but also by the absolute power over human life and body, and the inhumanity which this reappearance of patria potestas inspired. (In

189 New, Life, 503-504.

190 Ibid., 503.
conveying absolute power over the slave by the individual and independent father *patria potestas*, the Roman legal idea, best describes settler power over the native in East Africa.\textsuperscript{191} It was held in the early caravan era by European caravan leaders and continued to be fought for in the settler period where settlers fought the administration for absolute power over the native.)

The lack of a trial, measured punishment, limits to judicial overreach, prevention of cruel, unusual and vengeful punishment, that is to say the absence of the checks and balances which liberal governance would provide were decried in his labelling of the incident judicial cruelty. The absence of the measured, liberal form of governance for New – i.e. proper administration - is what allowed the absolutist cultures of the sultan and his soldiers “Arabs and Belooch of the most debased class”\textsuperscript{192} to continue their tyranny on the coast. As a missionary first, New sought to portray his mission (and by extension the European one) as a peaceable party and to this end he understated his weaponry\textsuperscript{193} and told no stories of flogging his porters. The depiction of the murder by torture is partly abolitionist work and partly an advert for European liberal administration of the region contrasted with the depiction – tinged with Orientalist ideas – of the cruel anarchy of debauched Arab slave masters and their Baluchi hands.

The call for European colonial rule is also encoded in the reference to the Msania’s call for salvation from the “white man” and “Waungwana.” As New explains to his readers, both the

\textsuperscript{191} *Patria potestas*. Interestingly enough, was also used to describe Kamba familial relations. Report by Sir A. Hardinge on the Condition and Progress of the East Africa Protectorate from its Establishment to the 20\textsuperscript{th} July, 1897., 1897, C. 8683, at 21.

\textsuperscript{192} Ibid., 166.

\textsuperscript{193} New wants his audience to understand that his caravan was armed laughably lightly, “Though a missionary, I had not thought it prudent to venture on such a journey as that which I was now undertaking without arms; yet, I confess, when I think of our party as an armed one, novice as I am in these matters, I cannot help a smile.” Ibid., 292.
Msania and the flogged man call out to the white man for salvation recognizing that his presence and intercession could potentially halt the inhumanity of the killing. The presence of a European body indeed was powerful and influential enough, according to the narrative, to pause the barbarity of the Baluchi if only for a moment. Elsewhere in his diary he laments that he could not do more to save the man. The subtext being, of course, that his impotence was due to the lack of European governing power. “Interference did more harm than good, so we were obliged to see and hear all, but say nothing. At length we shut ourselves up in our dark and sultry lodgings, in order to avoid witnessing cruelties which we could not prevent.”\footnote{Ibid., 167.}

The call for white power in the form of European colonial power is telegraphed to the readership while liberal colonial governance is projected as the antidote to Arab and Baluchi juridical tyranny and cruelty. At the same time, if his interpretation of events is to be accepted, the scene can be taken as evidence of the power of the white body in African space, white salvation and white authoritative power being internalized by the urban African as early as 1866.\footnote{For some, white salvation and the mythical power of whiteness was also recognized in the caravan. Anthony Clayton and Donald C. Savage noted that some porters wanted to join European-led caravans because white men were good omens and could protect them from jackals and bad luck etc. Anthony Clayton and Donald C. Savage, \textit{Government and Labour in Kenya, 1895-1963} (London: Frank Cass, 1974), 8-9.}

Important to note, lastly, is the nature and mechanics of the flogging itself. The flogging of the slave is not a mob beating, chaotic and with no regard for structure as the thrashing which was seen in the mêlées of the Maasai markets.\footnote{See previous chapter.} On the contrary the body of the culprit is incapacitated by means of the coir-rope and tied hands, the lifting off of the ground and the tying to the flagstaff. The simple deployment of the disciplinarian’s didactic violence was not the aim
but rather what was most important was the dramatizing of servility, vulnerability and the absolutist command of the master. The performance of the master and slave order reinforced it. It is to reinforce the order that the floggers aim to use all of their bodily force to destroy the man’s body. This act signified the utter domination by the master of the slave and performed absolute rule, power and the master’s ability to literally crush the slave to death. This was done while dehumanizing the enslaved man through slurs which reinforced the enslaved’s inferiority while ensuring that homicide would not threaten conscience or morals as the being murdered and the body destroyed was not human.

The murdered man’s petty crime was not punished merely to teach and enforce the social order. It was more importantly an expiation of the insolvency and resistance that thievery represented – an insolvency which threatened the entire order. It required a response that would engrav in slave society – by means of public torture and the rumors that were sure to follow – that such a threat would not be tolerated. This expiatory practice was a pleasurable one as New notes. Flogging provides sadistic, erotophonophilic and vampiric pleasure heightened by the biastophilic pleasure of forcing the phallic whip against the nude or almost nude body. It can be assumed that racialized discourse would heighten these pleasures again in the caravan and protectorate eras when racialized slave and servile bodies are identified as floggable bodies. Here the mere presence of the black (criminalized) body and its known availability to the unchecked violence of the Europeans could itself generate sexual arousal for the European master.
All of this was disavowed by the Christian missionary Charles New who derived his thrill of (possibly sexual) power in Nietzsche’s sense\(^\text{197}\) through humility, non-violence and weakness. The abolitionists’ purported humility and weakness was never intended, of course, to result in a disavowal of sovereignty over (and much less a submission to) the African or indigenous world-views and orders. He desired the liberal state with its measured, checked disciplinary powers which despite its totalitarian reach was always presented as relatively less aggressive vis-à-vis monarchy. He fought against both the authoritarianism of the masters, the anarchy and tyranny of the slave society and the individualized monarchical sovereignty (i.e. the slave-master) it made possible. His last sentence “Such is slavery in East Africa,” closes the narrative in an exasperation which also conveys the will to colonize i.e. to pacify.

*Patria Potestas: Sovereignty over life and body in porterage*

Absolute power over life, death and the body persisted in porterage, especially before being marginally regulated for the first time by the 1894 “Regulations to be observed by caravan leaders and others in the engagement and treatment of Porters,” in Protectorate Zanzibar. During a particularly difficult part of the journey over difficult terrain, porters at the head of Mary French-Sheldon’s caravan collectively cast off their loads and refused to move. Despite the flailing of the headman’s kiboko the men would not move and began to tell the other porters to cast off their loads as well. French-Sheldon decided that she had to “demonstrate to these mutinous, half savage men that [she] would be obeyed, and that discipline should be enforced at

\(^{197}\) Here I refer to his critique of Christianity, morals and humility as in actuality expressions of the will to power rather than a negation or abdication of it. Friedrich Nietzsche, *The Will to Power*, trans. Walter Kaufmann and RJ Hollingdale (New York: Vintage, 1968), 85-219.
any cost.” She shot a buzzard out of the air demonstrating her accuracy and thus power and then let the men know that she would shoot any man who did not pick up their load at the count of three. She reminds the reader that it was not an empty threat, as she was given the power to shoot dissenters by the Sultan of Zanzibar. It was clear to her that absolute monarchical i.e. sovereign, power, which the sultan held, was delegated to the European in the autonomous space of the caravan. When the porters eventually complied she had the ring leaders flogged. She thinks of her decision to display her military supremacy and to use the whip against the “revolting” porters as both a life-preserving act and one that stopped the contagion of rebellion. “This was the first and last revolt during my safari, and if it had not been promptly and fearlessly quelled, my life would not have been safe, and the entire caravan would have been in constant danger from similar outbreaks.”198 In her caravan, performance, flogging, command and order were understood not simply to be policy preferences but of existential importance for both European life and governance. African resistance would years later and throughout the protectorate and colony be similarly “quelled,” i.e. pacified.

The famed Frederick Lugard in Uganda, presented his reluctance to use the “death penalty” as an example of civilized restraint and measure. “Williams brought up the Sudanese199

198 French-Sheldon, Sultan, 173-176.

199 The (mainly northerner) Sudanese were “remnants of the troops which had formed the Egyptian garrison in Equatoria [Southern South Sudan, Juba Region]. They were instrumental in the 1885 relief of Emin Pasha in Equatoria although many had deserted. Lugard was in two minds about them. On the one hand, the collaborating Sudanese were the best of soldiers, the loyal “black regiments” fighting the Madhists in Sudan and against “Kabarega” (Kabalega the hostile leader of Unyoro.) On the other hand they needed European supervision or else they would be cruel towards the natives and their slaves. He seemed to hold them in higher regard than the Swahili and thought of them as a martial race. Lugard, East African, 133-135 and 236-237.
sergeant-major, not having heard the causes for which I had sent him from Dagoretti. This fellow had again attempted to incite the men to mutiny and desertion, and had now been brought on as a prisoner to be tried for his life. As the general spirit among the men seemed excellent, and no example was needed to exert a deterrent effect, I was averse to the death penalty; and the man was flogged, sent in irons to the coast...deprived of pay, and dismissed the service with ignominy.”

200 Civility is not only reconcilable with monarchical and tyrannical, sovereign power but its deliberate and measured use is put forth as a proof of it. Whereas the murders of slaves by Arab and Baluchi hands is abhorrent, those by one’s own European hands in the context of porterage is seen as a judicial use of power. Torture and the destruction of the native body is not horrid in itself but only so if deployed from within an unacceptable social institution: slavery. Redeployed in the new state of the European-led caravan the monopoly of violence – *patria potestas* – is restored to the European and as such becomes legitimate. The Canadian-British explorer William Grant Stairs once remarked that “in a county supposed, like this one, to have a good administration, it could be that I haven’t the right over life and death.”

201 He would go on six months later to cut off the head of Katanga’s indigenous leader Msiri and hoist it on a pole as a warning against resistance to European rule. If the abolitionist could be said to have rejected absolute power over life and bodies, it was certainly not so for all explorers. 202 Ewarts Grogan, who would become the [leader of the] Colonists’ Association in Nairobi, in contrast, celebrated his attempted murder of a deserting porter. In a text peppered with racist slurs and caricatures he

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200 Ibid., 59-60.

201 Stairs quoted in Rockel, *Carriers*, 186.

202 Power over life and death of porters were not limited to Europeans. The coastal merchant elite Vbandevba had legal power over the life and death of porters until the early 1880s. Ibid., 168.
at one moment tells the story of shooting after a deserting porter “fully intending on killing him” but only succeeding in shooting off his fez. 203

Almost all European explorers dreamed of a settler future. Whether the abolitionist, the explorer dreaming of liberal colonial governance, or the raw settler 204 – the white supremacist ideologue dreaming up the permanent subservience of the native to the white man – all desired complete sovereignty over the space and its population, its management and the hegemonic sway of European policy within it. Their performances of power and didactic violence were a garbled expression of the will to this settler future, which was one and at the same time the will to a police order. Police power in East Equatorial Africa is exhausted neither in biopolitical nor sovereign power, neither the power to make live and let die nor to let live and make die. 205

Indeed, these forms of power can be relinquished (in the case of the abolitionist for example) as a confirmation and enactment of absolute power itself. What appeared in East Equatorial Africa in the space of the caravan was rather the power to make order, the creation of the machine which determined who died and who lived and the manner in which lives and deaths occurred. Policing power is the power to create the conditions in which the subsidiary powers of biopolitical and sovereign power could operate. It concerned itself not so much with disciplining bodies, the health of populations or executions but with the establishing and expansion of authority – the

203 Ewart Grogan and A. H. Sharp, From the Cape to Cairo: The First Traverse of Africa from South to North (London: Hurst and Blackett, 1902), 134.

204 I suggest that just as there exists the raw native there exists a raw settler. A white person emerging from the rough of whiteness i.e. unmitigated white supremacy and anti-black hatred who has not yet had the opportunity to put on the comparative refinement of white supremacist officialdom.

police-state. Responding to the shock of East African difference perceived through the lens of racial difference, authority meant white and European supremacy, hence the *white supremacist* nature of the police-state. European explorers, abolitionists, and Omani slave drivers all held culturally different performances of policing power but what was of penultimate importance for all of these groups was the power over the order. This was the power to police.

Death by torture was certainly not unheard of in porterage, but the uses of flogging exceeded the destruction and disciplining of bodies and the generating of the necrophilic pleasures of rule. Flogging was a pedagogical instrument. It trained individuals and populations into submitting to white supremacist sovereignty while maintaining its order. It taught deserters not to cheat their masters through escape, taught porters not to steal from their surroundings and to respect property rights and taught certain ethnicities that they were not superior to others and that all were equally inferior to the white man. In a remarkable passage, Lugard puts a certain chivalry on display along with humanity, white civility and the gendered exclusions of the floggable body. He expresses these ideas through the thrashing of the caravan’s headman and the didactic performance of violence aimed at demoting the Sudanese from an officer of a “martial race” to a member of the brotherhood of inferiors i.e. make him an African proper.

It was piteous to see how emaciated and sick some of the old women and child slaves were, and the rough and cruel way in which they were treated. The women were the worst offenders in this, and I was nonplussed how to deal with them, further than by an explosion of language! One, however, I sent over under an escort of my men, and made her a prisoner in my guard-tent for cruelty to an old slave-woman; she turned out to be the wife of an officer. While still perhaps somewhat excited by my indignation over this, I saw a fine stalwart Sudanese strike a slave. I struck him a blow across the face with all

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206 Lugard retells a story in which a porter’s death by flogging is incidental to the problem of maintaining order in the face of a spurt of porter desertions. Lugard, *East African*, 300.
my might, and continued to strike him till my stick was shattered. The man took it in absolute silence. He was an officer, and the public disgrace of being flogged "like a slave" was very great; nor could he, in all probability, understand in the least what had brought my fury upon him, any more than if you were to suddenly assault your hansom-cab driver because he whipped up his horse! I, however, let it be well understood what my reason was, and shouted to the dense throng, that I would give the same to any man I saw striking a woman, or a child, or feeble slave. 207

The Sudanese officer is not presented as a cruel slave driver but rather as a simple native who was ignorant of the inherent human dignity of even the least of men, slaves. Lugard struck him violently to teach him and the rest of the caravan that slaves were human and that cruelty would not be tolerated. In thrashing with his authority as white caravan leader to teach him this, however, he reinforced the new world order of racial power, where if there were hierarchies among the natives, relative to the white man these were now invalidated. There is only one overriding hierarchy, white and African, and white is superior. Human dignity and perhaps its latent call for abolition emerges in a white supremacist order. The putatively progressive idea of human equality and anti-cruelty is articulated through white supremacist ideology and instituted through the cruelty of violence. Here white supremacy and torture are revealed to be the accomplices of liberal ideas. It must be emphasized here that Lugard is conscious of and completely understands the importance of public violence and dehumanization as a pedagogical tool used to dehumanize while reinforcing the status of servility and inferiority. The action taken was not simply a physical reprimand but rather the mode of punishment that was chosen was the thrashing that one would give a slave. It was a calculated performance in order to equalize the inferiors, show there were no slaves or masters in relation to whiteness but all were equally

207 Ibid., 247-248.
under his command as natives. This of course mirrors the functioning of the state where citizens are (ideologically produced as) equal in relation to one another but under the supreme authority of sovereign power.

These were not “men of their times.” This myth aims at making invisible the full range of other possibilities, modes of behavior and spectra of ideas that exist in all societies and rupture all discursive spaces at all times. The choices made were made because of expediency, the will for a desired order, and to attain the pleasures of violence. In the caravan there were also guides like Tom Charles who despite his history of fighting would not participate in certain forms of violence. “[Tom] was not very big, but as strong as a Hercules, and his face was marked with many a scar which he had won in drunken brawls. We had ordered him to inflict a flogging on some offender, and he had refused to do so, as he could not bring himself to hit a fellow-man. His behaviour seemed absurd, but the discipline of the caravan was not then such as to warrant the personal chastisement of a guide, and the matter was passed over. From many a subsequent experience we found that Tom Charles really was a most tender-hearted fellow.”

As a man involved in brawls Tom was not opposed to “hitting his fellow man” but opposed to the type of hitting that produced his fellow man as not a fellow but an inferior. This resulted in the scorn of the caravan guide even as it elicited a patronizing respect. Tom Charles embodied the contemporary alternative to the dehumanizing and flogging order.

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208 Höhnel and Teleki, Discovery, 176.

209 Tom’s race is not mentioned in the diary and he is introduced in the text as guide among a number of Swahili guides. This along with the emphasis on his physical capability suggests that he would be raced as a native or negro but possibly Christian. In any case the recognition of Charles’ refusal to flog a “fellow-man” and reflecting upon this curious position demonstrates that moral challenges to torture emanated from within the caravan as well as outside of it. This challenge was made by individuals whose opinions were worthy of being reflected upon, if not,
dehumanization and violence committed against the native is an occasion for pleasure and humor. “...the damp cold is singularly fatal to the coast natives, who, under its influence drop down paralyzed, apparently utterly unable to make the slightest exertion to better themselves. On these occasions you may beat them with a stick till you are tired, but they will simply put their heads between their knees like an obstinate donkey, and whine out, “Si wezi,” “Si wezi” (I am not able).”

It must be emphasized that porters would not always suffer under the weight of racist, dehumanizing treatment. Like the go-slow sabotages that proved so effective as actions against slave planter power throughout Africa and the Americas, porters resisted in ways that went above and beyond desertion, strikes and “theft.” They sometimes engaged in actions that might be read as counter performances. Arkell-Hardwick tells the story of deserters after being caught were found to have had “deliberately burned” their loads made up of food and valuable Venetian beads. The author could not find any other reason as to why they had done this except “wickedness” and “perversion.”

Of course their highly dramatized actions were in the tradition of rebel slave culture and deliberate performances of radical authority over their selves and labor. It countered claims of white sovereignty thereby asserting a radical autonomy.

_Calculated Lashes_

Before the 1894 Zanzibar regulations there were no guidelines or legal limits regarding the treatment of the caravan’s porters nor any document securing their rights. Once beyond the ________________

were elevated to the position where they were considered to be legitimate interlocutors. With Tom’s presence alternative ideas on caravan culture were available to be considered.

210 Thomson, _Masai_, 410.

211 Arkell-Harwick, _Ivory_, 155-158.
reach of the Sultan and entering into the interior of East Equatorial Africa authority was experienced and maintained through the whip and the gun of the white explorer and the askaris under his command. The lack of an external sovereign power or legal code limiting the abuses of the caravan leaders did not mean that they did not impose limits themselves. Although, as shown above, there were several instances of death by flogging for porters some caravan leaders employed limits according to their own sense of mercy but also due to the awareness of the efficacy of restraint, measurement and calculation in punishment.

The technique of ascribing a particular number of lashes as the punishment for particular offenses would become sophisticated during the protectorate and colonial periods but even in the caravan era calculation and standardization in torture produced important effects. When porters were made to understand that there was a maximum limit to lashes, power in the caravan transformed from the arbitrary decision making and will of the monarchial sovereign that was the caravan leader to that of a legal order. The sophistication of a legal code creates the fiction that blurs positive law with natural law, where punishment is presented as the natural and opposite reaction to criminal activity. In this fiction the criminal is presented as the author of his own punishment: he or she knew the consequences of the crime and the punishment received is a natural and predictable result of his/her action. Regulated, predictable and repeated forms of punishment transform brute state violence into consequence. The sovereign – the arbitrarily punishing caravan leader – begins to disappear and be replaced by a natural order that appears as an inevitable, impersonal reaction.\footnote{Foucault describes this transformation in the case of Europe. Punishment moves working as deterrence through spectacular displays of violence from the sovereign to that of the certainty of punishment. The move of punishment into the domain of abstract consciousness and producing a perceived inevitability. Foucault, \textit{Discipline}, 9.}

This is the moment where thrashing becomes the flogging
sentence, or more precisely, the codification of punishment mechanizes it, allowing the
performance of violence itself to performatively constitute a natural order. The regulation of
flogging results in the genesis of a new state effect. This transformation also has the power to
ideologically represent a society saturated with violence, surveillance and torture as an order of
peace, a policed order. Prisons, police batons, arrests etc., are not thought of as arbitrary force
deployed by the sovereign but rather become illegible as violence and recast as order. It is a
naturalized order in which policing and punishment are the inevitable consequence of certain
behaviour and acts produced as crimes. Richard Waller seems to present this transformation and

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213 Here I reference what Timothy Mitchell identifies as the state becoming performatively
constituted. He claims that rather than being a material object the state is an effect produced by
the rituals of bureaucracy and the working of institutions such as the economy and military. The
naturalization of regulated violence and the order of white supremacy performs a similar natural
order-effect. See Timothy Mitchell, “Society, Economy and the State Effect” in *The

214 A number of theorists have provided useful insight on the naturalizing of violence and its
reappearance as law and/or order. Orlando Patterson argues that the reason slaves obey their
masters even when alone in the desert and are outnumbering him is the masters’ ability to invent
and maintain authority. As all power eventually seeks rule by authority rather than by force for
reasons of efficiency and to defuse the threat of rebellion, the power relationship that was the
basis of the slave relationship had to become the rights relationship. That is, the notion that the
master had certain inalienable rights over the slave must be internalized by the enslaved. Slavery
needed the “extracoercive” support for power which authority provided and this authority is
achieved through the capturing (and manipulation) of the symbolic (mythic and traditional)
realm in a particular society. Patterson, *Social Death*, 35-37. This idea of course is echoed in
Gramsci’s hegemony and Lukacs and Marx’s notion of ‘false consciousness.’ Mahmood
Mamdani suggests that the most important theorist of power in late colonialism (colonialism
after the 1857 Mutiny in India) Henry Maine, was not only conscious of the need to manufacture
authority but regarded it as the chief problem of colonialism. In non-Western societies in which
“[European] laws that command replace rules that call forth observance, without the support of
habit, opinion, and spontaneity, law and sovereignty appear both external and coercive,” which
often inspired revolt. The problem was then to reorganize laws that served Western interests in
such a way as it would appear to be customary, hence the invention of customary law. Mahmood
Mamdani, *Define and Rule: Native as Political Identity* (Cambridge and London: Harvard
the arrival of the police order, displacing the “random retribution” of pacification in a more positive light. “Policing was part of the foundation of the colonial state. It extended the range of state authority and gave it a tangible presence; as agent of the law, it turned random retribution into predictable punishment; and it kept the perimeters of a new civil society, justifying the state’s assumption of a monopoly of force within it. Without policing, the state would remain dependent on a seemingly endless expense of mere force: pacification without peace.” 

Policing which expands the state reach in the colony transforms the violence that is pacification into peace – a condition which I argue is the settler’s peace, and thus on the contrary is a condition of violence. Settler’s peace is the peace – in Walter Benjamin’s sense – which sanctions every victory, a sanctioning of the new conditions of defeat as the “new law.” 

Peace in settler society is the peace that recognizes only the settler’s future, naturalizing both the condition of settlement and indigenous defeat.

Even in the most tyrannical of European-led caravans, police techniques of regulation and restraint were always present. The nascent legal order, codification and their corresponding powers were inscribed in caravan leaders’ performance of humanity and mercy. Lugard’s thinking aloud on flogging expresses best the birth pangs of the coming legal-state order – couched as it always is – in the language of civility and humanity.

I detest flogging, and have always resorted to punishments, which would rather make the offenders a laughing-stock. Thus, for "skulking" and evading work a man would stand for a time with a box on his head, or two men fighting would be made to patrol camp arm in arm, with loads on their heads, to the great

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216 See Benjamin, *Reflections*, 283.
amusement of their comrades. Such punishments were generally sufficient, but to put a stop to this looting from natives I had no compunction in employing stronger methods. I had again and again warned the men, that I would not have the British called "thieves," because a few blackguards were at fault. Seventy lashes (more is inhuman), a fine of a month's pay, and an evening under the guard without food, was the known penalty for Sudanese and Swahilis alike.217

Lugard218 establishes penalty in his caravan: predictable punishment rather than arbitrary force or “thrashings.” Penalty is, of course, the concept on which the criminal code is based. Penalty, in its move beyond the sovereign and arbitrary power of thrashing establishes precedent, registering for the natives that there are particular consequences for particular forms of undesirable behavior. Of course, the same man — as discussed above — thrashed his officer with a stick with all his might breaking the one to one relationship between action and punishment the legal order was supposed to

218 Lugard’s struggle with keeping to his maximum number of lashes and thus regulation is seen more clearly in another passage. “On the 21st we arrived at Bugaju, where I made a standing camp. In spite of the free supplies of food brought to us daily by the Waganda, I found much difficulty in preventing my men from stealing crops. Hitherto I had been able almost entirely to do without flogging, but for some reason, the temptation to pilfer the varieties of food around them, proved too much for the men after the rough fare of the last two months. Almost daily I had to flog both Swahilis and Sudanese, to my own infinite disgust and vexation. "I will have no mercy in this matter," I write; "food pours in gratis, yet these lazy hounds leave it lying on the ground in camp when they march out, and then, before I have time to issue rations on arrival in the new camp, they go off to steal. However, seventy lashes well laid on, a fine, and an evening without food, ought to make them remember; and if it goes on, Til go on till I give them what will stop them." By making a zeriba round my camp, and placing sentries by day and night over the gates, I managed to check the thieving; but, indeed, I think that the allowance of green bananas was neither sufficiently satisfying nor appetising to content the men.” Lugard, East African, 141.
fabricate.⁰¹⁹ Penalty produces crime. At the same time, a maximum of lashes produces the legal subject. This subject is a being who could be wronged and abused as exceeding the limits to punishment becomes cruelty and unjust. Both are essential in the transforming of white supremacist sovereign power into legal state power, which is a sophistication and expansion of the first. The power of the legal state is a disciplinary power that will reach its full potential in the protectorate state and will continue, obviously, to the present day.

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²¹⁹ This punishment, too, was calculated but in a different way. As discussed above what was essential in that thrashing was to thrash as one would a slave in order to impart tribal equality and native inferiority.
Image 4. “Threatening Count Teleki with a strike.”

220 Höhnel and Teleki, *Discovery*, 47.
The threat of imprisonment\textsuperscript{221} in Zanzibar or coastal Pangani and the threat of being punished by the Sultan in Zanzibar were also a means to maintaining order in the caravan.\textsuperscript{222} This would have been the least desirable option as it would involve losing both the porter’s labor and a guard, who would have to escort the porter back to Zanzibar. Nevertheless it was often used when the power of the whip failed to deter and confinement was impossible and counter productive in a moving caravan. During his safari, Count Teleki used the threat of imprisonment to counter a strike on occasion, which the caravan leaders recognized could lead to something more serious. The porters threatened to strike declaring that they were unhappy with the weight of the loads and the rations and wanted to return home. The entire caravan (many with their weapons) came up to the white caravan leaders with their demands while they were sitting at camp. “Threatening as was the scene, we did not fear any overt act of violence, and felt sure that, even if any were attempted, a few lashes from a whip would bring the men to their senses. As,

\textsuperscript{221} Reading the account of the origins of imprisonment on the Swahili coast reveals that the practice of confinement is part imported practice and part indigenous. The original coastal Swahili form of confinement was the \textit{kongwa}, which was a wooden log to which the fugitive would be tied and \textit{gandalo} [a leg-fetter]. According to Mtoro the first prison was built because of an incident on the coast. An officer named Saburi who the sultan Sayyid Majid brought to the coast to be the governor of the Swahili would put people in the \textit{gandalo} as was the traditionally prescribed punishment. One day in 1860 some fugitives who were tied to the log were visited by a leopard who tried to take them off of the log and in the process mauled them with one of the fugitives being killed. On hearing about this the sultan in Zanzibar asked why the officer tied people up in the first place and the officer said that he did this he said because there was no prison. The sultan then ordered a prison to be built on the coast which was the first prison on the coast and remains near the Bagamoyo district office. Mtoro, \textit{Desturi}, 199-200. For a broader history of the introduction of prisons into Africa see Florence Bernault ed. \textit{A History of Prison and Confinement in Africa} (Portsmouth: Heinemann), 2003.

\textsuperscript{222} In the gaol, didactic and performative violence was accompanied by the paraphernalia of state and empire. “One thing, however, must be done at once, and that was, punish the fugitives as an example to the rest; so I went to Wali, and he carried out my instructions by having them publicly flogged by the gaoler of the prison, the red flag of the Sultan floating from a wall hard by. Then they were chained together in groups of four and sent to Mawia with Schaongwe and the rest of the men.” Höhnel and Teleki, \textit{Discovery}, 56.
however, most of the mutineers were still muddled with drink, we thought it best to stay our hands for the present and try what words would do. So Count Teleki contented himself with replying that if they really wanted to go to Zanzibar he would himself lead them there, and give them over to the Sultan to be punished.”

223 Höhnel and Teleki, *Discovery*, 50.

224 Ibid., 55.
In 1894, four years after the Zanzibar protectorate was established the ordinance which was issued by Sir Arthur Hardinge (then the Consul General to Zanzibar) entitled, “Regulations to be observed by caravan leaders and others in the engagement and treatment of Porters” was passed. Stephen J. Rockel explains that while the ordinance called for the registration of porters, which increased surveillance and made desertion more difficult, it also limited corporal punishment to 30 strokes (in addition to other benefits limiting the weight that could be carried to 75 pounds and advanced payment.) The punishment would only have been considered as having been legally carried out if it followed a proper investigation and a court session held by at least two Europeans or Americans.\(^{225}\) Despite constant contravening of these laws, with the introduction of the Zanzibar Protectorate’s regulation the caravan now operated under the shadow of the British administrative power. They no longer could operate as spaces governed by the absolute sovereignty of the caravan leader but were now under the hegemonic sway of (if at this point still only nominal) imperial power. This curtailing of the new patria potestas or independent white supremacist sovereignty would be fought by whites throughout the settler-colonial period.

As the caravan journeys into the Hinterland it carries both literally and figuratively the things of empire. It imports the police state into an indigenous space that is utterly without European regulation and does not suffer under European sovereignty. It will bring the police-state culture of the caravan into the space of radical autonomy of the Hinterland and literally and figuratively introduce and expand the state to the autonomous indigenous society. This is what the European explorers themselves referred to as pacification.

\(^{225}\) Rockel, *Carriers*, 218-219.
Chapter Three

Pacification: The Expansion of Punishment

The beginning of “Pacification” in East Equatorial Africa meant the birth of the police. It was not policing in the sense of keeping the peace as its advocates would suggest, but rather, in the Benjamianian sense of the police being a unique “spectral mixture” in which the separation between law-preserving and lawmaking violence is suspended. Pacification was about

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226 Waxing poetic about the project, Churchill almost says it all, “What enterprise that an enlightened community may attempt is more noble and more profitable than the reclamation from barbarism of fertile regions and large populations? To give peace to warring tribes, to administer justice where all was violence, to strike the chains off the slave, to draw the richness from the soil, to plant the earliest seeds of commerce and learning, to increase in whole peoples their capacities for pleasure and diminish their chances of pain – what more beautiful ideal or more valuable reward can inspire human effort?” Winston Churchill, The River War: an Account of the Re-conquest of the Sudan (New York: Dover Publications, 2006), 9.

227 For Walter Benjamin there are only two ends of violence, preserving the status quo or establishing a new one. These result in two forms of violence, the violence that preserves the status quo (law-preserving) and violence that establishes a new order (lawmaking). The constabulary force, for him, is one that is tasked with maintenance of the law (the dictum of the sovereign) and yet in practical day to day life uses violence and the threat of violence to create new orders in the areas they patrol. Benjamin, Reflections, 286-287. In this they construct what can be called the micro-sovereign order of the streets. I use the euphemism the “the streets” deliberately. It is one that importantly illustrates the centrality of space, urbanity and the signs of the municipality in producing spaces of legitimated violence. The streets, especially in contemporary American “urban” slang (urban, of course, itself a euphemism for African-American, Latino etc., that– as I have attempted to show in the previous chapters, with the term “savage,” – conflates environment and population) refers to the space produced as public where the constabulary are permitted by law to commit violence in the form of arrests for acts produced
introducing a new order of punishment into radically autonomous spaces and transforming indigenous subjects into subjects punishable by white authority. It was about drawing the space of resistant and multiple forms of indigenous sovereignty into the loose organization of the British Polizeistaat or the “well-ordered policed-state” and maintaining that state. This, in fact, is how the Pax Brittanica should be understood; not in terms of a transnational state of peace but rather as a transnational police-state: a well-ordered and managed community.

The “conquest state” as some have described the European order in pre-protectorate and protectorate Nairobi, would seem to be a misnomer. Wars of conquest as they were known in

228 Words for police, policy, polizeistaat in Western European language not only derive from a singular origin (the fifteenth century French-Burgundian policie) but had interchangeable meanings. Police denoted “the legislative and administrative regulation of the internal life of a community to promote general welfare and the condition of good order (as encapsulated in phrases such as ‘police and good order’ or ‘good police and order’), and the regimenting of social life (as in ‘regiment and police’.)” Neocleous, Fabrication, 1.

229 Berman thinks of conquest not as a storming of the gates of Kenya “but defending the ramshackle outposts of Zanzibar) in the Zanzibari Sultan’s nominally controlled mainland Swahili coast. For Berman conquest involved the use of an underequipped an underfunded force that owed its success less to its strength than to the superiority of its technology, the relative discipline of their troops, their ability to import foreign soldiers, and the weakness of the African adversary. The term conquest is justified, he argues, because it was an African rather than
Western Europe such as the Norman conquest and Hundred Years’ War were – at least at the level of the rulers – horizontal contests between sovereign powers. They were largely wars for the sake of war, glory, religion, military supremacy, score-settling, power over kingdoms, rivalry among the ruling elites, etc. They were not primarily policing activities, nor did they have as their primary or even secondary object the reformation of societies.\textsuperscript{230} In the region containing

imperial conquest. The British were able to direct the conquest but it was Africans who did the conquering, “as in the rest of the continent, it was largely an African rather than imperial conquest.” This reading of the “conquest” is odd because it is traditional to consider to credit or impute responsibility for the conquest to those who “direct” it. Berman’s reading re-reads military violence in terms of the agency of the “self-interested” troops and rank-and-file Africans (perhaps to diminish the responsibility of Europe in the post-colonial era where imperialism is frowned upon. For another example of this effort see the work of Jean-François Bayart, especially Jean-François Bayart, \textit{The State in Africa: The politics of the Belly} (New York: Longhorn, 1993). This leads one to wonder if there ever was an imperial conquest, as the troops of empire, being human beings, have always been self-interested. Was, for example, the 2003 American-led invasion of Iraq a working, un-waged and under-waged classes’ conquest insofar as its troops were not members of the ruling elite? If the conquest of Africa was African-led, then all wars are led by the rank-and-file rather than governments. See Bruce Berman and John Lonsdale, \textit{Unhappy Valley: Conflict in Kenya & Africa. Vol. 1.} (London: James Currey, 1992), 13-44.

\textsuperscript{230} Mahmood Mamdani considers this preoccupation with the reformation of societies to be the essence of governance in the system of indirect rule. “…It is under indirect rule colonialism that the definition and management of difference was developed as the essence of governance. The difference between the modern democratic state and its colonial version is this: the modern state ensures equal citizenship in political society while acknowledging difference in civil society, but its colonial counterpart institutionalized difference in both the polity and society.” Mamdani, \textit{Define}, 2. I would agree with two caveats (which I will elaborate upon below.) Firstly, the “equality” of citizenship in modern political society is a rehabilitated means (rehabilitated after the de-legitimation of racial apartheid in most nation-states) to exclude the “undocumented” (and otherwise de-territorialized) denizens of the space claimed by the state from the equality (and thus the rights or privileges) of the citizenry. Secondly, management of difference must be seen to include the management of sameness, that is the production of a universal (even arguably, in some cases, un-raced or raced as the universal) human. This human is the individuated being that is a \textit{subject} (in Mamdani’s sense), an addressee and subject of the universally subjugating power of law and the police. This subject: the detribalized native, the vagrant, the town-dweller, the criminal, the citizen far from being liberated, is now everywhere in chains, thrust into the absolute possession of the state (and, and thus, white supremacist(s’) power.) See also Mahmood Mamdani, \textit{Citizen and subject: Contemporary Africa and the legacy of late colonialism.} (Princeton: Princeton University Press, 1996).
and surrounding East Equatorial Africa, storming the gates of sovereigns was the exception rather than the rule, and often these exceptions could be traced back to the eccentricities of a particular agent of German power. When Bismarck aimed his warship’s guns at the Zanzibar sultan’s palace in August 1885 demanding surrender, or Emil von Zelewski removed the sultan’s flag and hoisted Germany’s flag in Pangani sparking the Abushiri revolt of 1888,231 their actions do not evoke images of the police. Rather, Germany seemed to be engaging in a conflict belonging more to the European annals of conquest than the history of policing within which I argue pacification should be placed. During the aforementioned incidents there was little pretention of maintaining law, or peace but rather only lawmaking violence. There was no prevailing claim of the punitive or an ideology of the right to govern and legitimate violence, but rather, bullying, gangsterism and brute force. In all, there was no interest in much other than the defeat of the enemy and the accumulation of power in the tradition of the Roman conquests or Napoleonic wars. The Anglo-Zanzibar war of 1896 – although a result of the British being frustrated with the loss of their puppet and wishing to restore indirect control – might also be thought of as exceptional, as it took on many of the trappings of brute and horizontal conquest.

The British frustrated with the disobedience of the new sultan Khalid bin Barghash bombarded

231 In a remarkable showing of race (and perhaps settler-colonist) solidarity, the British joined up with their erstwhile rivals, the Germans, to put down the Abushiri revolt with a naval blockade. Such moments of white European collaboration were constant during the period. The victories of Europe’s expeditions all over the colonial world were discussed, threats to settler and administrators’ lives mulled over, and obituaries of white pioneers were commemorated in the settler-colonial imagined community. Particularly in its newspapers, the East African Standard, the Rhodesia Herald, Rand Daily Mail to name a few.
his palace from the sea, demanding and winning his submission in what continues to be celebrated as the shortest war in history.

The naval bombardment as an event is a characteristically spectacular form of violence. In its materiality and its sign – evocative of the glorified century-long tradition of cannon blasts and explosions over sea and coast – it lends itself to the violence of conquest as it is in itself a sign that recalls Europe’s past wars. On the Swahili coast the historical accident of the adversaries being located near the sea added to the fact that Germany’s primary interest was enforced submission rather than the transformation of societies led to the brief experiences of conquest. The Germans’ initial presence on the coast seemed to be a continuation of the original Portuguese bombardments centuries earlier rather than a departure from them. The wars in the Hinterland, however, had to take on new forms. This was firstly because of practical necessity. The absence of surveyed space, of railways that could carry soldiers and military supplies, and the landlocked interior necessitated forms of control more sophisticated than simply bombing resistors into submission. Secondly, interests had changed. Increases in knowledge of possible resources and about the peoples of the interior obtained by explorers led to a desire and increased ability to have power over them. In East Equatorial Africa the Imperial British East Africa Company (IBEAC) wanted to protect its trading interests and access to trading routes and so

232 Interestingly, it was at this moment also that naval power became emblematic of the police on the sea in Africa. British naval power patrolled the seas, searching for resistant slave ships even as they bombarded coastal communities and local authorities. The sea before then was often represented as a kind of Hinterland, with flags flapping over pirate ships in horizontal contests against state naval power. The Barbary wars and French and American jostling for power, for example, seemed like power struggles over a watery no-mans-land and victories were national victories rather than testaments to police efficiency. The ocean today, despite the survival of the “commons” is regulated, legal space where pirates are portrayed less as autonomous actors but petty thieves.
developed a number of innovative modes of interaction with the surrounding populations to accomplish these aims.\textsuperscript{233} Thirdly, for all the colonial talk of adventure for glory, for God, race and country, European (especially British) expansion in the 19\textsuperscript{th} century Eastern Equatorial African region carried with it the germ of police-state culture that, though largely imported consciously by the Europeans themselves, was beyond them and had long metastasized into a thing of its own. The birth of disciplinary and surveillance society had intruded in upon the last cultural remnants of the \textit{ancien regime}\textsuperscript{234} and was the world into which the colonial administrators, explorers, intellectuals, soldiers and the 19\textsuperscript{th} century venture capitalists were born. This was a world in which Bentham had long conceptualized both the Panopticon and less famously, the whipping machine\textsuperscript{235} in his “The Rationale of Punishment.” The latter was a

\textsuperscript{233} See Chapter 4.

\textsuperscript{234} Foucault, \textit{Discipline}, 3-16.

\textsuperscript{235} Jeremy Bentham, \textit{The Rationale of Punishment} (London: R. Heward, 1830), 82. In this work Bentham would also discuss the punishment he terms as territorial confinement which is “unknown to English law,” and which he discusses in the context of corporal punishment. Bentham does not think of relegation, which he defines as the removal of an individual “from the district in which his ordinary place of residence is situated, and his confinement to some other district of the state,” and banishment: “the expulsion of a man from the country in which he has usually resided, and the prohibition of his return to it” as effective punishments. Ibid., 136-148. Both relegation and banishment (in East Equatorial African administrative discourse called relocation and removal respectively) were frequently used in the protectorate and were also rarely conceived of as punishments but as necessary practices for good order. (See following chapters.) That the suffering experienced during the establishing of “good order” and the relocations and removals it requires were not registered as punishment (at least by ideologues such as Bentham) goes some way in explaining why colonists often did not seem to consider the suffering experienced by the transported peoples. (If it is to be conceded that colonists were not all sadists.) “Good order” and the well-policed society rendered invisible these forms of suffering, and the suffering and pain of the construction town and/or district and the relocating the people is not recognized as punishment. These experiences of suffering by authorities often affected its victims more severely than punishments for crime as can be seen in the histories of the “Trail of Tears,” the Armenian forced marches and the relocation of families and individuals in chattel slavery.
blueprint for an instrument that would regulate and make more efficient corporal punishment. It was also a world into which, one year before Bentham’s book, Robert Peel’s Metropolitan Police Act of 1829 established the first instance of the modern-day, uniformed constabulary force in Britain: the London Police. It would set up the Metropolitan Police of London and “establish a new police office for the metropolis and the surrounding district.”

Punitive Expeditions: the Form of Pacification

The exception was conquest. The rule, however, in the last decades of the nineteenth century in the regions surrounding East Equatorial Africa’s Hinterland (what is now Nairobi, Machakos and Central Kenya) was punishment. European (and especially British) violence tended to operate within a discursive framework marked by the language and signs of the punitive. The company of men tasked with the “punitive expeditions” were traditional military forces such as sailors and marines. They were also policemen from British India, Zanzibar porters who became Zanzibar levies, sepoys and Baluchi soldiers, troops of the Zanzibar sultan and Sudanese officers. They were a mélange of forces reflecting the ambiguities in the form of violence that was pacification. The cases of Wituland and Jubaland are particularly illustrative.

236 Metropolitan Police Act, 1829. The new episteme of efficiency and order was not confined to Europe. In nineteenth century Egypt, for example, under the new episteme North African space appeared to the newly arrived from Paris Egyptian minister Ali Pasha Mubarak as disordered, the school students and armed forces lacking discipline and the streets and town dangerously disorganized. Timothy Mitchell, Colonising Egypt (Berkeley: University of California Press, 1991), 94.
In Wituland,237 (Witu) – to the southeast of the newly established Protectorate – an “outlaw” sultanate,238 which was recognized as autonomous by an “international” agreement, the ambiguities in the forms and institutions of violence was staged. The history of pacification in this polity, which was universally (if only nominally) recognized as sovereign, reveals how the discourse of pacification was infused with the language of punishment. Pacification, in effect, contained no meaning outside of punishment. The distance between the signifier (pacification) and signified (punishment) is a result of the unitary sign of white supremacist violence being wrenched apart. The 19th century episteme in the white supremacist and colonizing world naturalized fictions of race, civilization, progress and modernity; in its dominant discourse violence was (and continues to be) coded as peace-making. In this discourse imprisonment and quarantine becomes security, peace-keeping, removals and relocations become returns and resettlement, annihilation becomes civilizing, and apartheid and penal culture becomes civil engineering, the maintenance of “good order” and the development of a municipality. An

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237 Germans referred to Witu as Witu-Gesellschaft a term that denotes the political institution of the state whereas the English neologisms of Wituland and Kikuyuland do not. Interestingly, it was in 1887 (two years after the German protectorate of Wituland was established and the same year in which the Sultan of Witu obtained formal sovereignty) that Ferdinand Tönnies published his influential Gemeinschaft and Gesellschaft distinguishing between the folk, community and the political institution.

238 Hardinge appears to suggest that Germany’s recognition of the Sultanate was regrettable and a consequence of Germany’s relative ignorance and naiveté regarding African affairs. “When the German Government first interested itself, about a decade ago, in East African affairs, it recognised the little colony of outlaws and refugees from the coast towns which had grown up in Witu as an independent state, and Ahmed or "Simba" himself — who accepted a German Protectorate — as the legitimate sovereign of the land. Accordingly, on transferring this Protectorate, by the Treaty of 1890, to Great Britain, it stipulated by Article II. of that agreement that the sovereignty of the Sultan of Witu over the territory formally defined as his in 1887, should be recognised by the new protecting Power.” Arthur Hardinge, “Legislative Methods in Zanzibar and East Africa Protectorates,” in Journal of the Society of Comparative Legislation, eds. John MacDonnell and Edward Manson (London: John Murray, 1899), 3.
adherent to the civilizing idea and agent of its mission, such as the first Commissioner of the
British East Africa Protectorate Sir Arthur Hardinge, would be frustrated such an outlaw (or
“outlying”\textsuperscript{239}) polity as Witu existed. It would appear to him as an unbearable contradiction.
Legal ideology produced it as an autonomous state but white supremacy produced it as inferior,
backwards and, in direct contrast to legal ideology: criminal. The case of the pacification of the
sovereign Sultanate of Witu illustrates as well as two central points. First, for all the benefits and
interests in labor exploitation, geopolitical “great-gaming,” chattel-slavery abolition etc., above
all else what was at stake for the European in East Equatorial Africa was the establishment of a
regime of punishment i.e. a \textit{polizeistaat} and a white supremacist carceral society. Secondly, there
was no pacification that existed without or separate and apart from the punitive, on the contrary
the punitive expedition was the general form of pacification.

In his “Legislative Methods in the Zanzibar and East Africa Protectorates,” published in
1899 Arthur Hardinge explained the Sultanate in relation to the indigenous polities of the
Hinterland.

The East Africa Protectorate includes three distinct sovereignties:

(1) The mainland territories of the Sultan of Zanzibar.

(2) The Sultanate of Witu.

(3) The remainder of the Protectorate, consisting of the old “chartered
territory” of the late Imperial British East Africa Company and of the region
between the rivers Tana and Tuba, not included either in Zanzibar or Witu. This
division, which for the sake of convenience may be styled "British East Africa
proper," is not, of course, technically under Her Majesty's sovereignty, and is
divided among a number of tribes and races, over whom we exercise authority;
but it differs from Zanzibar and Witu in that the status of the chiefs of these tribes

\textsuperscript{239} See Chapter 5.
is not recognised by international law, or at least by any international agreement.\textsuperscript{240}

British East Africa proper as a protectorate is not under British sovereignty, “technically,” but the chiefs therein are under British authority, unlike Witu.

[The State of Witu] was founded, or rather gradually grew up, in the years from 1860 to 1885, round a colony of outlaws who had followed Ahmed bin Fumo Luti, the last of the old Nabhan sultans of Pattah, – a race dating from the earliest days of Asiatic colonisation in East Africa, – when after he had been conquered…by Seyyid Niagid, Sultan of Zanzibar, he withdrew first to Kipini…finally, being driven from Kan by Seyyid Bargash, took refuge in the forests of the district now known as Witu. From this last refuge, where he had collected round himself all the criminals, runaway slaves, and outlaws from justice of every description…he attained, notwithstanding all the efforts of the Government of Zanzibar, the position of a powerful and practically independent petty chief.\textsuperscript{241}

Hardinge’s frustration with the sovereignty that should not have been, in Wituland, is reflected in the disparaging terms of “petty” and “outlaw.” Both are words that point directly to the exclusions of Witu – willed by Hardinge – from both the spatial order of the emergent state-system and the order of law. Moreover, the ambiguity of the political status of Witu parallels the ambiguity in the language used to describe the violence used against it. A “punitive expedition” was launched by the British (at the request of the German Government”) in Wituland after the killing of German merchants and settlers in 1890. It was sent to “chastise” the Sultan Fumo


\textsuperscript{241} Ibid., 2.
Bakari\textsuperscript{242} as there murders took place “by his order or connivance.”\textsuperscript{243} This was the consequence of the Sultan Fumo Bakari’s refusal to accept British instruction to hand over the “murderers,” an obstinacy that was telegraphed around the world. West Virginia’s \textit{Wheeling Register} was one of many publications to broadcast the insolence. “The Sultan of Witu has refused to surrender to British authority or to afford redress for the recent massacre. On the contrary he is actively preparing for hostilities. Hundreds of natives from the surrounding tribes are adhering his standard. Fighting is inevitable.”\textsuperscript{244} About 950 British and Zanzibar troops\textsuperscript{245} overthrew his dynasty “but his followers continued an intermittent guerilla warfare for some years longer, and the country was only finally pacified in 1894 by the forces of the Sultan of Zanzibar…”\textsuperscript{246} In the aftermath Witu was “taken and burnt, a reward of ten thousand rupees offered for the capture of Fumo Bakari, the Witu Sultan, and martial law was proclaimed.”\textsuperscript{247} Slavery was abolished in the Sultanate of Witu and martial order was enforced by Indian police.\textsuperscript{248} Abolition in the protectorate state’s hands, unlike the self-emancipatory practices of enslaved peoples, was shown

\textsuperscript{242} Ibid., 3.

\textsuperscript{243} Ibid.

\textsuperscript{244} The Sultan Will Fight. \textit{Wheeling Register} (West Virginia, United States), Oct. 25, 1907.


\textsuperscript{246} Hardinge, \textit{Legislation}, 3.

\textsuperscript{247} Mcdermott, \textit{IBEA}, 151.

like the above to be part of the attempt to establish the wider totalitarian rule and authority of the police-state rather than radical autonomy.249

In Jubaland (part of British East Africa until 1925 when it became part of Italian Somliland) the Somali and specifically Ogaden Somali presented similar problems to Witu. The Somali were uniquely racialized, considered as both one of the “wildest” and most “civilized” of East Africans. Sir Charles Eliot’s remarkable description of Somali “opposite” characteristics deserves to be quoted at length.

The whole district is inhabited by those singular nomads the Somalis, who combine the most opposite characteristics, and contrive to be at the same time the wildest and most civilised of Africans. In race they are what, for want of a better word, must be described as Hamitic, and, though dark, are sharply distinguished from all negro tribes by their clear-cut and often beautiful features. Some of the young men of the Biskaya section, whom I have seen near Lamu, might have posed as very Apollos cast in dark bronze. When the Somalis come into towns they at once put themselves on the same level of civilisation as the Arab, wear white robes, and show a great aptitude for commerce, particularly cattle-trading. In externals they are ostentatiously devout Moslems, and they show a knowledge of European law, and a power of using it to their advantage, which is without parallel among the natives of East Africa, and is only rivalled among Indians. Also they are very quarrelsome. But once back in their deserts, they appear to drop all these town habits, and show no inclination to raise their lives to a higher level of civilisation, but live as cattle-herding nomads, chiefly remarkable for the extreme lightness of their baggage and celerity of their movements. Added to this, they are characterised by a pride, independence, and fanaticism most unusual in this part of Africa.250

The Somali are often beautiful (though dark), acquainted with European law, and great traders. Despite this, outside of the town they return to a status of the un-civil. Eliot seems regretful that

249 Two years later and also to the southeast of the East Equatorial African Hinterland British Indian troops in 1896 were sent out on an expedition against the Mazrui slave trader family.

the civil and economic orders of the town had not been successful in encouraging the Somali to become civilized. Their movement between the space of the town and desert is not read as a capacity for flexibility or an ability to negotiate separate(d) orders but rather as a failure – one thought of as inherent to their character – to civilize. Not only is this regretful for the advocates of the civil order but the failure to adopt the ways of the town by the “outsider” is always a threat to the order itself. This threat is personified by the nomad. As Lefebvre notes, the “town has a two-sided relationship to the county, however: first as an entity which draws off the surplus product of rural society, and secondly as an entity endowed with the administrative and military capacity to supply protection…Thus the town – urban space – has a symbiotic relationship with that rural space over which (if often with much difficulty) it holds sway. Peasants are prone to restlessness, and as for herders, nomadic or seminomadic, the towns have always found it hard to contain them – they are, in fact, ever potential conquerors of the town.”

This threat, of course, is amplified in the Manichean bisection of the colonial (protectorate) world where “protection” is often the protection of the town from the country. This is why the pride and what Elliot tellingly refers to as the “independence” of the Somali are particularly unpalatable to Eliot. Both characteristics are threatening to the civil and civilizing order he sought to impose. Unlike Witu there was no formal (or informal) recognition of Somali autonomy and as such it was more easily criminalized and produced as “treacherous” read both as a pejorative term regarding ethics and as a cognate of treason.

The ambiguity in the characteristics of the Somali and their political condition, like in Wituland, led to the ambiguity in the forms and representation of violence. The pacification of

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251 Lefebvre, *Production*, 234-235.

252 See Fanon, *Wretched*, 42.
the Ogaden was both a military campaign and police action. It was collective-punishment, the logical end to a police order that depended upon the possibility of crime and yet had not firmly established the criminal, the individual (legal subject), or the political entity.\footnote{This is despite the fact that Jubaland was legally produced as a province by the time of the protectorate.} This is shown in the case of the punitive expedition to avenge the “murder” of the sub-commissioner Arthur Jenner.

On a morning in mid-November\footnote{The records are conflicting. Some accounts state the date to be the 14\textsuperscript{th} and others the 16\textsuperscript{th}.} at 4 a.m. a group of Ogaden Somalis broke into the camp of the Sub-Commissioner Arthur Jenner, speared him and cut off his head. Statements collected from Yusef Guleid, described as both a policeman and “native witness,” shed light on the event.

On the morning of Friday, the 14\textsuperscript{th} ultimo, at 4 a.m., we were asleep. There was no boma [fort or stockade], and the Ogadens rushed in – many men. The sentry fired one shot. We woke up. Sergeant Jama said, ‘fight. Fight.’ We took up our rifles, but were never loaded….

Mr. Jenner came out. I saw him outside. The Somalis caught him. He went away for a few yards, and seeing the police were killed, he came back. He knocked down a Somali who tried to hold him. The Somali cried, “This Kaffir is going to kill me. Help! Help!” A large number of Ogadens came and stabbed him with spears. I saw them. I was tied with ropes. Then they cut off his head, and they tied his head to a string. I was a prisoner in their hands…

Then they took me to Jiro, one day from Afmadu. There were about 500 there. Ahamad Maghan and Ali Jibril were there.

The people who killed Mr. Jenner told Ahamad Maghan. Ahamed Maghan was quite friendly with these men. They know the Serkali (Government) is going to punish them…
No Ogadens are about here. When they hear the Serkali is coming, they are going to run away.  

According to the statement of a second “native witness,” Ibrahim Guleyd, the killing itself seemed to be due to grievances against the policing order of which Mr. Jenner was a stellar symbol:

I think there is no chance that Mr. Jenner was taken prisoner. The Somalis were singing their war song that they sing when they kill people. They were singing, ‘This is the man who killed our cattle and men at Sangahoks.’ Then I ran away and found Nur Ali on the road, and we came to Yonte. We met four Ogadens on the road, one police, and we came in together. 

The Senior Naval Officer Captain W.B. Fisher disbelieved then sultan Ahmed Maghan’s profession of loyalty to the Government but on the contrary believed him to be the leader of the “insurgents.” In a telegram he explained what he thought was Jenner’s problem.

A great admirer of the local Somalis, whom he unfortunately credited with high qualities quite foreign to their real character, and to whom he was ever the best of friends, it was impossible for [Mr. Jenner] to imagine treachery on their part… Though he had occasionally found it necessary to use coercive measures as regards some of these people in the interests of justice, there does not appear to have been any visible sign that any ill feeling existed against him personally; such an idea would hardly have occurred to Mr. Jenner himself whose good feeling towards the Somalis he doubtless imagined was fully reciprocated.

255 Arthur Hardinge, Correspondence relating to the Murder of Mr. Jenner and the Ogaden Punitive Expedition, Report by his Majesty’s Commissioner on the East Africa Protectorate, 1901, Cd. 769, no. 29.

256 Ibid.

131
Such, however, does not appear to have been the case as regards a large body of the Ogadens.\textsuperscript{257}

For Fisher, Jenner’s problem was his naïveté, believing the Ogaden Somalis to be friends when they were inherently treacherous. Jenner’s use of coercion, that is, authoritative violence (such as the killing of Ogaden cattle and men as Guleyd cited above) was neither accepted nor submitted to by the Somalis despite their pretense of amicability. Coercive measures in the interests of justice – that is, administrative violence for good order – is lost on these uniquely independent, prideful and treacherous natives. It is the nebulous crowd that is Ogaden Somali that must be punished because of their ingratitude and rebellion against European authority as it is expressed in the town.

At the same time that treachery is collective and punished collectively, it is also, paradoxically, seen as the action or inaction of particular individuals produced as representative(s). For Acting Commissioner Trevor Ternan (who temporarily replaced Hardinge after the latter was transferred to England,\textsuperscript{258}) the Sultans of the Ogaden were the Ogaden Somalis’ representative in both the political and metonymic senses.

It would appear that one of the Chiefs of the Ogadens is a man of the name of Hassan Yera, who was some time ago detained at Kismayu by Mr. Jenner’s orders on account of his supposed complicity in the murder of three friendly natives, and was subsequently discharged.

This man seems to have conceived a violent hatred against the British authorities, and against Mr. Jenner in particular, and upon its becoming known that Mr. Jenner intended to make a tour in the province, he arranged with another Ogaden Chief called Hassan Odel the plan which was afterwards

\textsuperscript{257} Ibid., Inclosure 2 in No. 37. Memorandum by Captain Fisher respecting the State of Affairs in Jubaland.

\textsuperscript{258} Appointments and Transfers. \textit{The Official Gazette of the East Africa and Uganda Protectorates} (Mombasa, Kenya), Oct. 15, 1900.
carried out, viz., to collect a party of 300 men, follow Mr. Jenner's track, await a suitable opportunity, make a night attack, murder Mr. Jenner, and annihilate his party.

Mr. Jenner, had also, shortly before starting on his journey, interviewed the Ogaden Sultan, Ahmet Murghan at Kismayu on the subject of these murders, and had inflicted upon him a fine of 1,000 rupees (which has not been paid), but he does not appear to have looked upon this incident as one of any particular importance, or in the least to lead to hostilities, and he unfortunately neglected to take any military while travelling, or to construct a zerebah at night round his camp, which was left open.

From the account of one of the eight survivors of the party, it would seem that the night of the 12th or 13th instant the Somalis quietly surrounded the camp, and at given signal dashed upon the sleeping men, and speared them before any resistance could in most cases be offered.\textsuperscript{259}

The culprit and the enemy, crime and hostility, the individual criminal and hostile tribe, are awkwardly balanced in the figure of the sultan. The sultan is both the culprit and the enemy. He is an outsider and enemy of white power and the white supremacist order and yet its betrayer and transgressor. As such the sultan must be both arrested and annihilated, summoned before white power thereby producing him as a civilian and addressee of white law, and yet, beaten on the battlefield, defeated as rival king, put down as emblem of a hostile people. Such an enemy-criminal required violence to be constantly recoded and overcoded, operating within two discourses. The invention, pacification, enabled the opposing discourses of punishment and extermination, rehabilitation and elimination to appear as one. Pacification is the military expedition of a police-state. The indistinction between enemy and criminal, individual and collective is displayed in Terner’s request to the Marquess of Salisbury for a punitive expedition against the Ogaden.

\textsuperscript{259} Hardinge, \textit{Correspondence}, No. 23.
This brutal murder, carried out under such treacherous circumstances, must, in my opinion, be avenged in the most thorough manner, and I trust that your Lordship approve of the arrangements which are now being made as regards the formation of force to carry out the punishment.

It is not known absolutely for certain whether the Sultan, Ahmet Murghan, was party to the murder or not. There is little doubt, however, that he was fully of the plan, if not the actual instigator.

He has, however, written a letter to the authorities here denying any complicity with the murderers.

I have written to him directing him to come into Kismayu within a period twelve days (which is ample time for the journey), and I have warned him that, if he does not comply with my order, I shall treat him as an enemy. In the meantime the preparations for the moving out of a column are progressing. Its destination will probably be Afmadu, the Ogaden head-quarters, but nothing as to this has as yet been settled. It is improbable that the force will be able to for a fortnight. It will be under my own general direction and command, the local being commanded by Lieutenant-Colonel Hatch.

Kismayu itself is being put into a thorough state of defence, in order that it be safely held by a small garrison during the absence of the column.\textsuperscript{260}

The \textit{expeditionary force}\textsuperscript{261} – itself a mixture of the military (significantly five companies of the newly formed East Africa Rifles)\textsuperscript{262} and porters – succeeded in leading the Sultan to pay a

\textsuperscript{260} Ibid.
\textsuperscript{261} Ibid., Inclosure No 28 “Government of India to Lord G Hamilton.” “Composition Jubaland force as follows:- Section No. 9 Native Mountain Battery: 2 British officers, 90 native ranks, 1 hospital assistant, 26 followers, 76 mules, 2 ponies, 2 officers’ chargers. “Wing 16th Bombay infantry, including 4 Maxim machine-gun's detachments: 8 British officers, 445 native ranks, 47 followers, 50 came sowsars; the troop of Aden Cavalry: 60 camels, 27 followers; Sections C and D, No. 46, Native Field Hospital: 2 British officers, 2 British non-commissioned officers, 4 hospital assistants, 1 hospital storekeeper, 5 native non-commissioned officers, 17 followers, 2 chargers; Commissariat: 1 officer, 1 warrant officer, 1 clerk, 14 followers. “1 British officer as interpreter. “2 transport officers.”

\textsuperscript{262} Ibid., No. 11. The East African Rifles (which along with the Uganda and Central African Rifles would become the King’s African Rifles), were developed from a 300 strong Zanzibari regiment recruited by Lieutenant Lloyd Mathews in 1877 as a British anti-slavery patrol
fine for the murder. Its success was reported around the world including the equally fragile white supremacist polity of Rhodesia. “A Reuter’s telegram from Mombassa states that the British punitive expedition to Jubaland, in Somaliland, has occupied Ofudo. The Sultan agreed to pay a fine for the murder of Mr. Jenner, the British Commissioner, whereupon the Indian troops withdrew.”

263 Jubaland remained, however, entirely a military occupation as Commissioner Charles Eliot’s described it at the time of his writing his “The East Africa Protectorate.” This occupation seemed to him to be a waste as the area was arid and deprived of natural resources (a fact that confirms policing and military occupation had no necessary economic basis). The term “military occupation,” of course, is itself a misnomer, as occupation means nothing other than the presence of a police force and the visible operation of policing power. A patrolling police force is a military operation and the differences are cosmetic such as the color of uniforms and (in most but not all cases) the potency of armaments.

The ideology that produces a separation between the police and military is the same that produces the nation and nation-state and its interior (domestic) and exterior (foreign) spaces. It is a separation that also carries on into the interior space of the nation. It produces, for example, the operating in the coastal regions. It would be re-organized and established as a single unit in 1895 at the establishment of the protectorate when the latter would be divided into military garrisons of Jubaland, Ukamba and Seyyidieh and Tanaland. H. Moyse-Bartlett, The King’s African Rifles: A Study in the Military History of East and Central Africa, 1890-1945 (Uckfield: Naval & Military Press, 2012), 95-106.

263 The Jubaland Force. Rhodesia Herald (Harare, Zimbabwe), May 7, 1901.

264 “At present our occupation of Jubaland is entirely military. There is no civil administration as in the other provinces, the necessary powers being exercised by the military officers. A garrison of 350 troops is maintained in the province, the headquarters being at Yonte, on the Juba, about 18 miles from Kismayu.” Eliot, Protectorate, 37-38.

265 Ibid.
distinction between public and private space (a distinction “internal to bourgeois law,”266) in the cities and suburbs of the contemporary United States. There, corporal punishment, imprisonment, disciplinary torture, surveillance are often represented as parental spanking, time-outs, battery, monitoring respectively in the ambiguous jurisdiction of the patriarch in the space of the “family.” Private and public is also reversed by the constabulary in public spaces racialized as black. In the public the criminalized black body is denied the domain of the “private.” The sexual torture and the violence of the spectacle in the constabulary police action referred to as frisking and the prostration of raced bodies in the public sphere inverses intimate space, domesticates terroristic267 torture and turns the streets into the bedroom268 and the bedroom – regulated and observed by public power – into the street. A condition that is matched when the “overly-policed” perform the private “in public”: sex, couches, bodily functions, love, sleep, waste etc., “litter” the streets. Indeed, the protectorate and settler order will force the intimate spaces of sex, death, pain etc., into the streets as a method of policing even as it laments public urination, public drunkenness and vagrants sleeping on verandahs. These distinctions and corresponding ideologies are involved, as will be explored in the fifth chapter, in the production of the apartheid order that is the town.

Wituland and Jubaland are two punitive expeditions and pacification projects that illustrate the influence of the paradigm of punishment in the known regions surrounding the

266 Althusser in Gupta and Sharma, Anthropology, 93.

267 The spectacular nature of this violence is often used to intimidate.

268 I use the term “bedroom” not to trivialize the assault by identifying it with domestic intimacies but rather, the bedroom – itself a spatial manifestation of a (often bourgeois) familial policed order – has traditionally been a space of violence. The bedroom is not a safe space but is produced as an intimate space and it is the intimacies that are supposed to belong to this space deliberately pushed out into the streets, especially for racialized and criminalized populations.
central East Equatorial African Hinterland. The same can be said about the border regions. To the northeast for example, the pacification of the Somali Dervishes was attempted from the beginning of the century, outlasted the Great War, and did not end until the aerial bombing of Mohammad Abdullah Hassan’s (the “Mad Mullah”) base. The spark that set things in motion, however, was the demand of the British that the “Mad Mullah” return a gun they claimed that he stole – which he refused to do, challenging their right to rule in the process. In the northwest in the Sudan the Khedive in 1874 appointed the famed British General Charles Gordon to ensure that the slave trade had been ended. After tricking into capture the most powerful slave trader Zubehr, the governor “mounted a swift camel and attired in full uniform, rode alone into the rebel camp and compelled the submission of its chiefs before they could recover from their amazement” and make war. According to Winston Churchill, Gordon made a career of feeding the infirm, executing the wicked and winning the respect of “the fiercest savages and cannibals” for the strange white man. An expedition to capture the Mahdi in 1883 resulted in the death of the European Pasha Colonel William Hicks and the nearly 10,000 strong Egyptian troops under his command in El Obeid. Gordon returned to the Equatoria region of South Sudan and would be killed by the Sudanese Dervishes (Ansar) in 1885 during the sustained Mahdist uprising. Kitchener would avenge his death in the battle of Omdurman 1898 killing the Mahdists wounded during the battle (aided by the railway) and blowing up the Mahdi’s tomb in what was

269 Churchill, River War, 17.

270 Churchill’s language betrays the shifting categories of military warfare and police action. “Both the priest [the Mahdi] and the Governor-General prepared for military enterprise. The Mahdi proclaimed a holy war against the foreigners…Nor was [the Khedive] idle. He sent two companies of infantry with one gun by steamer to Abba to arrest the fanatic who disturbed the peace.” [italics mine.] Ibid., 26.

271 Ibid., 18.
thought of as the “re-conquest” of the Sudan.\textsuperscript{272} He would continue this punitive, heavy-handedness in the Boer War, expanding and intensifying Lord Roberts’ use of concentration camps. Equatoria (in south Sudan) was to become the site of yet another expedition, one which stands out because it was referred to as a “relief expedition.”\textsuperscript{273} Henry Morton Stanley led his caravan piercing through the steep jungle to save Equatoria’s governor the Ottoman Emin Pasha. Lugard puts the term “relief expedition” in quotes perhaps indicating the oddity and newness of this form of expedition in the Hinterland. The “relief expedition” may be seen as a progenitor of the most popular forms of contemporary military expeditions into the post-colonial world, namely the “humanitarian intervention.”

Finally, the second Anglo-Boer war (1899-1902), arguably, might also be read as pacification-punitive campaign. As a “white tribe” and non-native of Africa the form of violence used tended to be described much more as a war campaign against “the enemy,” the Boers, rather than a punitive expedition. This did not save the Boers from experiencing the punitive practices of the imported police-state but on the contrary they faced in extreme measure the collective punishment and open-air imprisonment that other de-ethnicized whites\textsuperscript{274} (communists,

\textsuperscript{272} See also Mahmood Mamdani, Saviors and Survivors: Darfur, Politics, and the War on Terror (New York: Doubleday, 2009), 137-144.

\textsuperscript{273} Lugard, \textit{East African}, 121.

\textsuperscript{274} By this I mean the systematic reversal of the privileges of particular sub-groups of the human (read as white, male, bourgeois, heterosexual, cisgendered, landed, Christian and law-abiding) due to a changing political climate. The criminal, the deviant, the woman etc., in effect became a different race or at least a sub-human were was subject to different laws and forms of legitimated violence. These were people (once) considered part of the “\textit{volk},” (Anglo-Saxon in the case of Britain). The Jew, for instance, was never de-ethnicized because he was never fully human in white-supremacist, Catholic and Protestant ideology. Regina Sharif traces the Jews Othering in European Christian thought. See Regina Sharif, \textit{Non-Jewish Zionism} (London: Zed Press, 1983), 9-31.
anarchists, criminals, insane, deviants etc.) faced and would face for their uprising.

 Appropriately, the concentration camp technique, birthed in the colonial engagement\textsuperscript{275} and useful in its punitive capacity, in its reformation of space and in making new servile beings answerable to British sovereignty, was employed here. It is here also, that we may differ from Caroline Elkins’ thesis in her riveting work in which she described villagization during the Mau Mau Emergency as the “birth” of Britain’s “Gulag” and concentration camp. The town, for the indigenous, in its introduction of the foreign police, the guards, the control of movements, enforced labor, subservience, its borders and boundaries, its racism, has always held the essential characteristics of the concentration camp. For the poor, homeless and imprisoned, it was and continues to be a naturalized concentration camp. Villigization in the\textit{ Emergency} is better understood as a death camp and Elkins work describes better than any its holocaustic nature.\textsuperscript{276}

 In the same vein we can expand upon Aimé Césaire’s declaration\textsuperscript{277} that Nazism was always present in the colony. Nazism, in its apartheid form, was a genocidal and surveillance state. Genocidal most obviously in the German notion of\textit{ Lebensraum} and the Herero and Namaqua genocides,\textsuperscript{278} but also in its project to exterminate indigeneity. It was eugenic in its civilizing, medicinal, reproductive, biopolitical and sexual projects, and surveillant in its ethnographical impulses, its registries, censuses and policing of good order. Nazism proper was indeed the final culmination of the colonial project, the Hitler of a long tradition of “Hitlerism.” The

\textsuperscript{275} The\textit{ reconcentrados} built by the Americans in their war in the Philippines (1899-1913) shows the early expansion of this new colonial technique that was the concentration camp.


\textsuperscript{278} See Chapter 5.
inadmissibility, trivializing or exclusion of the sustained and contemporary indigenous and “black holocausts” in conversations about holocausts, and its displacement by “The Holocaust” in popular consciousness is testament to the exclusion of black and indigenous subjectivity and the simultaneous inclusion of the European Jewry into the society of the (white) human. As Europe was taken aback by the Holocaust yet remains skeptical about claims of colonial holocausts, white supremacy continues to encourage that claims that the centuries-long black annihilation project is a holocaust (or even The Holocaust) be regarded as suspect. We remain before the same sublime, uninterested Europe that Césaire stood before when he lamented that what Europe “cannot forgive Hitler for is not the crime in itself, the crime against man, it is not the humiliation of man as such, it is the crime against the white man, the humiliation of the white man, and the fact that he applied to Europe colonialist procedures which until then had been reserved exclusively for the Arabs of Algeria, the “coolies” of India, and the “niggers” of Africa.”

*Hinterland: The Anti-Civic*

In the regions examined above military operations at certain moments seemed to take on recognizable military attributes such as naval bombardments and the deployment of troops on camel-back. This was especially so where resistance was organized in forms legible to European military force, such as hierarchal state systems and regimented or even standing armies. But military expeditions in these regions remained “punitive expeditions,” a concept that betrays

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279 Even within “The Holocaust” black deaths are often rendered invisible.

280 Césaire, *Discourse*, 36.
both its own occupation of the interstitial space between war and crime and the problem of space in the colonial encounter. An expedition is an admission of absence, a fundamental threat to a state project that has at its core the pretense of omnipresence within a defined space. The fiction of omnipresence would continue to fail spectacularly throughout the colonial era and on into the postcolony where the slums of political society continue to haunt the civic order. Punitive expeditions served as the form of violence used when the population was not individuated yet by the colonial order, and thus individuals had neither become citizens nor subjects yet. The punitive expedition, and its latter forms such as collective punishment is the kind of policing violence that was and is deployed when neither the interpellation of legal subjects nor the fiction of the raced individual was adequate to the task of bringing the modern subject out of the ambiguous, indistinct morass that was the tribal horde. The Hinterland is the anti-civil and the anti-civic. It is the history of its pacification that stages the microcosmic drama of the birth of the contemporary world-polizeistaat.

Before considering the actual process of “pacification” in the Hinterland, the prior condition of indigenous hostility – or what can be considered to be the state of radical autonomy vis-à-vis the European-led caravan – needs to be revisited. The notion of the hostile tribe is the notion of an ethnic group that at no moment, according to the European explorer, allowed for negotiation or mediation, and had neither respect for the prestige of whiteness nor for European authority. Its response to European presence was war: the flight of poisoned arrows and the

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attack of warriors’ weapons. In one sense it may be argued that at the first instant of the
encounter this indigenous state of radical autonomy vis-à-vis the caravan was extinguished. Its
sovereignty was tempered – and so non-existent – in the face of the persuasive performances of
European strength which forced hostile natives to adapt to the presence of European power. But
even in this state, sovereignty was not conceded but rather there was the re-evaluation of tactics
(for instance the deliberate shooting of arrows near but not at the Europeans to gauge their
reaction). Moreover, sovereignty never exists in isolation but in fact derives its meaning through
its relation to the existence of rival sovereign power. The sovereign is defined by the presence of
a rival sovereignty to which it is not subjected and that marks its limit.

Hostility is a more apt concept than sovereignty precisely because it denotes something
more than the latter. Hostility is the state of radical opposition to European sovereignty in a
given space. It is a state of war with neither any notion nor recognition of Jus ad bellum,282 nor
calculation as to the rights of the foreign power. Hostility is an expression of autonomy in its
purest from. It is the violence that recognizes no law but on the contrary is law-destroying. A
violence that boundlessly destroys and that expiates.283 As such it was this condition that had to

282 By definition, a state that recognizes Jus ad bellum, recognizes law and authority outside
itself. As such it is not radically autonomous. Jus ad bellum signifies a submission to a code of
conduct, i.e. a disciplinary order, a (self-) policed society of states.

283 I refer here to what Walter Benjamin describes as divine violence. It would be interesting to
think where the violence of hostile tribes places in Benjamin’s schema of violence: divine
violence, mythical violence, revolutionary violence etc. Because hostility strategizes and thinks
to accomplish its interests it cannot not attain perfect, “non-alloyed” destruction, which
Benjamin reserves for divine violence. Benjamin, Reflections, 300. Still, it would seem to be
close as humanly possible to this pure violence and even closer than revolutionary violence
which Benjamin declares is “the highest manifestation of unalloyed violence by man.” Hostile
violence, unlike revolutionary violence, is not polluted with the traces of the civil which has
proven to catch revolutionary violence in a Sisyphus-trap of resurrecting a version of the civil
order it destroys.
be undone to make way for the town and white supremacist order – it was hostility that made the town necessary. The notion of the town as an administrative center is misleading as it presents administration as separate from the town. It distinguishes between the entity that is the town and the practices of administration rather than present the town as an effect of administrative power. A consequence of this false distinction is the reification and naturalization of administration in its first form: the town. As will be seen in the fifth chapter, administration is nothing other than the constant deployment of policing power i.e. the effort to constantly neutralize radical autonomy and hostility. It is not natural but the enemy of “nature,” and only in its permanent maintenance of policing power can it present as naturalized.

In the Hinterland, the caravan entered into the space that was outside of its policing power. It entered into a state of opposition to white supremacist power expressed through the flurry of arrows. “Before our arrival little was really known about the land or the people of Kikuyu, with the result that countless tales were afloat of the fierceness and hostility of the natives. A caravan from Mombasa, it was said, had attempted, a few years ago, to enter Kikuyu from the east, and had been destroyed. Since then no traders had dared to venture within range of the poisoned arrows, which natives hidden in the dense woods were reported to shoot at every intruder in their land.”284 Spreading an awareness about one’s willingness to use violence has always been a bulwark against encroachments upon one’s sovereignty. Indigenous peoples known to be “warlike” were, of course, not inherently violent people, the explorer’s reduction of the “hostile tribes” to violence incarnate and caricatures of ignorant half-men notwithstanding.285

284 Höhnel and Teleki, Discovery, 287.

285 Joseph Thomson describes the Mandara of the Chagga as this blend of the infantile and the epitome of war: “...he jumped and danced like a boy released from school, yelled out his war-
On the contrary, indigenous people’s performances of aggression were calculated and deliberate. Performances of aggression and the rumors of one’s brutality were a means of deterrence. Sabres rattled for “warlike races” as much as they would for European-led caravans and the nation-state.

The hostile tribes’ performances and actions were not, in actual fact, expressions of hostility. The notion of hostility presumes the existence of a legitimate social order that the hostile violates. As such it imagines the natural and correct order of things and a moral universe which, within a white supremacist ethos, is one in which Europeans rule. Maasai performances of aggression to deter Kikuyu in the Hinterland could not be thought of as hostile by Wakikuyu unless they conceived of themselves as possessing some form of authority over the Maasai. Instead these deterring performances can be properly understood as performances of might. Kikuyu knowledge of Maasai might and military supremacy ensured that the Kikuyu would not challenge them on the plains. It did not suggest that they were clients of the Maasai or that the Maasai sought to dominate them. The recognition of might, unlike hostility, does not point to settler futurity or pacification on the horizon. It does not call for the eventual undoing of the mighty nor does it suggest that a more desirable state is one in which the mighty have lost their power or aggression. In pointing to a particular moral order, the act of labelling a group “hostile,” on the other hand, is a call for this loss of power, this pacification. Hostility presumes a sense of moral right, ordains law, institutions or groups as rightful authorities, and imagines and calls for the eventual state of a settled order.

The arena of performance in East Equatorial Africa was contested terrain and the contest between the caravans and indigenous was a game of life and death. Arkell-Hardwick recounts an

cry, and, twirling a knobkerry in the air, looked the very incarnation of war.” Thomson, *Masai*, 152.
instance of such theatrics, “At every cross-path great crowds of [Embū] warriors, fully armed, watched our passage in ominous silence…their numbers being continually augmented by other bodies who joined them on the road. The path lay through narrow valleys, and on the heights on each side were more bodies of natives who shouted at us, and informed us in a most insulting manner that they were coming to kill us.”

Despite what may have been a wise calculation on the part of the Embū to sabre-rattle rather than attack, here Embū performance lost out to the European counter-performance of *sang-froid*. The Embū were not able to frighten off the Europeans and the latter were able to penetrate further into Embū country, defying Wa’embū performative claims of sovereignty over/in space.

Recognizing the radical autonomy of the Embū – or at least their hostility – meant the acknowledgment of the Embū as a sovereign, political entity or at least acknowledging that the Embū did not recognize white rule. It would be too much to assert that the Europeans saw indigenous political entities as states but certainly their political structure was considered and evaluated whether for anthropological interest or reconnaissance – the two, of course, being

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287 Indigenous peoples’ performances were, like those of the explorers’ *sang-froid*, successful in impressing upon the Other a sense of their power. Joseph Thomson was ‘filled with admiration’ at the sight of Masai men who came to speak with him with what he read as full confidence and fearlessness despite the fact that they had murdered members of his caravan the year before. “And now here were members of the same clan visiting us with all the dignity of lords of the creation, knowing full well that no retaliation would be attempted. They were magnificent specimens of their race, considerably over six feet tall, and with an aristocratic savage dignity that filled me with admiration.” Thomson, *Masai*, 272.

288 Arkell-Hardwick, for example, considered Embū political structure, “The Wa’M’bu numerous and *united* [italics in text] people, are, therefore, very dangerous to tackle in their mountain fastnesses. The weak spot in most other tribes of the region is that they are ruled by numerous petty chiefs, and have no cohesion and consequently no real strength.” Arkell-Hardwick, *Ivory*, 72. Echoing Arkell-Hardwick, William Scoresby Routledge,
inseparable. The radical autonomy – or hostility – of the peoples near the trade routes prevented the secure passage of the trading caravans. It also was at odds with British plans to construct the Uganda railway (which was planned to be set along these routes) and so was an obstacle to British capital. The task now was to reformulate space, people and power and remake them in ways that would suit European interests and be conducive to European authority over the most sensitive spaces. What remained was to transform the hostile tribesman into the criminal. To end– not inter-ethnic conflict, this would be a second thought and a useful propaganda piece to a home country fed images of the savage – but rather to end what they saw as the hostility of all spaces and peoples that remained outside of peace – and peace of course was and is white hegemony.

*Breaking Bei-Munithu*

Alfred Arkell-Hardwick’s travelogue covers his trip in search of ivory beginning in the latter part of 1899 after the formation of the protectorate (in 1895). The adventure was the suggestion of El Hakim, his mentor and on whom he bestowed the pseudonym meaning the “wise one.” His memoir, “An Ivory Trader in North Kenia: The Record of an Expedition through Kikuyu to Galla-Land in East Equatorial Africa,” is a thrill-ride of violence and danger. It is the record of his journey far from the “head-quarters of both the Civil Administration of the

Protectorate and the Uganda Railway” in Nairobi, that is to say the Hinterland that existed outside of the stations. Despite the protectorate being established on paper and the gestation of administration beginning in its urban centers, most of the protectorate space remained outside of the sway of administrative and state power. It would remain so throughout the colonial period. This was part of the excitement of the adventure and Arkell-Hardwick would intrigue the readers with his description of the space as “that vast stretch of country lying between Mount Kenia on the south and Southern Somaliland on the north, which is nominally under the sphere of influence of the British East African Protectorate.” It was the undiscovered and unknown, even as it was claimed and proclaimed to be under the protection of the British.

Arkell-Hardwick recounts a story of his caravan’s attempt to “penetrate into hostile country,” known then as Munithu in Meru. After suffering a Meru raid, losing goods and running dangerously low on food the caravan leader decided that he would, through a demonstration of force, convince the Meru governor, Bei-Munithu, that they were “better as friends than enemies.” He sent his headman Jumbe to demand that their loads be given back to them to which the chief refused and sent an “insulting and threatening message” that “if the Wasungu [White people] themselves came to the door of his house with their guns, he would not give up the loads!” Moreover, Jumbe reported back that there was a lot of food in Munithu but the people, under instruction of the chiefs, refused to sell any to the caravan. Arkell-Hardwick

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290 Ibid., 3.
291 Ibid., 317.
292 Ibid.
293 Ibid., 316.
decided to leave with an armed party of sixteen men to Munithu and go on to Bei-Munithu’s village. “The moment we sighted [Munithu], where it stood on the summit of a hill, we rushed forward with a cheer, and, swarming up the side of the hill, we succeeded in getting into the village before the inhabitants knew what was happening. It was captured without a shot being fired, the natives fleeing out at the other end and into the bush. Instructing the men to collect as much food as they could carry, I took three or four with me and made for the huts where our goods were stored...On searching his hut I found a large quantity of our goods stowed away…”

The *A’kikuyu* eventually attacked, shooting poisoned arrows at the party. During all of this the caravan’s askaris began taking cattle, sheep and goats from the Meru in a similar fashion to traditional livestock raiding. Arkell-Hardwick, for his part, decided to teach “the enemy” a lesson and burned the village down.

When I had got my little force together, I first set fire to the village, and then formed them up outside. As the enemy would most likely harass our rear, I took the rearguard myself, putting George in command of the bulk of the men, with the loads and the captured stock. I asked him at the same time to see that the men did not fire a shot till it was absolutely necessary. Barri, the Somali, took the advance guard of our little column.

“By this time the smoke of the burning village and the cries of the fugitive inhabitants had aroused the whole country-side, and from the manner in which the war-cries resounded over hill and dale on every side, we discovered that we were in for a rather rough time. [italics mine]”

The language Arkell-Hardwick uses to retell the events of his pillaging of Munithu betray a blurring of the lines between a war between sovereign parties and the imposition of a police

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294 Ibid., 319.

295 Arkell-Hardwick refers to the Meru as part of the Kikuyu.

296 Ibid., 320.
state. This blurring, or more precisely, this presenting of war as crime is exactly the work of pacification. At certain points he calls the hostile peoples “the enemy” and uses the language of war strategy and tactics. At others, he refers to them as “fugitive inhabitants,” language that pretends that the hegemony of the administrative state now exists and former political adversaries, the hostile Meru, have already been transformed into offenders and criminals: fugitive inhabitants. The term “fugitive” not only criminalizes but locates and affirms juridical power through the presenting of the individual as fleeing from it. The term “inhabitant” on the other hand, affirms that there is a political place, defined by European power, that exists and within which the hostile natives exist. The invention of the figure of the fugitive inhabitant also reverses the time of the state so that the state or settler-order appears prior to the fugitive inhabitant that flees from it\(^{297}\). One thinks of a fugitive as existing after the law and not before it. This myth of the anteriority of the state aids in its reification as a stable, omnipresent and eternal entity. For this reason similar terms continue to be used in settler-colonies, which are always threatened by the continued existence of the indigenous as the anterior. The terms “illegals” as code for “Mexicans”\(^{298}\) without legal status\(^ {299}\) in the space produced as the United States or

\(^{297}\) The profound dislocation and its psychological effects on the colonized is poignantly dramatized in Ghassan Kanafani’s story “Returning the Haifa.” Returning to the homeland from which he is expelled, Said S. the protagonist (a Palestinian refugee), tells his wife Safiyya, “I know this Haifa, but it refused to acknowledge me.” Time (especially as chronology) is a weapon of the settler and aids in fomenting experiences of a rift between indigenous space and the indigenous exiled. Time, language and signs are deployed to make new myths about space and thereby deepen the divide between the indigenous and space while narrowing the divide between space and the foreigners. Ghassan Kanafani, *Palestine’s Children: Returning to Haifa and Other Stories* (Boulder: Lynne Rienner Publishers, 2000), 150.

\(^{298}\) The term “Mexicans” is a clear example of the erasure of indigeneity by postcoloniality and the nation-state.

\(^{299}\) The term “undocumented” referring to individuals without legal status is used as a humanizing corrective to the term illegals. But it sets up legitimacy and the human as a person
“Present-Absentees” in the case of Palestine are but some of the many examples of this need for reversal and the settler-colonial struggle against time.\(^{300}\)

Bei-Munithu’s protestations against returning the goods is described as both “insolent”\(^ {301}\) and “threatening.” The choice of words reflect different relationships of power, the first claiming dominant power and authority, the second betraying a more horizontal sense of the relation.

There is a will to subdue Bei-Munithu and transform him and the inhabitants of Munithu into fugitive inhabitants. The reality of war – being a contest between sovereign powers – however, necessitates the reducing of this aim to the dream for a colonial future. Reality remains,

with documents, which is a person who is registered and acknowledged by state power. Neither documents nor the need for them is questioned. In addition, the onus to prove legitimacy is shifted from the invented state, which arbitrarily and performatively produces individuals as illegals, exceptional, and wanting, onto the excepted individual who must prove he or she has “papers” the amulet of the bureaucratic state. (See following chapters’ discussion of state and its fetishes.)

\(^{300}\) See following chapter for the changing legal definition of “native.” The problem of time and space is not resolved in the postcolony. Despite its pretense of being the telos of the unilinear, natural historical trajectory and the culmination of colonial pain into the promise and universal time of postcoloniality, the indigenous and populations defined as Other to the new man (here Fanon’s gendered post-colonial subject is telling) continues to threaten the postcolonial state. In Jordan, the Arab Legion’s chief Frederick G. Peake deliberately aimed to raise a force from the ‘village Arabs’ that would ‘check the Beduin.’ Glubb Pasha would reverse this policy and only recruit the Bedouin as the main military force against the threat the settled population was said to constitute to the political stability of the regime. Post-colonial Jordan followed in Glubb’s colonial footsteps. Bedouins and women were re-presented and redeployed by nationalist ideology as equal citizens yet occupants of different times and spaces. Despite this equality women had their electoral power undercut (prevented from voting) and Bedouin men and women’s bodies were put under martial and finally totalitarian police supervision and control at the very time that they were the footsoldiers (literally and figuratively) of the Colonially-raised Jordanian army. Joseph Massad, *Colonial Effects: The Making of National Identity in Jordan* (New York: Columbia University Press, 2001), 50-58. See also Partha Chatterjee on the nation, outcasts, peasants and women. Partha Chatterjee, *The nation and its fragments: Colonial and postcolonial histories* (Princeton: Princeton University Press, 1993), 116-200.

\(^{301}\) In the table of contents of the memoir the heading used was “Bei-Munithu’s insolent message.” Arkell-Hardwick, *Ivory*, xiii.
uncomfortably, a struggle between sovereigns. The work of pacification is to eliminate the adversarial sovereign and to force military action into police action. Arkell-Hardwick’s ambiguous language is an example of the ideological struggle that maps onto the military one, or the struggle to pacify at the level of discourse.

It is also significant that the violence used against the people of Munithu is the violence of the war-raid. Traditional cattle raiding and jousting in the Hinterland, which would set two sovereign communities against each other in temporary bouts, appears in a conflict between the caravan and raw Native.\(^{302}\) This demonstrates both the horizontality between the caravan and the warriors and the fact that at this moment and despite nascent projections of white rule, the predominant form of violence remains a type indigenous to the region. Of course, in the absence of the constabulary force this form of violence was the only effective one available as the purpose was to regain goods and dispossess the inhabitants of their food stores for the benefit of the caravan. But the paucity of options itself is reflective of the conditions of autonomy. As in any situation that is not colonial or under a state, violence is horizontal if disproportionate. The caravan did not seek to capture the fugitive inhabitants or try them or flog them, but rather burn their village, exterminate them and take their property. The caravan would need to transform this form of violence into the violence of punishment both at the level of discourse and of performance and practice.

Arkell-Hardwick retells a story of his more experienced travel partner and explorer, an Englishman to whom he had given the pseudonym, El Hakim. El Hakim was “one of the most daring and resolute, and at the same time one of the most unassuming Englishmen in the

\(^{302}\) See Chapter 2 on the “raw slave” and “raw native.”
This was high praise from Arkell-Hardwick, a British South African police officer who had put down “the native rebellion in Mashonaland.” Some months before June 1900, El Hakim travelling from Munithu to M’thara noticed that two of his porters were missing. He sent the headman and porters to look for them and they returned with their mutilated bodies and their loads gone. He then went to the “chief” of the Tomori people with four men, arrived at his village and “stood outside and summoned him.” The chief then “swaggered” out and “insolently demanded the M’sungu’s [White Man’s] business.” El Hakim “quietly stated his grievance” asking the young men who murdered is servants be given up for punishment and his missing trade goods be restored. In this he performed regality in his temperament and authority in his command. This was received by a shout of laughter and the chief turned to him “in a most ‘insolent manner” shook his spear and “bade him begone, accompanying his words with the most contemptuous gestures. El Hakim never moved a hair, but quietly repeated his demand, adding that if the murders were not given up he would hold the chief personally responsible and deal with him accordingly.” When this was interpreted the chief, “worked himself into a rage and proceeded to violently harangue his warriors.” He rushed at El Hakim who shot him. This created an uproar leading to El Hakim’s firing into the crowd of warriors while they let fly their poisoned arrows. The European-led party was able to escape unscathed. Beyond his celebration of the heroics and sang-froid of his travel companion El Hakim, Arkell-Hardwick shapes the world of the Hinterland and its content for the reader. The Tomori chief is insolent, the explorer is calm and civil and the European-led party, though few in number, was victorious.


304 Ibid., 1.

305 Ibid., 86-87.
over the hostile natives. More important is El Hakim’s sense of propriety, justice and his matter-of-fact performance of authority over the “murderers.” Despite his diplomatic show recognizing the authority of the Tomori chief and asking that the offenders should be given up, it is nevertheless understood that whatever authority the chief may have was posed to be overridden by white sovereignty held at that moment by the caravan leadership. Though the chief is presented as insolent, in the story El Hakim is implicitly praised for recognizing the chief’s transient and illegitimate sovereignty. In the passage El Hakim is understood not to recognize Tomori sovereignty but rather he appreciates the custom of sovereign display. This is why even as he recognizes the Tomori chief, he can summon him and expect that the murderers would be given up for punishment. Through this performance, El Hakim performs white British sovereignty – which becomes white supremacist sovereignty as it is embodied in El Hakim and is to be recognized by the mere fact of his whiteness despite the fact that he is not one of the protectorates’ officials. El Hakim also performs a new order, the order of punishment and crime and the corresponding transformation of certain bodies, read as hostile, into legal subjects: fugitives, criminals and indeed murderers. They are criminals rather than occupying the political category of enemy. If in carceral society the criminal commits crimes against and is punished by the entirety of society, then in the East Equatorial Africa – where “society’s” limits mark the limits of whiteness – it is whiteness and white power that are offended, and in turn, it is they who punish. Clearly the Tomori chief recognized this. When El Hakim tells him that if he does not submit to his demands he would be held accountable, the chief recognizes El Hakim is issuing a thinly veiled declaration of his subservience. It is at that moment that the chief’s amusement becomes rage and the violence ensues. It is because of these successes that El Hakim is a heroic

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306 Foucault, *Discipline*, 89-90.
and exemplary figure for Arkell-Hardwick who saw in him “a leader that one would have willingly followed to the ends of the earth.” El Hakim did what Arkell-Hardwick could not do: put the native in his place. This, when the native knew neither that he, she or zhe was a native nor that there were new places.

In the proximate interior, the Hungarian explorer Count Teleki was not so self-contained. Readying the caravan to continue the journey toward the Kilimanjaro region after camp, Teleki found that there had been desertions resulting in about fifty loads being left on the ground. “Villagers” near to the camping site of Malago Mbaruk were visibly amused at the predicament of the Europeans who had no one to carry the loads. Teleki attempted to offer some of the male villagers large sums of money but they refused to assist. The women, however, seemed interested. “The fair sex alone, with their natural tender-heartedness, were ready to help me, tested the weight of the packages, and even began to bargain with us about taking them; but in the end they did not dare go against the orders of their lords and masters.” His reading of African patriarchy is here muddled with an odd idea that tender-hearted women were interested in assisting the European out of the goodness of their heart rather than for their own purposes. In any case he read the male natives’ attitude as deliberate smugness and snubbing at best and as adversarial enmity at worst. It was the natural order of things for the native to serve the European

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307 Ibid., 3.

308 I use the gender-neutral pronoun as a place holder for the multiple forms of gendering and non-gendering in indigenous thought without, perhaps paradoxically, suggesting that “zhe” is a more capacious, less policed or non-gendered identity.

309 The place being the spatial and discursive order of white supremacy as opposed to the places and infinite spaces prior, opposed, outside, beyond, and after it.

310 Höhnel and Teleki, Discovery, 51.
for Teleki, requesting help was only diplomatic etiquette on his part. “At last I begged the chief of the village to find me some porters but he only shrugged his shoulders scornfully, and said he had no porters, nor could he get any. There was nothing for it but to leave these loads behind; and even that this chief would not agree to. Then I quite lost patience, seized the man by the arm, and shaking him as hard as I could, I told him through an interpreter that he would either take the loads at once to a dry hut, or come on with me himself in chains. This was the right line to take; the hut was found in no time, and everyone began to help us at once.”  

In the frontier regions, the known spaces – the sovereignty of indigenous polities is weakest. In this case native sovereignty is shown to be a paper tiger, with white supremacist rule, the threat of slavery and forced labor always hiding in the wings. There was no flurry of arrows.

Subduing the Radical: The Birth of Punishment

Thieving or attempts to thieve were now of hourly occurrence. A [Maasai] warrior would in the most unexpected way make a desperate dash at a porter’s load on the march, and try to carry it off; or in the very center of the caravan would pick up an unguarded article, and make for the open. These attempts rarely succeeded but it was very amusing to notice the subdued and almost deferential way in which the traders submitted to these annoyances. It was a stringent rule that no attempt was to be made to punish the thief when caught. The stolen article was simply taken possession of, and the thief allowed to

311 Höhnel and Teleki, Discovery, 51-52.

312 One may even go so far as to think of indirect rule in colonialism and post-colonial neo-colonialism as part of the continuum that began during the explorers’ encounter.
move on, feeling what annoyance he might at the laughter of his companions or jeers of the porters at his failure.\textsuperscript{313}

The birth of the thieving native figure in the Hinterland is a momentous event. The native thief is not the hostile native. The hostile native does not steal; he kills and takes; his is an act of war, raiding and looting.\textsuperscript{314} The thieving native, on the other hand, is a native who enters into a relationship of law and norms with the explorer. He is not a criminal as the mere imagining of the playful and attacking native as a thief does not transform him immediately into a criminal i.e. a subject interpellated by and subjected to the ideology and jurisdiction of European law – any more than it would a dog imagined as a thieving dog. The native thief is a new being, anthropomorphized but inhuman. He is not the savage, a hostile element of the natural environment, and yet he is not yet a negro. Despite being as objectifying and dehumanizing a representation as the “savage,” the figure of the native thief departs from the representation of the savage in that it begins the individuation of the indigenous, (which will eventually create the conditions for his interpellation as criminal.) It endows the native with a unique personality and disposition – wrestling him from nature and making of \textit{it} a \textit{him}, a subject. At the same moment it imagines a future when this individual could be an individual who can be punished. Individuation occurs at the moment of criminalization. The individual is recognized as a subject that was subjected to the law – or, the native individual is birthed within the spectra of punishment.

\textsuperscript{313} Thomson, \textit{Masai}, 164.

\textsuperscript{314} This last term, “looting” however, is less useful in that it imports with it problematical assumptions about property and property relations that need to be historicized and unpacked.
Subject formation in the Hinterland is male and inseparable from criminalization and thus policing power. Crucially, the subject is gendered male as Maasai women, for example, were able to leave to trade and interact with caravans (as previous chapters discuss) because of the dismissal of women as warriors by Maasai and the illegibility of native women as subjects by the caravan leaders. The (hostile) native is imagined as a male and if individuated, as criminal. I use the native thief as a stand-in for a native murderer, rapist, batterer or any behavior that becomes identified with the transgression of good order. It is through “theft,” however that the vast majority of the interactions between the hostile natives and the caravan occurs in the explorers’ texts and the opportunity for other “crimes” (such as battery) were few and far between. The native outside policing power but that is not known to have committed a crime remains part of the indigenous environment. The explorer cannot imagine a space between the natural environment and criminality for the native of the Hinterland; indeed that would be tantamount to reading the civil (and perhaps even the civic) into the anti-civil Hinterland. This would produce insurmountable obstacles for a project of dispossession which held dehumanizing ideology and the discursive production of terra nullius as its mainstay. More importantly if the Hinterland was not to be “opened up” but did not exist, if civil orders existed and there were no such things as natives but only other humans, the sublime shock of absolute difference would be let loose upon the 19th century European cogito. Thus rarely, if at all, does the native individual appear in the

315 While it is true that Europeans interacted with Africans long before the present, late 19th century, they did not interact with East Equatorial African Hinterland. Indeed, this accounted for the thrill of discovering the wildly different peoples, flora and fauna of the region. As I have argued in the previous chapters, the Hinterland was radically different and distinct, in the European explorers’ mind, from the Swahili and the peoples of the proximate interior. Whereas other Africans, especially on the western and southern coasts, had centuries-long interaction with Europeans, the Hinterland had not. Their “discovery” of these peoples coincided with the rise of racialist theory and the new categorization of man and the subject. The racialist episteme would make an accommodating reading of extreme difference and the inclusion of radical alterity into
explorers’ texts as an autonomous being with no relation to European policing power. Outside of the bonds of European power the native of the Hinterland is the savage.

The savage – as represented in explorers’ diaries – tends not to be imagined outside of the collective– often in metonyms for e.g. the horde, the crowd, barrage of arrows, indeed even the terms *native* and *savage* (and perhaps to a slightly lesser extent “indigenous”) are metonymic. The lack of individuation prevented any common sense imagining of the individual human subject, who, as an individual, can be culpable, addressed by the law and punished. In the above passage Thomson chose not to punish the thieving Maasai warrior due to his fear of starting a war in which they would be overpowered by the surrounding warrior crowd. In the absence of the ability to punish and to police the native thief, the criminal-in-waiting, Thomson’s caravan had to rely on the power of the offenders’ fellow natives to chastise him through chiding and jeers. White power had no foothold in the space of the Hinterland and the enforcing of discipline had to be left to the good-will of the natives. Thomson, as we will see, would have no doubt punished the natives if it were within his power.

Imagining the *savage*, that is, the anthropomorphized hostile environment as an individual, and then re-imagining this individual as thief, meant a reimagining of the hostile environment itself. The thief could not exist in the Hinterland. The Hinterland, traditionally represented as a geography of monstrosities for the explorer, had to undergo a transformation in

the category of the human impossible. Thus, if the Romans of the first century of the common era did not wash up on British shores but invaded Machakos, difference would not only be registered differently but the recognition of different modes of occupying space and ways of being might have been legible.

316That is, waiting for an order that could convict, label criminal and punish.
representation if it was to allow for the presence of a thief. With the presence of the thief there was birthed an entirely different representational space, that of the legal-order-in-waiting. Suddenly, the immediacy\(^{317}\) of East Equatorial Africa, which was experienced as a geography of monstrosity, becomes one degree abstracted and is now the representational space of the emerging administrative, even civic order. With the drawing in of the raw native (if only here figuratively) from the Hinterland into society and thus the domain of the norm and rule, society simultaneously expands into the Hinterland. It transforms and submerges the Hinterland into the texture of the white supremacist order – the Hinterland becomes nature in Lefebvre’s sense. For Lefebvre, nature is never natural and organic but comes into being by being annexed and produced as natural by the actions of “masters and conquerors.” \(^{318}\) Nature is an invention of the privileged space and focal point of the city or town. The town annexes the peripheral pre-existing spaces and produces it as a part of it and its work. \(^{319}\) In the world of the explorer it is the recognition of the raw native as native individual, who is at the same time the criminalized

\(^{317}\) Lefebvre, problematically, thinks of the natural physical environment or “primary nature” as a space that is experienced by “archaic societies” immediately. Social space, urban and the space of capital, is abstracted space, creating a “second nature” layered atop the “organic” space. Lefebvre opposes this to the space of archaic society, which is, for him, comparatively less abstracted. This idea is problematic as he depends upon early anthropologists’ (Fortes and Evans-Pritchard) reductive reading of members of African “archaic societies” as experiencing their social norms without critique. Lefebvre, *Production*, 229-231. Boundaries, towns and the fetishizing of space and other abstractions exists in multiple ways for non-European peoples or “archaic societies,” and their space – like their social norms – are constantly thought, re-evaluated and struggled over. The immediacy of experience and living social norms spatially, however, remains an interesting idea because within the anthroposphere of white supremacy (or the explorers’ Hinterland) wherein indigenous bodies become part of the natural environment, racism (and indeed spatial order) may be seen as a way to negotiate the immediacy of the space of loss.

\(^{318}\) Lefebvre, *Production*, 234-235.

\(^{319}\) Ibid.
individual (the thief), that produces the legal order in space. The thief points to the law. It points
to policing and administration. Fantasies (where they existed) of a future colony are concretized
by the presence and possibility of a thief. The legal order, thus birthed, is the fundamental
ingredients and working-space of civic administration. Overlaid atop this new representational
space of order will be the signs or representations of a new space: the station, the fort, the town
etc. The thief transforms the Hinterland into the nascent order, and the stations, forts, buildings
are emblems of it. They are taken to be the essence of the town, rather than the town being a
consequence and effect of the discursive transformation of space. The thief is named before the
law against theft. He is named even before the institutions that are vested with the power to
proclaim laws, i.e., the municipal administration and the police tasked with his apprehension.\(^\text{320}\)
The criminalization-individuation of the raw native makes the town possible. It is from here that
the protectorate will be imagined and become, initially, the wholly acknowledged fiction that
Arkell-Hardwick will describe as the “nominal” sphere of influence. This nominal sphere is
under imagined rule, a periphery controlled by a “town” yet to be established. Once the town is
birthed this spatial practice of the state will continue (on into the present): a performatively
constituted hegemonic civic order overlaying the seething, adversarial, hordes of political
society.

The invention of the native thief is closely related to one of the pre-colony’s most critical
inventions and one that would last throughout the early protectorate period and beyond: native

\(^{320}\) This is literal in the case of Masai where Thomson names thieves before not only the town
was established but even before the protectorate was born.
insolence. 321 As threatening as native insolence was within the proto-settler colony of the caravan,322 the insolent native in the Hinterland, just as the native thief, was a way to draw the native – at the level of discourse – into society and as such present him as being under white power. Imagining the native as insolent provided comfort for the explorer as it was, like theft, the basis upon which he was able to imagine a future order, police power and the native’s place within such an order. Even during the moment of war, the European’s calling upon his invention of a native who could be insolent, masked the fear-inducing state of being surrounded and facing possible extermination at the hands of the savage. It reversed his perilous condition and instead presented it as a disciplined state of order with the European having right (and perhaps also God) on his side.

Ludwig von Höhnel demonstrated the uses of this deliberate cognitive dissonance. After describing the moment when he was surrounded by indigenous adversaries he recalled that the “insolence of the natives was constantly on the increase, and as we waited in the captivity of our camp we momentarily expected an attack.” 323 Insolence becomes the way of representing existential threat while salvaging the life-sustaining overconfidence necessary to survive in Hinterland conditions. Even as Teleki and Höhnel are under the threat of extermination, relying only upon the safety of their fortified camp they imagine the natives as insolent. This is an important act of the pacification of the self. It is the moment in which the world of the unknown is re-invented and presented to oneself and one’s European audience as the world that has norms

321 Being a diary aimed at an audience it must of course be acknowledged that the use of the idea of native insolence is also in part didactic – it explains what the native is and how he should be treated in relation to the European.

322 See Chapter 2.

323 Höhnel and Teleki, Discovery, 339.
and an order. This order is one in which native radical autonomy is not recognized and war becomes not war but offense. Where the subduing of the hostile natives cannot be achieved through might it is won through rhetoric. When the caravan was finally able to get the upper hand, a war-raid replete with the kidnapping of women and the stealing of cattle and children was the result. According to von Höhnel it was the result of the Swahili porters finally being fed up and desiring to shoot at their attackers because of their insolence.\(^{324}\)

Powerless and vulnerable, the explorer fantasized about punishment. Thomson on learning the Swahili trader, Dugumbi, who offered to be his guide, was planning to plunder him imagined what he would do if it were possible. “I learned shortly after that Dugumbi was only journeying a short distance into the Maasai country, and had no intention of going to Kavirondo, but between them he and Muhinna had agreed to plunder me. I had therefore a very strong temptation to let the knave know that his tricks had been exposed, and then swing him up on a tree – a punishment he already fully merited. I forbore both the exposure of his criminality and the act of just retribution for the simple reason that he was indispensable to me.”\(^{325}\) The caravan leader, as sovereign, wanted the power of the patria, complete power over the life and death of the native Swahili trader and yet had to depend upon him for his own survival. He fantasized about lynching him, a mob punishment that was all the rage for his white supremacist contemporaries in the United States.\(^{326}\) Lynching was a punishment emblematic of settler power,

\(^{324}\) Ibid., 342.

\(^{325}\) Thomson, Masai, 225-226.

\(^{326}\) Lynching was on the increase since the Reconstruction period in the United States – and Thomson would certainly be aware of the practice. Considered by James Elbert Cutler as an American institution, explorers’ consistent public suggestion of employing (or fantasizing) about lynching as a punishment must be taken as their nod to the white settler-police culture of the
the settler usurping sovereign power over the body of the native, punishing them according to their law and for their interests. Lynch-law in America and after the rise of administrative power in the East African protectorate would continue to be a serious threat to bureaucratic power. At the same time lynching performed the patria’s absolute control over the raced body, it performed a public death (and the public as executioner) and as such a didactic death. With the use of the lynching rope and casting himself as the authority who punishes, decreeing laws and naming criminals, Thomson fantasized about his status as sovereign in the condition of the Hinterland where, alas, in reality he remained vulnerable to plunder and dependent on his would-be plunderers. The impotence revealed in his fantasy can be compared to his sense of absolute power over the body of the native in his explanation of his civil approach to the “thrashing” of his porters. His text reads as a manual for the production, through the terror of the ‘stick,’ of a perfectly disciplined native subject.

In speaking of thrashing, I presume the reader will not suppose that I mean flogging in the sense usually understood by people who have been accustomed to gloat over the literature of anti-slavery societies. I have in no case had the criminal tied up, and the punishment has rarely exceeded a few strokes across the shoulder with a stick. I am sorry to think that even this should have been required; but bitter experience has taught me that corporal punishment cannot on any account be dispensed with, if the traveller intends to be master in his caravan, and not to be despised by his men as a milksop and a coward, who dares not proceed to extreme measures. I do not think any East African traveller could have had better command of his men than I attained, and yet I

United States and a means to forge community with them. According to Cutler “The emancipation of the slaves and the reconstruction policy carried out by the political leaders in Congress not only brought about a changed relation between the two races, but made negro domination a real evil and an imminent danger. The Southern planters considered themselves justified in resorting to summary measures as a means of protecting their property and their families. Both the social and the political conditions in the South were such as to give a distinctively new impulse to the lynching spirit.” Thus the fear of emancipation was in part due to the risk of transforming the American South into a Hinterland. See James Elbert Cutlet, *Lynch-law: An Investigation into the History of Lynching in the United States* (London: Longmans, Green, and Co., 1905), 5, 137-192.
flatter myself I was as much liked as feared by the men. In my first expedition with one of the best sets of porters that ever left the coast, I nearly ruined my prospects, and for a time was despised by my men, because I tried moral suasion. In the caravan of which I was now the commander, and upon whose moral and physical characteristics I have sufficiently animadverted, I obtained an ascendancy at once by the judicious use of the stick, and by an unvarying promptitude in the carrying out of punishment; while by seeking to understand them thoroughly, I was able no less markedly to gain their good-will and respect. The consequence was that the stick was less and less used, until it was rarely needed, and orders were attended to with a celerity seldom seen outside of an army.327

This disciplined, obedient populace is what Thomson claimed that he was able to form in the conditions of the caravan. With Dugumbi, who was an independent Swahili trader and thus someone outside of Thomson’s authority, Thomson fantasized about his public lynching. Thomson, as caravan leader, prefigured the state. In the absence of the capability to produce a perfectly disciplined population due to the inability to interpellate its rebel or criminal denizens as subjected subjects – the state desired their public elimination.

The performance of punishment itself could be used as an olive branch towards the raw natives and an invitation to join the new order.

… Count Teleki had given the strictest orders that on no account would any plundering of the natives be allowed. In spite of this some of our men who, in the pursuit of their assailants, had come upon a little lonely group of huts, had set fire to them. We had seen the smoke without guessing what it portended till the culprits came back to camp carrying some lambs. As a punishment they were now flogged in the presence of the natives and the booty returned to its owners. Jumbe Kimemeta thought we were quite wrong to act as we did in this

327 Ibid., 104-105.
matter, declaring that our only chance was to make the natives fear for the safety of their property.”

Here two forms of violence (of flogging and of the punitive expedition) and equally two forms of performance (didactic punishment and looting) meet and contrast. The Swahili porters are flogged in the presence of the native – a performance intended to demonstrate the European’s power and also the benevolence, protection and justice of the European vis-à-vis the indigenous. At the same time the display served as an introduction the European order: white and police supremacy and rule. In flogging the Swahili porters in the presence of the natives the Europeans advertised their new regime of justice. Although limited to the space of the caravan, it was a demonstration of the new techniques of calculated punishment, its new technology – the whip – and its association with a civil justice. Despite native insolence and attack, the caravan would not always react in kind but was governed by a different sense of justice and way of maintaining power. The performance of self-discipline and measure was an invitation to join this new European way while policing the Swahili porters (who were likely to be humiliated by being flogged in front of the natives who they often considered Washenzi) through public violence.

The technology of performance as policing power was not subscribed to by Jumbe Kimemata. This Swahili headman thought that the only effective deterrent with the Washenzi was not a performance of justice and the humiliation of the Swahili aggressors but rather the punitive expedition. In this he foregrounds that sentiment of the settler population after 1902 that would argue that the native could only be taught through violence (although by this time it would be the violence of the kiboko and not the expedition.) What Teleki understood was the power

and didactic properties of the spectacle of punishment, which went beyond the spectacle of violence. The spectacle of punishment was not only a deterrent but a claim about morality and an assertion of the position of moral authority. The town would aim to perfect not only its status as legitimate decider of the moral order and the right to punish, but also punishment itself. It would build upon the work that shrewd pioneers, like Count Teleki, began. Restraint, calculation, the organization of the body and space, the lack of resistance on the part of the flogged, prostration, all were radically new or different examples of how humans could relate to one another. Following explorers like Teleki, administrative power would perform constantly the possibility of a new society and economy of violence. The birth of punishment, the birth of spectacular and didactic forms of violence which punished, was the marching parade of the new order into the space Hinterland. It was the beginning of the town and protectorate and with it, its new subjects of the criminal Negro (or native), authoritative whiteness, and the reification of these in the form of the protectorate police-state. After the performance of what could be, there was the need to transform theater into reality. White supremacist violence had to move from an act to an institution, from a display in front of a native audience to permeating and ultimately becoming the world they lived within. The town was conceived.
CHAPTER Four

Figurations of Order: Preconditions for the Town

This chapter traces the evolution of white power in the Nairobi region from the rugged, crude repression of military force to the positive power of administration. It is an account of the transformation of power from brute force to the power that fabricates new subjects and new space. During this period the preconditions of the protectorate (administrative) order is established and the work to transform what was only a nominal sphere of influence into governed space begins. This brief but important period of transformation – represented by the establishment of permanent stations, the reconfiguration of space, the interpellation of the native as legal subject etc., – was the foundation upon which the municipal order would be built. It is a moment when the problem of pacification is a problem not so much of winning wars as much as it is of instituting a peace. For the native, the state is experienced as it exists: a complex of white supremacist power, violence, technology, the invasion of alien built forms, the disciplinary effects of the white body, the permanent and symbolic occupation of space, and the emergence of a police rather than military order. Cartographical representations, print-capitalism, law, the “social contract” and other ideological overlays are here absent or yet to be put into operation. It
is the state before the *state effect*,\(^{329}\) where the native is introduced to the fundamental materiality of every state: police power.

*Imagining Terra Nullius*

One of the most important imports for settler-colonialism in East Equatorial Africa was the imaginary of emptiness. The coming administration needed to reimagine occupied space as unoccupied in ways that their predecessors, the European-led trading caravans, did not. Caravan leaders often struggled to imagine the Hinterland as empty not only because they were under constant existential threat but precisely because, as trading caravans, their mission depended upon the existence of markets and communities with which they would exchange goods. Caravans traded with the very peoples the administration would later produce as sparse or non-existent. The administration, on the other hand, would have as its goal the birthing of a new society – this project would be complemented, if not dependent upon a conception of Hinterland space as a *tabula rasa*. To this end pre-protectorate communities and the space occupied by indigenous peoples were often overlaid with the images of desolation and openness. Sir Charles Eliot – who might be thought of as the *founding father* of the East African settler-colonial project – represents places named by indigenous peoples of the region as transient\(^{330}\) camping-grounds

\(^{329}\) Though it may be true that the state is performatively constituted, Mitchell’s notion of the “state effect” does not consider that part of the public that cannot witness the performance. Though ideology interpellates subjects, ideology operates through communicable signs and where these signs cannot be transmitted or translated, interpellation (and performance which requires interpretation) is impossible. The business of colonialism was to teach the native the “rules of the game” and until this goal was achieved the state as a unitary, if abstracted, entity could not exist. This would come later. What existed in its stead was police power. See Sharma and Gupta, *Anthropology*, 169-186.

\(^{330}\) See Chapter 5 for a discussion of vagrancy laws and transience.
for transient peoples: “I must warn the reader of this peculiarity of African geographical nomenclature. One sometimes sees a desert strewn thick with names that suggest, to the unwary, cities, or at least villages, but are really nothing but camping-grounds, in no way distinguished from the surrounding solitude, where some enterprising traveler has spent the night. More important than these, but hardly more conspicuous in reality, are the watering-places of the Somalis, such as Afmadu, which has figured in despatches as if it were a city like Mombasa, but is really nothing more than a collection of wells.”

Indeed, even for the explorer and caravan-leaders the dreams of the futurity of the space were not incompatible with imaginaries of emptiness. Explorers (whether sympathetic to the native or not) often fantasized about future settlement, a project they often imagined as a type of (human) clearance. The initial East African-European encounter (15th century Portuguese presence on the Swahili coast) saw the deployment of European magico-symbolic rituals as performative acts used to claim/produce space as terra nullius, thus inaugurating Africa into existence as empty. For those 19th century explores who indulged in dreams of a future administration but for whom contact with peoples was the express purpose of their original activity in the region – fantasies (or theories) of native removal and clearance allowed for the maintenance of an imaginary of open land by recasting indigenous presence as always-already fleeting.

Clearance and removal took on multiple forms, sometimes the missionary’s clearance of the native’s pagan soul and sometimes the clearance of material bodies. Our good missionary

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331 Eliot, Protectorate, 36.

332 See Chapter 1 and Mudimbe, Invention, 46.
Joseph Thomson two years after his pioneering adventure through Masailand would argue for the removal of the Maasai. “But I would not have you forget that here you are surrounded by races infinitely more averse to labour than in the districts further south, and that to establish yourself in any part of the Maasai country you must first get rid of the natives of the soil. It is simply out of the question to talk about the civilization within a generation of such race as these terrible nomads.”333 His suggestion would be taken up in the 1904 forcible relocation (to make room for the settlers) of the Maasai from the Rift Valley to Laikipia. After the invasion of administrative power in the 19th century, European officials would intensify this imagining of emptiness, minimizing population estimates and rendering invisible or camouflaging signs of obvious occupancy, using language evocative of empty plains and land unmixed with labor.

Whatever the stated aims, be they progress, peace or pacification, the administrator-indigenous encounter was driven by some form of elimination or clearance. In the case of the Maasai, clearance was aided by the earlier continent-wide rinderpest scourge that reached the Kenyan highlands in 1890 decimated cattle and led to widespread famine and deaths greatly reducing the Maasai’s power as a fighting and dominant force.334 These events allowed Europeans to imagine themselves as the protectors and caretakers of natives. The Imperial British East Africa Company (IBEAC) would take in one thousand Maasai335 refugees from the


334 Tignor, Colonial, 15-17. This created a chain reaction sending pastoralists to find food elsewhere where they would catch diseases such as smallpox. Social relations were transformed as well especially in regards to bride wealth and the “exchange value of women.” Luise White, The comforts of home: Prostitution in colonial Nairobi (Chicago: University of Chicago Press, 2009), 31-33.

335 Ibid.
Maasai wars\textsuperscript{336} and resettle them, an action they would later cite as proof that they were their saviors.\textsuperscript{337} Famine and war, which were exacerbated by IBEAC and later Protectorate violence, was also mitigated by the relief camps, food distribution and railway systems.\textsuperscript{338} Even as early as the initial colonial encounter one witnesses “aid” deployed as ideology, presenting white control as humanitarianism.

The production of space as empty or as cleared, and people as absent or eliminated, allowed the staging of the town as being \textit{born} and the civil order as being \textit{built} from the ground up. The production of empty space sets up a backstory for the tale of the stable, material entity that is the town who eventually replaces that emptiness. The \textit{town-effect}, consequence of the unending practices of confinement, restriction, destruction, the imposition of symbols and the re-ordering material i.e. the constant process of pacification, achieves its imaginary stability when set against the imaginary stability of pre-colonial emptiness. In actuality, the town remains the living, breathing caravan – a travelling \textit{leviathan}. As still photographs delude the viewer into believing he or she has captured and is witnessing a singular moment in time and space, the concept of the town and its precursor: pre-colonial emptiness, transforms the \textit{live action} of trade, confinement, expulsion and police order into a thing. Violence thus ossified, the infinite and infinitesimal incidences of white supremacist acts are represented in the aggregate and imagined as a place (an ideological achievement that eluded the European-led caravan). This new-found stability also complements the purported rigidity of European law. The difference between the

\textsuperscript{336} Devastating late 19\textsuperscript{th} century wars between Masai followers of Olonana and Masai followers of Senteu.

\textsuperscript{337} Tignor, \textit{Colonial}, 15-17. This claim was possible despite Europeans aware that Masai were taken in by Kikuyu as well.

\textsuperscript{338} Munro, \textit{Colonial}, 48.
town and the caravan is the difference between the prison and slavery. Prison is understood to be a place, whereas slavery is understood as a constant exertion of violence enacted to imprison the enslaved person’s body. The prison, like the bleaching carceral, is in actuality the successful representation of the multiple acts of violence constitutive of the practice of confinement as a “location.” The town, like the prison and pre-colonial “empty” space, is a feat of nominalization. Before examining the station, a precursor to the town and the first form of what was represented as stationary European-controlled space, we look at the pre-colonial indigenous space that was more difficult to produce as empty.

*The Violent Non-violence of the Contract*

There were some spaces that defied the extraordinarily long reach of administrators’ brush strokes of invisibility: densely populated areas, communities who continued or had long-standing traditions of interacting with Europeans and, of course, the ever-present attacking hostile populations. The most sensible and cost-effective way of doing away with hostility and clearing the way for a new order was to ensure that hostility did not exist in the first place. In polities where there existed what were recognized as customary authorities (chiefs), Europeans used the instrument of the treaty to accomplish this. In fact the Foreign Office developed a one-

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339 The coffle, lacking this representation, evokes images of repression, dragging, force, exhibition and torture – violence is understood as constitutive of the coffle rather than, as in the prison, a place within which violent events occur. The violence constitutive of the prison becomes invisible – the bars, floors, ceilings, handcuffs, chains, walls, batons and the technologies of violence tend to disappear and violence is understood solely – if at all – as the brutality of individual guards.
page template of a treaty that served as binding agreements with a number of tribes in the early years of the “nominal sphere of influence” that was the Protectorate. It read as follows:

Treaty made at ___, in _____, this _____ day of _____, in the year 18__, between _____ for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, ____, for ___ heirs and successors, on the other part.

____, the Undersigned, ____ do in the presence of ___ Headman and people assembled at this place hereby promise:

1st. That there shall be peace between the subjects of the Queen of England and __ subjects.

2nd. That British subjects shall have free access to all parts of _____, and shall have the right to build houses and possess property according to the laws in force in this country; that they shall have full liberty to carry on such trade or manufacture as my be approved by Her Majesty; and should any difference arise between the aforesaid British subjects and ____ the said ____as to the duties or customs to be paid ____ the said ____ or the Headman of the towns in ____country by such British subjects or as to any other matter, that the dispute shall be referred to a duly authorized Representative of Her Majesty, whose decision on the matter shall be binding and final; and that ____ will not extend the rights thus guaranteed to British subjects to any other persons without the knowledge and consent of such Representative.

3rd. That ____ the said ____will at no time whatever cede any of ____ territory to any other Power, or enter into any Agreement, Treaty, or Arrangement with any foreign Government except through and with the consent of the Government of Her Majesty the Queen of England, &c.

Done at ____, this ____ day of ____, 18__

Signed in the presence of ______

We, the Undersigned, do swear that we have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties, in the ______ language.

Witness to signatures: __________

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340Treaties with Native Chiefs East Africa and Uganda Protectorates, &c. 1898-1901. “Treaty Made at Save, in East Africa, this fifteenth day of December, in the year 1898, between Capt. H. H. Austin RE for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., her heirs and successors, on the one part, and the Undersigned, Arelbel, for his heirs and successors, on the other part.” PRO FO 2/559.

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This document stated explicitly that the customary authority was signing away his or her right to war and right to decide on matters in the territory (notwithstanding the recognition of a nominal sovereignty) the instant they signed the European’s paper. The decision to use this boilerplate language in the treaty demonstrated a will to standardize, make technical and make reproducible the instruments of rule. The treaty, that is, the paper of the “legal document,” was one of the first invasions of the administrative state. Like the Company station it was a cluttering of indigenous space with the things of empire. It was both technology and fetish object – an instrument and symbol of the coming order presented as a peace offering. It reflected the zeal for efficiency and precision in Western legal traditions and the interest in producing text that eliminated, as far as possible, ambiguity and the consequent need for re-interpretation and re-negotiation. This contrasted sharply with agreement-making traditions (such as blood brotherhood)\textsuperscript{341} extant in the region where the conditions and modes of agreement and re-negotiation were relatively open-ended. Traditions of agreement in the Hinterland – though serious and forming solid obligations – were differently malleable and often spoke to a notion of pact based on entirely different cosmologies and understandings of human interaction and relationships. These differences call into question whether true, informed, and honest agreement was possible at all considering these differing conceptions of law, treaty and pact.

\textsuperscript{341} Europeans sometimes (especially in the early moments of encounter) indulged in this indigenous form of agreement. Lugard made a blood-brotherhood pact in order to persuade Kamba leader Nzibu Mweu to end his boycott and blockade of IBEA goods. It was thus possible for Europeans to accept traditions of agreement as they found it in the Hinterland, rather than impose treaties. J. Forbes Munro, \textit{Colonial Rule and the Kamba: Social Change in the Kenya Highlands 1889-1939} (Oxford: Clarendon Press, 1975), 35.
The treaty – which is a form of contract – is not the pact of *blood brotherhood*. The contract itself is never without the implicit note of violence. The document “points to violence” and its presentation implies that some form of violence (law enforcement, war etc.), would be expected if the agreement were to be breeched.\(^{342}\) The treaty as contract was not a ritual thought to enact a transformation of being, familial relationships or peoplehood (such as was “blood-brotherhood” or “oathing”) nor an object merely cementing an alliance. It was a compromise committing to mutually agreed upon restraint. What is significant about this is not – as some writers have suggested\(^{343}\) – that chiefs did not know what they were signing away, or even that they had other rituals of solemn agreement (contracts) or notions of inalienable rights than those of the Europeans. What is significant is that Europeans thought to bring paper. They found it necessary to literally import the things of empire into the Hinterland to convince not (or less) the people that they encountered but rather themselves that law and right was now established in a defined space.\(^{344}\) Just as the fifteenth-century rituals of planting a cross or a flag into *terra*


\(^{343}\) Donald McKenzie and Tony Ballantyne’s debate on the European instrument of the treaty and imperialism is important. McKenzie argues that the cultures which do not consider literacy, paper and the signing of documents to be as important as Western cultures puts the validity, fairness and legal force of treaty-making into question. Ballantyne considers McKenzie to overemphasize the orality of non-Western cultures and their ability to recognize the importance of new forms of signs and legality. I would argue that what is important in treaty-making is simply the oddity of the treaty, paper and the amulets Europeans thought to bring as instruments of imperialism. The value they attributed to these fetish objects and its ability to convince them that they were more than material. See Donald Francis McKenzie, *Oral culture, literacy & print in early New Zealand: the Treaty of Waitangi* (Wellington: Victoria University Press, 1985). Tony Ballantyne, *Orientalism and race: Aryanism in the British Empire* (Houndmills: Palgrave, 2002). See also Miles Ogborn, *Indian ink: script and print in the making of the English East India Company*. Chicago: University of Chicago Press, 2008).

\(^{344}\) Longitude and latitude coordinates are marked in pen on some treaties (although the date they were written cannot be verified).
nullius performed possession and mythologized and fetishized space and land as owned for Europeans—treaties, paper and indeed law remain particular fetishizations of objects and in the case of law, language. Historians’ notion that customary authorities were duped or tricked into signing away their rights reflect less the history of the space than it does the durability of this particular fetishization of language that is “law” and its sustained, powerful effects in the contemporary period. The event that occurred in actuality was one in which Europeans literally imported their magic: their theatrics carried in the paper form of the treaty, into indigenous space, thoroughly convinced about the fetish power of these objects. (This belief in the power of the fetish has not waned as evidenced in their continued preservation and safekeeping in the shrine that is the National Archives). Treaties and law did not have the same effect on Africans as it had on Europeans and, as they would feel in the full force of the Mau Mau struggle: paper, title, and ordinance could easily be demystified and the Emperor of “the rule of law” shown to be naked. Delusion notwithstanding, however, at the moment of the signing of the treaties pioneer Europeans did manage to convince themselves and their own authorities (the monarchy and monarch’s representatives) that the Africans had agreed not to resist their incursion into hinterland space. This provided for them the requisite confidence even as it threatened to increase their vulnerability to surprise attacks. Still, the instrument of the treaty, far from being an agreement between two sovereign peoples, was a useful tool in its rendering traditional property rights and forms of sovereignty invisible to the European.345 To take one of several examples, the treaty signed by a powerful trader Mbole wa Mathambyo of Iveti in the Kamba region stated that the IBEAC had sovereign rights over an undefined area of the Machakos hills.

345 For a provocative case for law as a useful instrument of imperialist violence and dehumanization in another context see Robert A. Williams, Jr., The American Indian in Western Legal Thought: The Discourses of Conquest (Oxford: Oxford University Press, 1990).
This treaty, which purportedly signed away absolute rights over property, was given to someone who likely did not know what he was agreeing to, that he was agreeing at all, was not familiar with the nature of Western agreements, or had any cultural appreciation for European forms of private property and land ownership. Mbole would no doubt disagree with the right of Europeans to conquer the hills and to be subjected to violence. The treaty made objection invisible to the European and thereby laid the groundwork for imperialist violence or counter-insurgency to be re-presented as law enforcement. It would be in the Kamba region that the Europeans would establish their first station(ary) presence in the East Equatorial African Hinterland.

_The Company Station_

The immediate territory of the Company is divided into three administrative divisions, each named from the leading port – Wanga, Mombasa, and Melinde – and each under the care of a white official…So far there has been little difficulty in dealing with the Masai. Mr. Jackson with his caravan found them quite friendly; and another traveler by an exhibition of firmness brought the warriors to his feet. The raids of these savages are being rapidly checked. Already the Company has established a great central strongly-fortified station at Machaba, halfway between Mombasa and Lake Victoria. At a distance of 30 miles between this and Mombasa smaller stations have been established, each having a small force of Soudanese and Indians. The route, practicable for baggage animals, along the Sabaki river connecting these stations has been made by Captain Lugard, who has proved one of the most valuable of the Company’s officers, and who, it is expected, will do good work with the caravan he is taking to Uganda.

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346 Munro, _Colonial_, 34-35.

347 The British East Africa Company. _The Christian Express_ (Lovedale, South Africa), Sept. 1, 1890.
The Commissioner of the EAP from 1900-1904 Sir Charles Eliot, in his *The East Africa Protectorate*, credits the Zanzibari Sultan Seyyid Said with “the idea of making a chain of trading stations (curiously analogous to Krapf’s idea of a similar line of mission stations) extending from the coast to the Congo.”[^348] These missionary and trading stations were the first posts of foreign influence in the Hinterland. The IBEAC established its first station in the region that would become the East Africa Protectorate at Machakos in 1889. It was formed as a supply base to re-stock caravans. The location was chosen because the environment was seen to be relatively pleasant, and, as it was near the Kamba peoples it allowed for trading and access to a food source. It also allowed for easy access to the Highlands which, for the Mombasa-based IBEAC that aimed to create trade lines along the “Buganda road” to Uganda, provided a suitable mid-point.[^349] Machakos station was followed by another station in Dagoretti in 1890 south of the Kikuyu country but had to be abandoned after it was destroyed by Kikuyu warriors. It was replaced by Fort Smith, which was near the swampland that was later to become Nairobi.[^350]

The IBEAC stations themselves were often ramshackle edifices, constructed near or in traditional meeting points and market places. Robert Tignor notes that rather than being established posts, the stations were actually pre-existing stockades and trading posts that were fortified.[^351] Stations were not then a result of colonial invention but rather an adjustment to and


[^349]: Munro, *Colonial*, 32.


development of a previous institution. What was original, as Munro notes, was that unlike the
Swahili traders who would arrive at these meeting places and leave, the station brought with it a
permanent, fortified European presence.\(^{352}\) This was invasion, and more importantly it reformed
space and produced a space of European landed territory in the Hinterland. Knowledge of the
European presence scarred indigenous space. By this I mean that the built form of the fort, the
presence of European fire-power, the foreign flag and the white body as permanent incisions into
the land, by their very permanence and immobility transformed and reproduced space as new,
possessed and European.\(^{353}\) We can read into the Kikuyu warriors’ burning of the material, built
forts (rather than merely killing officials) as a recognition of this audacious theft and
reproduction and a desire to engage in battle with it in the space of ideology. It was a burning
and erasing of European claims to permanence and territory.\(^{354}\) These physical buildings that
were the IBEAC stations were physically re-occupied by government officials in the protectorate
era (after 1895) as the British government would re-occupy the IBEA’s role as putative
governing power.\(^{355}\)

\(^{352}\) Munro, Colonial, 35.

\(^{353}\) This scarring of indigenous space, however, would not be accepted by the indigenous in the
period of encounter and neither would it be in the protectorate or colonial years. As long as it
held the stench of the colonizer’s property and the markings of white exclusivity it would make
tense, in Fanon’s language, the muscles of the colonized. “The symbols of society such as the
police force, bugle calls in the barracks, military parades, and the flag flying aloft, serve not only
as inhibitors but also as stimulants. They do not signify; ‘Stay where you are.’ But rather “Get
ready to do the right thing. “ Fanon, Wretched, 16.

\(^{354}\) It would follow that in the burning of indigenous huts and villages, Europeans were speaking
in this same language.

\(^{355}\) Fort Machakos for example was occupied by officials of the Protectorate Government in
1895. Munro, Colonial, 41.
Pacification as Administration

It was John Ainsworth, future Sub-Commissioner of Ukamba Province and Chief Native Commissioner, who first decidedly introduced white power as administrative power in the region. Pacification in both the pre-protectorate and post-protectorate periods required the use of the station as military base; the first stations being Fort Machakos and Fort Smith in the Kamba region and Kikuyu regions respectively. Pacification as punitive expedition was a practice that continued from the IBEAC era through to the protectorate. Military action was deployed against the unfriendly elements of these peoples, whereas the Maasai after being helped, employed in the service of the British (and in 1904 eventually removed and relocated by them), did not face the brunt of the ever-strengthening British military power in the protectorate. Munro details the pacification of punitive expeditions against the Kamba of Iveti. He notes that initially British-Kamba relations were friendly, as Kamba leaders benefited from supplying labor to the IBEAC. Relations broke down, however, after the Company’s askaris and police raped, stole from and destroyed the property of Wakamba. In addition, the station superintendent George Leith was not respected and thought of as a drunkard. The Company’s employ of Sudanese troops were also recognized by the Kamba as a military threat. These issues led to a


rejection of the Company as trading partner and in 1891 the people of Iveti attacked the Company with leaders using genocidal phrases against the whites.358 The response of the Company was to shoot and burn down huts. 359 Relations between the people of Iveti and the Europeans continued to sour until the more experienced John Ainsworth took over from Leith as Machakos station superintendent in 1892. Unlike the neighboring station Fort Smith in the Kikuyu region where the administrator was under instructions to make the fort self-sustaining, exacting food from the surrounding peoples, which led to unrest, Ainsworth asked for presents (in the form of grain) from the inhabitants that were to be given to him for service instead. This, according to Munro, led to more peaceful relations. Ainsworth, however, eventually decided to transform the station into a “strong fort” and raised Kamba militias to defend themselves from their traditional rivals the Maasai and in the process to protect Company interests. In 1895 Ainsworth set up the first “garrisoned posts” at the station, which drew the ire of the Kamba despite their alliance with the Company. A leader of a subsection of the Kamba (from the Kathome) region Mwana Muka attacked the posts, an action that Ainsworth read as a Kamba-wide rebellion and began punitive expeditions against the Kamba, this time using the Maasai. He would then widen his punitive expedition to other Kamba whom he deemed disobedient. The extension of the station’s presence and authority in the region therefore were informed by the

358 For example Mwatu, a Kamba leader claimed to have medicine “which makes guns harmless and that therefore all the European’s people who came into their country would die.” Quoted in Munro, Colonial, 40. Both the claim to have magic or technologies to incapacitate white forces and the recognition of all whites present as the colonizer and thus as enemy has been a feature of several if not of most anti-colonial rebellions in the histories of Africa and its diaspora. It would also be a feature in the Mau Mau struggle and, interestingly, was (and perhaps still is) a feature of several Maroon and enslaved people’s rebellions in the Americas.

359 Munro, Colonial, 35-40.
ideology of the punitive expedition. The stick of the punitive expedition was presented along with the carrot of helping to raise and train an indigenous standing, army of defense that at this point autonomous and not to be seen as primarily at the service of European interests. It was this autonomy that would be targeted by administrative power.

\textit{The Government Station}

Space in the Protectorate was imagined as \textit{under administration}. This was the crucial difference between the protectorate and pre-protectorate configuration of space and power. Unlike the Company’s station, the protectorate administration envisioned and presented itself as bringing all inhabitants and all territory of the entire British East Africa into submission and the authority of the administration, in view of the \textit{Pax Britannica}. Reconfiguring space as governed space, the protectorate established the post of the Commissioner-- Her (or His) Majesty’s Representative in the protectorate. The Commissioner would be governor of the entire space said to be the protectorate. Sir Arthur Henry Hardinge in 1895 would be the first Commissioner of the East African Protectorate and the first to devise separating the Protectorate into provinces and districts -- the provinces administered by Sub-Commissioners and the districts by District officers. It was he who named the province of the Eastern Highlands, containing Machakos and near to Nairobi, the Ukamba province.\footnote{Ibid., 41}

\footnote{Ibid., 35-44.}
\footnote{Ibid. 42.}
\footnote{Ibid, 41}
As government stations, these posts also meant the presence of a police power that was not merely a defense of commercial interests (such as the policing activities of the Imperial British East Africa Company) but policing for policing’s sake. Policing was not simply a means but an end in itself. That is, it was policing not simply to “hold the country” but to fabricate one. Sir Charles Eliot describes Port Durnford\textsuperscript{363} as formerly a government station that was set up as a place to guard the coast against would-be slave traders. His remarks reveal the reinvention of the station and the importance of police presence even in the least threatened of spaces, “…but now that the slave trade has been abolished, this station has been closed, though a few buildings remain in the charge of a few police. There are a few inhabitants, but the scrub and sand immediately round the village, and give one a good idea of the desolation of a district.”\textsuperscript{364} The move to patrol empty buildings is notably different from the military patrol of other spaces, for example, of the seas. The patrolling of empty buildings was not the tactical holding onto a structure from which assaults could be launched. Policing was an end in itself --the maintenance of order even if and when the immediate military threat disappears. The Company and a caravan’s paradigm of space as war gave way to Government’s occupation and administration, the paradigm of space as (waged) peace (or peace-keeping).

Lugard “built” the Dagoretti station for the Imperial British East Africa Company in order to “hold the country.” He succeeded in holding on to it for more than seven months but due to the costs of maintaining the garrison and the costs of human porterage the company had to leave it to the government. According to Lugard, the British government took over in 1895 in consideration of its own prestige. Losing hold of the established British sphere of influence due

\textsuperscript{363} This was in Jubaland Province which would become part of Italian Somaliland in 1926.

\textsuperscript{364} Eliot, \textit{Protectorate}, 34
to the failure of a single company would have been unacceptable. Transfer to the government was also championed by groups, such as the Anti-Slavery Society, which found it wrong that the lives of millions of inhabitants would be dependent upon the “rise or fall of company shares.”

The chartered company as administrator was seen as driven by the cold calculations of profit rather than human welfare and so what was needed, according to activists, was the caretaking and developmental power of government. These stations would continue in the tradition of the Company’s trading station being armed posts set at important, strategic and previously explored points of the generally unexplored territory. In asking for compensation the IBEAC sought to emphasize its role as an administrative power rather than a mere commercial interest, claiming that it was the pioneer of British power in the region and thus did the work of government. This revisionist history, however, revealed more the failure of business policy and the disparity between “administrative aims” than it convinced the British that the company was government in primitive form.

There is a marked difference between the work of other Chartered Companies in Africa, in which the commercial element is a prominent feature, and that of the East Africa Company, in which that element has hitherto scarcely existed. No doubt advantages to trade, which the Company would have been the first to reap, were expected from opening up the lake districts; but, apart from Uganda, there is evidently no prospect that the operations in the interior will be remunerative. On the other hand, the Company were the pioneers through whose agency British influence was extended to the lake district, and by their means the condition of the native inhabitants has been improved, and the Slave Trade has been suppressed in the territories administered by them. Moreover, the maintenance of posts at Machakos and Fort Smith, where a useful and effective control has been exercised by the agents of the Company, materially facilitates the work which has been undertaken by Her Majesty’s Government in Uganda.

It may therefore be fairly claimed on their behalf that a certain amount of substantial work has been done to fulfil the objects for which the Charter was granted in quarters from which no compensating income is derived. On these grounds, Her Majesty’s Government have decided that they would be justified in

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recommending to Parliament a grant to the Company of a sum of £ 50,000 on their relinquishing their Charter.

It will be understood that, in the interior as in the Sultan’s Concession, the Company would, while making over administrative posts and Government property, retain its private stores and assets, inclusive of houses and buildings built at its private expense, with the sites on which they stand, as well as private lands purchased by the Company or presented to it by private individuals, which may be identified by documents or by independent evidence, to the satisfaction of Her Majesty’s Agent and Commissioner.

It would be a condition as regards land that the admission of the private claims would be subject to the legitimate requirements of the Administration for the purposes of Government, and for the construction of public works, roads, and railways.

His Lordship would be glad to learn as soon as possible whether the Directors would be prepared to relinquish the Concession and the Charter on the terms indicated in this letter.

I am, &c.

(signed) H. Percy Anderson

The Administration’s Pacification

It was obvious, even to the most influential officials of the time, that the nomenclature of the state (colony, protectorate, dependency, etc..) had limited or no political consequence whatsoever. Lugard was clear, “A sphere of influence’ was a convenient phrase during a particular phase of African history, solely because it might mean much or nothing...It is important to note that the Brussels Act recognizes no difference between spheres of influence, protectorates, or possessions. The question of mere name, therefore, is of no importance, for the same responsibility devolves on us as a nation. We are therefore solely concerned with the question as to whether governmental functions can be most advantageously exercised directly by

366 Correspondence respecting the retirement of the Imperial British East Africa Company, 1895, C. 7646, at 3.
For East Africa, Lugard believed that the colony offered no advantages over a protectorate. On the contrary, naming it a colony would put more at stake for the Crown, as the colony was considered part of the empire and so it would be shameful if it were lost. As part of the empire, it would require to be defended as the empire was defended and this meant a larger expense. What he was for – and what he called a “very ingenious plan” – was to have East Africa administered as a “colony of the [Zanzibari] protectorate.” In that way it would be administered by European officials while at the same time its failure or its loss would not necessarily threaten the prestige of empire. At the same time it would not be like Zanzibar which, although its Sultan was reduced to a “mere pensioner” after the direct protectorate was declared, was still governed by “Mohammadan Law” and under the “Mohammadan flag.” As a colony of the Zanzibar protectorate, the Hinterland could be directly administered by the British, have a British Commissioner on the ground, and this would eschew some of the responsibility for “safeguarding the prestige of empire,” and “it would be wholly admissible for the protecting Power …to appropriate to the new protectorate all revenues accruing from its administration.”

Thus the form of administrative institution, be it the colony, the protectorate, the sphere of influence, the dependency or any other legal proclamation regarding space was not decisive in the kind of order produced. Lugard himself imagined an amalgamation of these

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368 According to Lugard the “direct protectorate” in theory allowed native rulers more power whereas the colony was administered solely by administration officials. In this new vision of a “colony of the Zanzibari protectorate” or “direct protectorate” the Hinterland would also come under the African Order in Council of 1889 which stated that civil and criminal jurisdiction would be “exercised upon the principles of and in conformity with English law…” Lugard, *East African*, 620.

369 Ibid., 603-620.
previous forms to produce a new form that had elements of both direct and indirect governance. All of this, however, remained part of a labyrinthine European legal discourse – it determined little in regards to how the imposed order was to be experienced by the inhabitants it set out to govern. What was actually experienced by the governed was the incursion into indigenous space, the violence, material transformations and practices, and the appearance of new bodies in the station.

What the establishment of the “Government station” and the corresponding maps and imaginary of protectorate territory allowed for – and what the caravan was unable to supply – was a new moral language of the state and its corresponding rights to eliminate its enemies, to subject them to totalitarian rule and violence. It furnished white supremacist power with the moral authority of the state.

To give an example of the way in which territory was gradually brought under control I will quote the following instance. Soon after my arrival at Fort Hall, to which I travelled with the sub-commissioner, returning from leave to take up his command, three native elders came to see him and to tell him that the people of their district were prepared to accept “The (White Man's) Government,” and that therefore they would not oppose its orders by force of arms. These three old men had, they said, started a company of five, but that two of their number had been killed on the road by fellow-tribesmen of another district which was opposed to submission to the white man. Mr. Hinde received the survivors cordially, explained at great length to them what the advent of the white man meant, gave them presents, and dismissed them. Not one of the three ever reached home. They were all murdered en route by those who were opposed to their mission.

On the news coming in, the leading men of the guilty district were summoned to the Fort. They came without hesitation or mistrust. The sub-commissioner then explained to them that "the Government" would not permit the murder of its friends or sanction the misdeeds that were constantly occurring, and that they must now either surrender the murderers and pay a heavy fine in cattle, or accept war. A date was fixed for compliance, and the futility of resistance to the power of "the Government" was clearly pointed out to them, and they were told to go home and think it well over.

370 This is not to say that it was not revealing about intentions of individual colonists and there self-imposed strictures.
Failing compliance in such a case, some five hundred of the Masaí tribe, the hereditary enemies of the Akikúyu, would then be summoned, and with the addition of some regular native troops and police the country would be scoured. The men were killed, and the women, children, and herds taken captive until such time as, experience having been dearly bought, another meeting procured the requisite submission.\textsuperscript{371}

As will be noted, not much separates Sub-commissioner Hinde’s\textsuperscript{372} act from that of the caravan leader El Hakim’s action against the Tomori chief as described in Chapter 3. Military threat is used to enforce submission to white power. What is new is white power imparting the moral language of state authority and the notion of government to the indigenous as a complement to force. Violence is moralized, military aggression against the hostile is reframed as police power and the right to govern is asserted. Acts of resistance are recast as criminal and it is the resisting indigenous who are in the wrong and must face the moral weight and military force of the Government. The government’s police and native troops did not seek to rehabilitate, confine or discipline the resistant but instead employed the war raid. Policing was war and was only just beginning to dress itself up as something other than war. The practical necessities of pacification at this moment meant remaining on the war-footing as there remained a contest of sovereign powers. Despite this, the language shifted and so did the confidence in asserting authority and the right to rule. The hostile were beginning to be re-presented as criminal. This was what was meant by bringing the territory under control, the ultimate aim of control being a populace interpellated as subject or as citizenry.

It was not only the autonomy and independence of the hostile native that was challenged. The police-state had in its sights the sovereignty of the European-led caravan. It was into this

\textsuperscript{371} Routledge, \textit{Prehistoric}, x-xi.

\textsuperscript{372} Mr. Hinde was the Sub-Commissioner of the Kenya Province, that is, the province containing Mt. Kenya.
new world of administrative power that the caravan culture crashed, and the *patria potestas* of the European caravan leader was first directly challenged by administrative disciplinary power beginning the conflict between settler and administrative official that would outlast the colonial period. As mentioned in Chapter 2, the 1894 regulations marked the first official intrusion of administrative power into the settler’s right over the life and death of native porters. The 1902 Regulations on Native Porters and Labour extended the rule over bodies to the rule over space. Firstly it required that there be no punishment of natives without the approval of the provincial sub-commissioner, thus at least nominally, transferring the legitimate monopoly on the use of violence from caravan leader to administrator. This, however, was not often obeyed.\footnote{Clayton and Savage, *Government*, 10.}

Impossible to ignore, however, was the law that “no caravan may pass through or near a Government station without being inspected by the officer in charge and an opportunity given to the porters to proffer any complaints that they may wish to make.”\footnote{Regulations, No. 3 of 1902: ‘Native Porters and Labor,’ PRO CO 630/1.} Caravans which had to travel along well-established and traditional routes now had to submit to the administration’s inspection – the mobile state was now colonized by administrative power. The new rules were not well appreciated by the caravan leaders as can be seen in Arkell-Harwick’s sarcastic tone and thinly veiled disdain. “Finally, we had to register our porters at the Sub-Commissioner’s office, as no safaris are allowed to proceed until that important ceremony has been concluded, and the Government has pouched the attendant fees.”\footnote{Arkell-Harwick, *Ivory*, 16.} In as far as porters could successfully register their complaints and force the caravan leaders to submit to the police – thereby effecting a form of control over the leader – the mobile state of the caravan became a sort of “deep state”
or “shadow state” beneath the administrative power’s hegemonic sway over the trade routes of the protectorate. If we were to imagine a more accurate map of sovereign power in the space of the protectorate, we might imagine not the block of space named the British East African Protectorate but sprawling, silver threads of white power mapping onto the caravan routes along the Buganda road. The unexplored Hinterland, of course, remaining the dark, black blotches – a “Dark Continent” of indigenous sovereignty.

At the initial “moment of contact,” the bodies and institutions of Europeans did not always enjoy the protection of white supremacist ideological power. Indigenous people not only found legitimate targets in white bodies but also in European technologies of order.

The indemnity exacted from the natives usually consisted in part of the making of roads, the first object of the Government in a newly acquired territory being to make it accessible, so that troops may be readily moved backwards and forwards through it for the purpose of preserving order. Such a road consists of a track about twelve feet wide, from which the tussock grass has been cut away. The Akikuyu share with the majority of native races an intense dislike to the coming of a road, being shrewd enough to see all that its presence conveys, and never themselves make a visible track if it can be avoided. They are, however, very expert at thus making a path, one man seizing the tussock by its top, whilst another chops the roots with the tip of his sword. The cleared track was carried as far as feasible along high ground, as the possibility of a native rising at any time was not forgotten.376

The native (according to the writer) understood the establishment of the town, order, roads and other technologies as military establishments. The town was readily understood as a military

376 Scoresby, *Prehistoric*, xi. An interesting if less charitable reading of the Hinterland native and the road is provided by Charles Eliot. “The native roads are merely narrow and very tortuous footpaths. The African does not drive or ride, and allows himself to be deflected from his course by the smallest obstacle, so that the track he makes consists of a series of curves which materially lengthen the distance to be traversed. It is only in Uganda that the inhabitants have any idea of making roads.” Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at 24.
base by the warriors of the region as well as an instrument facilitating the movement of police and military to encroach on their land and lives. The first stockade built in “Gikuyuland” was burned down by the Kikuyu leading to punitive actions.\footnote{377} The administration was faced with an indigenous population that had neither been socialized into subservience nor into the acceptance of the inevitability and superiority of whiteness and the progress of (white) “civilization.” The task fell to the administrators and would-be developers of the town – as it had to missionaries and explorers before\footnote{378} - to make new men of the savages. The Administration had to fabricate the modern African subject – a project that required – and indeed was identical to – the elimination of the “raw savage.”

In the late 19th century Syokimau, a \textit{muthani}\footnote{379} from Kitundu in Kamba country, prophesized that there would arrive people with skins like raw meat that would come to their lands. She also prophesied that there would also be a long snake (which was later understood to be the railway).\footnote{380} Waganda, at the same time, prophesized that conquerors of Uganda would come in from the coast in the East.\footnote{381} At the same moment, Frederick Lugard, the chief theorist of administration in East Africa before the protectorate was established, was also busy with his own prophecies.


\footnote{378}{See Chapters 1 and 2.}

\footnote{379}{A prophet or prophetess.}

\footnote{380}{Munro, \textit{Colonial}, 27.}

\footnote{381}{Lugard, \textit{East African}, 6.}
In the concluding chapters to his exhaustive “The Rise of our East African Empire” Lugard explains the origin of Britain’s sphere of influence and his suggestions on how the future administration of the territory should be conducted post-pacification. Britain is responsible for the administration of the territory because, first, they must be able to stop “the tribes of British East Africa” from raiding the other African territories of Italy and Germany. The management of the indigenous population is presented as a duty and a responsibility to fellow Europeans and the new world order. Secondly, the British are obligated to protect, control and administer the territory due to their obligations under the “Brussels Act.”\textsuperscript{382}

Lugard sees a moment of opportunity in the space of East Equatorial Africa. It is almost a \textit{tabula rasa} when contrasted with Uganda which at the moment of his arrival was unsurveyed\textsuperscript{383} and unmapped, a “barbaric civilization” both developed and savage with Protestants at war with Catholics. He dreamed up the protectorate differently – it would be a planned space. Mombasa was rejected as the headquarters of the administration as communication would take too long to reach Uganda. This would mean Uganda would be in effect independent as governors would have made their own decisions before receiving directives from the headquarters. The “Government of East Africa,” rather, should be equidistant from both Mombasa and Uganda.\textsuperscript{384} This was necessary because of the prospect of better control of Uganda but also because Lugard

\textsuperscript{382} Ibid., 596. The “Brussels Act” or the “The General Act for the Repression of the African Slave Trade of 1890” obliged powers to move against slavery. This was understood to be a fight against Arab slave traders; as will be seen in Chapter 5 European and European-directed “forced labor” was not targeted with quite the same vehemence.

\textsuperscript{383} Lugard, \textit{East African},115.

\textsuperscript{384} Lugard imagines Kampala and Mombasa as subordinate centers of administration. Ibid., 636.
thought this would be the area of future European settlement and where Crown Lands would be taken. It was to be the setting of the future experiment of colonization by “Europeans or Asiatics” and where freed-slave villages would be formed. Lugard praises the “civilization” of Uganda, which he shows to exist due to the indigenous system of individual land tenure. He wanted the same for East Equatorial Africa and thought that it should be imposed, like in Nyasaland. He wished that there be “the promotion of acquisition of land by the individual or family among purely savage tribes” as it was the “fundamental principle of civilization.” It is only then that taxes can be taken in the form of produce and failing that, a “house-tax” be imposed upon the natives and a municipal tax upon the “civilized aliens” meaning Europeans, Arabs and Indians. 

Lugard imagines the protectorate as a space of differently legitimated repressive power. He speaks of the need for labor for public works. He understands that the British Empire would never condone forced labor, especially after the manumission of slaves, and so the British themselves could not demand it. But he thinks back to a treaty he made with Mwanga the

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385 Emptiness figures into these spaces which are to become Crown Lands for Lugard. “All uninhabited lands –viz., lands not belonging to any native chief or tribe – could be declared Crown lands. These would include the choicest part of East Africa – viz., the fertile plateau of Mau. In the sale or rental of these lands to settlers on terms, if thought advisable, similar to those obtaining in Manitoba, a considerable revenue would accrue. For all sale of lands of any description to Europeans should be invalid unless done through the government, and for these a tax would be paid on survey or registration.” [italics mine]. In addition, the conflict between settler power and administration ownership is shown to be set up even before the protectorate is established as settlers must have the Government as an intermediary and arbitrator. He continues, “…as European settlers increase, they and a proportion of their establishments can be made liable for burgher duty, as has been done by the South African Company.” Ibid. 648.

386 Ibid., 636.

387 Ibid., 644-646.
sovereign of Buganda who, it was agreed, was to supply labor for public works and roads. This, he suggests, could be sparingly used in East Africa, and convenient as the paramount chiefs would then transmit the order to subordinate chiefs and “ultimately it would devolve upon the dwellers near a road to keep the portion in repair near to their estates” but as an asset to Government the requisition of labour cannot be set down…”

Lugard here explicitly imagines the system of indirect rule. In the space of the “purely savage tribes” where there was no hierarchy through which the enforcing of the dictates of the sovereign could be delegated to order around, it would have to be invented. Such a system meant the imposition of something akin to, if not slave drivers, then prison guards on a chain-gang in that labor was extracted through the use of state force.

Lugard would also imagine more conventional forms of repressive power. The future administration was to include the imposition of the constabulary. “At each of these three centres of administration a police force would be maintained, according to the requirements of the situation, both to preserve order, and to furnish escorts and special mails, &c. This police force might, I think, consist mainly of the Sudanese whom I brought from Equatoria, and whom Captain Williams, after nearly a year's experience of them, reports as ‘extremely well-behaved and most excellent material.’ With these I would recommend a few Somals, for these people have some admirable qualities. Those I had were more reliable than any natives I have had to deal with—truthful, honest, and extremely plucky. They are able to cover long distances, are far more intelligent than the Sudanese ‘Blacks,’ and hence are invaluable for scouting.”

388 Ibid., 649.

389 See Mamdani, Citizen, 77-81.

390 Lugard, East African, 638.
for the East African protectorate included the constabulary, defined as a standing, foreign force recruited from the “martial races” with the express purpose of preserving order. The protectorate is imagined as the space of the constabulary.

Frederick Lugard was to see the protectorate established two years after the publication of *The Rise of Our East African Empire*. The 1895 establishment of the British East Africa Protectorate in the wake of the Imperial British East Africa Company’s failures meant the administration of territory. The outlines of the territory were wrestled over – as it was with much of the rest of the continent – in the closed off, private residences of Otto von Bismarck during his 1884-1885 Conference. Colonial cartography and imagination combined to invent the space of the soon-to-be protectorate and law and treaties set firm borders. Chiefly, Britain was interested in protecting the Suez Canal and Nile and so needed to remain in control of Egypt all the way through to Lake Victoria in Uganda. Holding the territory of the space that would be the East Africa Protectorate would permit “lines of communication” between Uganda and their bases on the Swahili coast.\(^{391}\) The boundaries fell into place with the ratifying of the Anglo-German Treaty of 1890. Six years later on August 31, 1896 the Foreign Office announced the formation of the East African Protectorate.

It is hereby notified for public information that all the territories in East Africa, now under the Protectorate of Her Majesty, except the Islands of Zanzibar and Pemba and the Uganda Protectorate, are for the purposes of administration included in one Protectorate, under the name of the East Africa Protectorate.

This protectorate includes the territories bounded on the north by the River Juba, on the east by the Indian Ocean, no the south by the German sphere, on the west by the Uganda Protectorate, and also all adjacent islands between the mouths of the Rivers Juba and Umba.\(^{392}\)


\(^{392}\) Extract from The London Gazette of Tuesday, September 1, 1896. ZNA AA 12/17. The Protectorate was established a year earlier in 1895.
The claim to govern territory, however, had to do without the benefit of the explorer’s first-hand contact in the regions themselves, due of course to hostile tribes and peoples. This was what several writers of the time described as “nominal administration,” a term which pointed to the difference between rule on paper and the practice of actual rule, of discursive power, legal power and the will to rule, on the one hand, and material policing power,\(^{393}\) on the other. Except for coastal regions and caravan lines of trade, the protectorate amounted to an outlining of an unknown area on a map. As such, explorers were still trekking through the dark, uninfluenced space of Britain’s “sphere of influence.” Two years after the administration was announced into existence, Elspeth Huxley could note that Lord Delamere was “the second white man to cross what was then the boundary of British territory form the north. The first was an American, Dr. Donaldson-Smith, who travelled down from Berbera almost exactly a year before.”\(^{394}\)

\textit{“Kill the Indian in him, and Save the Man.”}\(^{395}\)

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\(^{393}\) Mark Neocleous shows that despite pretentions to the contrary, members of the constabulary are not automatons enforcing the dictates of law. On the contrary, the notion of “police discretion” affords constables broad powers to decide when or when not to “enforce law.” Legal power is thus separate and distant from police power and the power of instituting policy. What defines police power is this near absolute discretion and this “street-level administration,” tantamount to mini-fiefdoms. Neocleous, \textit{Fabrication}, 92-102.

\(^{394}\) Huxley, \textit{White}, 5.

\(^{395}\) The quote is taken from the American Military Lieutenant Richard Pratt. In his 1892 essay “the Advantages of Mingling Indians with Whites” Pratt argues that beneath the savage that is the “American Indian” there is a man that can be civilized. He argues that education would kill the savage and prepare the Indian for inclusion as citizen. His drive to eliminate the mark of indigeneity and fabricate a new legal subject mirrors that of Lugard, demonstrating yet another parallel in the white supremacist settler-colonial culture of the period. See also \textit{Official Report of }
In a text which imagined the establishment of the East African state, Frederick Lugard devoted several pages to a problem that he thought had to be addressed at the outset. The “native,” at the time of his writing, had an ambiguous place in law and in relation to protectorate power. The African Order in the Council of 1889, which Lugard defined as “the legal instrument under which the jurisdiction of the Crown is exercised in Africa,” did not allow for the protection of African natives in the protectorate. While it expressly marked “British-Indians” as British subjects, the natives were considered not to be British subjects in that they were “the subjects of any country within the limits of this Order, not being a British subject.” In so doing it produced the first division between subject and non-subjects, which divided along the racial line of native Africans and non-natives.

Lugard found this exception of the natives as unacceptable, for he objects, “By what right do we thus differentiate between races, and deny to the Africans their just rights as subjects?” He couches his objection in a language that suggests he thinks it a travesty that Africans, or, as he terms them, “the inhabitants,” are not afforded protection but also not afforded special rights and the privileges of British subjects. Rights, privileges, and protection are conflated with British subjecthood. The call for the expansion of the British legal jurisdiction – which is at the same

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396 Lugard, East African, 628.

397 Ibid., 630.
time a call for the transformation of inhabitants into subjects – is presented in the language of civil rights and justice. In a condition where enslaved blackness\(^{398}\) has no content other than that of statelessness and social death,\(^ {399}\) however, the production of the native as subject takes on a secondary note of humanization. In an ideological system where recognition of someone as a member of civil society is a prerequisite to being included in the human, becoming a British subject – that is being subjected to the British, is presented as the only escape from statelessness and social death for the native. He continues,

> Arabs and all subjects of the Sultan of Zanzibar should also become British subjects, and as such would, under clause 17 and clause 10, be amenable to criminal process for participation in the slave-trade, or for any acts "against the person, property, or rights of natives," when travelling with caravans in the interior. A "British-Indian" is a British subject though resident in Africa; an Arab (slave-dealer or otherwise) is a Zanzibar subject, and hence, though not a "British subject," he can appeal to the suzerain power, by whom also he may be tried when abroad, as in Madagascar (and natives of Zanzibar have been so tried, for murder in that island); but the African native, though resident in a British protectorate, cannot claim civil rights as a British subject. A batch of Madagascar slavedealers can defy British cruisers and claim French protection, on the plea that they are French subjects; but a batch of slaves exported from a British protectorate (Nyasaland) to a British protectorate (Zanzibar) cannot claim any rights as British subjects any more than if they were cattle[emphasis in original].\(^ {400}\) Were a British-Indian thus exported he could claim his habeas

\(^{398}\) Although Lugard’s notion of race in Africa allows for much more nuance than, for example, the reductive concept of “the negro races” he recognizes here legal discrimination against Africans as racial discrimination. Thus the plurality of the African “races” collapses into a singular figure: the African native. This figure is imagined as negro, black.


\(^{400}\) Lugard suggests that their exception might actually provide them with less protection than animals. “…it appears that in some instances they have not even been accorded the advantages extended to *ferae naturae* in Indian law; for after escaping beyond the limits of the Sultanate, we
corpus as a British subject—if enslaved in Turkey, Persia, or Madagascar, his release would be demanded; but not so an African. Will it be argued that India is not a protectorate, and hence the Indian has rights as a "subject" that a native of a protectorate has not? We have a protectorate outside Africa — Cyprus. Will it be maintained that a native of Cyprus — though the island is administered under Turkish Mohammedan law — if found in a state of slavery in Zanzibar, would not be able to demand his rights as a subject? Yet a Nyasa slave, unable to speak any language but Chinyanja would demand his rights as a British subject in vain? 401

Lugard is clear that he wished the Arabs to be subjects (like the British Indians) of the British so that they would be under the jurisdiction of British law. Arabs and Indians were subjects to Britain or the Zanzibari Sultanate but it was the native African that was unduly forced to undergo a discriminatory form of dehumanization (if writing in the contemporary era, he might have used the term “racist” dehumanization) through their non-recognition by civil and legal power. The native existed as an exception to the human family as evidenced by his exception from the civil order. For Lugard, the native’s exclusion was unfair. He also understood that not only was it immoral but that it meant the limitation to the reach of police power. The native’s inclusion into the family of British subjects is at the same time the mode of capturing the native by police power. The law follows this new subject wherever he/she may go. Lugard represents this capture in the language of its advantages – the slave would be subjected to the laws of England which he/she would appreciate as it did not recognize the slave. “It is time this anomaly and injustice ceased, and its abolition should be the first step in our future African administration. It should, moreover, be conceded that a native of a British protectorate, when have recognized the rights of previous owners over slaves to be still valid, whereas the rights of the previous owner over an escaped elephant lapse.” Lugard, East African, 630.

401 Ibid., 628-629.
found outside the limits of that protectorate, should be amenable to English law, and not to the law of the State in which he happens to be. Thus a Nyasa slave found in Zanzibar should claim the privileges not only of a British subject, but that his case should be tried by English not Zanzibar law.”

Lugard’s letters are part of a system of representations that include legal discourse, maps and later ethnographic writing that locate the figure of the native in administrative space. The ideological plane will meet the material as the native figure is affixed to the native body and the *imaginary institution* that is the protectorate is embodied in the kiboko lash, the kipande, and an ever-expanding regime of confinement.

In the East Africa Order in Council, 1897, the first of its kind to be written after the protectorate was established in 1895, Lugard would have his wish partially fulfilled. In the Order, the category of a British subject is considered to include “a native of any other Protectorate of Her Majesty, and is temporarily in the East Africa Protectorate, or (b) by virtue of ‘The Foreign Jurisdiction Act, 1890,’ or otherwise enjoys Her Majesty’s protection in the protectorate.” “Native” was defined as “a native of the Protectorate, not being a British subject or a person of European or American race or parentage.” The native was a non-white indigenous person that was not a British subject. In the section entitled “Application of the Order” determining the limits of jurisdiction, the persons Her Majesty had jurisdiction over were stated to be British subjects, foreigners, and “natives, in the cases and according to the conditions specified in this Order, and not otherwise.” Although not British subjects natives were still subjected to British law. Lugard then was fortunate enough to witness police power extended to the indigenous inhabitants as he wished, even as their rights and privileges were not yet settled.

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402 Ibid., 630.

403 East Africa Order in Council, 1897. PRO FO 2/142
For his part, Sir Arthur Hardinge – the first Commissioner of the East African Protectorate – saw that there was a different problem with the East Africa Order in Council, 1897’s definition of the native. He wrote to the Foreign Secretary Lord Salisbury on August 18th, 1897 (a little over a month after the Order was published): stating his concerns. “In Part VIII...of this Order a “native” is defined as ‘a native of the Protectorate not being a British subject or a person of European or American race or parentage’ and (viii) a ‘foreigner’ as ‘a subject or citizen of a State in amity with Her Majesty not being a native;’ ‘British subject’ is defined in (v) as including ‘a native of any other Protectorate of Her Majesty who may be temporarily in the East Africa Protectorate.’” This created the problem, according to Hardinge, that “every Muscat or Sheher Arab, every Zanzibar Arab, every negro or other native from Uganda, Italian and German East Africa, is ‘a person subject to the East Africa Order in Council,’ and can claim all the rights of an European, and is exempt from the jurisdiction of the ordinary native Courts of the Protectorate.” This would mean that these natives would be able to avoid being dealt with “summarily” by the Native and Native District Courts by a magistrate such as Ainsworth. Even, as Hardinge suggested, with not a small tone of amusement, that it would not be “probable” that natives would avail themselves of appeals to jurisdiction, it was better to be safe than sorry. He took the liberty of drafting a correction. “The term ‘native’ in these Regulations means any native of Africa not of European or American origin, and includes any person not of European or American origin who, within the dominions of the Sultan of Zanzibar, would be

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404 “Sir A. Hardinge to the Marquess of Salisbury.” East Africa Order in Council, 1897. PRO FO 2/142

405 The Commissioners, as per the Native Courts Ordinance of 1897 were to be “empowered with the consent of the Secretary of State, to make rules and orders for the administration of justice in native courts.” East Africa Order in Council, 1897. PRO FO 2/142
subject to His Highness’ jurisdiction, even though such a person should not have been born in Africa.” The first commissioner aimed to import the Zanzibar Sultanate’s wide-ranging and usefully ambiguous claim to jurisdiction and supply it with a racial code exempting none but the European and American (read white) subjects to the native courts and summary judgments of the magistrates.

The advantage of this definition is, as it seems to me, that it places all Arabs, all Swahilis, and all negroes, whether born in Muscat, Zanzibar, Uganda, Italian and German East Africa, or even in Morocco, Egypt, Abyssinia, or other independent or semi-independent native African States, under the same judicial system as the Arabs, Swahilis, and negroes born in the East Africa Protectorate, and thus greatly simplifies the procedure in the numerous cases in which they are likely to be concerned. It seems very inadvisable that in the case of two negroes accused of the same crime, one, as a native of the Protectorate, should be able to be summarily punished by the District Magistrate, whilst the other, who may have been born 5 miles south or west of the former’s village, but on the other side of the German or Uganda frontiers, should, because he is a ‘subject of a State in amity with Her Majesty’ or ‘the native of another British Protectorate,’ be amenable to a different and less easily applicable jurisdiction.406

Hardinge wanted to ensure the mass of Zanzibar “boys” “employed by Europeans as porters or serving in caravans” would not escape summary punishment by the native courts. He wanted to ensure that the native was a broad political category of blackness407 that was subject to an apartheid legal system and its uniquely racialized police power. Even those who were born outside of Africa, would be subject to this power and thus the native becomes fully the negro, and vice versa, vis-à-vis white power. From the establishment of the protectorate then, the man-

406 “Sir A. Hardinge to the Marquess of Salisbury.” East Africa Order in Council, 1897. PRO FO 2/142

407 In identifying Arabs as Sheher or Zanzibar Arabs and neglecting to mention Indians I read Hardinge as establishing a kind of “one-drop rule” for the category of the a native-negro. It is thus not simply that whites are excluded from summary punishment and native courts but that native-negroes are the only ones included.
on-the-spot, the first commissioner, imagined administrative power as separatist and separationist, as apartheid power, and as punishment and police power, as power over and against blackness.

*The White Body as Police Instrument*

Before we can understand the town as a white supremacist police-state – both the theater and expression of white supremacy in Nairobi – we must revisit what would prove to be one of the principal structures upon which the town would be built: the police instrument that was and is whiteness.

As far as my own opinion went, it was that missionaries who were of course free to go where they liked in “No-man's Land”; but that within a “sphere of influence,” they could not claim a right to go to a district, where no administration had as yet been established, and no efficient protection could be afforded them for their lives and property. That it was useless to say that they carried these in their hands, and trusted to God; for if any insult was offered to them, it must be taken cognisance of by the administration, which otherwise would lose prestige, since among savages the white men were all as one.⁴⁰⁸

From the first moment of the explorer-native encounter, white prestige, that is, the superiority and sacredness of whiteness⁴⁰⁹ and white bodies, were associated with security and

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⁴⁰⁹ This sacredness of the white body was not merely Eurocentrism or the (over)valuation of things European. The diversity and conflict internal to Europe was deliberately flattened in order to cement a particularly colonial whiteness. Law interpellated white and non-white subjects, naming some punishments for Europeans and Americans (read white) and others for non-whites. The logic of racial laws in the protectorate were in step with racialist thinking around the world.
the maintenance of order. Captain Lugard understood that if one white body was gazed upon as
vulnerable and human, white power and/as European administration was put at risk. The prestige
of the white body\textsuperscript{410} was a necessary component to the securing of European power and white
supremacy. The assertion of prestige, of course, also comes with its corollary: debasement.

“Inferiorization is the native correlative to the European’s feeling of superiority. Let us have the
courage to say: It is the racist who creates the inferiorized,”\textsuperscript{411} states Fanon. The racist creates
the inferiorized, or what I have called the negroized. But before the “epidermalization” of
inferiority\textsuperscript{412} can occur the body marked white, that is prestige incarnate, must invade. It is not
enough for the colonizer-explorer to be present in hinterland space for conditions of security to
obtain, but in addition the colonizer must arrive in his or her whiteness. A relation of power must
be established between the presence of the white body and indigenous space (and the inhabitant,
the \textit{savage}). In the Introduction to his seminal examination of the relationship between blackness
and whiteness in the Antilles Fanon states that he will not consider “the savage” because “certain
elements have not yet had enough impact on him.”\textsuperscript{413} He is correct with the \textit{proviso} that the

\textsuperscript{410} Brett Shadle shows that the performance of white prestige was a game of “keeping up
appearances” in order to secure white power. Brett Shadle, \textit{The Souls of White Folk: Settlers in

\textsuperscript{411} Fanon, \textit{Black}, 60.

\textsuperscript{412} Ibid., 12.

\textsuperscript{413} Ibid., 13.
savage is defined as the being not under the hegemonic sway of (what I will call corporeal) white supremacy – supremacy encoded onto the white body. That is to say there is can be no savage that has been educated into an appreciation of the white body as prestigious, superior and worthy of special security or deference. The problem of the colonial encounter and the production of colonial space thereafter is to transform the white body into text, into a signifier of power that is legible both to the native and the explorer. A condition wherein, though a “minority” in the colony the white man will never feel (and never be seen to be) “inferior in any respect whatsoever.”

As one of the most experienced administrators and a man who was, on more than one occasion, on the front-line against the native threat, Lugard knew more than most about the importance of white prestige for white survival. He noted, for example, that “the Arabs “poisoned the [Buganda king Mwanga’s] ears” against the Christians and their teachers and told him about the atrocities of the Belgians in the Congo. This in 1885 led Mwanga to persecute Christian missionaries and eventually have an entire party killed.

More than an object to be revered and cherished, the white body in white supremacist society is – in itself – a police instrument. Violence is enacted by and encoded within the white body itself. Not only is whiteness performed but whiteness performs, that is, the white body – in white supremacist society – expresses force and disciplines the othered body merely by being present. It enacts violence in stasis; it polices. The white body is not only racialized in particular spaces, it racializes space, disciplining the bodies within it, establishing its order, its proper places and regime of belonging. As bleach whitens through its corrosive power, the presence of

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414 Ibid., 60.
the white body in the forceful signifying system that is white supremacy reforms the space it enters into and establishes new constraints on the indigenous (and in different ways the white) body. The white body effects a bleaching carceral. It effects a disciplinary order, a racially ordered system of constraints, and a space which corrodes indigenous gestures, forms of being along with the integrity, wholeness and in some cases (especially in the contemporary era) literally the pigmentation of the native body. In corroding or reforming space whiteness takes on the function of the policed town, or rather the town is one expression of whiteness and (always at the same time) white supremacy. Just as the town and station invade indigenous space with their presence and material, reform it and signal the establishment of white hegemony, the same program is effected by the presence of white bodies. The white body and the town are inseparable, both need to be secured and both secure. One depends upon the other for its existence. Ideology of state and the right to govern were inseparable from and at the same time were an expression of whiteness and white supremacy.

This was well understood by caravan leaders. Like its future forms, which were the station and town, the establishment of the entity that was the caravan meant ultimately the establishment of an order in a space where white bodies were coded violent and martial. Caravan leaders, administrators, settlers and Europeans in all stations and at all times were aware of the ways in which the supremacist ideology which presented whiteness as a superior value, protected and deterred indigenous violence against white bodies and institutions. The body – like the town – created important lines of separation, quarantine (or apartheid) as well as its own disciplinary effects. Arkell-Hardwick explained the danger of the “savages” which, due to not being indoctrinated into white supremacist ideology, had no particular fear or hesitation to attack

416 See Chapter 2.
the caravan. For the savage (uninitiated into the new cosmology of white supremacy), one party was just like another, the white was like any rival foreigner and could be killed like one. Thus the absence of a white supremacist racialism was dangerous and threatening. Arkell-Hardwick begins, “These savages are civil to a safari only in direct proportion to their idea of its power of reprisal. Once it enters their heads that they are the stronger, that safari is in imminent danger of attack, and would need a very resolute defense, backed with a large quantity of ammunition, to prevent its extirpation.”

Here, he refers to deterrence being won through ideological battle. He is aware that the performance of power is an essential aspect of power itself. He continues, presenting the form of this power in white supremacist terms: white prestige. “If we failed to restore in some way our lost prestige, we should have all the natives, even those who were at present our friends, down on us also, and in that case we should be in a very awkward predicament. It is not often that these natives get a chance to plunder a caravan. When I say our [emphasis in original] lost prestige, I say precisely what I mean, for, as I have previously remarked, these ignorant savages do not discriminate between one safari and another, whether it is European, Arab, or Swahili; and neither do they wish to.”

It is necessary to distinguish the white caravan from the Arab, Swahili and other “foreign” people in order to be protected. White prestige is security. This distinguishing is understood in terms of prestige i.e. supremacy, hierarchy and perhaps even then a nascent wish to train the savages about the racial taxonomy of man. White supremacy, as argued above, was important for the pacification of the self as well. While planning a journey through the space of the Wa-Embu in the Hinterland, Maranga

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418 Ibid., 92-113.

419 See Chapter 1.
elders pleaded with Arkell-Hardwick’s caravan to take a route that would avoid the “kali sana” (Arkell-Hardwick translates the Swahili as “very fierce”) Embu. The caravan leaders refused on the basis that they were “white men with twenty-five guns” and that they were “not to be turned from our path and our plans disarranged by a pack of howling savages, however bad a reputation they might have.”

The prestige of the white body policed; it deterred. It was awe and fear-inspiring in its strangeness according to explorers and with these attributes it disciplined and it protected. Ludwig von Höhnel – Count Teleki’s travelling companion – noted the fear that white skin inspired in the indigenous of the Hinterland. Teleki was guided by a Maasai woman to a market area in Ngongo Bagás, and that “his appearance at first aroused the greatest terror amongst the Wakikuyu.” This was until they were reassured and the “white Samaki or chief, as they called him,” gave them a friendly reception. This fear, according to Höhnel, kept the indigenous warriors at bay. “…It speaks well for the prestige [italics mine] of the white man that we three were able to pass unharmed through the most difficult part of their country, literally surrounded by thousands of their fighting men. Our forty [African] men did not count for much in the eyes of the Wa’M’’bu, as they knew them to be natives like themselves, and comparatively easily

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421 This was a market place for Kikuyu, Masai and Kamba described by Höhnel as “on the edge of a thick wood behind which dwelt the dreaded people of Kikuyu, whilst on the south stretched vast pastures tenanted by the great herds of cattle belonging to the Masai.” Höhnel and Teleki, *Discovery*, 286.

422 Ibid., 291.
disposed of in spite of their guns” 423 It was clear to Höhnel that the white body, the cherished white body – was, in itself, protection. He would say this explicitly.

Crowds of natives harassed us, especially in the van and the rear, and though we kept as closely together as possible, we formed a long column, the whole of which could not be seen at once. I was always totally ignorant of what was going on with Count Teleki's party, and he was in constant anxiety about me. We were both, however, protected by a few warriors who did their utmost to shield us and drive the natives back. I think, however, that our white skins were our best protection, and we had already discovered that whatever danger our men might be in, not a native was likely to dare to touch us ourselves. I am pretty certain that we should never have achieved our transit of Kikuyuland if there had not been a European at each end of the caravan, and the white bandages I still had to wear had also something to do with the effect I produced. 424

The white body protected– not of course due to its inherent physical properties but due to its symbolic power, the body as fetish, as amulet. It was seen and believed to be protective and in some ways this was self-fulfilling.

In the Hinterland, before the importation of the law and the institutions of the state, whiteness was already beginning to discipline and police the “savages.” The nascent carceral order that became the town did not rely on a series of modern, disciplinary institutions. Whiteness and the white body preceded the apartheid municipal order and constituted the primary disciplinary instrument. The order that became the town was an expression and elaboration of white supremacist disciplinary power. White supremacy, notwithstanding popular Marxist thought, was never only a device of class rule or merely an instrument of the state – the

423 Arkell-Hardwick, Ivory, 72-73.

424 Höhnel and Teleki, Discovery, 308.
colonial town was an episode of white supremacy. Here I make reference to Foucault’s important rethinking of the state as an episode of governmentality rather than government being an instrument of the state. I also draw attention to the limits of Foucault’s conceptualizing of power due to the relative lack of attention he paid to race and the colony. As I argue here, for the indigenous, the state is experienced as one of several forms of power that continues to transform throughout the protectorate and across colonial periods. That the state is an episode of governmentality would not be surprising to men and women who experienced a series of forms of white power, including pacification, the government station, settler farms and the municipal administration. White supremacy, for the natives of British East Africa, was the governmentality of the everyday. 425

The bodies of white men were produced as the uniforms of police rule. Elsewhere,426 this was enshrined and stated explicitly in law. In 1911, thinking of solutions to native vagrancy, then


426 During Reconstruction in the Southern United States blacks were subject to arrest by any white person. “Mississippi and South Carolina enacted the first and most severe Black Codes toward the end of 1865. Mississippi required all blacks to possess, each January, written evidence of employment for the coming year. Laborers leaving their jobs before the contract expired would forfeit wages already earned, and, as under slavery, be subject to arrest by any white citizen. A person offering work to a laborer already under contract risked imprisonment or a fine of $500. To limit the freedmen’s economic opportunities, they were forbidden to rent land in urban areas. Vagrancy—a crime whose definition included the idle, disorderly, and those who ‘misspend what they earn’—could be punished by fines or involuntary plantation labor; other criminal offenses included ‘insulting’ gestures or language, ‘malicious mischief,’ and preaching the Gospel without a license. In case anything had been overlooked, the legislature declared all penal codes defining crimes by slaves and free blacks ‘in full force’ unless specifically altered by law.” Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-18* (New York: Harper Perennial, 2014), 234-236.
Police Commissioner W. K Notley (later Acting Commissioner of the Protectorate) presented the case of the Orange River Colony.

Mr. Notley explained that any man in the Orange River Colony who was found without a pass could be arrested by any burgher (European inhabitant) or land owner and brought before a J.P. or Magistrate, and he had to explain to the magistrate how he gained his livelihood. If the magistrate was not satisfied, he could either fine him or sentence him to imprisonment, or he could bind him over to any European inhabitant. In this country [East Africa] the onus of proof was on the prosecution and not upon the person charged.

“His Excellency asked whether, if the onus of proofs were put on the person charged, Mr. Notley thought it would improve matters.

“Mr. Notley said that it would get over the difficulty to a very large extent.”

What Notley suggested was the elimination of the disjuncture between administrative power and white settler supremacy in East Africa. East Africa should follow the Orange River Colony, where it was the native that had to prove his or her innocence if found in white space. Court procedure and similar pretentions and inefficiencies should be cast out in order to streamline collective white power over all native bodies. Punishment and thus order would be achieved by binding the native to any European inhabitant. Thus well into the protectorate era police power was still recognized as inhabiting the white (read white male) body. These suggested deputations were not about shaping new practices in the protectorate but about bringing the positive law of the protectorate in line with the natural law of white supremacy. White supremacy was not an aberration as contemporary liberal thinkers may have suggested but on the contrary the town’s ills could be traced to its lax commitment to the natural law of white supremacy. Settlers would curse the administration not for being insufficiently white supremacist.

but for being ineffectual, effete, “coddling the native” and allowing themselves to be confused by the fluff of humanist thinking in fashion in the privileged corners of the home country. It was not surprising that settlers would eventually argue that natives, as a matter of de jure politics, were available to be flogged and, given the “summary” justice, to be subjected so at the whim of the white settler on the spot. White supremacy was natural law and whenever the administration moved in any way to cause hindrance to white power over the native body they were seen as out of touch. To be in-touch with reality was to exist in the rugged, natural order of white supremacy.
Chapter Five

The Town: The Bleaching Carceral

The argument of this chapter is that the township of Nairobi in (at least) the protectorate-era was inviolable civil and civil supremacist power. I identify this power as *white power* and argue that the town is not merely the theatre of white supremacy but its expression.

The birth of the town cannot be understood only through a tracing of documented sequential events. Conventional representations of causes and effects in the protectorate are bound up with anti-indigenous ideology to the point of obscuring more than illuminating. For example, the manufacture of a particular temporality – municipal time (which is always at the same time *the time of whiteness*) is an effect of the new order rather than the protectorate existing within a universal, “world-historical” time. Administrators were aware that the re-representing of time and space by way of the invasion of History and Geography not only had uses for the practical matters of policing but were the fundaments of the new regime of confinement, control and the legitimation of violence. The importation of a new temporality and a new geography was the ideological counterpart to the administration’s repressive apparatus. The town, as will be seen, was the central locus for the most overt forms of this reformation of time and space in the protectorate. The town is not an object but a metaphor for the locus in which these reformations are most concentrated and from which they appear to be directed and emanate throughout the protectorate. Similarly, crime was not a pre-existing thing that policing then attacked and neither did colonial conditions simply function as a conduit for crime. Crime and policing were and are representative devices of white supremacist discourse. They transform in concert with the
exigencies of white supremacist power. What existed was an alien polizeistaat which sought to code responses to its aggression as illegitimate i.e. criminal or sometimes “lazy” and “savage.”

What was resisted (or often attacked) by the “hostile natives” was the entirety of the white supremacist order, be it manifested in technology, control over space, control over bodies, or control over labor. This can be read into the initial attacks against European-led caravans on through to the consolidation of white supremacist municipal power. The white supremacist order was identified by the hostile despite efforts to re-produce and re-present its violence and slave-driving through the ideological apparatus of policing. The following then, is an attempt to

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428 Criminalization of indigenous practice and the manufacture of criminality and crime was at the heart of most if not all colonial projects. The history of the practice of Sati in South Asia or the criminalization of indigenous practices in several colonies deemed “contrary to morality or justice” demonstrated that criminalization was (and is) an essential part of colonial rule. In Colonial Effects Joseph Massad notes that criminalization of Bedouin lifestyles and state-sponsored sedentarization policies ended raiding cultures while allowing the state to constrict Bedouin movement and seize their herds. Massad, Colonial, 59-64. The criminalization of Bedouin lifestyles, in particular producing Bedouin raiding violence as illegal and illegitimate violence did not mean that the state aimed to rid itself of Bedouin violence entirely. On the contrary that violence was repurposed as British officer John Bagot Glubb appointed to manage the Transjordan assembled a “Desert Patrol” drawn exclusively from the Bedouin. Bedouin violence or “tradition” was thus incorporated into police power i.e. state violence. The image of the traditional raiding Bedouin, despite “tribal raiding” remaining criminalized, has since become a stand-in for the postcolonial Jordan. Ibid., 104-105. In a similar vein the criminalization of the cattle-raiding traditions of the Maasai has not prevented the Maasai shield from appearing on the post-independence Kenyan flag.

429 One might also read the mode of history-telling that does not interrogate and unpack the concepts of “native crime” or indeed “crime” as a continuation, or at least an accomplice, of the hegemonic (white supremacist) history.

430 Effective means for re-representing slavery or “forced labor” were openly discussed especially during the planning of establishing indirect taxation and violence that would “induce” labor. See below.

431 Althusser considers the police and army to be repressive apparatuses but also functioning as ideological apparatuses to maintain their cohesion and reproduction. In the settler-colonial setting at this moment I would argue that the constabulary, as sign, is actually primarily an ideological apparatus that only functions by repression to maintain its cohesion. Its primary
write not a history of power in the town, but a history of the town as history-making and a narrative-making in the service of white power. It is a brief history of the emergence of the town (Nairobi) as both the central repressive and central ideological apparatus of white supremacy in the region.

A New Order of Space

It is beyond the scope of the present work to examine power and space outside of the municipal order. Nevertheless some observations must be made as governance outside of the space of the urban area had some bearing towards the forms of governance within it. For the European explorers, the lack of enclosure of the commons was typically associated with a lack of civilization. Put another way, civilization was (and is) in essence, the formation of enclosures. Hardinge reported on what he saw among the raw Wakamba, “As among the Wanyika and Wateita, land is only regarded as the private property of the owner so long as he occupies it. On waste land any native of the tribe may settle, and whilst he cultivates and lives on in, it is his.”

Such observations, however, were never merely efforts to locate a specific group on the taxonomy of the primitive. The different forms of indigenous land tenure or (its perceived absence) were to be weaponized by the administration, that is, they were to be used throughout

function is not to repress, that is work of punitive expeditions and the military. Its primary function is to provide a semblance of order. See Althusser, Anthropology, 86-112.

the colonial period to justify and facilitate dispossession. Arriving in 1902 when the last rail of the Uganda railway had just been laid – the ethnographers and couple William and Kathrine Routledge mused about what life was like in the olden days. “The traveler who wished to reach the heart of the Ki-kú-yu country then, as now, traversed the line for about half of its length, and left it at Nairóbi. He there put his goods on porters’ backs, and travelled thence some sixty miles to the north-east till he reached Fort Hall, which had then been recently established as the first station of the province of Kénya…The province was, at the time I speak of, practically unknown and its people unsubdued: except for a few fixed points, it had no boundaries even.”

The people and the space in which they inhabited both appear as things in-waiting. They are eventually to be subdued, captured, managed, planned with various markers of European property affixed to their bodies. The two conditions of native liberty and non-surveysed, unmapped land seem to blur together into the condition of non-development. The people and the land have yet to be brought under white time or the time of whiteness, and thus into “development,” a term that always connotes both temporal and material change (frequently

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433 “As a basis of all argument in the matter of land, it has been absolutely laid down that no native in the province has any individual title to land, and that the land is the common wealth of the people. A native’s claim to any land is recognized, even according to native custom, only so long as he occupies beneficially. The present usage is to recognize all unoccupied land as Crown land, and the Administration is free to deal with it as it considers to be to the best advantage. No non-native can acquire land from a native. Vacated land, i.e., land vacated by a native, reverts to the Crown automatically. The Administration has brought Regulations into force dealing with the disposal of Crown lands to non-natives. Over one hundred homesteads and several grazing areas have been handed over to Europeans under these Regulations” Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 15.

434 Scoresby, Prehistoric, ix.

435 Joseph Massad considers nationalism as effecting a spatialization of temporality. It divides the time of the Bedouin and the time of the nationalists. In the settler-colonial context presently studied, before the bifurcated time of nationalism, there exists one of race. See Massad, Colonial, 50-99.
represented in the ideologically weighted term “progress.”) Kikuyu freedom and the space that they inhabit freely are read as free from European marks of property (and thus civilization.) In the anthropologist-explorer’s gaze, unknown and unmarked space and property – and the absence of territory (read as space without the markings of enclosure or state/private property) – is closely associated with indigenous sovereignty. The absence of property will eventually be transformed by administrative power as land “collectively owned.” This term bears no trace of the commons but rather it at once becomes an instrument of policing and is deployed – most effectively in the Crown Land Ordinances - in the form of reserves. The reserves, i.e. space racialized as indigenous⁴³⁶ are spaces of confinement. Space, people, flora and fauna are not distinct categories in the colonizer’s gaze.⁴³⁷ Rather the management and totalitarian control of all men and things⁴³⁸ without exception is the task of the white supremacist police-state.

Naturally, the initial re-ordering of space was an imaginary one. The IBEAC divided the space of British East Africa into operational zones in order to efficiently conduct its trade and administer Britain’s possessions.⁴³⁹ With the transfer of power from the Company to the Foreign

⁴³⁶ Of course, this is at the same time the production of non-indigenous space which reduces to defining the limits of space occupied and/or seized.

⁴³⁷ See Chapter 1.

⁴³⁸ I echo Foucault’s suggestion that government is the business of the management not of territory but of the management of the complex of men and things. Foucault, Security, 96.

⁴³⁹ The IBEAC provided its own history of its (and Britain’s) involvement in East Africa when making its claim to the Government for compensation for relinquishing its assets to the Government. “In 1877 Sultan Barghash ceded the mainland’s “East African Littoral” to magnate Sir William Mackinnon. The “Company was formed in 1887 to administer these possessions, and every subsequent step was taken with the knowledge and approval of Her Majesty’s Government. That having throughout confined its operations to the opening up of the country, the extension of civilization, stopping slavery, exploring the territories, negotiating Treaties with the native Chiefs, the establishment of judicial, police, and municipal organization, it is justly entitled, on relinquishing its administrative functions to the Government, to be repaid the entire
Office completed in 1895 and culminating in the establishment of the protectorate these zones and the authorities presiding over them underwent a transformation of nomenclature rather than a substantive change in direction, officials or duties. District Superintendents of the company, for example, became District Officers at the moment of transfer. Sir Arthur Hardinge – the first Commissioner of the protectorate – initially divided the protectorate into four provinces (and sub-districts) based upon those of the IBEAC: the Seyyidieh, Tanaland, Jubaland, and finally Ukamba the central East Equatorial African region that would include Machakos and what would become Nairobi.

440 “Under the Chartered Company the country was divided up into a number of districts, with a head-quarter station in each district. Each district was under an officer styled the District Superintendent, and each of these officers was directly responsible to the Chief Administrator at Mombasa. On the Foreign Office taking over control, all the up country districts then included in the East Africa Protectorate were placed within the limits of one Province, which was named the Ukamba Province. Each district was placed under the charge of a District Officer, who was in turn under the orders of an officer styled His Majesty’s Sub-Commissioner, who was responsible to His Majesty’s Commissioner.” Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 1-2.

441 “In dividing the country into provinces and districts we were guided by (1) geographical features such as natural frontiers, (2) tribal boundaries, and (3) the character of their means of communication. Working upon these lines we divided the territory into four great provinces, each administered by a Sub-Commissioner, which were again sub-divided into districts’ each administered by a District Officer and an assistant. The districts were most of them based on the old sub-divisions of the Imperial British East Africa Company, which left us both an excellent foundation and framework of organization, and a staff of very capable administrative officers, European and native, well acquainted with the needs and capacities of their respective districts, and also a body of Regulations dealing with many of the most important questions which were likely to arise (such for instance as that of land), and thus enabling the work of Government to be carried on with smoothness and continuity pending the introduction by the Foreign Office of such improvements as new circumstances might demand.” Report by Sir A. Hardinge on the Condition and Progress of the East Africa Protectorate from its Establishment to the 20th July, 1897., 1897, C. 8683, at 3.
In 1897, two years after the protectorate was declared, there were 22 (European) administrators in the protectorate – considered a small number – and each province and district was assigned its own European. The organization of the “civil” administration was as follows: there was a Commissioner who directed four sub-commissioners for each province, and in the districts of these provinces there were eleven District officers who each had an assistant. In Mombasa, Lamu, Kismayu and Machakos the District Officer was also the Sub-Commissioner.

The production of provincial space heralded a new geography of confinement. It was not long after the division of space occurred that a series of Ordinances appeared aimed at curtailing the free movement of natives. “The East Africa Outlying Districts Ordinance, 1902” allowed the

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442 In coastal provinces historically linked to the Zanzibari Sultanate there was something of a “customary” authority—customary in Mahmood Mamdani’s sense as the invented tradition portrayed by administrators and European intellectuals as customary – through the use of Walis already established. “In addition to the English Sub-Commissioners, District officers, Assistant District officers, there exists in the coast provinces a series of native administrative officers known by the Arabic title of Walis, i.e, Governors. These Walis were, in the old days before the advent of the Imperial British East Africa Company, as they are to this day in the Islands of Zanzibar anti Pemba, the only Governors and Administrators on behalf of the Sultan of Zanzibar, and they still exercise side by side with the District officers a limited jurisdiction over the native population. They may be said, in fact, to act as assistants to the District officers in administering justice to the natives in their respective “wilayets,” and in settling many minor political questions; and they are a very useful factor in the administrative organization both as relieving the District officers from much tedious work, and as intermediaries between the English authorities and the Mahommedan population” Report by Sir A. Hardinge on the Condition and Progress of the East Africa Protectorate from its Establishment to the 20th July, 1897., 1897, C. 8683, at 27. See Wael Hallaq’s An introduction to Islamic law for an account of the colonial re-invention of what was thought to be “Islamic” forms of authority more generally. Wael B. Hallaq An introduction to Islamic law. Cambridge University Press, 2009.

443 Report by Sir A. Hardinge on the Condition and Progress of the East Africa Protectorate from its Establishment to the 20th July, 1897., 1897, C. 8683, at 27.
Commissioner to declare a district “closed” and that no persons but the natives of the district be allowed within it save “public officers of the protectorate” or “persons holding licenses.”

This ordinance at once affixed newly imagined tribes (imagined as hardened and stable trans-historical peoples) to newly imagined places in new ways while curtailing possibilities of migration and interaction. It also reinforced public officers as superior and instruments of surveillance in that they were free to walk about and inspect the bodies and lives that were newly confined.

In 1902 the “The East Africa Native Courts Amendment Ordinance of 1902” was promulgated. It was announced that “(2) The Commissioner may by Proclamation declare any district or part of a district to be a special district…” and that “(4) In every special district there shall be established a Court with full civil and criminal jurisdiction over all natives in the special

444 The East Africa Outlying Districts Ordinance, 1902. Ibid.

445 Mamdani shows this tendency to understand African collectives as tribes hardened once fluid associations of peoplehood, place and order and was a practice born in the colonial encounter of reserving people to putatively pre-ordained spaces. It also dehumanizes people or at least makes impossible and contradictory any analysis of historical identity formation. This is because the essentialist trans-historical category of tribe is antithetical to the notion of subjectivity and identities formed by historical and political forces. Mamdani, Define, 97.
district, and such Court shall administer justice among the natives of the district in accordance
with the laws in force in the Protectorate for the time being."

Thus arrived East Africa’s own “white chiefs,” the fusion of administrative and coercive power into white bodies newly distributed throughout the provinces. The creation of special districts meant the creation of jurisdiction – jurisdiction being always a space produced by fiat and legal fiction as the legitimate (usually arbitrarily defined) zone of operation for a particular branch of police power. These new spaces produced as spaces of jurisdiction, these special districts, in the protectorate were racialized spaces where bodies considered “native” located in spaces considered the same were deemed subject to a special form of state violence – violence crafted especially for the racialized body. To that end the Native courts were not only tools used to fabricate European authority, legitimize violence and define the bodies and spaces upon (and wherein) they were to be wielded but were essential to the formation of new legal subjects: the natives. No longer merely a curiosity of Lugard’s legal theory the blurred weight of indigenous souls, the savage hordes, were now forced into immersion and rituals of the fetish that was the law. They were interpellated as native subjects by the ideology of law as pronounced by the courts.

447 East Africa Native Courts Amendment Ordinance, 1902. PRO CO 630/1.

448 Mamdani, Citizen, 102.

449 See Chapter 4.

450 In his introduction to Memmi’s The Colonizer and the Colonized Jean-Paul Sartre implies that the native’s “atomization” is a result of the breakdown of the colonial apparatus and heralds the coming of anti-colonial nationalism. As I have argued, individuation occurred earlier through the invention of the native criminal and was an effect of the stabilizing of colonial power rather than a symptom of its breakdown. See Albert Memmi, The Colonizer and the Colonized (Boston: Beacon Press, 1991), xxviii.
Administrative power, always liberal and attentive to difference, clumsily tried to shuffle
the wrong-headed natives along the tunnel to modernity, gesturing hesitantly to what they
“discovered” as native custom and supplying the white chief with a black helper – the “native
assessor.” The assessor was a role as meaningless as it was novel, a patronized jester-councilman
and pre-colonial relic. “(6) The collector may in any case where he thinks fit, or where it may be
prescribed by Rules of Court, appoint one or more native assessors to sit with him in the Special
Court, but such assessors shall have a consultative voice only.” The District Officer, otherwise
known as the Collector – the official responsible for law and order – all the while remained
overlord over the customary authority – that more sophisticated apparatus of indirect rule. “(15).
Nothing herein shall affect the power of the Commissioner to recognize the jurisdiction of a
tribal Chief over the members of his tribe, or the exercise by such tribal Chief of such authority
as may be lawfully vested in him, or may be granted to him by the Commissioner.” Always with
the proviso that “(16). The collector shall exercise supervision over, but shall not unduly
interfere with the procedure, orders, or punishments of, any tribal authority within a special
district, except where such procedure, orders, or punishment are contrary to justice or morality,
or the laws in force for the time being within the Protectorate.”

The provinces and districts
were discursive instruments that legitimated both forms of confinement and the men of violence
(officials) that presided over them. They marked the production of new spaces (always infused
with racially-defined divisions), policed space, and the discursive overlay of jurisdiction placed
upon the fuzzy mess of indigeneity.

451 East Africa Native Courts Amendment Ordinance, 1902. PRO CO 630/1

452 Kaviraj, Imaginary, 56.
The Birth of the Administration Policing: Force in the District

The East African military institutions, military police, and constabulary (the distinctions rarely hold in the settler-colony and do not in the East Africa protectorate) have their origins in the police-state that was the caravan. The Zanzibar porters became the first body of force for the administration “whose services were civilianized as messengers, hut-counters and policemen, and whose campfire lingua franca, Swahili, became the universal language of command.” In his memoirs, Lugard records how he and another British officer, Captain W. H. Williams, were instrumental in creating an organized, new fighting force. Williams had earlier trained Sudanese to be a force for the IBEAC in Mombasa. Joining Lugard in Uganda Williams “began to drill and discipline [the Sudanese] – to adjust their accounts, and supervise their clothing and interior economy…He began to teach them a rough skirmishing drill, – advancing in loose fighting formation through the long grass and dense banana-plantations, working by

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453 Hardinge details the military force. All forces are placed to defend European stations. No pretention of protection of the population is made but on the contrary it is stated explicitly that it is a force whose origin lies against the “native” population. “The military force of the East Africa Protectorate consists of 250 Punjabi Mahomedans, 256 Soudanese, and 575 natives of the Protectorate, consisting of a total of 1,120 men….The second military district (Machakos) comprises the civil Province of Ukamba and is under the command of Captain E. Harrison (West Yorkshire Regiment) ….The total force there is at present only 144 regulars, but there is a considerable body (I think about 200) of local native police under the orders of the civil authorities, employed for the defence of the European stations against possible attack of hostile natives, who in this district are armed only with spears.” Report by Sir A. Hardinge on the Condition and Progress of the East Africa Protectorate from its Establishment to the 20th July, 1897., 1897, C. 8683, at 30.

454 Berman and Lonsdale, Unhappy, 33.
bugle-sounds, and attacking an imaginary position.” Lugard would follow Williams’ example and aimed to make a new martial race from the Zanzibari porters.

I also determined to strengthen our fighting force by selecting the best of our Zanzibaris, striking them off all porters’ work, and converting them for the time, at least, into two companies...under their own non-commissioned officers. These companies numbered some seventy each (all ranks), and were called “the Zanzibar Levy...Having the Sudanese to imitate, they very rapidly developed into a most serviceable body of men, and took a great pride in keeping themselves clean and smart; and we did all in our power to inculcate the idea that their position was superior to that of the porters, and that it was an honour to be selected for the Levy.

These men, who would accompany him on his excursion to what would become the protectorate, were militarily trained and indoctrinated into believing in their superior class position and in the respectability of the military. Zanzibari porter labor and the men who once represented the outer boundaries of the caravan state (what I have referred to as the Kiboko Colony) were converted into a military establishment available for the securing of European interests. Negro labor was literally militarized; the caravan became a roving imperialist force. The Sudanese, Baluchis, and Zanzibaris together would then continue to be the IBEAC’s main line of defense and offence in the Hinterland.

For John Lonsdale, the decisive moment in the transformation of British power in the “conquest” period – and the one that would herald the form of governmental power in the protectorate – was the bureaucratization of force and the accumulation of allies. Regarding the former, Lonsdale reads the conquest of Nyanza as beginning with African independent

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456 Ibid.
auxiliaries fighting the Luyia in 1895 and being paid in bounty. He notes that in 1908 auxiliaries were rarely used and instead British-led troops and policemen were used in the fighting.

“Somehow, public power had to be concentrated in official hands, above society and yet socially influential rather than merely forceful. Allies had to be made agents, wielding a locally legitimate authority that was nonetheless, in the last instance, delegated from the center.”

He then provides a history of a concatenation of military successes, strategies and crafty manipulations by the British that placed indigenous military power in the pocket of the British colonial state. But the notion of the bureaucratization of force treads too quickly over one aspect of power – and one that I am arguing was fundamental to the order in East Africa – the violence that is bureaucracy, the force that is the public, and the civic and civil as domains and deployments of white power.

In 1895 the East Africa Rifles was formed and was head-quartered in Machakos. Its enlisted members were taken from the IBEAC’s troops who in 1895 had 866 men, 415 at Mombasa and Seyyidieh; 176 in Ukamba; 180 in Tanaland, and 95 in Jubaland, with 255 men being Sudanese.

In 1899 the headquarters moved to the newly formed town of Nairobi where it also enlisted a company of Maasai. The East Africa Rifles would become the King’s African Rifles on January 1st, 1902 proclaimed into existence by “The King’s African Rifles Ordinance, 1902”: “(4.) There shall be established and maintained in the Protectorate a battalion of troops to be styled and known as the 3rd Battalion of the

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457 Berman and Lonsdale, Unhappy, 31.

458 Moyse-Bartlett, King’s, 102.
King’s African Rifles.”⁴⁵⁹ From this point on the East Africa Rifles operated under this new name and joined the wider force which included five other battalions from Nyasaland (Malawi), Uganda, and Somaliland.⁴⁶⁰ The KAR was the principal British Force in East Africa, protecting British interests in the region and also charged with the maintenance of order. “5. (2). The regiment shall be charged with the defense of the East Africa, Uganda, British Central Africa, and Somaliland Protectorates, with the maintenance of order and with such other duties as may be from time to time defined by the Commissioner of the Protectorate, within which any portion of the regiment may from time to time be stationed.”⁴⁶¹ While the military and police function were thus explicitly joined in the legal documents of British imperialism it was never a comfortable marriage. What was necessary, as officials were aware, was the ideological power the civilianizing of military force offered. What was required was the transformation of military violence into police power (the constabulary force) and the resultant putatively legitimate uses of its surveillance and patrolling power. The move from military to policing power was inseparable from the re-envisioning (and reproduction) of the raw-native as criminal.

There can be little doubt that the present military resources of the Protectorate are not adequate to preserve order within its limits, but I am inclined to think that peace could be better insured by increasing the police than by providing additional troops. At present the Nairobi garrison supplies small detachments for Machakos, Mbiru, and Taveta. This system is generally condemned as unsound by

⁴⁵⁹ The King’s African Rifles Ordinance, 1902. PRO CO 630/1.

⁴⁶⁰ King’s African rifles. 1st and 2nd battalions were from Nyasaland, 4th and 5th from Uganda and 6th from Somaliland. Moyse-Bartlett, King’s, 129.

⁴⁶¹ The King’s African Rifles Ordinance, 1902. PRO CO 630/1.
military authorities, and it is clear that it has its disadvantages from the civilian point of view. The natural function of the army is to repress disorder rather than to maintain order. Soldiers are certainly more impressive than the police, and more efficacious when they do act. But what is required in East Africa is a steady and continuous control exercised by such methods as police patrols. In a territory inhabited by such a tribe as the Masai it is necessary to be on one’s guard and be prepared to cope with the possibility of a rising, and probably the same may be said of some of the tribes inhabiting the Eastern provinces Of Uganda. But most of the natives in this Protectorate, particularly such races as the Wakamba and Wakikuyu, are robbers rather than warriors, and can be restrained by posting an adequate number of police in their villages.\footnote{Report by His Majesty’s Commissioner on the East Africa Protectorate., 1901, Cd. 769, at 21.}

Here in East Africa at the turn of the century we are provided with a glimpse at the defrocked nature of modern policing in the colony but also of policing – especially policing of the racialized Other – in general. Initially, the project to re-present military violence to the indigenous in its civil and civic guises (the constabulary force) stutters and stammers. Crime, the shiny new invention imported from abroad and offered up to the \textit{raw natives} as gold is rejected or is seen through and ignored.

\footnote{Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 2-3.}

A legacy left to us from the days previous to our administration, which we still had to deal with, was one of slavery, and in this connection the Wakamba were the principal offenders. These natives raided at times right into the Kikuyu country for young girls and boys, and occasionally even raided Masai kraals from which the warriors were temporarily absent. The natives of two localities—viz., Kanjalu and Mala, in the Ulu district—were particular offenders in this connection, and, to check the proceedings, two police posts were in July 1895 placed at prominent points in the localities concerned. Some four months after, these posts were attacked, in considerable force, by the natives and destroyed, the greater part of the garrison at both places being killed. This act necessitated a punitive expedition, which succeeded in punishing the offenders...\footnote{Report by His Majesty’s Commissioner on the East Africa Protectorate., 1901, Cd. 769, at 21.}
These same Wakamba of whom it was said four years earlier that they were more robbers than
warriors, required to be dealt with collectively and through punitive expedition after destroying
the police. The punitive expedition is launched as policing has so far failed to produce its
subject: the individuated urban native (the African), and the criminal. The constable, that
marionette, is trotted out to the police post but it is the soldier who always props him up.464
When this theatre fools no one the soldier leaves the puppet fallen in the dust, and strikes
himself. Throughout the conquest period, or better, the period in which notions of citizen,
constable, law and criminality had not yet465 attained ideological sway, a battle is fought to erect
the constable, that is, to enclose radically autonomous space through its production as civil
space. Uniform by uniform, the constable rises and pretends as if he was always there. “As a
result of our endeavors to prevent and absolutely to stop raiding, three other military and police
expeditions were necessary in the Ulu district. The last was in 1897, since which date the natives
have caused no further general trouble. The natives of Ulu had, some time previous to 1895,

464 The constabulary was always present from the first moments of the protectorate and was
always ready to be deployed. Initially, conditions in Hinterland were hostile and so military force
was used to police. In fact, the police in the Hinterland who guarded the railway “station askaris”
wore military-style uniforms, clearly to intimidate would-be hostile natives harkening back, as
they certainly did, to the IBEAC troops. “The civil police at Mombasa consists of an English
officer having the title of Assistant Superintendent of Police, of a Chief Constable, also English,
of four sergeants, four corporals, four lance-corporals, and sixty-five constables, one-third of
whom are Swahilis, and the remainder Somalis, a race supplying better material than the negro
for police purposes. They wear a blue cloth uniform... These constables are liable to be
employed on special duty in any part of the territory, but in practice the force is employed only
in Mombasa Island and on the shores of the immediately adjacent mainland. In the rest of the
territory the police work is performed by the “station Askaris,’ partly natives and partly Kiriboto
or Mshihiri Arabs, of whom there are on an average about twenty-six in each district, and who,
besides acting as constables, are employed as messengers and escort... [Station Askaries] wear a
khaki uniform resembling that of the soldiers, all except the Arabs, who have their own
distinctive native dress.” Report by Sir A. Hardinge on the Condition and Progress of the East
Africa Protectorate from its Establishment to the 20th July, 1897., 1897, C. 8683, at 37-38.

465 I do not mean to imply that this period has ended.
begun to come in for work, and offered themselves as recruits for the police, but about 1896 they began to take to these things regularly, and the Elders were persuaded to assist in the making of roads about the district.” It is doubtful whether the “transformation of British power” that Lonsdale claims was decisive in the securing of colonial hegemony was ever achieved. Civilization, civilianizing, civic-ization, i.e. the “bureaucratization” or capture of indigeneity (in Mudimbe’s terms the taking of the “native soul”) remained an elusive goal throughout the protectorate and colonial eras. If any pacification project could be said to have been perfectly successful, it was likely that of European’s self-pacification and their ability to read into behavior (for e.g. the Elders’ assisting in the building of roads) as acceptance of the new order rather than their own agentive manipulation of new conditions. It is not only that the “spiritual realm” was not won by officials but that the “material realm” is a spiritual realm defined by the fetishization of law and the objects of bureaucracy: uniforms, cartography etc. In the Hinterland the question to be asked is whether the Europeans retained control of their spiritual realm.

**District Policing: The Headman and the Hut Tax**

The 1900s were a new dawn for the white supremacist police-state in East Africa. This was due not only to the introduction of new white bodies i.e. settlers as new police instruments, but also the slew of legal innovations that made way for them. The Village Headman Ordinance of 1902 for example, much like slave plantations in the American South,

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466 Ibid., 3.


468 See Chapter 4.
hoisted a black (native) body up to the central role of surveilling and maintaining order amongst a subject population forced to produce for white capital. “(2) It shall be lawful for H. M. Commissioner as regards any part of the Protectorate or for a Sub-Commissioner acting under the direction of the Commissioner as regards his Province to appoint any native or natives to be the Official headman or collective headman…of any village or group of villages, and to make the headman of any village subordinate to the headman of any other village.”469 This “headman” was a constable by another name.470 “(3) Such headman shall be the representative of his village or villages and an order made against him in his official capacity shall be enforceable against all the inhabitants of his village or villages…”471 The Commissioner could appoint natives – identified as belonging to the same tribe – into new roles of authority over other natives. This required some ingenuity, especially among the acephalous societies of the interior. The headman, even in societies that had temporary experiences of what might be approximated as central or even dictatorial leadership had no precedent. The imposition of a headman departed sharply from the practice of using a ‘foreign’ or martial “race” to attack or repress the peoples of the Hinterland – the headmen meant the repositioning of one or more men who were part of a single (self)-identified group, into police authorities over other members of that group. What was being introduced was the constabulary force, the quintessential institution of modern order. The name village headman weakly disguised what was commonly understood to be the imposition of a

469 The Village Headman Ordinance 1902. PRO CO 630/1.

470 “(6) The Commissioner may make rules conferring upon any headman or any body of headman in any village or group of villages the power to hear and determine petty native cases to such extent and upon such conditions as to appeal and procedure as the Commissioner may determine.” Ibid.

471 The Village Headman Ordinance 1902. PRO CO 630/1.
chief authority upon a chief-less people. At the same time the native he is charged with disciplining appears in law in his or her capacity to be punished, like the thief\textsuperscript{472} but also, again, like the slave in the American south.\textsuperscript{473}

In the chief there was a chief law enforcement officer and at the same time an embodied representation of the people that when combined provided a vista of white colonial domination presented as political representation and civil freedom.\textsuperscript{474} Through the appointment of a headman the administration attempted to normalize collective punishment, punishing the entirety of a population identified as under his authority. “(5) If an outrage occurs in any area in which a headman is responsible for the preservation of order and the perpetrator of such outrage cannot be discovered the Sub-Commissioner may in his discretion impose a fine upon such headman unless he proves to the satisfaction of the Sub-Commissioner that the outrages could not have been prevented by reasonable vigilance on the part of the headman or his people.”\textsuperscript{475} Collective punishment, a practice that today strains to find legitimacy and is often repackaged as wars

\textsuperscript{472} See Chapter 3.

\textsuperscript{473} In her study of the case State of Missouri v. Celia, a Slave (1855) Hartman explores how the slave woman as slave and thus as property had no rights. Yet, to charge her with a crime she had to be produced as a subject possessing culpability. The figure of the slave woman in law only appeared as a (culpable and liable) subject in reference to her ability to be punished; amounting to a subjectivity inseparable from criminalization. Hartman, Scenes, 79—86.

\textsuperscript{474} Mahmood Mamdani describes the customary chief. “The chief is the petty legislator, administrator, judge, and policeman all in one. Every moment of power – legislative, executive, judicial, and administrative – is combined in this one official. Here there is no question of any internal check and balance on the exercise of authority, let alone a check that is popular and democratic. The chief is answerable only to a higher administrative authority.” Mamdani, Citizen, 54.

\textsuperscript{475} The Village Headman Ordinance 1902. PRO CO 630/1.
between sovereign nations, or special attention provided for troubled or at-risk communities in the protectorate would be explicitly written into law. It defined and identified its target through invented representatives and dictated the means by which they could be punished. Like community “clean-up” programs or convict labor collective punishment was a form of labor exploitation in ways that were, materially, bound up with the expansion of the civic order. Natives were forced into literally developing “public works.” (4) The Commissioner or by his direction a Sub-Commissioner may require any headman to keep order in any area adjacent to his village or villages, and to keep any public road in any such area in good condition and repair.” Thus the commissioner, through the puppet of the headman, could order the upkeep of the things of empire, the very things the indigenous often saw as a threat and a target for attack. We have here the stuff from which colonization is made. It is not so much a civilizing or even a “civilianizing” but a civic-ization, the deliberate intrusion of civic order not only as a means of colonial rule but an end in itself, a feat of dispossession. Public works and roads facilitate colonial domination but they are after-effects of the initial dispossession, the deployment of a public space and the re-making of indigenous bodies as policing bodies. Not merely a “bureaucratization of force” but a transforming of populations, labor and places into things of the.

476 The mass atrocities committed by Western powers against “Afghans” or “Iraqis” in 2001 and 2003 identified representatives (the “Taliban” and Saddam Hussein respectively) in order to justify mass onslaught. But the terms “collective punishment” or the explicit admission that violence was permissible if an identified representative was deemed culpable are now absent. In the protectorate, however, administrative power did not bother with these niceties of obfuscation.

477 The violence and hypersurveillance of “Stop and Frisk” and “Broken Windows” policing of communities racialized as Black and Latino in United States of the last thirty years or TAVIS in Toronto, Canada might be read as a redeployment or continuation of collective punishment practices in the contemporary moment.

478 The Village Headman Ordinance 1902. PRO CO 630/1
city. The term administration implies a subject who administers which is misleading. What we have instead is the transforming of all life into civic life, administration as the civic-ization of life. The headman, at once the embodiment of invented indigeneity and of a new, constabulary authority is set up to police the indigenous subjects newly interpellated as tribes, managing them and readying them for their place in the rapidly expanding civic order. This is community policing.

The Hut Tax

The provincial administration’s hierarchy as of 1905 was set up as follows: In the districts there was a “Collector” or “District Officer” and an Assistant Collector. The Collector in the district was responsible for law and order as well as the collecting of revenue. Initially, payment of the hut tax was not required in money but could be paid in “labor479 or in kind.” According to the Hut Tax Ordinance of 1901 “the Commissioner may make such arrangement for the collection of hut tax when imposed as he may think fit, and in particular may take payment in kind or in labour in lieu of money, provided that it shall be clearly explained to every person who may have to pay the tax that it may be paid in money if such person desired. The Commissioner may also make arrangements with any tribe or village or collection of villages for commutation of the hut tax by payment of a lump sum per annum, to be taken either in money, labour or in kind.”480 Not only did the Hut Tax become a means to disguise the violence and

479 Paying a hut or poll tax with labor is forced labor as is paying taxes with wages. In the former, the surplus labor extracted has not undergone its transmutation into wages. The facilities to enact this abstraction, capitalism and capitalist ideology, is what the administration is in the process of building.

480 East Africa Protectorate Hut Tax 1901 PRO CO 630/1.
coercion inherent in the process of labor exploitation but also through collective forced labour natives, as part of tribal units, were made particularly vulnerable as labor exploitation was racialized. As members of a people they inhabited bodies that became spaces for exploitation. The headman, who reported to the District Officer, would be responsible for this collection of taxes and thus would not only be an indigenous constable but also a slave driver. These “indirect inducements” of native labor would later be criticized as they seemed to some to be what they were – slavery by another name.481 A few years later, the newly arrived settlers, however, found little need of showing deference to abolitionist principles and were clear that what they desired was forced labor and demanded the Government to procure it. The never-bashful Lord Delamare put it frankly.

I think that the present question is purely whether the Government is in sympathy with us or not. We should carry on until we get legalized methods to meet this question; I have always been in favour, as far as possible, [italics mine] of voluntary labour, but if it is found that voluntary labour cannot be obtained, then pressure should be put on them – the same pressure as anywhere else in the world, that of being forced out into the world to earn one’s own living…

The method of the Government has been right through to encourage the native not to work. If you cannot get labour by voluntary means put a tax on. An indirect taxation, such as a tax on blankets, &c., would certainly bring more into work and they would not attribute it to the Government.

481 At the 1908 Labour Conference then Governor James Hayes Sadler was polite but clear enough. “I can see your point of view in wishing to adopt the Nyasaland and Rhodesian system, but can say nothing at the moment. Apart from the question of the policy of introducing such a measure into this Protectorate, to my mind it verges on forced labour because you are increasing the tax to enforce labour. I should like to point out that someone has said that there is no check against desertion, which is wrong. There is the Master and Servants Ordinance, which provides against desertion. There is, however, a preliminary to be got through before taking advantage of it, namely, to catch your men, and in this country it is not very easy to do so. However, in the last three weeks 87 men have been arrested. They were not tried because the employer did not find it worthwhile to prosecute them. I think that as we employ responsible headmen with judicial powers—a matter we are proceeding with now—we shall find many annoying matters, such as desertion, removed.” Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 19.
I think that the legalize methods should be these [italics mine]: - you have to create wants as far as possible. There is one want in this country – the blanket. But by the new rules the employer has to pay for this, and, therefore, that want is done away with. 482

What is significant here is not only the clear evidence of settlers openly debated and demanded forced labour483 but that laws were unashamedly and arbitrarily proposed to suit settler interests. Law was simply an instrument of white supremacy484 and a tool to enact the violence against black bodies485 that was forced labor. Law here is inseparable from white supremacist anti-black violence and exploitation and in these practices it finds its raison d’être.

In the protectorate taxation began in 1901 but it was not until 1910 that it had to be paid in money. As Tignor notes, the cash nexus forced the indigenous, who were unable to pay cash, into the labor market for wages.486 That taxes were an instrument of white power were a surprise to no one. Even the Routledges were clear that the Kikuyu understood a call to submission in

482 Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 16.

483 In the Hinterland, assured that labor would not be invited to participate (nor comprehend) the discussions taking place behind the closed-door meetings of capitalists, the capitalist is aware that capitalism enslaves the laborer to the capital, and he is forthright, unapologetic, and clear that this is good and the way it should be.

484 Settlers had already secured representation on the legislative branch of the state in 1905 having created and having gotten approved their own Legislative Council.

485 Here “black bodies” refers to the specific production of the negro, the quintessential laboring body in white supremacist thought. It also refers to blackness in Steve Biko’s sense as the traditionally exploited peoples of the white supremacist order. “…Blacks as those who are by law or traditionally, politically, economically and socially discriminated as a group in the South African society.” Steve Biko, I write what I like” Selected Writings (Chicago: University of Chicago Press, 2002) 48.

486 Tignor, Colonial, 8.
their obligation to pay taxes. “If it be asked how the Akikuyu themselves regard English domination, the primary answer is that they naturally associate it with hut tax, and so resent it strongly. Three rupees per hut is the amount demanded by the Protectorate Government, and this is therefore the tax payable by the poor man who has one hut only. Two and a half to four or five rupees is the sum that can be obtained for a month of labour. The natives are quite willing to admit that they have in return the benefit of security. How far this is appreciated is a matter of individual taste. Tranquility has naturally greater attractions for the weak than for the strong.”

Tranquility – which was never achieved in the protectorate – meant the universal subservience of the indigenous population to the white man more than it meant the end of “intertribal war-raiding.” What extortion – the successful extraction of labor through the wage nexus – achieved was an admission of defeat by the indigenous and a forced acknowledgement of European domination. As significantly, the extraction of labor, taxes and capital by the administration filled the coffers of the newly emerging administrative machine i.e. it filled the officials’ pockets who were then obliged to re-invest it into the construction of the material apparatus of empire (buildings, roads, salaries.) This in turn helped to consolidate and produce and effect order and stability, in essence the state-effect, that is, effect a hypostatization of bureaucracy. The illusion, where it existed, that what was being extracted went automatically into public works, aided in the presentation of the town as an impersonal, sprawling institution. As it does for the fugitive who becomes convinced that his apprehension and punishment is not carried out by particular acts of violence and particular bodies but by the impersonal, “all-pervasive, ghostly”

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metaphysical entity that is the police, the bodies of the administrators, through this turn of reinvesting taxes for development become invisible. The town and its development appear as an immediate consequence of labor and taxes, that is to say administration, rather than labor exploitation and development being two separate and distinct projects. The town appears to be a thing that exists and a thing that is built by native labor under white direction and the administration’s effective redistribution of the capital derived therefrom. Violence, exploitation, material and material practices that bloody the central loci of administrative power become re-presented as the innocuous and progressive town.

In 1902 the hut tax accounted for nearly 60% of Ukamba’s revenue. This money, of course, was not redistributed among the new “citizens.” On the contrary the capital extracted from indigenous labor for public works could be transferred to areas that – as we shall see below – natives were not free to enter. Though dismissed by Eliot it is notable that it was not inconceivable to have the natives taxed in order to pay for public works in “Oriental” and European quarters.

But while I am anxious to emphasize the fact that East Africa is a healthy country, and to dispel the idea that it is a fever-stricken swamp, it cannot be said that the

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489 Benjamin convincingly shows that the police institution and law’s power is derived not from its ability to deter but to present itself as impersonal fate always following the offender. It is not a few bodies in uniform that chase the fugitive but fate and justice itself. Benjamin, Reflections, 284-287.

490 “Corruption” in the colonial and post-colonial eras is dangerous precisely because it threatens to destabilize the state-effect by revealing the bodies beneath it and individuating administration. Stealing from the government’s coffers show the government to be a group of individuals rather than the mystical power of authority it must pretend to be.

491 Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 21.

492 See “Pass Law and the Vagrant” below.
sanitary condition of either Mombasa or Nairobi is satisfactory. Mombasa consists of two portions, an Oriental town, partly of some antiquity, and a modern European quarter. The former is low and hot, with narrow streets, or rather alleys; the latter is high and pleasant, the houses stand in separate gardens, and mosquitoes are rare, but both parts suffer from indifferent water and an entire absence of drains. As population and buildings increase, these defects must be felt more and more, but the remedies proposed present financial obstacles. There would be no difficulty in laying on a proper water supply from the mainland, and in introducing a better sanitary system, but I do not think it would be possible to collect from natives the rates necessary to defray the cost of such undertakings without producing serious and continued discontent.\footnote{493}

The tyranny of taxation without representation is not a problem here, as it arises only among civilized men. Tyranny is not tyranny but the effective and pragmatic management of the native population in order to facilitate the development of public works for the good of the town, read the white supremacist order in Nairobi.

In a remarkable passage taken from the minutes of the 1908 report on the Labour commission, a settler by the name of G. W. Caine is reported to have attributed the achievement of peace and the end of tribal war raids to the Pax Britannica. In the same breath he calls for what is essentially enslavement. The seamless transition between conditions of peace and the call for re-enslavement and the registration of Kikuyu protest as insubordination and tax evasion demonstrates most forcefully that the Pax Britannica was, even for the settler, understood to be the Police Britannica. In the (alleged) Kikuyu practice of burning down their huts in order to avoid hut taxes we may also read the acceptance and internalization of the new order as it is accepted by the warriors that huts are associated with taxes. Taxes appear not as mere force and extortion but is abstracted and accepted as an impersonal force.\footnote{494}

\footnote{493 Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at 13.}

\footnote{494 Taxation obeys what Foucault speaks of (in regard to punishment) “the rule of perfect certainty.” Foucault, \textit{Discipline}, 89-97.}
Mr. G. W. CAINE referred to the Pax Britannica before which the Kikuyus and other semi-pastoral tribes were continually harassed by the Masai, their flocks, women, and children being carried off. The Kikuyu were then confined to a circumscribed area. We had often been accused, he said, of taking away so much land from the Kikuyu, but he really thought they had a much larger area under cultivation than in the past, together with large native reserves allotted to them by Government. They now enjoy peaceful occupation, are increasing in numbers, flocks and herds and have good markets for their produce. With such prosperity and with wives to do this work—legalized slaves—as Mr. Caine remarked, there was little inducement for him to work except under compulsion. There was certainly an unpleasant sound about the word compulsion, but after all the majority of people throughout the world had to work from compulsion and often take up work that is distasteful to them in order to obtain the necessaries of life.

The hut-tax hardly touch the male Kikuyus, 10 men often living in one hut, and in some cases he had known of natives taking down or burning down their huts when the hut collection commenced and put them up afterwards. The only remedy was then in compulsion by either insisting upon the head chiefs in native areas finding sufficient labour at the market rates or imposing either a fairly heavy poll-tax or a reasonable land rent. It was necessary, he said, to make the native realize that he owes some obligation to British rule, and the sooner it was impressed upon him the better for himself and everyone.495

This obligation to British rule, stated starkly here, would be reformulated in what would become independent Kenya as the obligation to one’s country. At this moment the allegiance to white power and the facilitation of its predations and exploitations has yet to be successfully rebranded as patriotism.496

It was this moment, nonetheless, that was the moment in which the white class—a racialized social class in the settler-colony that takes on the same task of the bourgeoisie in

495 Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 10.

496 Advances in this direction had already begun to be made in the American South. Several of the formerly enslaved peoples began to claim a stake in the settler-colonial project that was the United States during “Reconstruction.” Even earlier, Frederick Douglas’ 1852 speech “What to the Slave is the Fourth of July,” sounds notes of unabashed dedication to the settler-colonial project even as it criticizes one of its central pillars, slavery.
seeking to universalize its culture—debated on supplanting aspects of repressive power with ideological power. Strategies to re-present compulsion as volition, associating hard-work (done for Europeans) as moral, and establishing the respectability of earning a wage were discussed.

In essence the first years of the first decade of the 20th century staged the invention of a new species of man in the central Hinterland: the good and laboring native, the African.

Making New, Police-able Men

In 1902 there were “scarcely more than thirty” settlers that had arrived in Nairobi. Of the new families many were decidedly aristocratic including Hugh Cholmondeley and Lord Delamere who were already speaking self-confidently about the “White Man’s Country.”


498 During the labor conference of 1908 settlers discussed ways of manipulating the system in order to procure indigenous labor. Dr. Scott of the Scotch Mission, who had been in East Africa only three months, moving from Nyasaland (he lived there for 18 years) suggested importing a technique that seemed to work in Nyasaland. It was one in which taxes and labor certificates (both instruments of force) were set up so that natives were given a discount on their taxes if they worked for whites. According to Scott, in this way the original violent nature of taxes is hidden and it appears to natives that they are moving ahead of other natives by obeying rules and working and so benefitting. “In Nyassaland, the Commissioner said: We shall raise the tax to double in certain prescribed areas where there is a circulation of money, and where there is, therefore, labour. But if a man work for a month for a European and gets a certificate to that effect, then he may pay three shillings along with his labour certificate. The result was that a man who did not wish to work paid six shillings. But the man who worked a month got his labour certificate for three shillings, and went straight to the Boma to pay his tax, and the result has been a very considerable increase in the labour supply without any arbitrary methods and pressing men to work. I think that might help towards the solution here. Then it might occur to many that, supposing this were adopted, you will have in certain districts a surplus of labour; the result of that would be that these men would have to go elsewhere to search for work, or in districts where there were no Europeans natives would have to go into European districts for labour service, and the result would be a better distribution of labour throughout the country.” Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 14.
Nairobi and the Highland regions of the protectorate were troublingly underpopulated with white bodies, leading to solutions such as inviting Zionists to the region. According to Sorrenson it was almost out of desperation that Eliot turned to the former enemy, Afrikaners, to settle the region and create the crop production, which would pay for the railroad. In 1903 there were over 100 Europeans settled around Nairobi, many from South Africa – the “Irreconcibles” the hardline Afrikaaners ex-soldiers who trekked under a dimmer North Star to avoid surrendering to the British after the Second Anglo-Boer war. Their rugged, planter culture would give the protectorate its decidedly “non-aristocratic” flavor. These settlers would find, comfortably in place, the first articulation of Crown Land in the “East Africa (Lands) Order in Council, 1901” which “defined ‘Crown lands’ as “all public lands within the East Africa Protectorate which for the time being are subject to the control of His Majesty by virtue of any Treaty, Convention, or Agreement, or of His Majesty’s Protectorate, and all lands which have been or may hereafter be acquired by His Majesty under “The Lands Acquisition Act, 1894”, or otherwise howsoever.”

European settlement immediately intensified the need for native labor and led to a corresponding re-appraisal of the raw native as resource. The new South African element with its centuries-long familiarity with the native question and traditions of exploiting native labor re-invigorated this new needs-based conceptualization of the raw native and native life, essentially thinking the native more forcefully as population rather than as obstacle. Ethnography colluded with settler capital and produced usable knowledge of the African Other. William and Katherine Routledge would gather – from their 1902 ethnographic study produced while living

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499 Sorrenson, Origins, 31- 65.

500 Population being human beings produced as one of a state’s resources.
“among the Kikuyu” – that the Kikuyu were agriculturalist and therefore “unless driven by poverty, they resent being taken out of their own land to act as porters to distant districts, or for Government work.” Despite this, (somehow), “none of the settlers with whom we came in contact complained of lack of labour.” The Kikuyu nature was invented and with it the guidebook of how to transform or, if necessary, extract them from their customs and bring them into normalcy i.e. reduce them to the norm of the black body: the laboring negro body, the constant capital of the white supremacist order. Joseph Thomson’s Kikuyu as the prototypical raw native and hostile savage that would resist and attack Europeans at every turn became a new figure entirely for the ethnographers. “The M’kikuyu is the slave of custom. He admits that he is the weaker, and must adopt the white man’s ways, be they good or bad. All he asks is to be made clearly to understand what the white man’s customs really are. He will then mechanically conform, because it is his essential nature to do so. Most of the trouble between

501 Routlege, Prehistoric, 330. The concept of laziness in the colony is always racialized and always political for several (often obvious) reasons. Interestingly, as Fanon notes, the depiction of the “savage” undergoes yet another transformation when that “lazy savage” is campaigning with arms or protests for his/her power or rights. “So they say the colonized want to move too fast. Let us never forget that it wasn’t such a long time ago the colonized were accused of being too slow, lazy, and fatalistic.” Fanon, Wretched, 35.

502 Ibid.

503 Positioning the native outside the realm of the human (read white humanity) the negro body is one more machine that is eventually consumed. It is white power, often produced as the labor of settler ingenuity that sets the black machine in motion. Evidence for the negro body as established in white (and Arab and South Asian) supremacist discourse as non-human, constant capital (slaves) is too ubiquitous to refer to here. I would direct the incredulous reader to the histories of bodies racialized as black which are always to be found in the histories of the disposable body be it thrown overboard as defective cargo in the “middle passage,” warehoused as surplus labor in prisons, in the construction of “abeed,” or in contemporary lynchings of "Africans” in India.

504 See Chapter 1.
white and black in East Africa to-day lies in the fact that the Government has never hitherto consistently followed any one line of policy either to white or black.”505 This editorializing could only be possible and intelligible after the deployment of police power and order (it would be senseless, or at least wishful thinking, to speak of weakness and essences of natural conformity while under the barrage of their arrows). It was the establishment of the protectorate as discursively constituted space of white sovereignty, the material force of military power, and consistent inroads into Kikuyuland506 that made possible the imagining of a serviceable and pliable Kikuyu character for the ethnographer. The protectorate, that effect of police power, created the conditions for this new figure of the Kikuyu to emerge. Policing made the Kikuyu – then it claimed to discover him. The black Kikuyu – through the appropriate forms of policy (read policing) is easily led, according to the evaluation of Routledges, to becoming disciplined and useful labour as it is his natural character. It is not insignificant that explicit references to the racial categories particular to the settler-colonial order in Africa (white and black) is made in thinking of the transformation of the raw native to the laborer. It reflects the larger processes of negroization507 which in the particular forms of white supremacist settler-colonies of East Africa was the mode of peasant capture.

The effective transformation of the Kikuyu into a black and laboring body brought with it new dangers. For the Routledges it would be wrong to compel the native to work – this would be

505 Routlege, Prehistoric, 330.

506 The ethnographers first trip was in Kikuyuland, long after the first explorations of the Meru, Embu and Kikuyu areas.

507 See Chapter 2’s discussion of the negroization of the Swahili porter. Afro-pessimists have argued that blackness itself is a form of ontological death, birthed in the violence of capture and the slave ships of the transatlantic. The attachment of blackness to dehumanized natives would suggest that blackness as ontological death is not a process limited to the “Black Atlantic.”
slavery, an institution to which they believed the British were in staunch opposition – and yet it would be just as wrong for the natives to remain idle. They proposed a third way. It is for the Kikuyu

to be stimulated to acquire new wants, and be impelled to labour of his own free will in order to satisfy them….The spectacle of the native inspired with new wants is not, so far, it must be confessed, an attractive one…in a few instances in which they have shown a desire to copy the white man, the first acquisitions are European clothes, which are eminently unsuitable…It is difficult to suppose that the desire for increase of luxury will not bring with it a drift to the towns. The charm which Nairobi had for our Swahili retainers was most striking. It will be an evil day for the A’kikuyu if they also fall under the baneful attraction of the native bazaar in connection with European centres of population.\(^{508}\)

Although the new wants\(^ {509}\) that capitalist society produces will *encourage*\(^ {510}\) the Kikuyu to willfully join the nascent labour force it will lead to the less desirable phenomenon of rural to urban (“urban” in the East Africa Protectorate always code for white space) migration.\(^ {511}\) It would lead to colonial mimicry\(^ {512}\) which, by simply wearing European-styled clothes jeopardized performances of difference and authority thereby putting at risk white prestige and thus white rule and supremacy. Mimicry, of course, is only one of several possible readings. As the colonized constantly dream of replacing the colonizer and of every type of possession including

\(^{508}\) Routledge, *Prehistoric*, 331.

\(^{509}\) These wants that would be created would apparently be for more than blankets.

\(^{510}\) They do not go so far as to suggest coercion through wage-slavery. This, as has been shown, was advocated for by other settlers less restrained by abolitionist respectability.

\(^{511}\) See also Mamdani, *Citizen*, 218-284.

\(^{512}\) See Bhabha, *Location*, 85-93.
the colonizer’s bed “preferably with his wife,” the wearing of the European’s clothes might be a modelling for the eventual dream of replacing the colonizer. The day when the colonized swarm into the cities and smash the colony into smithereens might seem to look nearer in the mirror with every fleeting glance of one’s native self, adorned in European garb.\textsuperscript{513}

The transformation of the raw native into the African laborer required new modes of governance that ensured that white space would not be invaded and contaminated. There was no European presence in East Africa that was not cognizant of the need for segregation and isolation. The development of all institutions, (the assemblage of which amounted to the town itself,) were effects of this need to manage space, shape segregation and maintain white prestige, power and exclusivity. The development of effective strategies of apartheid and the production of \textit{Locations} were not events that happened in the town, but rather the town was an effect of the logic, ideal and practice of white isolationism and segregation. Municipal governance, town planning, law etc., were above all else instruments used in the work of managing the baneful but inevitable desire for rural (reserve) to urban migration.

Migration, despite it all, was long underway. The “pioneer” of migration to the town was not only a black pollutant forcing itself into white-only living space, it also happened to be a laboring body that was feared in its own right: the native sex worker. This body, doubly detested as negro and as host to venereal disease, defied white supremacist policing more often than it was controlled by it. Luise White, in her masterful work on prostitution and colonialism in

\textsuperscript{513} Fanon, \textit{Wretched}, 5-6. Of course, where his or her mirror image is enough convince the native that he or she is modern, comfortable and a town-dweller the peasants and lumpen, upon seeing the visage of the willfully alienated indigenous begin to distrust the \textit{African}. The native individual interpellated as African subject, marking himself with the ritual wearing of tie and jacket, will often be seen as traitor an enemy by the natives on the periphery. See Fanon, \textit{Wretched}, 67.
Kenya, *The Comforts of Home*, traces the development of sex work as a result of and conduit of social and political change. White shows that the “working prostitutes,” were “Kenya’s urban pioneers, the first urban residents.” Due to food shortages brought on by famine young people, men and women, began to join the townships (majengo) developing at the railhead. These new arrivants engaged in multiple forms of contact with laborers and administrators including sex work.\(^{514}\) Sex workers, most often (or at least most often appearing in colonial reports as) female, became the first permanent residents of the urban centers often living in huts near the stations. As such they were the first people to upset the white exclusivity of the city. To make matters worse, they were the first to accumulate capital and reinvest it into brewing and town real estate ownership, which set them up as a rival to white power as it did upset traditional patriarchal relationships.\(^{515}\)

Much more serious than a rival class, from the point of view of constructing the space of exclusively white living-space, or the town, was sex work’s relationship to producing the “majengo-born” or native born of prostitutes. These were natives who, for the first time, were born of and in the white space of the town. The particular threat of this native was that it threw the racio-spatial ordering into crisis. It meant the arrival of negro bodies that could not be easily assigned to tribal reserves because he or she was more often than not considered mixed. He or she was a being that *belonged* to the town, a consequence of the town, a failure of the calculus of segregation and the totalitarian power of white supremacist policing in the municipality. He or

\(^{514}\) White, *Comforts*, 34.

\(^{515}\) Ibid, 35. Women beer brewers were a threat elsewhere in settler-colonial Africa, for example, the *shebeen* queens of Apartheid South Africa housing, supporting and enacting resistance against apartheid.
she was a negro body that belonged to a town, offspring of the town, – a town that was set up in
the image of a futurity without blackness. What was dangerous (one thinks of the term epidemic)
about sex work(ers) and its/their offspring was the production of the detribalized native, a
perversion and death-knell to a world in which the town was to be the ultimate expression of
whiteness and moreover, a bulwark against the contamination that was blackness. It can be
questioned whether officials’ commitment to this cause were ever genuine and solid, however, as
it was something of an open-secret that it was compromised from the beginning.

Municipal Power and the Birth of Nairobi

The space of rule, the country, is nowhere more bereft of its pretentions of being pre-
ordained, or natural, or emerging from the community, as it is in the colony. Nairobi was set up
arbitrarily around a 1 and a half-mile radius, extending from the place John Ainsworth had more
or less arbitrarily decided to place his office. It is almost as if, like the sacred sites of Ile-Ife were
for Yoruba, the silk-cotton tree for escaped enslaved peoples and Taino in Jamaica, or Mt.
Kirinyaga for peoples living nearby, the desk, chairs, papers, the accoutrements of bureaucracy
and objects of office, were fetishized, centralized and transformed into hallow ground for the
community of administrators. Ainsworth set up an area around his office, called it Nairobi and

516 See Matthew Carotenuto, “Repatriation in Colonial Kenya: African institutions and Gendered
Violence,” The International Journal of African Historical Studies 45, No. 2, Toward a History

517 District Officials regularly engaged in rapes, holding harams and obtaining native concubines.
One official complained, “the practice of cohabitation with native women has been extremely
common throughout the Colonies and Protectorates of West and East Africa; indeed I am
informed that of the unmarried white officials there is only a small percentage who have
abstained entirely.” Quoted in Cashmore. District, 28.
claimed legitimate power over it. With “the 1900 Nairobi Municipal Council Ordinance,” which
inaugurated Nairobi as an official space of municipal power, the regulations for the town were
said to be put into place in the newly defined sacralized center. “The following Regulations shall
apply to the area comprised within a radius of 1 and a half miles from the present office of Her
Majesty’s Sub-Commissioner in Ukamba at Nairobi, which area, including any extension,
thereof made as hereinafter provided, shall be called the township of Nairobi.”

Nairobi came about, in 1899, as a result of the headquarters of the provincial
administration of Ukamba being moved to the center of the protectorate, the railhead reaching
this midpoint between the coast and Uganda. In that year it consisted of several railway houses.
A year later it added protectorate buildings and an Indian Bazaar sprung up around the bustling
center of railway officials and waged labor. The railway headquarters was moved to Nairobi
from Machakos (in Ukamba Province), which by 1897 was beginning to need a re-organization

518 Nairobi Municipal Ordinance. The Official Gazette of the East Africa and Uganda
Protectorates (Mombasa, East Africa), Dec. 15, 1900.
of its administration due to developments of the railway and the expansion of the town.\footnote{In 1897 Hardinge described the condition of the bustling towns. “The administrative capital of the Athi district, and of the Province of Ukamba as a whole, is Machakos, the residence of the Sub-Commissioner, of his Assistant District Officer, and of the Medical Officer for the province, and the head-quarters of its military force. It consists of a fort, with out-buildings, offices, and residences for the officials, and barracks are now being erected there. Situated 6 miles from the main Uganda Road on the Kikuyu, and 10 on the coast side, it is connected with it by two good branch waggon roads, and approached by a stone bridge crossing the Machakos River, which flows immediately to the south of the station…It is proposed this autumn to make the portion of the present Athi district cast of the River Athi into a new district, to be called the Kitui district, and next year to divide the portion of it to the west of the river into two districts, Ulu and Kikumbuliu, the head-quarters of the one being Machakos and of the other, Kibwezi, as the size and population of the present district makes it difficult for a single Collector to manage it efficiently, especially now that the control of Government is every day becoming more and more effective, and the work required of its officers proportionally harder.” Report by Sir A. Hardinge on the Condition and Progress of the East Africa Protectorate from its Establishment to the 20\textsuperscript{th} July, 1897., 1897, C. 8683, at 22.}

Machakos itself was by then already considered an important and even cosmopolitan town.\footnote{“Two Indian merchants have this year opened shops at Machakos, and the rupee currency is beginning to be understood and used by the Wakamba as a medium of exchange. A Swahili township, intersected by regular roads and lit by lamps, with a population of about 200, is now springing up around Machakos Station. This township is being laid out in plots, which are being leased by Government to the occupants, and the fact that the Indian and Swahili traders are building a mosque there is an evidence of their intention to stay.” Report by Sir A. Hardinge on the British East Africa Protectorate for the Year 1897-98., 1899, C. 9125, 17. The Sunni Bohras were among the first Indians to go into the Hinterland being mainly petty traders and artisans. The Bohra Adamjee Alibhai was the first to open a shop in Machakos in 1892 and also introduced the Indian rupee as the means of exchange there. Zarina Patel, \textit{Challenge to Colonialism: The Struggle of Alibhai Mulla Jeevanjee for Equal Rights in Kenya} (Mombasa: Zand Graphics, 1997), 9.}

By 1903 the Uganda Railway had its own, separate administration controlled by the Foreign Office. A mile-wide zone on each side of the railway that was patrolled by the railway police, however, was given over to the Protectorate Administration.\footnote{Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at 12.} Nairobi itself would be
governed by the Sub-commissioner of Ukamba but also with the aid of “leading merchants or other residents of the township (not being government officials).”

The official inauguration of the town coincided with a declaration about taxation and public works, almost admitting the constitutive and material elements of what was (and is) bandied about as a “town.”

In 1905 Nairobi had “several substantial buildings, large railway workshops, public markets and slaughter-house, town hall, hotels, civil hospitals, and a church…” and was described as “an area of about 7 square miles…a long, straggling town, consisting of Protectorate and official residential quarters, accommodation for the railway subordinate staff, Railway workshops, Government offices, police lines, gaol…European trading quarters, and the Indian bazaar...”

The town was alive and well.

_The New Order of Violence: Impressions of a (Township) Constabulary_

522 Ibid.

523 “The Sub-Commissioner shall, in the month of December in every year, submit to the Committee an estimate of the cost of policing, lighting, and cleaning the township of Nairobi for the ensuring year…When such an estimate has been so approved, the Committee shall proceed to declare and levy such rate upon the rateable value of all property hereinafter described as may be necessary to provide for the estimated cost as aforesaid.” Nairobi Municipal Regulations, 1901. PRO CO 630/1.

524 Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 11-12. In 1889 Indian traders created a small trading area made up of tents near Nairobi and by 1900 it was a “flourishing bazaar” between present day Tom Mboya street and River Road. Patel describes the Nairobi of the period as more of an Indian than European township. Patel, _Challenge_, 38. In 1907 Katherine Routledge would describe Nairobi in a letter as “…a plain which reminds one of South African veldt. Nairobi itself is also very South African, a few gum trees and tin shanties scattered at immense distances, and stores kept by Hindoos, all selling a little of everything of very poor quality, and at very expensive prices.” Routledge, _Prehistoric_, 336.
It would be only a matter of months after the township of Nairobi was established that it would see the birth of the constabulary enshrined in its regulations. In the 1901 Nairobi Municipal Regulations which repealed the 1900 Regulations the most significant change was the addition of the 15th clause: “The Committee may from time to time, with the approval of the Commissioner, make bye-laws for the preservation of public health and good order within the township, and any breach of such bye-laws shall be a breach of these Regulations and punishable with such penalties not exceeding 50 rupees fine and imprisonment of either description for one month, as the bye-law may prescribe.”

The clause that ensured the preservation of public health, good order, and the addition of the right to punish marked a new phase when the police-state interpellated white settlers as punishable subjects and added to the administrative state the constabulary as a force which (theoretically at least) was an authority over all subjects including Europeans.

1903 arrived and the constabulary force was still unsatisfactory for Eliot.

Until a few months ago, there was Chief of Police or central authority. The very heterogeneous force was divided into three principal classes; first, the ordinary East African police, under the order of the Sub-Commissioner of each province, with local peculiarities as might be expected in each province but, agreeing in being everywhere under the orders of a man, who, whatever his industry might be, could not find time enough to properly attend to all his duties; secondly, the quasi-military police in the Naivasha and Kisumu Provinces, also under the orders of the Sub-Commissioner, both immediately superintended by European sergeant instructors; thirdly, the Railway police, consisting of Indians, employed exclusively in the Railway zone, and formerly under the direct orders of the Railway Administration, but now part of the Protectorate police forces.

525 Nairobi Municipal Regulations, 1901. PRO CO 630/1

526 As will be seen below, there was a particularly difficulty in policing whites.
Last autumn, a great advance was made by the appointment of an Inspector-General and Assistant Inspector-General of Police, who have taken in hand the work of reorganization and unification, but their labours must be necessarily slow owing to the magnitude of the task and the small staff of officers allowed. It cannot be denied that many of the men employed at present do not reach the desired standard of character and efficiency, but the process of weeding them out and still more of replacing them by better elements requires time.\textsuperscript{527}

The situation was not much improved by 1905 when Nairobi was considered a “hotbed of crime” with police officers still an ineffectual bunch.\textsuperscript{528} Crime being the reading of hostile actions as thefts, murder, assaults etc., and attempts to create disorder in the white supremacist order. In that year the police were no longer simply askaris attached to the railway, however, but divided into three classes i) the District police – essentially a patrolling, armed military police and also the garrison of the out-stations ii) the Nairobi township police and iii) watchmen and guards- the protectors of the railway buildings, stores and treasury. “The whole of the force is recruited from Swahilis, Maasai, Wakamba, Wakikuyu, and a few Indians.” There was one European inspector in Nairobi and another European police serjeant.\textsuperscript{529} Despite these developments “crime” persisted and the need for safety and order was a sustained refrain from the settler community.

Not being enough to guard the assets of the protectorate and European property the Nairobi constabulary force was certainly not enough to guard treasured white women. As more

\textsuperscript{527} Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at 24-25.

\textsuperscript{528} The constabulary would remain relatively disorganized until the arrival of Commissioner Spicer in 1925 who reorganized the force and established and effective Criminal Investigation Department. Waller, \textit{Towards}, 533.

\textsuperscript{529} Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 9-10.
white families settled in the protectorate and municipal centers, the language of security became increasingly gendered and explicitly racialized. With the increased presence of white “wives,” there is the inevitable, natural increase of anti-black hate and anti-black violence. In white supremacist society this violence and the responsibility to protect white women from the “black peril” generally falls to militia i.e. settler violence. This was so in the protectorate where it was not only settler society, but also administrative society that provided for a white-only militia to protect whites: “The East Africa Volunteer Reserve Ordinance 1905.” In his January 1905 report the new Commissioner Donald William Stewart spoke of this need of the white militia as due to “the arrival of a considerable number of white settlers in the protectorate, who, with their wives and families, have taken up widely scattered farms.” In the Ordinance it is stated “4. Every member must be of European parentage over sixteen years of age, residing in East Africa and must upon enrolment take the oath of allegiance.” This effectively amounted to the simultaneous state sponsorship of a white militia and the militarization of whiteness. With the

530 In the settler-colony as in patriarchal society (including indigenous societies) more generally, wife is a designation that often marks property – a special property that is also (due to its regenerative properties) a marker of prestige as well as the preservation of the exclusivity and isolation of whiteness. It is therefore in need of defense and protection and as a result its presence in open indigenous space is often an occasion for racialized violence.


532 The Ku Klux Klan in America, for example, presented and presents itself as the gallant defenders of white women.


534 East Africa Volunteer Reserve Ordinance 1905. PRO CO 630/2.

535 Whiteness, if not yet thought of as always-already infantry was at least always assumed to be governing. Winston Churchill on arriving in Nairobi in 1907 observed that “every white man in the capital was ‘a politician and most of them are leaders of political parties,’” Quoted in Thiong’o, Dreams, 14.
arrival of a settler populated volunteer reserve force the last pretensions of pacification as increasing the security of all inhabitants was done away with and security was denuded and revealed as security against the non-white other. Unlike in the United States for example where some vigilante militias like the Ku Klux Klan thought it necessary to be clandestine organizations (e.g. the “Invisible Empire”), there was no need to pretend a separation and rivalry between state force and pro-white militias in the East African hinterland. This militia would ensure not only white supremacy but the domination of white supremacists. It would reappear (in the form of the settler-only Kenya Regiment) and would be summoned, with great effect, decades later during the Emergency and be responsible for the most extreme forms of torture against Mau Mau insurgents.537

**Whose Carceral? The Struggle for Ownership**

In 1901, before any significant settler community was established in the towns an ordinance was already imposed by the administration entitled, the “Preservation of Order by Night.”539 This ordinance stipulated that “no ngoma, kinanda, maulidi, native dancing, or drumming [would] be permitted between the hours of 9 p.m. and sunrise in any street or open space of any town or area to which these Regulations may be applied, without leave first

536 Here I refer to anti-black state violence.


538 In February 1901 “there were only eight or ten settlers in the Kikuyu country, the most popular locality in the highlands.” Maurice Peter Keith Sorrenson, *Origins of European settlement in Kenya* (Nairobi: Oxford University Press, 1968), 65.

539 1901 Ordinance for the Preservation of Order by Night. No. 15. PRO CO 630/1.
obtained.” If permission was granted, the person would be “responsible for the maintenance of
due order thereat, and, in the event of a disturbance or breach of the peace taking place, [would]
be held liable for a breach of these Regulations…” Native dancing was threatening because it
breached the order of the night. Dancing and drumming were not simply forms of entertainment
for the indigenous peoples but were often performances of war, sexuality, and magic and as such
negated the peaceful and civil night pacification aimed to create. Dances that were performances
of war or were meant to accompany war raids, for example the Razha, and dances that breeched
codes of respectability and deviated from the norms of European compulsory heterosexuality
such as the Kinanda transformed the night into threats against the society that the administrative
power wished to build.540 With this ordinance the administration aimed to pacify the night by
erasing the sonic incursions of the frontier and its drums from the settled space. It aimed to do
this while reducing the very real threat that war dancing and music could inspire acts of violence
against the administration’s officers. In the same ordinance it was stipulated that “no person shall
use the streets of any town or area to which these Regulations may be applied between the hours
of 9 p.m. and sunrise unless he carry a light, or be furnished with such pass as the District Officer
may from time to time authorize or prescribe, or be able to satisfy the police as to his
respectability in such other manner as the District Officer may consider sufficient.”541 Not only
were the natives’ “movements” controlled,542 but the threat of darkness as hue, as uncertainty, as

540 For an early 20th century account of Swahili dancing see Skene, Richard. "Arab and Swahili
Dances and Ceremonies." Journal of the Anthropological Institute of Great Britain and
Ireland (1917): 413-434.

published a brief note stating that sixteen natives were brought before the Mombasa Town
Magistrate charged with being outside after 10 p.m. without a lamp.

542 Bylaws controlling the movement of Africans after dark. PRO CO 533/564/6.
hostility was policed with light. It was not the settler or administrator who was required to carry a light for his own protection but the native, who was required to be illuminated so as to determine whether he was known or not, of a hostile tribe or of a friendly one. In being forced to carry a light, the primary purpose of security achieved by illuminating the native was accompanied by a secondary accomplishment; in illuminating the native, the native could be an object of knowledge and thus be known to be not from beyond the frontier but as part of the labour force within policed borders of white supremacist space.

Blackness, darkness, intruded upon what was – at least for several administrators and all settlers – always the white dream: Lebensraum in East Equatorial Africa i.e. exclusively white living space. But the dream was not merely about creating a new space for the supposed “overflow” of whites, rather this was also a social engineering project in pursuit of manufacturing the epitome of whiteness, new white perfection in a suitably temperate zone. The editors of the African Standard dreamed of the future.

It is a great dream of the future, which is thus opened up by Sir Charles Eliot’s forecast. In these highlands and along the Great Rift Valley, the land of splendid vistas, more than 5,000 feet above the sea, beyond the range of fever, and where European children can be reared without danger and difficulty, is to develop a new white race. On the one hand, this English colony will look down eastward upon the deserts and great plains, across which runs that shining track of steel which alone has rendered its existence possible. On the other, westward, it will confront the hot, fertile region of the great lakes, swarming with animal and human life, with, in the midst, Uganda, the Japan of South Africa, destined to develop into a civilization of its own.543

To this end the protectorate administration had embarked on a social engineering project, the creation of “Whitopia.” It took on the task of governing, disciplining white and black alike in order to create a Utopia of whiteness for new Aryans. All whites subscribed to this project. Conflict was never about the identity of the sovereign but rather about whether whiteness was primarily institutional or corporeal. Administrative officials tended to believe in the primacy of erasure and destruction (sometimes through “reformation” which was thought of as preservation) of indigenous institutions in municipal space. The settler class on the other hand tended to think of the erasure, expelling or domination of black bodies and the security of white bodies as paramount. Both factions of the white supremacist class took white supremacist rule and the establishment of a police-state to ensure this rule for granted and as a necessity. What was fought over was what manifestation of whiteness should be foremost and most protected, and what form of blackness (institutional or corporeal) was the most undesirable or threatening. For both, the state was understood to be collectively owned white property – the question turned on which tribe of whites was most deserving and was the most authentic representation of the white nation, planters or officials, settlers or administrators.

To the editor “the African Standard”…This is the third attempt made by a section of the Public Service to blacken white men, and the third failure… It appears, after an exhaustive trial, that some porters being dissatisfied with wages received for their services, although paid strictly according to written agreement, and in full, lodged a complaint with the Sub-Commissioner of the Ukamba Province.

This gentleman was so thoroughly satisfied with the statements of these prejudiced natives that an expensive Government expedition was sent into the country where the alleged raid took place, for the purpose of obtaining sufficient evidence to justify a conviction in the eyes of the public; their own minds were already decided on the point, as witness the statement made by the then Inspector

544 Significantly, the ethnic origins of whites (Afrikaner, English or American) played little or no role in deciding authenticity. Nationality, reason for bloodshed almost everywhere else in Europe at this moment, collapsed into whiteness in the settler-colony and was, for all practical purposes, irrelevant.
General of Police when interrogating one of the accused, viz; - That nothing he could offer in the way of explanation would avail to prevent the sending of Mr. Tate’s expedition as that was already decided on…On the evidence of ports, claimants for wages supposed to be due, these three white men were charged with murder, the gravest of all crimes…Had these porters been a little more acquainted with the requirements of a Court in the way of evidence they would no doubt have been prepared to supply a graphic description of the finding of the dead body, &c., in which case the position of the accused would no doubt have been materially affected. If such things are allowed to continue it will become positively dangerous for a white man to go out on a trading expedition unless accompanied by a Government Inspector or official witness. In fact, to put it plainly, we have arrived at the parting of the ways. Is this country to continue as a preserve for game, Government Officials and natives, or is it to be opened up for beneficial occupation by men of our blood and race? At the present time in the official mind settler and suspect are synonymous terms. How long is this state of things to continue? It will soon be our bounded duty to warn our fellow countrymen against coming here and becoming in addition our fellow sufferers. Yours truly, Thos. A. Wood. Nairobi, Jan. 29, 1903. 545

The letter above was written by prominent (and rich)546 settler Thomas Wood. The double entendre “blacken white men” (deriving its force from the perceived inferiority and shamefulness of being black and the resulting injustice in the undue sullying of fellow whites) reflected a central fear for settlers: being forced into equality with their racial inferiors. In 1914 this was still a problem. “It is a matter of fairly common knowledge that not many years ago (and, I understand even in these days of enlightenment) the position taken up by the official towards the settler was one of such superior toleration that two distinct classes of white men were raised in the eyes of the native. These two classes were possessed of their relative importance. The official class was, as it were, the ‘elect of God’ while the settler class was

545 Rally, white men! African Standard (Mombasa, Kenya), Feb. 5, 1903.

relegated to the position of “shenzi” or much inferior white beings.” Injustice was understood as being relegated outside of the community of whiteness, and the removal of privileges were the first warning signs. Similarly, (if paradoxically), the hint of a re-positioning here of Government Officials outside of whiteness – including them in the “preserve” with natives rather than included in the space of “our blood and our race” – signaled a settler nationalist feeling, aspiration and perhaps even a call to arms, hence the title of the article “Rally, White Men.”

What angered the settler class was these liberal, “Exeter Hall sympathizers” in the administration interfering with the state apparatus’s status as white, settler property. Moreover the idea that the administration could intervene “on behalf of the native” was understood as a further invasion into property, meaning simultaneously white space and the laboring native body, the African. Feeling cheated when the administration pursued its own liberal forms of white supremacist control, the settlers formed their own lobbying organization: The Planters and Farmers’ Association of East Africa. This organization would soon be renamed the Colonists’ Association in order to be clear that they were primarily interested in political rather than business concerns. Wood’s article – dated two weeks after the formation of the Planter’s And Farmer’s Association should be read in this context of organizing and mobilizing settler power

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548 No doubt, Afrikaaner and perhaps British South African identity added to this nationalist feeling.

549 Exeter Hall is used pejoratively and used to reference the Anti-Slavery and Aborigines’ Protection Society.

against administrative power. The Planter’s and Farmer’s Association announced their formation as emerging as a result of popular settler frustration with the Government:

The Planters and Farmers’ Association of East Africa was formed on the 14th; a representative body of some twenty-six… You will be kept advised on the doings of the Association from time to time. Government, however, has its share to do in assisting the European settler, …as both [the Commissioner] and Mr. Chamberlain advocated advertising this country at home with a view to inviting settlers to come out and ranch here, but it is considered a warning note has yet to be sounded, as the European’s position here is not definitely defined, the following being one instance: A few days ago a Somali (one who knows every inch of the Kikuyu country) came from up-country, with hundreds of sheep and goats for sale. On arriving at Kikuyu he selected the best possible grazing ground on a European settlers [sic] land, and in close proximity to his homestead. The settler approached the Somali and asked him if he knew that he was trespassing, the Somali replying that the land belonged to Government and that it was a public road. [italics in text] He was insolent when told that he must leave the vicinity, and refused to do so. The settler then gave orders to his men to “kamata” three of the sheep and goats, which he put inside his boma and advised the Somali to go to the District Officer for redress. The settler then wrote the foregoing explanation to the District Officer, and asked him to give orders in the matter. The reply he received was that he (the District Officer) had instructed the Somali to take proceedings against the settler before the Provincial Judge, and later the settler was informed “that unless a person fences he cannot take any action for trespass!” This it is pointed out is the reading of clause 8 of the Land Laws published January 1st 1903. On that date we had it in theory; the above narration of facts shows the frightful result in practice. I quote this case as it seriously affects all settlers. You can plant 20 acres of potatoes in a month but it will occupy your time and money during two or three years to fence your property in, and in the meantime Somalis, Kikuyus and Masai are allowed to run their cattle on and destroy your crops, and you have no action for damages or trespass, but on the contrary they may prosecute you! Such is the position of the white settler at present in that respect… The recently published Land Regulations are under discussion by the settlers, and I do not care to give their definite opinions at the moment, which might be challenged, but I think it may safely be said that in the main they have given general satisfaction, and are a great improvement upon those published during the Commissioners’ absence, and which he himself confessed to be prohibitive, and the recent ones were compiled by that officer after lengthy discussion with the settler, and the Commissioner’s due consideration and reasonable attention to so import a part in the development of the country.”

Notwithstanding the fact that agreements between the factions of white supremacist power was hard to come by and consistently needing renegotiation, when they successfully worked together they were able to achieve, always partially, the steadying and expansion of their apparatuses of torture and confinement that was the white supremacist police-state.

Part II: The Pass, the Criminal and the Vagrant

“In Nairobi Reforms”

_In response to the Editor’s request, a prominent Nairobi Townsman has sent his ideas on the Reforms desired for the Year 1906 in Nairobi._

With the advent of the New Year it is to be hoped that those in authority will give some little thought and attention to several of the much needed reforms which Nairobi requires. There are many of them, but the principal ones are

1. A Pass law for the natives.
2. Amendment of existing sanitary arrangements.
3. Police.\(^{552}\)

In January of 1906, an end to the ambiguities, irregularities and arbitrariness that had haunted and hindered organized white supremacist power in the area that would be Nairobi was hoped for. Using the three proposed reforms outlined in this editor-solicited column entitled “Nairobi Reforms” (written by an author only identified as a “Prominent

Nairobi Townsman”) as guide, I examine the culmination of these white supremacist reforms into the stable and durable consolidation of the white supremacist polizeistaat of Nairobi.

*The Pass Law and the Vagrant*

“Under the first heading it must be borne in mind that under the present existing circumstance, natives by the hundreds and thousands, are allowed to invade the town without lot or hindrance. Without going into reasons, on the face of it, such an allowance is one fraught with great danger. Natives should not be allowed the run of the town, at their own sweet will, and it behoves the Head of the District, to protect the white inhabitants, by preventing same; which can very easily be done in the formulation and promulgation of a Pass Law under which any native found in the precincts of the township without a pass would be liable to summary arrest by the police, such pass would either be a certificate of employment, (giving name of employer etc.) or one authorizing him to remain in the town for three or four days for the purpose of seeking employment.. This would of course mean the creation of an office of Registrar of Natives, or Native Commissioner…The Pass law would of course make many other necessary provisions such as for instance the proper covering by the native of himself, instead of being permitted as he at present is to roam about the town, in a state, to say the least of it indecent.553

The legal definition of “vagrant” according to one of the earliest regulations on vagrancy554 in the East Africa Protectorate (the Vagrancy Regulations of 1900) was (according to article one) “any person found asking for alms or wandering about without any employment or

553 Ibid.

554 The earlier regulations were published in the Zanzibar and East Africa Gazette January 12th 1898, May 7th 1898 but these records are fragile and unavailable at the ZNA archives. The 1900 regulations published in the February 1, 1900 issue were said to replace the two earlier regulations. Vagrancy Regulations 1900. The Official Gazette of the East Africa and Uganda Protectorates (Mombasa, East Africa), Feb. 1, 1900.
visible means of subsistence.” The condition of the vagrant, being permanently threatened with violence coded as order, is the quintessential marker of police power. In Western Europe, the control of “Masterless men,” vagrants, after the collapse of feudalism gave rise to the new form of power that was police and policy. It is no coincidence then that Europeans’ reading of the disorderly Hinterland, once placed within the scope of protectorate (administrative) power, led to the targeting of the (seemingly) masterless native body and the corresponding conceptualization of that body as vagrant. To be vagrant is to occupy an exceptionalized space in a regulated order of bodies, property and locations – a regulated order that corresponds to a reading of space where “men and things” have their proper and assigned locations. In such a space there is a willingness to use force to keep things where they are supposed to be; this is the space of the carceral. “Article II. – Any police officer may arrest without warrant any person who is apparently a ‘Vagrant ‘and shall forthwith bring him to the nearest Magistrate.” Arrest without warrant creates the political climate where those deemed constables have before them their own fiefdoms where they are permitted to search and arrest persons suspected solely due to their appearance. Brian Wagner, following the American police theorist Christopher Tiedeman, demonstrates how this inverses the normal course of criminal law (in the United States) where arrest and conviction is based upon suspicion rather than proof. In vagrancy it is

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555 Ibid.

556 See Neocleous, Fabrication, 1-9.

557 Vagrancy Regulations 1900. The Official Gazette of the East Africa and Uganda Protectorates (Mombasa, East Africa), Feb. 1, 1900.

558 Neocleous argues convincingly that it is the power of police discretion that creates a king-like power for the constable and it is a central aspect of modern power that is often not accounted for, rather is obfuscated by notions of rights, law and the liberal state. See Neocleous, Fabrication, 92-118.
the vagrant that must prove his not being a vagrant rather than it being proved against him, a reversal of the principle *quilibet praesumitur innocens, nisi probetur nocens* (innocent until proven guilty.) Tiedeman noted that in the US courts “the only serious constitutional objection to these [laws against vagrancy] for the punishment of habitual criminals is that they provide a punishment for the existence of a *status* or condition, instead of for a crime or wrong against society or an individual.” Of course, Tiedeman incorrectly presumes that certain statuses and conditions of being a negro or “raw native” or non-laboring native are not in and of themselves for all practical purposes thought of as wrongs against society. Article 3 of the Vagrancy Regulations states that if the Magistrate finds the man a vagrant he can commit him to civil jail as a vagrant for not longer than three months. Article 4 states that in jail the vagrants “shall be subject to the same rules of management and discipline as others of the same ‘Nationality’ confined therein.” Race and a segregated order appear even in this earliest of state regulations. In a March 21st, 1902 notice in the Official Gazette the Vagrancy Regulations of 1900 were applied to the Township of Nairobi.

According to the “The Native Passes Regulations, 1900” published two months after the Vagrancy regulations in April, the Commissioner could make general or local rules “for

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562 Vagrancy Regulations 1900. The Official Gazette of the East Africa and Uganda Protectorates (Mombasa, East Africa), Feb. 1, 1900.
controlling the movements of natives travelling into, out of, or within the limits of the Protectorate as may from time to time appear to him necessary or desirable…” 563 These regulations were the first laws that stated explicitly the right to control the native’s body and freedom of movement in the protectorate, solidifying this control with the first kipande or pass. “Any native of the Protectorate other than (a) a person in the employment of the Government (b) a porter duly registered and accompanying a caravan registered under the Caravan Regulations for the time being in force in the Protectorate crossing the land frontier of the Protectorate into German territory shall be required to be provided with a pass.” 564 In the early days of this system, however, it had negligible ideological or repressive effect. Raids, free movement, and life for the indigenous continued as normal. In 1905 Ainsworth Sub-Commissioner of Ukamba 565 noted as much: “the ‘Native Passes Regulations, 1900,” published the 9th April, 1900, have not, since the removal of Teita and Taveta from Ukamba, had any effect on natives of this province,” but by comparison “the ‘Hut-tax regulations,’ published on the 23rd October, 1901, have had a very considerable influence on the natives of the province. By their payment of the tax they are beginning to understand that they have a direct interest in the administration of the country.” 566

563 Native Pass Regulations 1900. The Official Gazette of the East Africa and Uganda Protectorates (Mombasa, East Africa), May 1, 1900.

564 Ibid.

565 He was simultaneously District Officer of the Athi District. This district bordered what would become Nairobi in 1899. In 1904 The Athi river section would be the last of 6 sub-divisions on the railway line before reaching Mombasa from Nairobi. Great Britain. Parliament. House of Commons. ‘Inventory Control Record 1’. Sessional Papers, 13 February 1906- 21 December 1906, Accounts and Papers, Colonies and British Possessions (Continued) Africa (Continued), Vol. 80

566 Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 8.
Presumably, Ainsworth recognized that travelling between the imaginary institutions of the “province” regrettable still meant nothing to people travelling from Ukamba to Teita and Taveta.

The dreams, tendencies, and practices of separating black from white did not emerge from some singular perceived practical necessity (for e.g. sanitary reasons or security) but from the logic of white supremacist world ordering. It was thus apparent long before the “new arrivants” and could not be said to be derived merely by white “race feeling,” the phrase often used to refer to racism and prejudice (both white and “black”). In 1901 Colonel Gracey, an official sent out by the Foreign Office to preside over the construction of the railway remarked on housing for workers and officials.

The whole of the quarters have been laid out on an elaborate plan, to which only the following exceptions need be taken:—It would appear desirable to keep the (1) Europeans and Eurasians; (2) the natives of India; and (3) the natives of Africa, each in their own separate quarter, the superior dwellings in each case occupying the first line or lines, whilst the inferior are placed further back. The shops which sell articles required by Europeans and liquors are built on a site too near the European and Eurasian quarters, but the native bazaar is suitably placed with room for extensions away from the Railway Settlement. The houses for the superior staff are, as I have already said, excellent; those for the subordinates, guards, drivers, &c., are suitable, and for all these classes the accommodation already provided should be sufficient to meet all requirements for many years, to come, but the natives who occupy some of them should be relegated to their own quarter.

No elaboration is needed. It is simply understood that space should be organized to reflect the racial order. The African was to be “relegated” to his own quarters.

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568 Correspondence respecting the Uganda Railway, 1901, Cd. 670, 13.
It was not simply racial subordination and the debasement of labor that was at play here. At this moment the laboring native was still considered too close (spatially and figuratively) to the raw native. The laboring native, the native African, was never forgiven or believed to have lost his (rarely her) rawness. The Hinterland was always somewhere secreting within the body of the native laborer – threatening to “out.” This lack of faith was substantiated, of course, by the omnipresent threat of actual indigenous people continuing to behave as though they were sovereign. In Gracey’s report on fencing – a material but also signifying instrument managing hinterland space and protecting white interests – the hostile native and the criminal-worker native are presented (it would be too much to say blurred) together and there is need to guard against them both.

The only fencing erected has been patent unclimbable railings and corrugated iron sheets; the former principally round the workshops, store buildings, and the station platform at Nairobi; the latter round station yards and the temporary shops and stores at Kilindini. Rail fencing of the type used at Nairobi round shops and store-yards is not suitable, as it is easy for men to get in or out by the removal of a rail which can be replaced so as to almost defy detection, and also the open spaces afford great facilities for passing out brasses and such like small articles as are commonly pilfered by dishonest workmen…. The patent unclimbable fencing now in Africa might with advantage be used for station platforms when there is a considerable passenger traffic, but for ordinary purposes I would strongly recommend barbed iron wire, one line of which 5 feet high with five strands will keep out most wild animals, and two lines of which 10 feet apart will keep out even wild pigs. It would also be most, useful against a rush of natives armed with spears in the event of any of the tribes being hostile, and as fencing round the compounds of isolated quarters.\(^{569}\)

The intensification of the desire to control the native body and produce a white living-space after the infusion of white settlers post 1902 did not mean the immediate

\(^{569}\) Ibid., 11.
emergence of a coherent policy or a discernable interest on what to do with or where to put native bodies. On the contrary, labor needs and *lebensraum* among other forces created a plethora of contradictory impulses.

This question [of labour] is one that, up to within the last six months, had no serious aspect in this province [Ukamba]; but with the increase of settlers, the development of Nairobi, railway requirements, and caravan work (large numbers of porters are employed every month by sportsmen, &c.), labour on the farms is not as plentiful as it should be. In many cases the Administration has promoted mutual agreements between the settlers and the natives, whereby the former arrange with the latter to portion off a part of their holding for a native settlement. In these cases I understand that the settlers have what labour they require. There is no doubt, however, that labour requires some better system of organization, and His Majesty’s Commissioner is arranging for the formation of a “Labour Commission” to go into the entire question. The result of the Commission’s labours will no doubt lead to a workable scheme being brought into operation. There is ample labour in the country. All that is required is legislation to deal with it. In connection with the labour question, one of the principal difficulties, apart from getting labour, is to keep it for any satisfactory time after obtaining it. It is easy to understand how unsatisfactory it must be to a farmer to be continually employing new hands after going to the trouble of teaching old ones. Some equitable form of labour contracts should meet the difficulty.\(^{570}\)

These “equitable forms” would include punishment for “desertion” among other things. Labor would also be “got” and kept through the powers of the Master’s and Servants Ordinance,\(^{571}\) and indirectly coerced and “induced” labor, controlled always by

\(^{570}\) Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 20.

\(^{571}\) David Anderson examines in detail this ordinance that fell out of use in Britain by 1867 due to progressive attitudes on rights and the dignity of the human. It was, however, considered appropriate for the colonial situation in East Africa. The order, taken from a similar 1850 Transvaal Ordinance permitted flogging, fines and imprisonment for workers who were drunk, disrespectful or who had deserted. Theses ordinances were crafted for the settler-colonial order. “The application of M & S laws in East Africa after 1900 therefore arose from a deliberate decision to impose a particular type of legislation that was by then already considered outmoded in the metropole. The explanation for this is to be found in a combination of Kenya's political economy, and the attitudes toward race that prevailed amongst the colony's European settlers and
the native passes. Rather than expelling natives from white space, settlers here were interested in keeping native labor on their “holdings.” The 1905 Land Commission, set up largely to appease angered settlers, recommended reservation systems\textsuperscript{572} for tribes for which the \textit{Crown Lands Ordinance} in place at the time were not sufficiently restrictive. The report suggested that natives should be reserved as far away from the Europeans as possible.\textsuperscript{573} The editors of the East African Standard, upon reviewing the commission a year later suggested this was a mistake and unjust. According to the EAS “when the “nation took up the black man’s burden,” the Railway was intended to relieve that burden and should be enjoyed by the native. Thus a portion of the native reserves should be on the railway. The EAS noted an added bonus, “…the nearer the native reserves are kept to the Europeans reserves, \textit{within reason} [italics mine], the more economical will it be to police the reserves and also the more easily will labour be obtainable for European administrators.” David Anderson, “Master and Servant in Colonial Kenya,” \textit{The Journal of African History} 41, no. 3 (2000), 460.

\textsuperscript{572} It is outside of the scope of this work to deal with segregation and land outside of the urban centers but a perusal of some of the Crown Lands Ordinances are evidence enough that white supremacist policing and segregation were in operation in the reserves as well. Take for instance the 21\textsuperscript{st} clause of the 1902 Ordinance: “(21). The occupant of any Crown land under a license under section 20 may remove any hut or other building erected by him during his occupation of the land at any time before the license expires.” Or 31 (2). “Disputes between lessees of land and natives occupying land within or near the area leased shall be referred to the Collector of the district.” PRO CO 630/1

\textsuperscript{573} Of course, this reservation system and the artificial population density it caused especially in areas like Olenguruone would become one of the major factors leading to the \textit{Emergency}. The reservation system is to the hinterland what apartheid is in the town – policing, dispossession, overcrowding and blocking the people from the land. For the colonized, as Fanon stressed, the land is the “the most essential value…” which provides both bread and dignity. Mau Mau would be one of several responses to the ordinances and the notion of \textit{Crown Lands}. Fanon, \textit{Wretched}, 9. See also Tabitha Kanogo, \textit{Squatters and the roots of Mau Mau, 1905-63} (Nairobi: East African Publishers, 1987) 105-120.
purposes." The value of banishing the native conflicted with the value of surveilling and exploiting the native: the quintessential paradox of settler-colonialism. Like the empty category of police discretion amounting to a fiefdom for the constabulary, “within reason” is a place-holder for the police discretion of white supremacy. It may be reasonable to expel or confine the native dependent upon the exigencies and vagaries of white power and interests. The prerogative remaining a white prerogative.

At the same time that proximity could be useful, the proximity of natives, in its multiple forms, was also detested. The price of exploitation meant the inevitable breeching of white cultural exclusivity.

It has been proven that a native will only labour for another from three motives. Force, Famine, and Finery. The first is out of the question, the second occurs periodically but the latter is a force which the native cannot resist. Once the native gets a taste of the fringes of civilization, his desires turn largely to dress in some form or another. At the coast and in Nairobi, the rawest native is beginning to show the results of the civilizing influence and we know that a demand has sprung up amongst the natives for ready-made suits, linen collars and shirts, boots and dress materials. There is no doubt that the starched collared native is infinitely more objectionable than the naked savage but this cannot be helped, if we hope to induce the native to take to work regularly we must first create a want and satisfy that want. By the removing of natives from reasonable contact with ourselves we are smothering the greatest need of the country “Native Labour.”

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575 The Occupied Territories in Palestine, for a contemporary example, is at once a space of banishment and exception and one of the most heavily policed spaces in the world.

In the space of the township, however, things were more defined. The races were to be kept apart – in locations. The town center, like the settler’s house, was a home for whiteness only. The presence of natives (and others) was a necessary evil but one that could be mitigated somewhat by keeping them on the outskirts of the town. This required a policing order that registered the whereabouts and living spaces of natives in order to ensure that their presence in the town was temporary (in search of employment) and always managed. Failing to do so would encourage crime and filth to enter into the space of whiteness.

There is a unanimity of opinion in favour of keeping locations in towns distinct for separate races. Considerations of every nature both of business, and health, and Municipal control, and the general good governance and administration of the

577 Statements to this effect were made explicitly during a 1905 Land Committee meeting that would discuss Nairobi specifically. Settlers, administration and a few prominent Indians’ opinions about segregation in the city were recorded: “V. M. Newland says:—“Main Street in Nairobi should be kept exclusively for Whites. Government gave an undertaking it should be so. Captain Grogan says:—“Does not see how you can keep out Asiatics. You may make laws to prevent but they will evade. Indian immigration out to be restricted though, because the Indian is most unsatisfactory. They might have short leases in reserved districts or long-or leases near the coast. Impossible to allow them to come into competition with whites. Is absolutely opposed to Indians and coloured people being allowed to buy land in towns, except in in locations. Mr. T. A. …Wood says:—“Indian and Goanese should have distinct locations and not be allowed in the heart of the town.” …Mr. B. G. Allen says:— No land should be leased or sold to Asiatics or Eurasians. This country should be kept exclusively for the overflow of our own white population. Impossible to run the country as an Asiatic and white colony jointly. Asiatics have not done much to develop the country. Nearly the whole of the European Bazaar in Victoria Street is owned by Asiatics and Goanese. Hon. Secretary Colonists, Association says:—“All members of the Association are opposed to Whites and Indians being together side by side in Nairobi and suggests removal of the latter to locations say 2 miles out, so that they would be apart from the Whites. J. Ainsworth C. M. G., Sub-Commissioner Nairobi says:—Would not recommend that land in the suburbs where Europeans are living be allotted to Indians” Mr. Marsden says:—Would reserve residential quarters for Asiatics in Townships, but would not object to Indians holding land in other quarters where they had no permission to reside. Representative of Hindu Union says:—His Society was told three years ago by Sir C. Eliot there were to be no distinctions between European and Indian Settlers. This was confirmed by Sir Donald Stewart, who said he wanted more Indian Settlers. Now, however, distinctions are in fact made. Considers Land Office intentionally places obstacles in way of Indians. Report of Land Committee Made Public. Some Interesting Opinions from Evidence given. Reserved areas, *East African Standard* (Mombasa, Kenya), Apr. 14, 1906.
township would impose this as a necessity in up-county districts. Where, also there is certain to be a large and floating population of Africans in every town, which as experience has shown if not kept under proper control is likely to become a nursery of thieves and vagabonds of every description, it would be of great advantage that a system of passes should be introduced and enforced by law. Experience in South Africa\textsuperscript{578} has shown that this may be made an effectual means of keeping such a population in check…. W. McLellan Wilson says: Any natives leaving these reserves to be compelled to carry passes, these passes to be 4 annas each.\textsuperscript{579}

These official locations would only be formerly institutionalized as “native locations” in 1909 with the Municipal Corporation Ordinance which decided upon a site for the location in the East of the Town\textsuperscript{580} and proclaim the right to compel natives to live there. The five African villages

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\textsuperscript{578} The South African pass system was praised and its importation was demanded by settlers, the majority of whom arrived from South Africa only a few years earlier. “After the Matabele Rebellion Cecil Rhodes appointed headmen throughout the country, every native being registered under them. Every district had a native Commissioner, who had magisterial and judicial powers over the native, and he had, of course, complete control over the headmen; then, by instituting the Pass system, they got every control over the native who, if found outside his district, was immediately sent back. Natives deserting were easily traced, and made [? Laid] hands on. When Mr. Buckland left it was practically a working system. Mr. Rhodes adopted an Act called the Glen Grey Act, by which a native, if he could produce a pass from a white employer, need not work for one, two, or three months, and was relieved from a certain amount of taxation. It certainly took some time to bring this measure in, as they were hampered by Exeter Hall.” Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 14-15. “…The Government at this juncture in the history of the country should assist in every possible manner in getting labour for the settler. How can the settler obtain labour? By several methods, which should have been tried long ago. There was the Pass System in vogue down south. They should insist on natives clothing themselves and increasing their requirements….Mr Watkins had had similar experience to his [Mr. Steven’s (another settler present)] in South Africa and had mentioned the Pass System. A great many gentlemen present were South Africans who knew that for a hundred years the question has been studied and the result of the hundred years’ experience is the Pass System. Under that system you get a disciplined native; you know where every native is, what his wages are and his employment and any instance of irregularity comes to the notice of the Government.” Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 9.


\textsuperscript{580} PRO CO 630/2.
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(or slums without running water) in Nairobi were Pangani, Mji wa Mombasa, Masikini, Kaburini, and Kileleshwa organically sprung up and would constitute part of what would be known as “Eastlands.”\textsuperscript{581} For all intents and purposes Nairobi was already firmly divided along racial lines and was just did not fall “into the box of putting absurdities on paper” as apartheid South Africa would.\textsuperscript{582} Already in 1906 Europeans lived in enclaves in Ngara, Parklands and Muthaiga while Indians were limited to a few acres in the township often near the bazaar and River Road. They were generally not allowed to move beyond Nairobi river on in to Ngara or Parklands.\textsuperscript{583}

The most forceful, registered and acknowledged resistance against segregation and white privilege with regard to space and land came from the Indian business class. It was clear that the first choice of land was given to Europeans who were often without the capital or the interest to claim the property on offer.\textsuperscript{584} Several Asians were forced to live

\textsuperscript{581} White, \textit{Prostitution}, 45.

\textsuperscript{582} Balibar, \textit{Race}, 80.

\textsuperscript{583} Patel, \textit{Challenge}, 58.

\textsuperscript{584} In an article chiding the European settlers for not making use of their privilege to retain supremacy in the ‘country,’ an author only identified as A. Nairobi outlined “The European’s Position” and issued a warning against the ever encroaching Indians. “Dear Sir, Your announcement re the new Hotel to be built by Mr. A. M. Jeevanjee has caused quite an unpleasant feeling amongst certain sections of the East African Nairobi Settlers. As far as I am concerned it only goes to prove what we, Europeans, are a little slow in East Africa. The same offer of land made to Mr. A.M. Jeevanjee by the Railway authorities for Hotel purpose has been practically hawked about and offered to very responsible European in the county without result. In fact it is time European Settlers in East Africa began to drop some of the talking and started on working. For there is one thing certain if we don’t do something soon we shall be left behind and the Indians will take our place – Yours, &c. “A Nairobi” The European’s Position. \textit{East African Standard} (Mombasa, Kenya), Apr. 7, 1906.
in overcrowded housing and as early as 1899 – the first year of the formal establishment of the municipality, Indians in Nairobi went on strike over wages and housing.\textsuperscript{585} On April 1, 1906 developer Mr. Alibhai Mulla Jeevanjee called a meeting with other prominent Indians (“180 Indian Professional men and Merchants”) on “the question of protecting the Rights of Indian Residents in East Africa.” A. M. Jeevanjee was one of the richest and most influential Asians in the protectorate. He left the restrictions of the colonial subcontinent and sought his fortunes in Australia. He found that land to be as restrictive as the subcontinent with the addition of legal xenophobia and anti-immigrant racism as expressed in the Immigration Restrictive Act, 1897 imported from South Africa.\textsuperscript{586} He left for Mombasa in 1890 continuing on his road to fortune. There met with fellow Shi’a Muslims of his Bohra sect. He found an opportunity to use his networks in India to supply the British with Indian “coolie” labor for the railroads. After growing success he pursued several business ventures including the construction of hotels and the founding the \textit{African Standard} newspaper. The newspaper would become the \textit{East African Standard}\textsuperscript{587} after its sale to the South African white immigrants in 1904 and would become a settler (often anti-Indian) voice.\textsuperscript{588} As a major competitor, land and property owner, and Asian Jeevanjee drew the ire of whites who thought of Indians often

\textsuperscript{585} Patel, \textit{Challenge}, 58.

\textsuperscript{586} Ibid., 5.

\textsuperscript{587} The paper continues to publish as \textit{The Standard} today and remains one of Kenya’s largest newspapers.

\textsuperscript{588} Ibid., 5-31.
in not only racist but also antagonistic terms. Jeevanjee would serve as the representative Indian competitor. In his speech as Chairman of the newly convened Indian Association Jeevanjee was reported to have protested segregation and to have stated his vision for a more just society.

A short time ago certain English Settlers in Nairobi had petitioned the Government to reserve certain areas of town and agricultural land for Europeans only. It was the Colonist’s Association which authorized this petition and the Indians can only look upon this petition as an attempt to drive us out of the only good land areas of this country. Now as you know we have been in this country for over 200 years and have developed trade and agriculture according to our lights and possibilities whereas the majority of the petitioners have only been in this country a year or two and few of then have done really any good with such land as they have secured. We do no ask for preferential rights we only ask that no distinction be made between the European and Indian Settler, we ask for the same rights as we have in South Africa and elsewhere.

589 In a Daily Mail February, 1903 article it was stated that “East Africa’s only hope lies in the peopling of her wastes with hardy Britons, not effete Asians, why should help be given to Asiatics and not the people of the soil.” Other articles referred to Asians as the cancer on the European inheritance in South Africa. Ibid., 33. Racism, misogyny, white supremacist solidarity and capital are thus shown to be isomorphic in protectorate society.

590 A correction to this speech was given in the next week’s edition. It is possible that this misreading of the speech was deliberate. “…What the Indians wanted was equal rights not only in British East Africa, but also in South Africa, where it is contended equal rights do not at present extend….That the Government were determined that the high state of Civilization at which Indians have reached should be recognized in the Transvaal.” The Mass Meeting of Indians. A Correction. East African Standard (Mombasa, Kenya), Apr. 14, 1906.

It must be noted, however, that these claims to ending white privilege were not an attempt to destroy the color bar altogether. On the contrary its anti-racialism was limited in scope and the target was to the discrimination against Indians. It is specifically asked that there be no distinction made between the “European and Indian settler.” This was a demand to be included equitably in the settler-colonial project. No dismantling of the racio-spatial order was requested, on the contrary the fight was to be considered honorary whites. At the Land Commission at least one invited Indian was clear about the desired limits of inclusion. “Mr. C. M. Dala, Pleader, Mombasa says:-In Nairobi no distinction should be made as to trading, that is so far as separating Europeans and Indians, although personally he would object to live amongst or close to Swahilis or Somalis.”

_Quarantine: Moralizing Apartheid_

2. _Amendment of Existing Sanitary arrangements_; these now existant in the Nairobi Bazaar, beggar description, and are an absolute inducement to all the diseases known to mankind. The refuse bins (one of these was found to contain the body of a dead child during the recent plague outbreak) are veritable cesspools. The houses and shops combined are in a filthy and disgusting condition, and most terribly overcrowded, which eventually must lead to an epidemic, further, were the owners of these houses only permitted to have a stated number of occupants it [sic] each it would mean an increased to the Municipal revenue.

Under this heading might well be mentioned the Native Market which his situated in quite a central position adjoining so to speak, one of our principal hotels, here

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592 This struggle to represent one’s cause for justice as a cause for whites was not limited to Indians in East Africa. Some Palestinians have sought sympathy for their anti-colonial cause by claiming a pan-white brotherhood. Joseph Massad, The Persistence of the Palestinian Question: Essays on Zionism and the Palestinians (New York: Routledge, 2006), 92.

(the native market) hundreds of raw native men and women congregate daily in all filth and nakedness. It is beyond all conception why the Sub-Commissioner has not caused its removal; times without number has he been requested to do so. That there is no difficulty in doing so was proved some two months ago, when we had the plague in our midst, then that gentleman in the matter of an hour or two removed the market a mile out of town, where it should be; but as soon as the plague restrictions were withdrawn, back came the market, and there it still remains in spite of protest after protest. 594

The very real threat of plague and disease provided a pretext and a language to speak, medically and morally, about segregation. There was no need to justify segregation in itself as distinctions and separation between the races were rarely thought of as immoral. It did, however, like craniology and climatology, ascribe to racialism and segregation the air of scientific progress. More importantly, it centered the raced body and racialized space as targets of destruction. The language of preventing the entry of natives into white space was the language of quarantine and of fighting invasive germs. Projects of segregation and expulsion spoke in language evoking the imagery of cleanliness and cleaning. In speaking of the bubonic plague Eliot described the condition of the villages. “As most of the tribes are dirty and negligent in their habits, and particularly in the arrangement of their huts, the disease if once introduced among them would probably have attained formidable proportions, and I cannot myself believe that sporadic cases may have occurred unnoticed in kraals without causing an epidemic but yet have developed into an epidemic at Nairobi, where the sanitary conditions, through bad, were

hardly worse than in native villages.” 595 The bodies and the spaces produced as tribal were both dirty and to be protected against and prevented from entry and causing epidemics. It was this filth, inseparable from the native body, that was hoped to be prevented from entering into whiteness. At the same moment bodies and spaces became filthy they also became re-associated with the native, cementing the idea of native space (always othered from municipal space) and racializing the environment and the town. As Fanon observed, the colony was a compartmentalized world where the “native sector” is described in zoological terms by the colonizers. In the native quarters odors ooze out and trash cans overflow with “strange and wonderful garbage, undreamed-of leftovers.” The native quarter confronts the European quarter as its disreputable other – as envious as it is superfluous. 596 This zoning practice is an able accomplice to lebensraum in ways too obvious to list. Policing, hygiene and development are synonymous with segregation – enclosures once again becoming the fundamentals of civilization. At the same time the invasion of the contaminant that was whiteness, racism, white power, and the bleaching of space i.e. transforming it into white (clean) space, becomes invisible.

By 1905 Nairobi had already been the scene of racialized enclosure. On February 5th, 1902 an outbreak of the bubonic plague broke out in the town. As the scene of the outbreak was said to be a shop in the Indian Bazaar, the interpretation of events and the response were immediately racialized. It was said that the plague came in through infected rice and cotton from Bombay. The authorities set up “isolation,” “segregation” and “observation camps,” tore down the Indian bazaar and placed the town under quarantine. “Any natives or Indians who wished to

595 Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at 14.

596 Fanon, Wretched, 3-7
leave it were obliged to go into an observation camp for a time, after which they were provided with a pass allowing them to leave the town. No natives from outside the limits were allowed inside the quarantine area." Surveillance, observation, and quarantine – colonial panoptic practices were here a necessary intercession required for the saving of lives. Quarantine and its legitimation, and the right to control the native body and movement were aided by and cemented the lack of value attributed to black volition and liberty. In addition, the Indian – in his capacity as railway worker – was constantly associated with images of filth and immorality that facilitated the racialization of the plague and the space of the polluted bazaar. This imagery of filth was

597 “Bubonic plague broke out in Nairobi on the 5th February, 1902; the scene of the outbreak was a shop in the Indian bazaar. How and in what way it was brought here can only be surmised, but -the generally accepted idea is that it was introduced by means of infected rice or cotton goods from Bombay. The first persons attacked were Indians, and they continued to be the principal victims; comparatively few Africans were attacked. On the medical authorities being satisfied as to the nature of the outbreak, a plague hospital and camp and large isolation camps were established for contacts; segregation and observation camps were also formed. The whole of the Indian bazaar was pulled down and compensation paid to the owners. All buildings in the town, outside the bazaar, were disinfected, and in many instances additional ventilation arranged by removing iron sheets from part of the roofs or sides. The town was placed in strict quarantine, and any natives or Indians who wished to leave it were obliged to go into an observation camp.”

Reports relating to the Administration of the East Africa Protectorate., 1905, Cd. 2740, at 26.

598 One immediately thinks of the Ebola outbreak of 2014-2016. There, we see again how colonial traditions of confinement, surveillance, violence and deprivation of liberty were proven to be enduring.

599 As, of course, was the African. “On Friday the 27 ult. At about 2 p.m. most Nairobi people were started by what at first was thought to be an explosion it turned out, however, to be the Native Market building, which had suddenly collapsed. The authorities it is said were warned some eight days previously that the structure was on its last legs, but no attention was given to the warning. Luckily there was no one killed, a few natives were more or less slightly injured. For months’ past the public have frequently requested the removal of this eyesore and centre of filth and disease but to no purpose, now Providence has come to the assistance of Nairobi’s long suffering community. It is sincerely to be hoped that the new Native market will be a good mile or two from town. [The Nairobi Authorities should read this Land Commission Report- ED.]” A Nairobi Accident. Negligence Somewhere. East African Standard (Mombasa, Kenya), May, 5 1906.
complemented by a moralizing reserved especially for the Indian. They were conveniently cast in the role of a predator race by the administration. “Apart from the squalor, they were crowded with prostitutes, small boys, and other accessories to the bestial vices so commonly practiced by Orientals. Complaints by Nandi and Lumbwa natives were frequent...on account of so many of their young women being inveigled away from their homes, and harbored in those sinks of iniquity.”

This predatory Indian, like contamination by natives, served to make white predation invisible.

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**Police, Prisoner, and Criminal**

2. “Police.”

These at present are totally inadequate for the requirements of the town, not so much numerically, but on account of their unsuitability. We have a few white police, who go under the nom de plume of Inspectors, a few Indians and a large number of natives recruited from the surrounding districts; this latter is in itself

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600 Frederick Jackson, Early Days in East Africa (London: Arnold and Company, 1930), 325-326. Quoted in White, Comforts, 33. Eliot presented Indian traders as the initial reason for hostility among the natives. For him, natives were too often persuaded against foreigners by the rough and unfair treatment shown to them by the Indians. “The hostile natives are almost invariably those who know nothing about Europeans, and kill some stragglers out of mere bravado. With the possible exception of the Somalis, who cannot be classed as ordinary African natives, every tribe appears to accept the white man as a superior and not unfriendly creature the moment he appears as the representative of regular government, and it is surprising how small a force of police is sufficient to support our authority. But when natives receive their first experience of the foreigner by chance contact with traders, particularly Indians, who fail to inspire respect and at the same time provoke resentment by arbitrary acts and forcible appropriation of supplies, then trouble often occurs, and as a rule it is found that those who are most aggressive are least capable of defending themselves.” Eliot, Protectorate, 188.
fraught with danger, as although we have native regular troops stationed here, yet for some unaccountable reason, these police are drilled and taught the use of fire arms in the same manner as the regular troops, and as the former usually only serve for six to twelve months; when their places are filled by further raw natives it means we are gradually, and effectually filling the districts with military taught and disciplined men, and those who know the history of South Africa will be able to imagine what the outcome of this will be in case of an outbreak or native rebellion here. However, as to the inadequacy and unsuitability of the police, the mere fact that during the past year some fifteen to twenty thousand rupees worth of property has been stolen and unrecovered, should be proof sufficient even the residence of the Commissioner and the Post Office, although both at the time were guarded by armed native [italics in text] police, have not been free from the depredations of the native robber. That these robberies in the past have been committed by natives, there can be no gainsaying and where it is remembered that they (the miscreants) are in most instance; if not of the same Kith and kin, of the same tribe or Kraal as the policemen in charge or on guard...What we require are white police to patrol the town, day and night, on foot [italics in text], the native policemen (who could then be considerably reduced) if necessary, acting in conjunction with them and under their orders, as the native policeman should have no power or authority at all; besides, the existence of such patrols would avoid the serious complications which are bound to arise if a native is allowed the right of arresting a whiteman. [sic]

The “Old Spirit”

“I am sorry to say there are bad accounts from Kikuyu. Since I left of course the natives have had practically no one to look to…In fact I hear it is quite unsafe for anyone to travel along the main road now, as highway robbery is an everyday occurrence. I am very sorry for the Wakikuyu; they are alright if they are looked after, but if left to themselves the old spirit will out.”

As early as 1900 it was possible for an administrator, Francis Hall, to portray indigenous resistance as atavistic. Hall’s reporting does not, of course, reflect the nature of Kikuyu political violence but rather the success one administrator had in being able to view the Kikuyu as new

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subjects—criminal natives. The criminal, as argued in previous chapters, is a subject that is produced as existing under the power of the state, as opposed to the radically autonomous being or the person outside of and against the law. To conceive of inhabitants who were once hostile and threatening as criminal hints to the emergence of the reading of space as the space of administration and law. It is reading the Hinterland as civil space that is a significant if not the most significant and penultimate achievement of colonial ideology. At the same time this association of the “old spirit” with criminality criminalizes indigeneity. Tradition, culture and non-whiteness are positioned as anti-law and anti-social/society. It is understood by Francis Hall (who not insignificantly has been called the “first settler”),603 that the natural state of the Kikuyu is anti-civil. More subtly, the association of indigeneity or the “old spirit” with criminality is also an admission that the institutions of white supremacist order are always threatened and haunted by the traces of the raw and hostile native who continues to abide in the Kikuyu body and must continuously be guarded against. The old spirit recalls the flights of poisoned arrows and violence that the Kikuyu once represented— the mortal threat to the explorer. Civic-ization had always meant the securing and protecting of white life.604 The fear of indigenous violence easily slipped into the fear of native crime—or more precisely—the production of new space, space as

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604 Commissioner Charles Eliot was clear on this point. “Experience has shown us that the hostility of natives varies directly as their ignorance. They all in their natural state think robbery and killing fine actions. The really dangerous class are those who know so little of Europeans that they have no fear of them. In the northern and practically unexplored districts it is no doubt dangerous to travel without an escort sufficient for all contingencies, but wherever we have established stations we have hitherto found that the natives in the neighborhood become peaceable and friendly, and it has rarely been necessary to resort to any display of military force.” Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at 11.
municipal space, brought with it a new language and signifying system with which to interpret what remained the same forms of violence – the destruction of white property and white bodies.

With this new interpretation of life, space and violence in the Hinterland --native violence, which had existed from the first British-Kikuyu contacts --could be thought of as a consequence of the failure of European shepherding. “Ainsworth sent here for troops the other day & an Officer & 50 men were sent to Fort Smith to patrol the road &c. It is rather a feather in my cap, though I feel so for the natives, who have never given much trouble when I have been amongst them, while every time I have gone away there has been trouble. When I was home in ’95 the Kedong massacre took place & Dick was killed, & the place generally in a state of turmoil…” 605 That white power meant fundamentally the securing of white bodies was clear to Nandi who had no trouble receiving this message. During the European consolidation of power near the stations in the Hinterland and with it the attempted monopolizing of all violence the Nandi were reportedly still confused about why Europeans cared about their raids on others. “Our greatest difficulty is to prevent natives from attacking the trading caravans of Swahilis or Indians. They draw a distinction between such people and Europeans, and cannot understand why we should object to their being robbed.606 The Commissioner seemed surprised that the order being imposed was interpreted as providing special privileges and protections to whites rather than to all inhabitants.

Despite this shepherding, indigenous violence persisted. There was a thinly veiled panic about the murdering ways of the Nandi – a tribe that had the honor of being the target of the last

605 Hall, Kikuyu, 160. With the consolidation of control violence over all

606 Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at 11.
(government acknowledged) expedition in the Hinterland. In the following East African
Standard editorial there is demonstrated not only the racist disinterest in the death of Indians, but
how the deaths themselves were conceived of as a problem primarily because of what they may
herald for the white population. The article also demonstrates that the relative lack of genocidal
violence against the native population in East Africa (as compared to German South-West Africa
for instance) was not a display of altruism on the part of the European settlers in East Africa or
the relatively less violent practices in the British Empire as is often argued, rather it was due to
practical calculations.

We must acknowledge that the report of the murder of two Indian merchants in
the district of Londiani is very disquieting as there is not much doubt as to the
perpetrators of the murders. We had made up our minds that the Nandi had seen
the follies of their ways and were giving up the killing habit. In this we were
evidently hasty and our report of the robbing of the bodies with exception of the
dead men’s shoes, leaves us no doubt that natives are to blame once again. We are
unable to ascertain at present what the Sub-Commissioner of Naivasha is doing or
contemplates doing or what instructions he has received, but this much we can tell
our readers, and that is we do not intend to let this double murder remain
unavenged, without protesting. From murdering Indians at their ease to murdering
Europeans is merely a step up the native’s ladder of fame and unless we
immediately teach these truculent people a real lesson we shall be startled pretty
considerably one morning. We are not so fortunate as Natal, which has a rich
sister as a neighbor ready to come to assistance with men arms and money, and
consequently we must act cautiously. It is quite possible the murders are
irresponsible stray folk on amusement bent, and if this is so how very essential it
is we should wipe these stray persons off the face of the earth without
compunction. The King’s African Rifles cost this country a lot of money which
no one grudges, provide they are allowed to carry out when necessary the object
of their profession. Self-Protection appeals to us more strongly than sentiment.\textsuperscript{607}

\textsuperscript{607} The Question of the Week. Are the Nandi Subdued? Editorial. \textit{East African Standard}
(Mombasa, Kenya), Apr. 28, 1906.
It was feared that an ill-conceived response could mean an uprising that could not be dealt with by the meager population, arms, and resources at hand. In addition, attacks on the Indian had to be policed less because of the “wrong” done to the Indian than due to the need to protect and show a willingness to protect the white body. It is the prestige of the white body that was in need of protection. The audacity of killing a non-black body spelled the possibility to “move up the ladder”; the racial hierarchy that admitted the prestige of the white and the devaluation of the black body thus proven a security system. White supremacy written on the white body was white protection. The raw native had to be civilized – meaning his interpellation as a native subject, a being subservient to the white man – as a way to protect the white body. At the same it was the civilized or educated black body that was to be hated and feared. There the “raw native” could also be presented as preferable to the educated native as smugness was a danger as well. The situation in neighboring Uganda was reported in the EAS.

The Special Reports issued by the Board of Education on the educational systems and methods of training native races in our chief Crown colonies and possessions afford a comprehensive and varied view of what is being attempted to elevate the countless peoples who own Great Britain’s sway, and to make good citizens of them. The task is a tremendous one, and in some instances it may take years before any satisfactory result is seen. Then there is the feeling in the colonies against education for natives to be confronted. The opinion is pretty general that “the native educated is the native spoiled, and that what is known as the ‘raw Kaffir’ is a more useful member of society than his educated brother.” – “The best friends of the native,” we read in Part II of the Special Reports, just issued, in an account of education in Basutoland, “must regretfully admit that justification for such prejudices is too, often to be found in the disappointed failure of some of the promising pupils of the training schools.”

[The correspondent who forwards us this cutting of a Home paper suggests that: Less missionary pampering and a judicious application of the kiboko, would be
more preferable than cramming the natives’ brain with ideas which make them think themselves the white man’s equal.”]^{608}

Educated or uneducated, raw or civilized, what resulted was a hatred of all possible (imagined) manifestations of the native. The native, the negro, the African, the black criminal, the black student – all were hated, all presented a danger to whiteness. The Old Spirit, the newly reformed spirit – all was to be hated^{609} and guarded against. All represented the barbarians at the gate – including the gate-keepers (the askaris).

It is really time that some attempt was made to keep the Swahili in order. The affray in Macdonald Terrace, to which we refer elsewhere, is only different to the daily occurrences in Mombasa, by reason of the fact that one of the parties had to be medically treated. Sticks and knives, and every other weapon known to barbarians are borne upon the bodies of the natives of Mombasa with out let or hindrance, and it only requires a few of detected cases to be mildly fined (which fine, as a rule, the employer pays) to encourage them to progress from fighting one another to attacking others than those of their own nationality [italics mine].

Of course, had we a police force less absurd than the present caricature, we might possibly keep the natives in order. But we ask any reasonable person who has business at the Railway Station when a train is either leaving or arriving whether he dare push through the crowd of howling savages, without the aid of a stout kiboko. It would be practically fatal for a European lady to attempt the feat, if unaccompanied by a gentleman. As we have said we have nothing to expect from the Askaris, who when they are not burgling houses, are sleeping in private gharris. But we have the right to demand legislation to stop the raw natives carrying dangerous weapons.^{610}

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{609} Employers racist and verbal abuse was so prevalent that insults were Gĩkũyũñized by some of the workers. “Bloody fool” became, “mburaribu,” “nigger” became “kaniga gaka,” and “bugger” became “mbaga īno.” Thiong’o, *Dreams*, 18.

Of the many significant and revealing elements of this passage, perhaps the most telling is the striking image of the howling natives beaten back by the kiboko represented as an environment absolutely prohibitive for the European lady. The white woman and the white woman’s body would become grounds (figuratively but also literally indicating territory) to launch more expansively the torture apparatus of white policing. For example, that body led, in 1907, to an incident of public flogging of three natives by prominent settler Captain Grogan and fear of the “black peril.” The incident staged the crescendo of white supremacist settler violence and factional rivalry on the steps of the Magistrate’s house leading to a crisis that threatened to bring down the administrative hegemony in favor of settler rule. In the above passage one witnesses in Nairobi a coalescence of banal, routine white supremacist violence enacted on the body of the native, and the demand for law reflective of white privilege, the prohibitions against natives, the threat of the native’s culture, arms, freedom of movement, laziness and finally the sacredness and worthiness of the white body. The scene is almost a visual staging of the white supremacist police-state. The violence of white settler power is displayed as is its frailty and vulnerability (here in its gendered representation of the white woman’s body) in the face of the native threat, which it must in all ways confine. On the white woman’s body is written a code of the success of the white man’s country – as if her safety was the litmus test of the success of the settler-colonial project. Commissioner Eliot certainly thought so and thought it useful to point out this safety

Fanon speaks of the capitalist countries as places where the “confusion-mongers” obfuscate the violence and control between the exploited and the authorities. Education and ideological subjugation are used to naturalize and idealize social control. Not so, he says, in the colony. The military use napalm, rifle butts and speak a language of “pure violence.” Fanon, Wretched, 4. It is, however, not enough, or misleading to suggest that control is only physical and not educative in the colony. The language of pure violence has many dialects and each coming down of the kiboko remakes the world in the settler’s image. It reproduces the colony with every lash – undoing the rawness of the native and fabricating the negro and town-dweller – producing a floggable body. See Chapter 2.
using the white female body as a means to argue for his administration’s success. “But while
admitting this prevalence of crime, though hoping it is now on the decrease, I take this
opportunity of contradicting a mischievous rumour which has been spread in the press that East
Africa is not safe for European women. I believe that hitherto, but one instance has been
recorded of a native offering violence to a European woman.”612 In addition to the positive proof
of success of settler-colonialism the white woman’s body could offer, that body also was vested
with the power to destroy white power. In 1911 a would-be bill promised to ban carnal relations
between natives and white women as the result of the presence of a Swedish woman in the
protectorate. This woman had apparently arrived to the protectorate and was making a living as a
sex worker and this at once thought to be an existential threat to white prestige.

Sir, I have the honour to inform you that a case has been reported to me of a
Swedish woman, who is making a living at the present time in Nairobi as a
prostitute, cohabiting for the most part with Indians. 2. Her action does not
constitute an offence in the eyes of the law, nor can she be considered to be
conducting herself so as to be a danger to peace and good order in the
Protectorate. It is accordingly impossible for me to take action under Article 25 of
the Order in Council 1902 to deport her; but you will readily realize that she is
lowering the prestige of Europeans in the eyes of the natives, and I am of the
opinion that some legislation should be enacted which will deal with such cases.
3. I propose therefore, with your approval, to introduce a Bill before the
Legislative Council similar to the Transvaal Ordinance no. 46 of 1903, which
makes it an offence for a white woman to permit a native to have unlawful carnal
connection with her, the punishment for such an offence being Five years hard
labour for the woman and Six years hard labour for the native.”613

612 Report by His Majesty’s Commissioner on the East Africa Protectorate, 1903, Cd. 1626, at
25.

613 Prostitution by White Women. PRO CO 533/85. The destabilizing shock that a white body in
an unusual position could have upon the native is apparent in another incident. Ngugi wa
Thiong’o describes the “shock” seeing white men (whom he would later in life find out were
Italian prisoners of war captured during “World War Two.”) breaking stones themselves and not
Success of the bleaching carceral was met, appropriately, when the white woman was secured, inaccessible to the native, secluded and safe\textsuperscript{614} and as such she represented the quintessential space of white sovereignty. It is perhaps appropriate that this emblematic \textit{space} was itself confined and policed.

Finally, it would be inappropriate to speak of the carceral without some mention of the prison, although as I have tried to show the prison was a relatively negligible instance of carceral society or at least its least subtle (or sophisticated) expression. Foucault ends \textit{Discipline and Punish} with a brief chapter on the carceral. He reinforces points made throughout the work that the "prison transformed the punitive procedure into a penitentiary technique" which the "carceral archipelago" eventually transported to the entire social body. Carceral society has meant a society in which the teacher is not only a teacher but the teacher-judge, the doctor is the doctor-judge, the social worker the social worker-judge etc. \textsuperscript{615}In the bleaching carceral the settler in his or her uniform of white skin and with his or her appendage of the whip is understood to be the settler-police which is the same as saying the settler-master. The prison in East Africa was not a

\textsuperscript{614} Safety here, of course means safety from the native not from the white man or the strictures of colonial patriarchy.

\textsuperscript{615} Foucault, \textit{Discipline}, 298-304.
central locus of the disciplinary and punitive techniques nor was it the place from which these techniques were exported.\textsuperscript{616}

The penal institution of "late colonialism" was and is a particularly patterned, organization of material and space that is supposed to immediately suggest confinement and effectively facilitate it. I have shown that confinement and the suggestion of sequester in the Hinterland did not need to make use of the modern institution of the prison and that prison and "gaol" were far from the only spaces of confinement. Confinement and policing were indicated by and written into bodies, spaces, gestures, buildings, roads, laboring bodies etc. The space of white-body settlement was, in Fanon’s terms, one in which one could be “fixed” by the mere gaze and attitude of the Other.\textsuperscript{617} This space of white-body occupation was immediately recognized (and resisted) as an open-air prison. But there were cages too.

On September 24, 1902 F. J. Jackson, the Acting Commissioner, enacted the first “East Africa Prisons Regulations”\textsuperscript{618} which was to govern all prisons in the Ukamba province. The prison – which is obviously one of the most overt forms of disciplinary power – was also one of the first institutions that was explicit about spatial separation and segregation. The rules for the “Dietary of Prisoners” were separated into three groups, meals for Europeans, meals for Swahili and Nubians and meals for Arabs and Indians. Food seemed to be related to the perceived

\textsuperscript{616} What should be examined further are the ways in which the archipelago of bleaching carcerals i.e. anti-black white supremacist spaces in the Americas, Caribbean and Africa in the colony and colonial plantations generated the punitive and disciplinary techniques that would give birth to the modern European prison.

\textsuperscript{617} Fanon, \textit{Black}, 70.

\textsuperscript{618} East Africa Prisons Regulations, 1902 PRO CO 630/1.
cultures of the prisoners: chopati for Arabs and Indians, Uti (posho/ugali) for Swahili and tea and bread for Europeans. The Europeans also received more meat although it is impossible to tell from these regulations if this was due to racial privilege\textsuperscript{619} or from the sense that Europeans were “meat-eaters.” Despite the ordinance, 1905 came and there were still no prisons in Ukamba. There were only jails, the central one being in Nairobi. This jail also happened to be the only one having “accommodations for Europeans.”

In 1899 Hardinge produced a report on the gaol in Mombasa and the state of affairs extant before his order to construct and import the modern penal institution.

Prisons,—During the year under review 2 Europeans, 49 Indians, 34 Arabs and Somalis, and 467 Swahilis and negroes, making a total of 549 convicted persons, have served terms of imprisonment in the central gaol at Mombasa. The highest number of convicts at any one date was 148; the lowest, 74. There were 12 escapes and 9 recaptures from the gaol. New Prison Regulations, based on the system of prison discipline in existence in other British territories, so far as this

\textsuperscript{619} White anti-Indian sentiment was of course a feature of the protectorate since its inception. This was not merely class-based hate of indentured labor or later the fear of Indian economic clout. The body of the Indian, and especially that of the “coolie” was inferiorized, sometimes strikingly explicitly. “…Mr. whitehouse has returned in fourteen days from kikuyu, which is quite the record. The masai are quiet and not likely to give trouble, but as there has been a little skirmishing up there against the wakilungu, a reinforcement of 70 swahili soldiers has been sent up to Capt. Harrison. The lions are giving a little trouble up the line and seem to enjoy the Indian coolie. There is no accounting for taste. Mombasa News. The Official Gazette of Zanzibar and East Africa. (Zanzibar, Zanzibar Protectorate), Mar. 24, 1897. ZNA BA104/6 (box 237). By 1901 20,000 “natives of India” were “imported” to work on the railway. Correspondence respecting the Uganda Railway, 1901, Cd. 670, 25. The “coolie” was also criminalized. “The large number of cases arising in railway camps and elsewhere in connection with railway coolies and employés has necessitated the constitution of a special “Provincial Court” exercising jurisdiction in the Provinces of Seyyidieh and Ukamba, along the line of the Uganda Railway over a zone of mile on either side of the line, and over all survey and other railway camps, even when lying beyond that zone, and Mr. Farquhars, Superintendent of Railway Police, has been made Magistrate for this Court, with the powers over British subjects of a Third-class Magistrate in India.” Report by Sir A. Hardinge on the British East Africa Protectorate for the Year 1897-98., 1899, C. 9125, at 21.
was possible in view of the special local conditions, were issued by me, with the approval of Her Majesty’s Government, on the 12th August, 1897, under Article 46 of the East Africa Order in Council.

There being no lunatic asylum or workhouse in the territory, lunatics, paupers, and vagrants are kept in custody in the fort, but, of course, quite separate from the prisoners. Seven lunatics, two native paupers, and three destitute Europeans have been admitted into the fort during the course of the past year, the two latter classes being given work to do, such as chopping fire-wood in the case of unskilled labourers, for their food and a small daily wage, till they were able to earn enough to communicate with, or return to, their friends. To prevent the influx of vagrants into Mombasa, a special Regulation was made by me at the beginning of the year, under which persons wandering about without domicile or visible means of subsistence might be apprehended and either sent back to their own district or compelled to maintain themselves by labour. The number of deaths of convicts in the prison during the year was 17 out of a total of 549, of whom 2 were Indians and 15 Swahilis. The remaining prisons in the Protectorate are only used for convicts sentenced to short terms of imprisonment (under six months), and for persons awaiting trial. With the exception of those at Lamu, Malindi, Kismayu, Wassin, and Machakos, at which regular barracks exist, they are merely rooms or cells in the local Government stations.”

The prison is primarily a warehouse for defective labor and vagrants, which in the protectorate meant racialized bodies targeted for management. The raw and hostile native of course being produced as enemy combatant was eliminated rather than sequestered. It is not insignificant that the terms “negroes,” “paupers” and “vagrants” are used when referring to natives. The quintessential disciplinary institution of modern power would not admit a subject who reflected the antithesis of the pliant subject it was set up to produce. In fact, arguments against imprisoning the raw native referred to his supposed attachment to the hinterland, and that prison would be a boon rather than a punishment as the raw native only understood the punishment that was violence against the body.

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As would be expected of interned labor, prisoners were put to work. At the time of Ainsworth’s 1905 report all prisoners were employed on roads and public works, though there was a vision of a mat-making industry. The prison then was merely the continuation of forced labour, the confinement of “vagrants” and the color bar in microcosm. As I have shown, indirect labour and tax laws, pass laws and the production of exclusively white space was already in effect in the “open” air. As one friend to the natives observed,

I have hundreds of friends among the natives, and they appear to hold the same opinions as those expressed by natives before the Natal Commission, that what made life uncomfortable was the number of small regulations preventing the free movement of natives about the country, and the fact that no man was safe from arrest for the breaking of some petty regulations which he had probably never heard of. A native who wants to come a mile into Nairobi has to walk several miles to a Government Station to get a pass, and probably has to sit outside half a day before he gets it. These petty regulations, this pin-prick policy, are what worry the natives more than anything. I am sure they would far prefer any reasonable, well-thought-out plan, even if it resulted in their doing a little more work, if at the same time their life was eased of the petty annoyances they undergo daily at the present time.  

Arbitrary arrests, searches, exploitation, tedious bureaucracy, and the inability to move in liberty were the rule not the exception. The prison was not an aberration and the police-state was not confined to states of emergencies, on the contrary it was synonymous with the presence of white people. Even during the process of searching for work, that is after being forced into laboring for white capital, natives were subject to the seizure of their persons. “Another reason for their not working is that while looking for voluntary labour they are caught on the road and sent in to the Labour Department.”  

The police-state then was sometimes so intrusive it negatively affected exploitation, even to the chagrin of the supremacists. The enslavement of those produced as

622 Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 19.

623 Correspondence relating to Affairs in the East Africa Protectorate., 1908, Cd. 4122, at 16.
negroes was a shared value for all colonizers in the protectorate, but it was a messy project. The question was how to create an effective, working slave system and which group of whites planters, officials, or police commanders would be the masters. In this the white-supremacist polizeistaat in the Hinterland joins the rest of political modernity, a condition defined and explained, not in part, by anti-blackness.
Concluding Remarks

In 1903 W.E.B. DuBois spoke of the American Negro as a subject burdened by a double-consciousness, a “two-ness.”⁶²⁴ In the same year and on the other side of the pond the native – for the European field officers of the new administration – occupied a similar twoness, a double-objectification as the personified Hinterland on the one hand, and as potential labour and subservient member of the expanding white supremacist society on the other. The birth of the town was in part a project intended to erase this threat that was the “raw native” of the Hinterland and thereby eliminate the threat to the order that was to be established. It aimed to reconcile this twoness into a subject that was domesticated, infantile and labouring, that is, to produce of the savage of the Hinterland the ideal subject that would work in the interests of settler fortunes and find his place in the wider world’s progress – to civilize him. Where this project was not successful was in its inability to eliminate the Hinterland which remained in the native, and its failure was revealed in war and in practices the administrative state sought and worked diligently to transform into crimes. Both war and crime, the latter being a particularly ideologized version of the former, were to be feared, quarantined and eliminated preferably salvaging that part of the Hinterland native that was or could be transformed into a laborer.

In this sense the project of *lebensraum* and settler-colonialism in protectorate and pre-protectorate-era central Kenya was not genocidal but indeed one of elimination. Patrick Wolfe argues that the settler-colonial project is essentially a project of elimination. It is a project that eliminates the indigenous space, and the savage who is inseparable from it and through death or assimilation cleanses him and brings him into civilized or civil society. In his essay “Land, Labor and Difference,” Wolfe differentiates “pure” settler-colonialism, which tends to import subordinated labour, from “settler societies” in which there is a dependence on indigenous labour. He does this to make coherent his argument about pure settler-colonialism’s drive to eliminate the indigenous. I have argued instead that the elimination of the native does not only occur through assimilation or extermination but through the transformation of the native into labourer, citizen, criminal or any other subject that is defined in relation to its subordination to state power. What is at issue is the elimination of the savagery within the native, that which makes him of the hinterland, rather than the figure of the native per se. Where this project fails, the hinterland is thrust into the space of the civil and the space that was to be settled and pacified reverts into hinterland. Beating the native body, controlling its movements, having it under totalitarian or absolute settler command transforms the native from a native of the hinterland and thus outside of the law into a criminal i.e. a representation of the threatening body submitting and subjected to the law of the settler-administrator. When the native is not transformed thus, when it is not a criminal, a deviant, subjected, it remains native to the hinterland, embodying the violence of the hinterland, which is always existentially threatening to the settler.

The violence of the hinterland, the violence of the hostile indigenous is the violence the administrator and settler fears above all else. It is the violence that remains outside the law, both administrative law i.e. the juridical, and settler law, i.e. rough justice. It is the return of divine
violence.\textsuperscript{625} Unlike the violence of reform and even that kind of revolutionary violence which destroys the order but awaits a new assemblage of state power, the hinterland is the absence of (the) settled state(s), and where it exists, it exterminates settled space. The hinterland of the past is the illegible chaos before civilization, of the present, the unknown, lurking hostile savage, and of the future, the revolutionary strike, the coming anarchism, the end of History, oblivion. In all time and space the Hinterland is the antithesis of the settler and settlement.

The preceding study is the study of the possibility of the hinterland in the human and the existential threat that it offers the settler and police order. As a condition, rather than a location, the hinterland exists despite and against the hegemonic sway of settlement and the pretension and theatre of governed space. Crime, deviance, the spray of bullets and the “flurry of arrows,” war etc., on the continent today are testament to the failure of the state in Africa. It is in our hinterland that their state has come to die.

\textsuperscript{625} Benjamin, \textit{Reflections}, 300.
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