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The 1952 Emergency Regulations in Kenya and Their Effect on Marriage among the Igoji People of Imenti South Sub-County – Meru County, Kenya from 1952 to 1958

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Abstract:

A state of emergency was declared by the British in Kenya in 1952. The main objective of the study was to investigate how the 1952 emergency regulations in Kenya impacted on marriage among the Igoji people of Imenti south sub-county–MeruCounty, Kenya from 1952 to 1958. The study was guided by the post-colonial theory by Edward Said. The study was conducted in Igoji. Purposive and snowballing techniques were used to identify 30 oral respondents. The research instruments included; interview guide and document analysis. Data was analyzed qualitatively. The study established that during the state of emergency freedom of movement was curtailed, there was ordering of arrests, security guards were authorized to punish the MAU MAU and their adherents, freedom of association was also curtailed and there was banning of raiding for livestock.

Keywords: Mau Mau, emergency, regulations, colonialism

1. Introduction

Kenya is a former colony of Britain. In 1895, Kenya was part of the British East Africa protectorate. In 1920, Kenya was declared a colony of Britain. From 1921, political associations were formed by Kenyans with the sole purpose of fighting for independence. These political associations later went underground and re-emerged after 1945. The climax of the political associations came in 1952 when armed resistance against British rule was launched by a group that was referred to as the MAU MAU Freedom Fighters Association that fought for Kenya's independence.

2. Meaning of the State of Emergency and the MAU MAU

The oxford dictionary defines a state of emergency as a situation of national danger or disaster in which a government suspends normal constitutional procedures in order to regain control.

A state of Emergency was declared in Kenya by the Colonial Legislative Council on October 20th 1952. The prime object of the emergency was to protect human life and restore law and order but attempts were made by the British colonial office and the Colonial Legislative Council in Kenya from 1952 to 1958 to introduce changes and reforms that, it was hoped, would alleviate the grievances that had caused the Mau Mau rebellion and that would prevent the resurgence of terrorism.

The state of emergency was declared following the activities of the Mau Mau. But what was the Mau Mau? The United Kingdom parliamentary delegation that visited Kenya in January 1954, described the Mau Mau as 'a conspiracy, designated to dominate first the Kikuyu 'tribe' and then all other Africans and finally to drive out all other races and seize power in Kenya. It was a political and social conspiracy, a secret society, which used terrorism to secure obedience where it could not command willing support or compliance. Mau Mau had progressed from the political oath with which it began through successive oaths each one more violent than its predecessor. The Mau Mau intentionally and deliberately sought to lead the Africans of Kenya back to the bush and savagery, not forward into progress' (British parliamentary delegation to Kenya, 1954). The important point to note from this definition is 'Mau Mau sought to lead Africans of Kenya back to the bush and savagery, not forward to progress'. This means that African ways had been condemned as savages. Kounasoff (1959) noted that most Africans in Kenya were illiterate and their old 'tribe' morality and taboos had been broken down by superficial contact with European civilization. They were in a state of transition.

What caused the Mau Mau movement? Kounasoff (1959) noted that the underlying social cause of the Mau Mau rebellion leading to the state of emergency from 1952 was a clash of the old African way of life with the modern civilization leading to the breakdown of tribal traditions and the development of a 'new' African society. When the Legislative Council made the emergency legislation, it was meant to curb the activities of Mau Mau and its adherents. But as noted in the emergency regulations of 1953, it affected not only the former but every member of the Kikuyu, Embu and Meru 'tribes'.

3. Findings of the Study

The following were the emergency regulations imposed by the British in Kenya and how they affected marriage and family life among the Igoji people of Imenti south sub-county –Meru County, Kenya from 1952 to 1958.

3.1. Freedom of Movement was Curtailed

The emergency regulations undoubtedly affected the marriage institution in that freedom of movement was curtailed and locations were mapped out and designated as a small-scale native reserve. Movement out of the reserves meant carrying a ‘Chiti’ (Chit, pass) proving their right to do so. This was because every adult was issued with a passbook bearing his name, name of employer, residence of the employer among other details. One had to possess a resident permit at every given time. Emergency regulations of 1953 stated that the employer had to keep a register of employees who according to section 19A 12(b) possessed a passbook in which there was endorsement for a residence permit. These restrictions were so severe that the young adults abandoned their homes. They had become British property alive or dead. For example emergency Regulations Section 19A 14 stated that ‘Every employer of any Kikuyu Embu or Meru shall within 48 hours of any such employee being discovered to be absent from work without leave report such absence in writing to the nearest pass office and as soon as practicable and in any event, not later than one month thereafter produce to the pass officer his employment register for endorsement. In the event of death of employee section 19A 15 stated that ‘every employer of any Kikuyu, Embu or Meru, shall within 48 hours of the death of any such employee, report the fact in writing to the nearest pass office and as soon as practicable and, in any event not later than one month thereafter produce to the pass officer his employment register for entry therein of the appropriate particulars and at the same time, unless unavoidably prevented from doing so doing, present the diseased employees passbook for cancellation and disposal. (Government notice No. 1704 of 1954) one could not move unless with a movement permit as shown in the attached application for a movement permit in Section 19A, THIRD SCHEDULE:

No. 19A	106 (10)	Pt. III
THIRD SCHEDULE		
(REG. 4) APPLICATION FOR A MOVEMENT PERMIT		
Name	Reg. No.	
Passbook No.		
I hereby apply for a movement permit to move from		
..... to for the purpose of (if trading,		
give licence details)		
during the period, 19... to, 19...		
Address at destination		
Date	(Signature or thumb-print)	
APPROVED/REFUSED:	Station Register No.	
..... Pass Officer.		
Date		
TO DISTRICT OFFICER,		
I recommend that a Movement Permit be refused for the following reasons:—		
.....		
.....		
Date	(Signed)	(Name in block capitals)
TO PASS OFFICER,		
I direct that a Movement Permit be granted/refused for the following reasons:—		
.....		
.....		
Date	(Signed)	(Name in block capitals)

Figure 1

Section 23, 2b stated that one had to remain within the limits specified in the permit. Consequently the young married and marriageable women were no exception. They also abandoned their families following the emergency Meru and Embu female domestic servant's regulations of 1953 (Baring, 1953). Their freedom of movement was curtailed as discussed above for the young men.

3.2. Ordering of Arrests

During the same period arrests were made. Government notice no:1103 stated that, for the purpose of maintaining public order, it was necessary to exercise control over any person, the governor could make an order (here-in called a detention orders against any such person directing that he be detained and thereupon such a person shall be arrested and detained. One of the interviewees, Humphrey M'Muketha had been arrested and detained at the Igoji detention camp where he informed the researcher that he was transferred to Manyaniat night. Since arrests had become the order of the day, the detainees were not afraid of prison sentences. He recounted songs they sung during detention, a clear indication that the institution of marriage was affected:

*Tutigukira Kuthaikwa
Nthaka cia miiru
Tutigite aka na twana
Tutigukira kuthaikwa
Indi mukoloni ageta
Tutigukira kuthaikwa.*

*'We are not afraid of detention
Young men of Meru
We have left wives and children
We are not afraid of detention
But the colonizer must leave
We are not afraid of detention'*

3.3. Security Guards Were Authorized to Punish the MAU MAU and Their Adherents

These further affected the marriage institution in that those who fought the Mau Mau war of independence were mainly married men. Further punishments meted on the Mau Mau were dehumanizing. Wanjie (1962) recounted that during the emergency, detentions were very common. The authorities were not satisfied with their detention in Manyani. They were transferred to many detention camps and specifically to Kisumu near Lake Victoria where there were flies that caused death, if they stung on human beings. So the colonial authorities wanted to get rid of them in a more subtle way than direct killing through beating and mental derangement. He also adds that harsh punishments were meted on the Mau Mau detainees. These included fixing shackles around the ankles, joining one's two legs with the heavy chain. Hammers were used to put and remove the shackles inevitably hitting their ankles. Many never rejoined their families as they even died as a result of poor hygiene in the detention camps coupled with hunger and harsh punishments. This was contained in Cap 302 of the emergency regulations titled; consorting with, harbouring or supplying necessaries to suspected persons. It stated that any persons who consorts with any other person whom he knows or has reasonable cause to believe to be a person who intends, or is about to act, or has recently acted in a manner prejudicial to public safety or the maintenance of public order, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding ten years. Any person who harbours any other person whom he knows or has reasonable cause to believe to be a person who intends, or is about, to act, or has recently acted in a manner prejudicial to public safety or the maintenance of public order, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding ten years. The above would also be applicable to any person who supplied money, food, drink, clothing, medicine or any drug or other medical supplies.

3.4. Freedom of Association was also Curtailed

Freedom of association was also curtailed according to an oral interview by Eustace Nkonge and Severina Mugai. The people of Igoji had a series of celebrations that culminated to the wedding ceremony. The festivals/celebrations were suspended until 1958, when the ban on associations was lifted. This was as a result of the 1952 emergency regulations on public meetings and processions. The regulations stated that where there appeared to be reason to apprehend that the assembly or any assembly or any persons for the purpose of the holding of any meeting will give rise to grave disorders and will thereby cause undue demands to be made upon the police or military forces, or that the holding of any procession will conduct to a breach of the peace or will promote disaffection, the governor or any magistrate or police officer who is duly authorised, may make an order prohibiting the holding of the meeting or procession, and if a meeting or procession was held or attempted in contravention of any such prohibition it shall be lawful to take such steps as may be necessary to disperse the meeting or procession or prevent the holding thereof. Where one considers necessary in the interest of public safety, the commissioner of police may, by order, prohibit the holding of any race meeting, sporting event or entertainment of any description in any area or place or on any particular day. Kaunosoff (1959) also noted that ceremonies that marked every great event in the life of African peoples, provided on endless source of excitement and interest. Knowledge of ceremonial rules and traditions had to be taught usually in the form of songs but often through definite instruction by the elders. For weeks before initiation ceremonies, boys and girls were separately trained and taught what was essential for

each to know for the future of the tribal life. Though training was very vigorous and the rites called for great feats of endurance, a feeling of accomplishment, of oneness with the tribe and of security was engendered. This also affected betrothal and courtship which was done in dances.

3.5. The Banning of Raiding for Livestock

Marriage among the people of Igoji meant acquisition of cattle for payment of dowry. Cattle were acquired through raids which were well organized. Fadiman (1993) however notes that the first activity to be banned was cattle raid and heavy punishment was meted for any presence of foreign cows in Igoji where specifically a group of hunters (Athi) were found. He adds that the period of emergency meant that warriors could not go raiding especially because of the curtailment of the freedom of movement. According to one of the respondents, Vincent Bundi, the colonial government passed legislations that gave freedom to chiefs to confiscate the raided animals. G.O. K (1953), CAP 100 stated that it was lawful for a District Officer to seize any cattle within a specified area and that any cattle seized should be forfeited to the government. Such cattle could be sold at the direction of the District commissioner and the money paid into a special Emergency fund. The situation according to an oral respondent was worsened by the 1950s drought that had left many livestock dead. This information was further confirmed by Fadiman (1993) who also noted that the Meru region had lost large herds of animals to a drought in 1950.

4. Conclusion

This study established that the emergency regulations of 1952 such as curtailing of freedom of movement, ordering of arrests, authorising of security guards to punish the MAU MAU and their adherents, curtailing of freedom of association and banning of raiding for livestock impacted negatively on marriage among the Igoji of Kenya.

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