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# **Plague of bureaucracies: producing and territorializing difference in East Africa, 1888-1940**

Pest eller plage? Byråkrati som produsent av  
territorial ulikhet i Øst-Afrika, 1888-1940

Connor Joseph Cavanagh



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## Summary

Mahmood Mamdani (1996a: 8) once provocatively argued that “apartheid, usually considered unique to South Africa, is actually the generic form of the colonial state in Africa.” The research objective of this dissertation is to examine Mamdani’s argument in relation to what are now the contemporary states of Uganda and Kenya, but also to trouble us about it for three reasons: one historiographical, one geographical, and one ecological. To fulfil this objective, the dissertation utilizes the methodology of historiographical political ecology (Part I). I have developed and practiced this methodology through archival research at the ‘national archives’ of Kenya (the Kenya National Archives in Nairobi, Nakuru, and Kakamega) and the United Kingdom (The National Archives, Kew, and the British Library, London), as well as via a recursive engagement with the historiographical archive.

The dissertation pertains to an intersection of flows, *inter alia*, of people, capital, institutions, theories, and texts within, to, from, and through a specific area in what are now the states of Uganda and Kenya, but with a primary focus on the former in certain historical periods and on the latter in others. The study area necessarily involves both states, rather than only one, because the region of interest has been administered under a variety of distinct “imperial formations” (Stoler 2006) since 1888. These were, in turn: i) a vaguely-defined ‘British East Africa’ under the mandate of the Imperial British East Africa Company (IBEAC) between 1888 and 1893; the Eastern Province of the Uganda Protectorate between 1894 and 1902; the Kisumu Province, then the North Kavirondo and Uasin Gishu Districts of the East Africa Protectorate before 1920; and eventually the Nzoia Province of the Kenya Colony after 1920.

The empirical results of the dissertation support Mamdani’s assertion that institutional segregation of the sort that led to apartheid in South Africa is the generic form of the colonial state in the study area (Part II). However, the dissertation argues that both the latter and the generic institutions of nature conservation in contemporary Uganda and Kenya share precisely the same trans-colonial genealogy, albeit one that has spawned more complex and internally differentiated bureaucracies over time (Part III). This argument complements Mamdani’s recent observation that the genericity of apartheid cannot be limited to the produced categories of

‘colonial history’ or ‘Africa’ with the corollary that it also cannot be limited to the similarly produced category of ‘society’ (Latour 1993). Differently put, the same generic institutions that were used to stratify and racialize space for the inhabitation of different ‘races’ and ‘tribes’ of humans were also used to stratify and racialize space for the inhabitation of a dualistically-conceived ideological category of nonhuman ‘nature’.

The dissertation proceeds in three parts. Part I historicizes the study’s methodology and conceptual approach, and situates them within the same historiography as the rest of the study. Chapter 2 more fully outlines the research problem with empirical detail, its context, and my own positionality. Chapter 3 develops the concept of historiographical political ecology, and explores considerations of research ethics in relation to this methodology. Chapter 4 examines the thought of Karl Marx and Karl Polanyi vis-à-vis emerging doctrines of the ‘liberal’ governance of dispossession in the mid-to-late nineteenth century British Empire.

Part II interrogates the idiosyncratic ways in which forms of British colonial governmentality in East Africa were infused with practices of institutional segregation and indirect rule. Chapter 5 engages the concepts of indirect rule and the dual mandate as articulated in the thought of Frederick D. Lugard – perhaps the chief architect and *re*-theorist of indirect rule in twentieth-century British colonial Africa – and situates these in relation to the work of Mahmood Mamdani and Bruce Berman. Chapter 6 traces certain “imperious entanglements” in the career trajectories of Frederick Lugard and Sir Harry Johnston in British East Africa, and the unfortunately durable political geographies that those entanglements appear to have produced. Chapter 7 problematizes the early twentieth-century co-production of ‘racial’ and ‘natural’ sciences in the region, and their bureaucratization within the Uganda Protectorate in particular.

Part III explores the above debates through the prism of what became known as the “Dorobo question” in eastern Africa, or uncertainties that surrounded the problem of how to govern apparently forest-dwelling populations throughout the region. Chapter 8 engages the ways in which the former types of ‘scientific’ racism were perceived to be non-contradictory with practices of advocacy and demands for the “protection” of indigenous populations, as well as how those forms of advocacy dovetailed into the early ‘nature preservation’ movement. Chapter

9 highlights how the latter process intersected with broader efforts to racialize and territorialize space for settlers, natives, and nature in Kenya Colony. Chapter 10 traces the experiences of two different and apparently ‘Dorobo’ communities in Kenya Colony of the 1930s, as well as the divergent effects of administrative decisions about whether they were, or were not, Dorobo. Chapter 11 examines the interpretation of these lingering ‘racial scientific’ concepts and discourses by state committees in relation to attempts to definitively answer the ‘Dorobo question’ in Kenya Colony. Chapter 12 is not a conclusion, but an epilogue – it explores the afterlives of these processes of dispossession, and what we can learn from the courage of those who continue to struggle against them.

Overall, the dissertation illuminates the ways in which certain forms of spatial and territorial organization for nature conservation in East Africa are inextricably entangled with these histories and genealogies of the stratification, racialization, and territorialization of space for the produced categories of settlers, natives, and nature under indirect rule colonialism. Viewed through the prism of an historiographical political ecology, this suggests that we might productively appraise conservation areas as after-effects or afterlives of indirect rule colonialism and its ‘more-than-social’ territorialities. Consequently, the study concludes that the most pressing imperative facing biodiversity and forest conservation today is its own far-reaching *decolonization*, and ideally in ways that conclusively disavow the territorialisation of an unscientific and ideologically dualist conception of nature. Given the severity of our contemporary *ecological* problematic, we cannot afford for the decolonization of conservation to be any further postponed.

## Sammendrag

Mahmood Mamdani (1996a: 8) kom en gang med det provoserende argumentet om at «apartheid, som vanligvis anses som en unik styringsform for Sør-Afrika, faktisk er en mer allmenn form for kolonialisme i Afrika.» Målsettingen for denne avhandlingen er å se Mamdanis argument i sammenheng med de moderne statene Uganda og Kenya, men også å problematisere dette av tre ulike grunner: én historiografisk, én geografisk og én økologisk. I avhandlingen benyttes metoden historiografisk politisk økologi (del I) for å nå denne målsettingen. Jeg har utviklet og praktisert denne metoden ved å forske i nasjonalarkivene i Kenya (Kenya National Archives i Nairobi, Nakuru og Kakamega) og i Storbritannia (The National Archives i Kew og British Library i London).

Avhandlingen omhandler krysningspunktet mellom strømninger blant annet av mennesker, kapital, institusjoner, teorier og tekster innenfor, til, fra og gjennom spesifikke områder i det som nå er Uganda og Kenya, men med spesiell vekt på førstnevnte i enkelte historiske perioder og på sistnevnte i andre perioder. Forskningsområdet omfatter begge statene, fordi hele regionen har vært under styre av ulike «imperialistiske formasjoner» (Stoler 2006) siden 1888. Disse var: i) et vagt definert «britisk Øst-Afrika» under mandat av Imperial British East Africa Company (IBEAC) mellom 1888 og 1893; østprovincen i Uganda-protektoratet mellom 1894 og 1902; Kisumu-provincen, som før 1920 var Nord-Kavirondo og Uasin Gishu-distriktene i Øst-Afrika-protektoratet; og etter hvert Nzoia-provincen i Kenya-kolonien etter 1920.

Empirien i avhandlingen støtter Mamdanis utsagn om at institusjonell segregering av den typen som førte til apartheid-regimet i Sør-Afrika, er den allmenne formen kolonistaten har i forskningsområdet (del II). Like fullt argumenteres det i avhandlingen at både sistnevnte og de allmenne institusjonene innen naturvern i dagens Uganda og Kenya nettopp deler det samme trans-koloniale slektskapet, selv om det over tid har medført mer komplekse og internt differensierte byråkratier (del III). Dette argumentet utfyller Mamdanis nylige observasjoner om at allmenngyldigheten til apartheid ikke kan begrenses til de produserte kategoriene «kolonihistorie» eller «Afrika», med den følgen at den heller ikke kan begrenses til den likeens produserte kategorien «samfunn» (Latour 1993). Sagt på en annen måte: De samme, allmenne



institusjonene som ble brukt til å skape et hierarkisk og rasebetinget rom som skulle fylles av ulike «raser» og «stammer» av mennesker, ble brukt til å skape et hierarkisk og rasebetinget rom som skulle fylles av ikke-menneskelig «natur», en ideologisk kategori med dualistisk opphav. Avhandlingen har tre deler. Del I setter studiens metodiske og konseptuelle tilnærming i historisk sammenheng, i samme historiografi som resten av studien. Kapittel 2 beskriver problemstillingen mer utfyllende, med empiriske detaljer, sammenheng og eget ståsted. Kapittel 3 utvikler konseptet historiografisk politisk økologi og utforsker forskningsetiske spørsmål som gjelder denne metoden. Kapittel 4 sammenligner ideene til Karl Marx og Karl Polanyi med doktrinene om «liberal» styring av forvisning som oppstod fra midten til slutten av det 19. århundre i det britiske imperiet.

Del II problematiserer de idiosynkratiske måtene ulike former for britisk kolonistyre i Øst-Afrika var gjennomsyret med i form av praksiser som innebar institusjonell segregering og indirekte styre. Kapittel 5 tar i bruk begrepene indirekte styre og tosidig mandat slik de blir brukt av Frederick D. Lugard – som det hevdes var sjefarkitekten som gjenopplivet teorien bak indirekte styre i det britiske koloniale Afrika i det 20. århundre – og plasserer disse i forhold til verkene til Mahmood Mamdani og Bruce Berman. Kapittel 6 sporer enkelte «imperiske sammenviklinger» i karrierelinjene til Frederick Lugard og Sir Harry Johnston i det britiske Øst-Afrika og de beklagelige varige politiske geografier som disse sammenviklingene ser ut til å ha produsert. Kapittel 7 problematiserer samproduksjonen av «rase-» og «naturvitenskap» i regionen i det 20. århundre samt byråkratiseringen av disse i Uganda-protectoratet spesielt.

Del III utforsker debattene som nevnes ovenfor, gjennom et prisme som ble kjent som «dorobospørsmålet» i det østlige Afrika, dvs. usikkerheter omkring problemet med hvordan man skal styre de tilsynelatende skogboende befolkningene i regionen. Kapittel 8 tar for seg hvordan de tidligere typene «vitenskapelig» rasisme ble oppfattet til ikke å motsi praksisen med å tale for og «beskytte» urbefolkninger, samt hvordan disse formene for beskyttelse gled inn i den tidlige «naturverns»-bevegelsen. Kapittel 9 setter søkelyset på hvordan de sistnevnte prosessene krysset større bestrebelser på rase- og territorieinndeling av rom for nybyggere, innfødte og naturen i Kenya-kolonien. Kapittel 10 sporer opplevelsene i to ulike samfunn som tilsynelatende var «dorobo»-samfunn i Kenya-kolonien på 1930-tallet, så vel som de divergerende virkningene av

administrative beslutninger som ble tatt om hvorvidt de var eller ikke var dorobo. Kapittel 11 ser på tolkningen av de gjenværende «rasevitenskapelige» begrepene og diskursene i statskomiteer når det gjelder forsøk på å gi et definitivt svar på «dorobo-spørsmålet» i Kenya-kolonien. Kapittel 12 er ikke en konklusjon, men en epilog i det den utforsker etterlivet til disse besittelsesprosessene og hva vi kan lære av motet til de som fortsetter å kjempe mot dem.

I sin helhet belyser avhandlingen hvordan enkelte former for romlig og territoriell organisering av naturvern i Øst-Afrika er fastlåst i historiene og slektskapet til hierarkiinnordningen, rasekonfigureringen og territorialiseringen av rom for de produserte kategoriene av nybyggere, innfødte og natur under kolonialisme med indirekte styre. Dette antyder at det kan være produktivt å evaluere verneområder som etterdønninger eller etterliv av kolonialisme med indirekte styre og dens «mer enn sosiale» territorier, sett gjennom det prismet en historiografisk politisk økologi utgjør. Følgelig konkluderer studien med at det imperativet som haster mest for biomangfoldet og skogvern i dag, er en utstrakt avkolonialisering av vernet, og helst på måter som definitivt unngår territorialiseringen av et uvitenskapelig og ideologisk sett dualistisk naturbegrep. Med tanke på alvoret i dagens økologiske problematikk har vi ikke råd til å vente lenger med å avkolonialisere naturvernet.

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## 1. Introduction

“[C]olonialism and colonization basically mean organization, arrangement.”

–V.Y. Mudimbe, *The Invention of Africa* (1988: 14).

“African modernity – a migrant form of modernity, born out of overlapping genealogies, at the intersections of multiple encounters with multiple elsewheres.”

– Achille Mbembe, ‘Africa in a new century’ (2016: 95-96).

This dissertation is a polemic against the theory and practice of apartheid, indirect rule, and their afterlives. Yet it is not ‘about’ apartheid in South Africa, nor about what is now South Africa in any straightforward sense. As Mahmood Mamdani (1996a: 7-8) has provocatively argued, “neither institutional segregation nor apartheid was a South African invention [...] apartheid, usually considered unique to South Africa, is actually the generic form of the colonial state in Africa.” I will use the term ‘institutional segregation’ rather than ‘apartheid’, yet still primarily in Mamdani’s sense. The research objective of this dissertation is to explore Mamdani’s argument about institutional segregation in relation to what is now Uganda and Kenya, but also to trouble us about it for three reasons: one historiographical, one geographical, and one ecological.

The empirical results of the dissertation support Mamdani’s assertion that institutional segregation of the sort that led to apartheid in South Africa is the generic form of the colonial state in what is now Uganda and Kenya. However, the argument of the dissertation is that the genericity of institutional segregation in East Africa cannot be limited to the invented categories of colonial history (Gregory 2004; Stoler 2016), Africa (Mudimbe 1988), or society (Latour 1993). To phrase the argument differently, I suggest that generic forms of institutional segregation and the generic institutions of nature conservation in Uganda and Kenya share precisely the same trans-colonial genealogy, albeit one that has spawned more complex and internally differentiated bureaucracies over time.

The dissertation’s argument aims to primarily contribute to literatures on “colonial studies” (Stoler 1989), African studies, and political ecology. Moreover, I prosecute that argument in a

way that is “tributary” (à la Mbembe 2017: 24) rather than progressive. That is, each successive chapter feeds, river-like, into the more general current of the argument, rather than necessarily proceeding in an otherwise chronological or progressive line of attack. Sometimes, when one’s enemy is formidable, one has to try and outflank rather than charge.

### **Plague of Bureaucracies**

The dissertation’s fore-title, *Plague of Bureaucracies*, is a double entendre. It alludes, firstly, to the ways in which certain bureaucracies – conceived as encompassing a range of taxonomies, hierarchies, typologies, categories, and territorialities that are administered by states and bureaucrats – appear to have invaded eastern Africa in the late nineteenth century. This plague of bureaucracies came hot on the heels of a number of actual ‘plagues’, broadly defined. These took the form of devastating epidemiological, zoonotic, and political-ecological crises throughout the region (e.g. Kjekshus 1977; Davis 2002). The severity of the latter crises were such that they perhaps inadvertently assisted the former plague of bureaucracies.<sup>1</sup>

Secondly, the title also merely suggests a collective noun for bureaucracies – that is, a plague of them. This is in much the same way that one can speak of a ‘school of fish’ or ‘an embarrassment of teenagers’. It proposes the former collective noun in reference to the kinds of – often violent, sometimes merely ironic or uneconomic – contradictions and follies that can emerge when states attempt to administer, territorialize, and police categories, taxonomies, and hierarchies that do not exist. That is to say, the term describes the consequences of bureaucratic attempts to police categories that do not exist except first in the realm of ideology or “fantasy”

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<sup>1</sup> On the intersection of these plagues, see, especially, Mike Davis (2002), *Late Victorian holocausts*. For the tumultuous political-ecological landscape in nineteenth-century eastern Africa and earlier, see Ogot and Kieran (eds), (1968), *Zamani*; Ogot, (ed), (1976), *Kenya before 1900*; Kjekshus (1977), *Ecology control and economic development in East African history*; Chanock (1985), *Law, custom, and social order*; Johnson and Anderson (eds), (1988), *The ecology of survival*; Spear and Waller (eds), (1993) *Being Maasai*; Anderson and Broch-Due (eds), (1999), *The poor are not us*; Anderson (2002b), *Eroding the commons*; Oba (2013), *Nomads in the shadow of empires*; Oba (2014), *Climate change adaptation in Africa: an historical ecology*. Due to the richness of this literature, I mainly focus on the plague of bureaucracies itself, rather than on its intersection with these others.

(Mbembe 2017: 40), and which only secondarily become concrete in the form of institutions and practices (see also Haraway 1989; Mamdani 2001; Mbembe 2017).

The bureaucratization of categories produced through practices of “racial science” (e.g. Mamdani 2001; Levine 2010; Tilley 2014) in the late nineteenth and early twentieth centuries in Sub-Saharan Africa and elsewhere perhaps remains one of the clearest examples of state attempts to administer non-existent taxonomies and hierarchies (see also Dubow 1999, 2010; Levine 2010). I will suggest, however, that there are other categories produced alongside or in tandem with the latter that we have yet to challenge as stridently. Via the ‘ecological’ strand of argument noted above, the dissertation submits to the reader that the ideological – but nonetheless likewise scientifically ‘produced’ – notion of a dualistic ‘nature’ is one of these concepts. This is not at all a repudiation or disavowal of the severity of our contemporary *ecological* problematic, but simply a concurrence with Timothy Morton (2007) and others that now, more than ever, we need to build a more democratic conception of “ecology without Nature”. Indeed, I simply note that our global ecological problematic is, in fact, ecological, rather than a dualistic ruination of ‘the natural’ by ‘the social’. The dissertation’s title alludes to the sense in which I view this strand of the argument as being a contribution, however modest, to the discussions and debates that have emerged in the wake of Mahmood Mamdani’s *oeuvre*. This is particularly so because his most recent works – inconveniently, for the genesis of this dissertation – also articulate a clear position that the genericity of institutional segregation is limited neither to the invented categories of colonial history nor ‘Africa’ (e.g. Mamdani 2012, 2015).

## **Study area**

The dissertation pertains to an intersection of flows, *inter alia*, of people, capital, institutions, theories, and texts within, to, from, and through a specific area in what are now the states of Uganda and Kenya, but with a primary focus on the former in certain historical periods and on

the latter in others.<sup>2</sup> The study area necessarily involves both states, rather than only one, because the region of interest has been administered under a variety of distinct “imperial formations” (Stoler 2006) since 1888. These were, in turn: i) a vaguely-defined ‘British East Africa’ under the mandate of the Imperial British East Africa Company (IBEAC) between 1888 and 1893 (e.g. Lugard 1893; MacDonald 1897); the Eastern Province of the Uganda Protectorate between 1894 and 1902 (e.g. Hobley 1902; Johnston 1902a); the Kisumu Province, then the North Kavirondo and Uasin Gishu Districts of the East Africa Protectorate before 1920;<sup>3</sup> and eventually the Nzoia Province of the Kenya Colony after 1920.<sup>4</sup>

The boundaries between the two countries of Kenya and Uganda that we are familiar with today – especially with respect to what is now south-western and north-western Kenya – did not begin to ossify until 01 April 1902, with the transfer of the vast Eastern Province of the Uganda Protectorate to the East Africa Protectorate.<sup>5</sup> A precursor to the contemporary boundary was not in place until 1925-6, when the Rudolf Province (now Turkana County and its surroundings) was transferred from the Uganda Protectorate to the Kenya Colony.<sup>6</sup> Both the Uganda Protectorate and the East Africa Protectorate (Kenya Colony and Protectorate only after 1920) also went

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<sup>2</sup> On the advent of certain forms of bureaucratization, territorialisation, differentiation, hierarchization, and boundary-making under European colonial rule in Sub-Saharan Africa, see, especially, Mazrui (1969), *Violence and thought*; Mudimbe (1988), *The invention of Africa*; Mudimbe (1991), *Parables and fables*; Mbembe (2000), ‘At the edge of the world’; Mbembe (2001), *On the postcolony*; Mbembe (2003), ‘Necropolitics’; Mazrui (2007), ‘The re-invention of Africa’; Mbembe (2016), ‘Africa in a new century’; Mbembe (2017), *Critique of Black Reason*.

<sup>3</sup> UKNA/CO/1047/76 – ‘East Africa Protectorate, 1910’; BL/WO/1648 – ‘East Africa Protectorate to Show Provinces and Districts, 1904’.

<sup>4</sup> See UKNA/CAB/24/173/54 – ‘Report of the East Africa Commission, 1925’; UKNA/CAB/24/201 – ‘Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa’; UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’; UKNA/CO/1047/142 – ‘Plan Shewing Revised Boundary between Uganda Protectorate and ‘Kenya Colony, 1924’; UKNA/CO/1047/140 – ‘The Colony and Protectorate of Kenya, 1924-1925’.

<sup>5</sup> As per the account of Sir Harry Johnston, Special Commissioner of the Uganda Protectorate, 1899-1901 (see Johnston 1902a: 267).

<sup>6</sup> See UKNA/CO/1047/142 – ‘Plan Shewing Revised Boundary between Uganda Protectorate and ‘Kenya Colony, 1924’; See also I. Brownlie and I.R. Burns (1979), *African boundaries: a legal and diplomatic encyclopaedia* (London: Hurst).



through a brief period in the early twentieth century in which somewhat halting attempts were made to integrate their governance into a single ‘British East Africa Protectorate’, and then abandoned, though debates about the possibility continued.<sup>7</sup> That said, the ‘intersection of flows’ that constitutes the study area also sometimes means that it is necessary to discuss texts and contexts that are far from East Africa, albeit impinging upon texts and contexts there sometimes quite dramatically. To clarify, I do not offer any sort of universalizing analysis – only a political-ecological one, which denotes that it is sometimes simply empirically necessary to trace connections with various ‘elsewheres’ (Mbembe 2016, see also Mudimbe 1988, 1993).

The periodization of the study begins in 1888, as that is the year in which the IBEAC received a royal charter and mandate to govern ‘British East Africa’ (MacDonald 1897; Galbraith 1972; Low 2009), before which records on British imperial activities on ‘behalf’ of the Sultan of Zanzibar are more scanty and of a somewhat institutionally distinct nature. The periodization ends in 1940, because that is the year in which Britain adopted the Colonial Development and Welfare Act of 1940, inaugurating – along with another iteration of that Act in 1945 – what some have called a “second colonial occupation” in East Africa (Lonsdale and Low 1976). This would entail a decidedly marked shift in policy and institutions from those discussed in the present dissertation, and as a result I have elected to narrow its focus on forms of colonial state formation and administration prior to 1940. That said, the study’s periodization in no way intends to mark the ‘end’ of the empirical processes and phenomena that it discusses – only perhaps the gradual

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<sup>7</sup> Even after the boundaries were more rigidly demarcated and administrations distinguished, certain institutions – such as the postal system – continued to operate on a joint basis (e.g. Johnston 1902a: 255-256, see also Eliot 1905). Debates about the possibilities of their federalization together and with what is now Tanzania continued after the First World War, and take an idiosyncratic version or form in discussions about what is now the East African Community. I do not discuss Tanzania except in passing in the analysis – this is because the imperial administrative context is complicated by the British inheritance of what was German East Africa prior to the First World War, and its governance as a League of Nations mandated territory rather than a protectorate or colony in the same bureaucratic sense as Uganda and Kenya. See, for example, UKNA/CAB/24/173/54 – ‘Report of the East Africa Commission, 1925’; UKNA/CAB/24/201 – ‘Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa’.

metamorphosis of one phase into another. Likewise, the year 1888 did not mark the ‘beginning’ of these processes, *per se*, only perhaps their concretization in the form of a charter and mandate for the IBEAC. Further, I note that the dissertation’s epilogue is excluded from this periodization, as it makes the case for the relevance of the analysis to contemporary political-ecological dynamics in the study area.

### **Methodology and method**

The dissertation utilizes a methodology that it has developed as a means of fulfilling the above objective, though it shares many similarities with the historical and historiographical methodology practiced by Michel Foucault (e.g. 1972, 1978, 2005 [1970]) and adapted by V.Y. Mudimbe (1988, 1991, 1993). I will refer to this method as *historiographical political ecology*. This is in some ways appropriate: many of the texts I engage throughout the dissertation report the ‘findings’ of methodologies that their authors had invented. Some results of the latter, especially in relation to what was then called “racial science” and its precursors (e.g. Dubow 1999, 2010; Campbell 2007; Levine 2010) have been totally and rightfully debunked. Others have not. Yet in both cases those results also inspired administrative *practices*, inaugurated *categories*, and exploded into vast *bureaucracies* that linger like a dispersed kind of fallout (see also Stoler 1989, 1995; Mamdani 2001). Often, this is in ways – I suggest – that we have yet to fully ‘disentangle’, or perhaps more correctly, to note that they are, in fact, *entangled* (see also Deleuze and Guattari 1977; Latour 1993, 2005). Historiographical political ecology is a type of autopsy that aims to help us empirically identify and document the effects of certain dead ideas when they linger, and often in malign or dispossessory ways.

In terms of method, the study is based on archival research at the ‘national archives’ of Kenya (that is, the Kenya National Archives in Nairobi, Nakuru, and Kakamega) and the United Kingdom (The National Archives, Kew, and the British Library, London), as well as in the historiographical archive. This research was conducted over the course of July 2014 to January 2017. During this period, the archival work was supplemented with more than one hundred interviews and discussions with activists, civil society professionals, government employees, administrators, and intergovernmental organization staff in Kenya. Within this, much of the

empirical fieldwork was grounded in the local-level ‘case’ of community mobilizations to contest enduringly racialized forms of dispossession from what is now a government-owned protected area known as the Embobut Forest Reserve.<sup>8</sup> In relation to this context, the above methods were complemented with site-specific interviews, focus group discussions, ‘household’ surveys, and extensive field observations and transect walks.<sup>9</sup>

However, nearly all of these results are not presented in the dissertation, but in a related work. This is not because I aim to ignore or ‘silence’ these voices; quite simply, it is because my friends and interlocutors from these communities are infinitely more capable of telling their own stories and recounting their own histories than I am (e.g. Kimaiyo 2004, see also Wainwright 2008). The narrative of this dissertation is also not ‘about’ those communities, nor is it necessarily about *events* pertaining to their historical experiences *per se*, as I explore more fully in Chapter 3. Nonetheless, these engagements in East Africa have greatly informed my analysis in the present study. Likewise, I do not ‘privilege’ the voices of colonial administrators of the sort that authored the vast majority of texts from this period both within the Kenya National Archive and Britain’s The National Archive. Nor do I draw upon them because I presume that they are especially authoritative. Rather, my intention is to demonstrate that it is possible to prosecute the above argument precisely by drawing upon these ‘colonial’ voices, texts, *contexts*, and artefacts *themselves*, rather than those that might somehow be accused of either methodological or interpretive bias ‘against’ them. Further, a description of my own positionality is offered at the end of Chapter 2, and further methodological detail is offered in Chapter 3.

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<sup>8</sup> Presently, in the contemporary Elgeyo-Marakwet County of Kenya; formerly in the Nzoia Province of the Kenya Colony and Protectorate; formerly in the Eastern Province of the Uganda Protectorate.

<sup>9</sup> I also harness the substance and experience of past archival work at the Entebbe National Archives and fieldwork in Uganda conducted over the course of thirteen months between 2009 and 2011, although nothing in the present text is a reproduction of the publications resulting therefrom. See, for example, Cavanagh and Benjaminsen (2014, 2015, 2017), Cavanagh et al. (2015), Cavanagh and Himmelfarb (2015), Cavanagh (2014). The text does draw upon two recent publications (Cavanagh 2017a, 2017b), and two forthcoming publications (Cavanagh forthcoming 2017a, 2017b), though selectively and in much revised form.

## Research ethic

By way of introductory clarification: this is not a dissertation in or application of epistemological relativism, ontological relativism, monism related to either, nihilism, or fatalism. My both epistemological and ontological stance is one of critical realism. I use this term in the broad sense often deployed by political ecologists (e.g. Benjaminsen et al. 2010), rather than, necessarily, the more specific philosophical sense articulated in the works of Roy Bhaskar (2008 [1975]) on transcendental realism and – only later – critical realism. My argument does not challenge scientific method and practice *as such*; however, it does insist emphatically on the ceaseless pursuit of the social democratization of science and its practice. Such democratization invites scientific institutions and other sites of knowledge production to open themselves more fully to historiographical, political, political-ecological, and ethical critique and debate in ways that complement the extent to which they remain open to critique on more narrowly-defined ‘empirical’, procedural, or methodological grounds (see also Harding 1976; Haraway 1989). This is particularly the case, as we will see, as it is evidently so difficult for us to identify or account for the nebulous biases, discriminations, and condescensions that so tacitly infect us through the discourse and idiom of our own inevitably historical present (e.g. Foucault 2005 [1970], see also Fassin 2011).

Some caveats are warranted about the methodological approach from the outset. Firstly, although I advance a critique of institutional segregation, indirect rule, and to some extent categorization in certain historical-geographical conjunctures, I also acknowledge the inevitability of categorization in diverse contexts. Categorization is ubiquitous – every word in every language can be defined as a failure of categorization. Words will never perfectly represent or describe that which they purport to, as their implied substance will at least partially always elude them. Nonetheless, this is a polemic against institutional segregation and indirect rule, not against categorization. Crucially, whilst the former two certainly categorize, they also hierarchize and bureaucratize.

Secondly, I do not offer a critique of abstraction as such. Marx (1995 [1867]: 138), for instance, once productively described value as “immaterial” but nonetheless “objective”. Though the

abstractions and categories of racial science have been largely debunked and abandoned, our world continues to be permeated with entities that are likewise immaterial but objective, or at least more-than-material but objective (Deleuze and Guattari 1977). Nonetheless, we retain the agency to contest, debate, or resist these in ways that are explicitly normative. In this case, I contest the ideology of a dualistic ‘nature’ as well as the inheritances of a past ideology of scientific ‘race’ (see also Smith 2010 [1984]; Moore et al. 2003; Moore 2005). Ultimately, this is why the study remains both a polemic and a political ecology, rather than another genre of “text” (à la Robbins 2012: viii, 13).

Finally, this is not an exercise in Stalinism or nihilism: my critique is not one of difference as such. As Achille Mbembe (2017: 181-182) so powerfully writes:

“the attempt to destroy difference and the dream of imposing a single language on all are both doomed to failure. Unity is always just another name for multiplicity, and positive difference can only be a difference that is lively and interpenetrating. It is fundamentally an orientation towards the future.”

Mbembe puts it in the above more eloquently than I can. That said, I certainly share his concern and that of others about how inherited forms of difference might be both most thoroughly decolonized and reconstituted in a more radical or democratic register (à la Coulthard 2014: 453-494). In this regard, I note that the study’s ethic is one that we might characterize as *ecological humanism*, which simply notes the empirical fact that we are bound up in a common though asymmetrically experienced predicament, both with each other and with the nonhuman world.<sup>10</sup> Differences of historical and contemporary *experiences* surely exist, and must be accounted for. Yet differences of collective predicament in that regard will never be fully realized, even though they surely have been, are, and will most likely continue to be asserted.

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<sup>10</sup> To the extent, as Donna Haraway (1989) invites us to consider, whether we can productively distinguish between ‘the human’ and ‘the nonhuman’ as well (see also Haraway 1991, 2007). However, given the research objective stated above, an exploration of that problematic is not within the dissertation’s purview or remit *per se*.

## **Results, outline, and structure**

Everything in the pages that follow is ‘the results’ of the application of the above methodology to the archive. The dissertation proceeds in three parts. Part I historicizes the study’s methodology and conceptual approach, and situates them within the same historiography as the rest of the study. Chapter 2 more fully outlines the research problem with empirical detail, its context, and my own positionality. Chapter 3 develops the concept of historiographical political ecology, and explores considerations of research ethics in relation to this method. Chapter 4 examines the thought of Karl Marx and Karl Polanyi vis-à-vis emerging doctrines of the ‘liberal’ governance of dispossession in the mid-to-late nineteenth century British Empire.

Part II interrogates the idiosyncratic form of British colonial governmentality that practices of institutional segregation and indirect rule infused in East Africa. Chapter 5 engages the concepts of indirect rule and the dual mandate as articulated in the thought of Frederick D. Lugard, and situates these in relation to the work of Mahmood Mamdani and Bruce Berman. Chapter 6 traces certain “imperious entanglements” in the career trajectories of Frederick Lugard and Sir Harry Johnston in British East Africa, and the unfortunately durable political geographies that those entanglements appear to have produced. Chapter 7 problematizes the early twentieth-century co-production of ‘racial’ and ‘natural’ sciences in the region, and their bureaucratization within the Uganda Protectorate in particular.

Part III explores the above debates through the prism of what became known as the “Dorobo question” in eastern Africa, or uncertainties that surrounded the problem of how to govern apparently forest-dwelling populations throughout the region. Chapter 8 engages the ways in which the former types of ‘scientific’ racism were perceived to be non-contradictory with practices of advocacy and demands for the “protection” of indigenous populations, as well as how those forms of advocacy dovetailed into the early ‘nature preservation’ movement. Chapter 9 highlights how the latter process intersected with broader efforts to racialize and territorialize space for settlers, natives, and nature in Kenya Colony. Chapter 10 traces the experiences of two different and apparently ‘Dorobo’ communities in Kenya Colony of the 1930s, as well as the divergent effects of administrative decisions about whether they were, or were not, Dorobo.

Chapter 11 examines the interpretation of these lingering ‘racial scientific’ concepts and discourses by state committees in relation to attempts to definitively answer the ‘Dorobo question’ in Kenya Colony. Chapter 12 is not a conclusion, but an epilogue – it explores the afterlives of these processes of dispossession, and what we can learn from the courage of those who continue to struggle against them.

## Part I – Science, empire, and the production of difference



Frontispiece I: Photograph of Uganda Protectorate Special Commissioner Sir Harry Johnston's assistant, W.G. Doggett, taking a 'cranial measurement'. Johnston's caption reads: "Mr. W.G. Doggett, Naturalist on the Special Commissioner's staff, engaged in measuring a Muamba negro." Location unspecified. Source: Johnston (1902a: 219). Copyright expired.



## 2. Anonymous violence, ‘scientific’ colonialism, and the long nineteenth century

“One morning, when Gregor Samsa woke from troubled dreams, he found himself transformed in his bed into a horrible vermin.”  
– Franz Kafka, *Metamorphosis* (1915: 1).

### Ready, Kafka?

In 1915, Franz Kafka published a short story entitled *Metamorphosis*, the opening sentence of which appears above. The story is about a man named Gregor Samsa who, indeed, wakes up one morning to find himself transformed into some sort of vermin or insect. Over the course of the story, Gregor gradually comes to grips, to some degree, with the fact that he now inhabits a different sort of body, and must live a different sort of life. Even his voice and speech are changed, much to his chagrin. He is compelled to speak, but he must speak in ways that are perceived to be poor or difficult to understand. Gregor’s employers and landlord, moreover, are not amused. Physical transformation of this sort – though, admittedly, uncommon – is no excuse for tardiness, late payments of the rent, or a drop in productivity. Luckily unaffected by a similar physical metamorphosis, Gregor’s family are horrified and irritated, but they nonetheless at first attempt to help him get on with his life. Increasingly resentful of his transformation and the burden it has placed on his family, Gregor becomes depressed. Noting the mounting desire of his family to get rid of him, Gregor becomes withdrawn and dies, although Kafka’s narrative is ambivalent about exactly how. His family are relieved, and they move on despite relative financial difficulties.

Kafka’s (1915) *Metamorphosis* is remarkable in twentieth-century European literature – and perhaps even unparalleled – for its ability to resist any sort of conclusively plausible or even fully coherent interpretation. This is not because of the way it is written, necessarily: the

narrative is very much clear, concise, and largely in the form of a matter-of-fact description of 'events'. Yet it has inspired an almost unbelievably wide range of inferences about its symbolism, meaning, or implied message. To paraphrase a mere selection of these, *Metamorphosis* is 'about', variously: the alienation of workers in a capitalist society; the numbing influence of modern bureaucracy; the experience of mental illness, delusion, or schizophrenia; the psychoanalytic rebellion of a son against a father; an allusion to the mounting dehumanization of Jewish and other communities in twentieth-century Europe; the life of a criminal after he has committed his crimes; the crippling paranoia inspired by life in a surveillance or police state; an anarchistic rejection of societal pressures for conformity; or simply a fictional account of Kafka's own feelings about his life or adult life.

Following an influential essay by Zadie Smith (2008), many appear to have been persuaded that *Metamorphosis* is about – based on inferences made from his biography – Kafka's apparent horror at mutating or transforming manifestations of racism in Europe in the early twentieth century. Or more specifically, perhaps, his horror both at the notion of race *itself*, and the dawning possibility of its utter falsity. "Kafka's horror is not of Jewishness *per se*," Smith (2008, emphasis added) writes, "because it is not a horror only of Jewishness: it is a horror of all shared experience, all shared being, all *genus*." The sudden realization of that fact of commonality relative to one's own past, even unconscious, acceptance of innumerable and apparently 'natural' divisions within it can be dizzying and uncomfortable. More specifically, as Smith (2008, emphasis added) explains, "[i]n a time and place in which national, linguistic and racial groups were defined with *ever more absurd precision*, how could the very idea of commonness not turn equally absurd? [...] We're all insects, all *Ungeziefer*, now." Here, the horror of race is evident not simply in the violence and suffering that practices of racism inspire. It is also that which results from the realization, insofar as certain productions of 'race' imply a kind of taxonomy and hierarchy, that racism *is itself* a bureaucracy of sorts – one that demands ever more complex, laborious, and contradictory forms of administration. Though the interpretations of *Metamorphosis* vary wildly, I think we can agree that Franz Kafka was not particularly enthused with bureaucracy. Smith's interpretation is influential: I am inclined to share the somewhat utopian critique of racism as what amounts to – in the last instance – an impossible form of

bureaucracy, one whose deployment of ever-greater volumes of force is simply a futile attempt to avoid its own inevitable demise.

Others have demurred, however, offering a kind of second-order interpretation instead. For some, Kafka's *Metamorphosis* is not about anything, necessarily, other than a series of events pertaining to the regrettable experiences of one Gregor Samsa. Or more precisely, that it was written as a kind of trap or lure (Deleuze and Guattari 1986): that the story Kafka wanted to produce was not the story *Metamorphosis* contains, but the vast range of anxieties, desires, grandiosities, exasperations, aspirations, hopes, insecurities, and political or ethical values that we have projected upon it via analysis. Such varied interpretations, I note, have not just been asserted, but also *written* – they are offered by vast numbers of books, articles, and other musings about this story, its relation to Kafka's other works, and his life. In the century since its publication, *Metamorphosis* has produced a kind of historiography of its own. From that perspective, however, the 'metamorphosis' at hand is not primarily Gregor's, but how these interpretations of precisely the same story have *themselves* been and continue to be transformed over time. Less charitably, others have suggested that the story is not a tragedy or horror of Gregor Samsa – even with regard simply to the narrative itself – but rather a farce whose authoring Kafka began, and we have ourselves apparently not yet completed. Ultimately, we have no means of being completely sure.

It may seem odd to begin with a discussion of the works of an early-twentieth century European novelist. Yet I do not reference Kafka in the interest of making any direct analogies of narrative, whether explicit or implied. Neither do I suggest that his story above presents us with any sort of concepts, or lessons, or theories, or values, or anything else that might be extended for the analysis of empirical texts or events. I do so simply for *ethical* reasons, or to articulate what I maintain is the requisite degree of humility from the outset.

Many of the texts, events, and contestations that I discuss in the pages that follow are surely intensely political, and characterized by likewise intensely necessary and enduring struggles over various forms of dispossession, exploitation, and injustice. Quite simply, however, to some degree they also elude or exceed adequate interpretation or narrative 'representation' over time

and across space. This is particularly so with regard to certain practices of resistance, negotiation, mobilization, or opposition. Especially when it comes to the latter, at some junctures the archive only allows us to reconstruct certain rough approximations or even simply to make conjectures (see also Guha 1982; Mbembe 2017). Even then, histories of resistance are often animated by inference or otherwise inevitably by second-hand, and quite often on the basis of a record that in large part *exists* for the purposes of perpetuating domination rather than aiding ‘resistance’, however defined (e.g. Spivak 1988, see also Wainwright 2008). Moreover, it seems to be the case that colonial administrations viewed themselves – with an analytically inconvenient degree of apparent sincerity – as embodying disinterestedly “scientific” or even straightforwardly ‘empiricist’ forms of imperialism during the study area and period (e.g. Tilley 2011, 2014). This is to an extent that perhaps raises old questions once again about whether or in what sense we can meaningfully distinguish between the concepts of ‘ideology’ and ‘history’ – including the histories that we presently occupy (Foucault 1972; 2005 [1970]).

Of course, I surely offer certain interpretations of my own in the course of prosecuting this dissertation’s argument. However, I do so with the humbling knowledge of and constant reflection upon the fate of certain others: particularly those resulting from failures of scientific method, ethics, and practice that produced a concatenation of sorts between “racial science”, colonial “public administration”, and “anthropology” in early-to-mid twentieth century East Africa (see also Arendt 1951; Campbell 2007; Levine 2010). Those forms of science, too – at risk of putting it much too lightly – were based on ‘misinterpretations’ or mis-inferences of a more profound kind. Here, arbitrary measurements of heads, chins, faces, noses, and other aspects of the body were used to allege the existence, conceived in hierarchical terms, of both “races of colour” and numerous other “African races” (Gordon 1998, 2009; Dubow 1999; Mamdani 2001; Tilley 2014). These ‘scientists’ may have rigorously and tirelessly counted heads and chins, and wasted vast amounts of untold numbers of East Africans’ time in the process. Yet the inferential leap from number of chins to the existence of ‘race’, much less a social hierarchy of races – as Achille Mbembe (2017: 40) so eloquently puts it in his *Critique of Black Reason* – was and remains sheer “fantasy” or “delusion” (see also Dubow 1999).

Though I advance what are at times quite stridently critical interpretations and analyses of both those practices and their enduring implications, I also concede that none of us are ultimately able to step outside the discourse of our own historical present (Foucault 2007 [1970]). Though it is tempting to try, none of us can escape history, or catch a glimpse of the relative omniscience that future retrospects will surely continue to provide. Nonetheless, there are *some* historical and geographical conjunctures that should not be spared our collectively most fervent and sustained critique – as well as our sustained ethical reflection – an example of which, I would suggest, lies below.

### **Dwarves, apes, inference, and Sir Harry Johnston**

Even our most casual of intellectual or everyday interpretations are not purely arbitrary. Our interpretations are made on the basis of principles, desires, ambitions, or values – perhaps even compulsions – that we hold or have developed. They are also informed by our cognizance of various rules, laws, norms, and other institutions. How we have come to hold the values that we retain, the norms we respect, the desires we pursue, or the compulsions that drive us, is the subject of a vast literature. Explanations for the latter are often contradictory, and emerge in fields as diverse as psychoanalysis, Marxist and other forms of critical theory, neoclassical economics, the philosophy of mind, and very many other fields (e.g. Benjamin 1968, 1978; Foucault 1972, 1978, 2005 [1970]).

Perhaps the most blunt account of this arises within an essay on what the French Marxist Louis Althusser (1971) once termed “Ideological State Apparatuses”, which he conceived as encompassing not only state bureaucracies themselves, but also institutions such as schools, churches, and science itself. More consciously, however – and particularly with regard to law – we often find ourselves compelled to interpret contexts in ways that uphold, conform, or comply under – sooner or later – the threat of state violence (Benjamin 1968, 1978, see also Arendt 1951, 1967). Received wisdom might occasionally suggest to us that there is something inherently cavalier about ‘interpretation’ even in such contexts, as opposed to various notions of ‘fact’, still more ‘scientific fact’. Yet both interpretations and ostensibly ‘scientific’ inferences are never inconsequential, especially when made by those in power, and especially again when made by

those ‘in power’ of both state and ‘scientific’ bureaucracies (e.g. Arendt 1951, 1969). This is especially so when interpretations of ‘scientific’ data and inferences based upon them apparently undergo a process of metamorphosis, one in which they somehow manage to transmute into ‘facts’.

An especially pernicious form of ‘misinterpretation’ and mis-inference – though I am tempted to argue, simply, sheer personal, institutional, and scientific failure outright – was especially common in late nineteenth and early-twentieth century East Africa. The motivating impulse appears to have been, on one hand, an often understated yet still virulently racist colonial ideology, and – on the other – a both grandiose and chauvinistic attachment to an infallibly ‘empiricist’ notion of science. In the first instance, I simply provide one example below, taken from Sir Harry Johnston’s (1902a) *The Uganda Protectorate*. Johnston had recently been appointed as Special Commissioner for the Uganda Protectorate, to which he had been transferred from a previous post in what was then British Central Africa (later Nyasaland, now Malawi). Over the course of 1899-1901, Johnston appears to have complemented his ‘official duties’ with an almost dizzyingly grand ‘scientific’ undertaking. The full scope of the latter is reflected in the book’s subtitle, which – as was common for the period – also served as an abstract of sorts. His somewhat whimsically full title was *The Uganda Protectorate: an attempt to give some description of the physical geography, botany, zoology, anthropology, languages and history of the territories under British protection in East Central Africa, between the Congo Free State and the Rift valley and between the first degree of south latitude and the fifth degree of north latitude* (Johnston 1902a). It was, in short, a taxonomy and also quite frequently a hierarchy of virtually *everything* that fell under his imperious gaze in the territory that he had been mandated to administer.

The book was published in two volumes, which amount to slightly more than a thousand pages of text. Johnston’s reflections on his own methodology are scattered and often scanty. But it appears he collected – or at least examined – human skulls and subjected unknown numbers of people in what is now Uganda and most of western Kenya to “cranial”, facial, and other bodily measurements. The exact circumstances of those ‘data collections’, and the degree to which they may have relied upon the threat or implication of force remains unclear. I also note that, at the

time, much of what is now western Kenya was part of the Uganda Protectorate, and was not transferred to the East Africa Protectorate until 1902,<sup>11</sup> after Johnston had been replaced as Commissioner.

The table below is from an appendix to the chapter on “Anthropology”, which was not written by Johnston, but by one Dr. Frank C. Shrubbsall (see Shrubbsall 1902a). Today, it is difficult to know exactly how to characterize the appendix. To some extent, both the ‘findings’ as well as the interpretations and inferences based upon them are so groundless that the text utterly blurs the line even between nonfiction and fiction (Haraway 1989). Perhaps, as Mbembe (2017: 40-45) suggests, “fantasy” is a more suitable term than fiction. Generally, it appears to be partly straightforward legitimization of Johnston’s analysis, part ‘peer review’ of sorts, and part discussion of his results in relation to other findings within the field of ‘physical anthropology’ and racial science at this time (see also Gordon 1998; Mamdani 2001; Zimmerman 2001; Tilley 2014). Himself a “Fellow of the Anthropological Institute”, Shrubbsall (1902a: 487, see also 1908, 1923, 1927) describes the methodology thusly:

“The measurements of the cranium taken comprise the maximum length and breadth and the vertical projection from the vertex to the tragus of the ear. These enable an estimate to be formed of the size and shape of the head proper. The table of measurements appended shows that the largest individual heads are to be met among the Masai, Karamojo, and Bahima, the smallest among the Acholi and the Congo Dwarf people. By adding together the three dimensions, length, breadth, and height, and dividing by three, a number known as a modulus is obtained, which expresses the average dimension, and the volume is found to vary proportionately with this.”

To reiterate, length plus breadth plus height, divided by three, equals the “number known as a modulus”. Following the presentation of Johnston’s results in terms of the subjective categorization of ranges in the “number known as a modulus”, Shrubbsall follows with another table, which presents for the purposes of comparison similar measurements taken from two

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<sup>11</sup> Kenya Colony and Protectorate from 1920 onward.

recent papers published in the *Zeitschrift für Ethnologie* (Figure 1). The three categories in the table are simply categories derived from a subjectively-defined range of the likewise invented notion of the “number known as a modulus” derived from the “cranial measurements”. These were termed the Dolichocephalic (relatively long), Mesaticephalic (medium), and Brachycephalic (relatively broad).

TRIBE.	DOLICHOCEPHALIC.	MESATICEPHALIC.	BRACHYCEPHALIC.
<i>East Africa.</i>			
Wagogo . . .	7	6	—
Wangoni . . .	9	5	2
Wanyema . . .	4	2	2
Wanyamwezi . . .	3	1	1
Watusi . . .	2	2	—
Wasukuma . . .	3	7	—
Wasinja . . .	7	4	—
Wasiba . . .	5	2	—
	<u>40</u>	<u>29</u>	<u>5</u>
<i>Congo.</i>			
Bateke . . .	30	16	—
Bayansi . . .	6	8	2
Bakongo . . .	8	4	—
Bangala . . .	10	5	—
Balali . . .	3	1	—
	<u>57</u>	<u>34</u>	<u>2</u>
<i>Bantu Crania</i> (Shrubsall)	90	30	1
<i>Masai Crania</i> (Virchow)	13	3	—

Figure 1 – Table by Dr. F.C. Shrubsall (1902a), Appendix to ‘Chapter XIII: Anthropology’, in Johnston (1902: 488), *The Uganda Protectorate*. Copyright expired.

In general, Shrubsall appears to have been pleased both with the results of Johnston’s analysis, and how they compared with the other literature on this subject that was known to him. He notes, in particular, that Johnston’s “results” might be “usefully compared with Count Schweinitz’s (1) observations on living natives of German East Africa, and with Mense’s (2) studies of the people of the Middle Congo”, which he reproduces in the above for comparison (Shrubsall 1902a: 488). For good measure, he also includes a smattering of results from his own work, and those of Rudolph Virchow, one of the founders of the *Zeitschrift für Ethnologie*.



Today, we understand how chilling this comparison is. Although Shruballs does not elaborate on the identities of Mense and Count Schweinitz, Steinmetz (2007) points out that one “Count Schweinitz” or First Lieutenant Count von Schweinitz had ‘contributed’ substantially to the development of a related German body of scholarship on racial science in this period in what is now both Tanzania (formerly German East Africa) and Namibia (formerly German South-West Africa). In addition, however, it appears that Schweinitz had also *prosecuted* or contributed to the German colonial state’s deployment of the resulting racial ideology. This was most severely the case in what began as the “collective punishment” of the Herero and Namaqua peoples for resisting the dispossession of their lands for transfer to German settlers. Though it began as a form of “collective punishment” or “punitive raid” of a sort that was all-too-common in British East Africa at this time as well (e.g. Lonsdale 1977; Moyse-Bartlett 2002; Anderson 2004), this particular operation rapidly escalated into an attempt to eradicate the Herero and Namaqua peoples in what is now Namibia (see also Gordon 1998, 2009; Zimmerman 2001). These events are now recognized by the United Nations as the first genocide of the twentieth century.<sup>12</sup>

Moreover, Dr. C. Mense was also contributing to related German-language debates at this time, drawing on ‘fieldwork’ in German East Africa and the Belgian Congo. The substance of the debate was the question of whether the Congolese African population should be regarded as ‘a race’, or if the population could be internally divided on a ‘scientific’ basis into several races (e.g. Mense 1893). As Mamdani (2001: 79-87) writes, this ‘literature’ was also increasingly producing the racialization of the distinction between Hutu and Tutsi populations in Ruanda-Urundi – part of German East Africa prior to 1916, then a Belgian League of Nations mandate annexed to the Congo – in ways that would later be to such disastrous effect (see also Eltringham 2006). Finally, Virchow appears to have pioneered some of the methods which were being used by Johnston, Mense, and Schweinitz, although he was also very much engaged in similar debates within Europe as well (Zimmerman 2001).

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<sup>12</sup> See Whitaker (1985), *Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide* (E/CN.4/Sub.2/1985/6). New York: United Nations.

Though he was largely complementary and approving about *The Uganda Protectorate's* "Anthropology" chapter, Shruballs did have one criticism in particular of Johnston's account. As he put it:

"The bigonial index, or relation between the maximum bizygomatic width of the face and the width at the angle of the jaws, divides the series into three groups, one with a very narrow chin comprising the Bambute, Banande, Baamba, and Lendu, in whom the index is under 70; the Suk, Kamasia, and Bahima, with an index in the neighbourhood of 70; the remaining individuals having much broader chins. Numerically this index may seem of little importance, but the effect of the width of the lower jaw on the facial ovoid, as seen in full-face view, is extremely marked. *In this feature the Dwarf peoples are further removed from the ape than their neighbours*" (Shruballs 1902a: 490, emphasis added).

Firstly, it remains unclear who, exactly, the people were that had been unfortunate enough to be categorized – so vaguely and bizarrely – as "the Dwarf peoples". The term quite possibly refers to an arbitrary collection of people or segments of wider communities that Johnston and Shruballs simply ascribed with this label. Whoever those individuals were, I think we can agree that their contemporary descendants would not relish the term 'Dwarf'. That is, unless they have become interested in the HBO TV series *Game of Thrones* – increasingly popular in Uganda and Kenya as well as elsewhere – and therefore find Johnston's self-serving logic bemusing. Nonetheless, at such points of Johnston and Shruballs's narrative, Mbembe's (2017: 40-45) notion of "fantasy" seems all-too-relevant indeed: these two men apparently found themselves at the cutting edge of the bold new science of comparing the chins of apes to the chins of Dwarves, and using the results to infer the existence of a distinct 'race'.

Phantasmal terminology aside, the findings of Shruballs's quantitative analysis of cranial, facial, and other measurements were in this respect inconvenient for the wider argument that Johnston had advanced over the preceding pages of *The Uganda Protectorate*. However, it appears the

latter was given the opportunity to revise the chapter before it was published. As Johnston writes, in a single paragraph that is worth quoting in its entirety:

“The ‘Pygmy-Prognathous’ type would include not only the Dwarf races of the Congo and other Central African forests and the Dwarf element met with in other parts of Uganda, on Mount Elgon, among the Andorobo, and perhaps the Doko tribe of Lake Stephanie, but also those people of normal height which are found on the fringe of the Congo Forest from the Semliki River to the vicinity of Lake Kivu. This was the pariah race of Banande which Messrs. Grogan and Sharp and the author of this book have been instinctively and independently compelled to call ‘ape-like’ from their strange, wild, degraded appearance and furtive habits. An examination of the measurements made of this supposed ape-like people, however, and a criticism of the photographs taken of them, *does not establish the existence in them of any feature that is exceptionally simian, more than is the case with many other Negro types*; but there seems to be sufficient community of physical features between them and the Pygmies to enable one to class them together, and as prognathism is a marked feature in these ape-like individuals, I propose to class them with the Congo Pygmies as the ‘Pygmy-Prognathons’ group” (Johnston 1902a: 477, emphasis added).

Read out of the context of the broader argument, the above would appear somewhat odd – that is, beyond its utterly bizarre status more generally when we read it today. Effectively, Shruballs’ quantitative analysis of “the number known as a modulus” appeared to suggest that there was no basis for comparing the above – and likewise totally baseless, I must reiterate – category of ‘Pygmy-Prognathons’ to apes. But why, then, was it of any consequence? Why not just abandon the assertion and move on to other and equally groundless nonsense?

The problem, from Johnston’s perspective, was not that these results had upset or undermined his findings about the degree to which the (non-existent) group of ‘Pygmy-Prognathons’ were “ape-like” (Johnston 1902a: 477) *per se*. The problem was that it challenged part of the alleged ‘basis’ for the *racial hierarchy* that formed the core argument for one of *The Uganda Protectorate*’s two

volumes that was almost exclusively on the topic of “Anthropology”. This is an aspect of the historiography of East African ‘anthropology’ and ‘racial theory’ that has perhaps to date eluded the fullness of analysis it demands. Johnston’s argument was that – whilst he thought “Africans” did comprise one of several *races of colour* (see also Gilroy 2000) – the population of the Uganda Protectorate was in turn divided into several *African races*, and only then secondarily into tribes. For Johnston (1902a: 477), there were precisely five of these African races in ‘his’ Uganda Protectorate: “(1) The Pygmy-Prognathous type; (2) the Bantu; (3) the Nile Negro; (4) the Masai; (5) the Hamite.” Importantly, however, this was not simply a typology or categorization: it was also a hierarchy. This hierarchy had the “Pygmy-Prognathous type” at its lowest rung – a position which Johnston had initially justified on the basis of their allegedly “simian” characteristics. By contrast, he had placed “the Hamite” at the hierarchy’s pinnacle, a category that Johnston explains is almost more of an “aristocracy” than a “race” (*ibid.*, see also Johnston 1905).

For now, I simply note that – aside from piling a fantasy of a hierarchy that did not exist upon a fantasy of a taxonomy of races that did not exist – Johnston would also put this hierarchy to very real use in his capacity as Special Commissioner. His Commissionership was ‘special’ because Johnston had been tasked, amongst other things, with putting into place a system of colonial governmentality known as “indirect rule” in the Uganda Protectorate – an objective for which the racial hierarchy he had invented would prove very useful indeed. In the same year that he stepped down as Commissioner, Johnston would receive the inaugural Livingstone Gold Medal of the Royal Scottish Geographical Society in 1901 – an award that the society describes today as recognizing “outstanding service of a humanitarian nature with a clear geographical dimension” (Royal Scottish Geographical Society 2017). He would also receive the Founders Medal from the Royal Geographical Society in 1904, apparently for “his many valuable services towards the exploration of Africa” (see Royal Geographical Society 2017: 10).<sup>13</sup> He continues to posthumously ‘hold’ both awards.

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<sup>13</sup> I return to the above example in a later chapter.

### **Racialization, civilization, and the imaginative geographies of difference**

Why revisit texts like Sir Harry Johnston's *Uganda Protectorate* today? Some might, indeed, argue that we gain little from the criticism and analysis of early-twentieth century texts written by men like Johnston and other colonial administrators. It might even be remarked by the more conservative amongst us that the views they held were simply conditioned by the time in which they lived, and by the ostensible difficulties of the 'professions' that they found themselves in. Some might demur as well that their criticism today is approximately as difficult as 'shooting fish in a barrel', or that the trial of the past in the court of the present is always partial, prejudiced, and omniscient-by-retrospect.

Others might be inclined to the view that – if there *was* a productive inquiry to be undertaken in this regard – it has already been accomplished by scholars such as Edward Said (1978, 1993) and V.Y. Mudimbe (1988, 1991, 1994) to more-or-less conclusive effect. Both of the latter indubitably made profound contributions to the historiography of European colonialism, as well as to an almost inestimably wide range of other fields, discourses, genres, debates, and disciplines. Yet as the Kenyan scholar Ali A. Mazrui (2005) notes in his sympathetic – but still characteristically incisive – critique of both Said and Mudimbe, the documentation of how 'Europe' and 'Europeans' constructed often self-serving conceptions, variously, of Africa, Africans, the Orient, and 'Orientals' is perhaps at best one chapter of the story, and maybe even one that lies in its middle – certainly not at its end. Here, I do not share the somewhat hackneyed view of certain critics that Said's (1978) *Orientalism* inadvertently reinforces the same binaries that it wishes to dissolve, or that Said engages in a form of "Occidentalism" that deploys the very same practices in reverse (e.g. Varisco 2007). Rather, as Mazrui (2005) points out, a perhaps more pressing issue is the way in which the discursive production of difference and corresponding "imaginative geographies" (Said 1978: 54-55) between a certain notion of 'Europe' or 'Europeans' and their various 'others' was only one layer in a broader process. It may have also been, perhaps, the most schematic or generic one.

By the early twentieth century, colonial imperatives to produce difference would indeed unfold at ever-more intimate scales and in ever-more proximate contexts (Stoler 1995; Mamdani 2001, see also Tilley 2014, Radcliffe 2017). Throughout Sub-Saharan Africa and

elsewhere, these productions of difference were contested, resisted, negotiated, and repurposed by community leaders, intellectuals, entrepreneurs, visionaries, and rebels at every conceivable and likewise recently “invented” or “imagined” (e.g. Ranger 1983, 1993) scale or historical-geographical conjuncture. Those scales and conjunctures range from the ‘Cape to Cairo’-like territorial swathes of particular European powers; to individual colonial states, conglomerates of those states, and halting efforts to federalize or de-federalize them (e.g. Johnston 1897); to the overlapping Ukrainian-egg layers of fragmentary administrative units, reserves, districts, and homelands within those states (Berman 1990, 1998; Spear 2003; Moore 2005); to the household, family, and individual mind itself (Fanon 1963, 1965, 1967; Stoler 1995, see also Yegenoglu 1998).

In other words, various efforts to “provincialize” (Chakrabarty 2000) or “deconstruct” (Said 1978) Europe’s grand and universalizing narratives are surely warranted. Yet a focus on only the grand and the universalizing perhaps risks neglecting the strangely “liberal” (Lugard 1922) yet nonetheless damaging fragmentations, intimate antagonisms, and sometimes artificial parochialisms that European administrators and their colonies often left behind. This is especially so, today, as the mainstream European, American, or ‘western’ media so often insist on perceiving these antagonisms as natural, traditional, primordial, or somehow essentially ‘African’ (see also Berman 1998; Mamdani 2001, 2012). It would thus seem not only there is more work to be done in order to denaturalize or de-primordialize the representation of these phenomena, but also to perhaps contribute to the development of a fuller understanding of the processes that gave rise to their production, institutionalization, territorialisation, and bureaucratization in the first place.

Differently put, the forms of difference that Harry Johnston and others purported to so carefully and rigorously identify and document in many cases simply did not and do not exist.<sup>14</sup> This was despite the use of methods that were often perceived to be advanced or

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<sup>14</sup> I write ‘in many cases’ because these texts would occasionally identify actually-existing relational or non-innatist differences of livelihood portfolios, ‘culture’, language, or socio-economic and political organization that – whilst frequently likewise misperceived or misconstrued – would also be asserted by certain groups themselves as markers of distinction relative to their neighbours. Yet again, within colonial discourse, these distinctions would be reified or

‘cutting-edge’ by the standards of the time; the apparently rigorous, sincere, and tireless way in which those methods were applied; and the extent to which these methods themselves were largely thought to be sound within widely respected academic ‘societies’ or epistemic communities (see also Tilley 2014). The validity of the results arising therefrom was also widely accepted – even celebrated, in the case of the Royal Geographical Society and other bodies – despite the functioning of a kind of early peer-review, as well as widely available opportunities for scientific debate, discussion, and critique. There is also evidence that such critiques were taken seriously and responded to by Johnston in particular (e.g. Johnston 1902a and commentary by Shrubbsall 1902a, 1902b). Yet it was nonetheless the case that the racial fantasies of some would become the waking nightmare of others, with all the material consequences that such nightmares would entail (Mamdani 2001; Steinmetz 2007; Mbembe 2017).

### **Racial science, colonial inference, and scientific nonsense**

Although the *discourses* of racial science, eugenics, and racially discriminatory ‘public administration’ have been widely discredited in most “epistemic communities” in most parts of the world (see, *inter alia*, Campbell 2007; Garuba 2008; Levine 2010; Tilley 2014), the specific *texts* that men like Johnston authored continue to occupy a somewhat ambivalent status. Seemingly quite innocuous in title and form, many of these works of virulently racist theory, anthropology, and ‘science’ from East Africa appear – to date – to have escaped any substantial degree of critique or scholarly analysis (though see Fuller 1976). By itself, this fact would not merit much consideration *per se*. The contemporary problem, however, is not so much the nature of the arguments that Johnston and others expounded, as we can today more-or-less straightforwardly dismiss and discredit them as largely nonsensical or groundless. Yet a complication is – as we will see – the way in which those theories and philosophies were enacted both by these individuals and their colleagues via their capacities as colonial governors and administrators. The afterlives of those *practices*, it must be said, continue to linger in idiosyncratic form, though often in ways that elude an understanding of their full

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at least misconstrued as differences of *race* or racialized-tribe, rather than of culture, habit, moral values, or perhaps even personal or inter-personal inclination.

intellectual and administrative genealogies (see also Pels 1996, 1997; Mamdani 1996a, 2001, 2015; Moore 2005). Insofar as those categories, institutions, and the contestations that they inaugurated are still very much with us, we can perhaps speak of a certain version of the “long nineteenth century” that endures into the present, though perhaps in a way that infuses Eric Hobsbawm’s (1987: 6) term with Hannah Arendt’s (1951) argument in *The Origins of Totalitarianism* (see also Povinelli 2002, 2011; Coulthard 2014).

In the time and place in which they occurred, many of the texts, contexts, and events that I discuss in this dissertation were subject to often vociferous debate, analysis, and critique (e.g. Tilley 2011, 2014). This was so, firstly, in a geographically proximate sense: for instance, within a specific colony or state (e.g. Leys 1925, 1931, 1941; Wylie 1976, see also Owen 1999; Claeys 2010). But it was also the case in relation to vast and geographically diffuse imperial, administrative, and scientific networks that linked these places not only to ‘the metropole’, but also to various other parts of the British Empire and beyond (e.g. Grove 1996, 1997; Lester 2006; Tilley 2011). Those linkages were not simply ones of dispatch – in which one administrator in one colony volleyed texts or ideas or anything else at another – but asymmetrically voluminous circuits and flows of people, texts, commodities, ideas, capital, and virtually every other sort of material and discursive artefact that one can imagine (see also Comaroff and Comaroff 1991; Mbembe 2001; Ferguson 2006). As Mbembe (2016: 96) reminds us, “African modernity” is “a migrant form of modernity, born out of overlapping genealogies, at the intersections of multiple encounters with multiple elsewhere.” I would simply highlight that the “African modernity” to which Mbembe refers encompasses the full period of discourses and events with which I engage in this dissertation – moreover, I and many others would say it far exceeds them (see also Du Bois 1965; Mudimbe 1988, 1993).

Whilst late nineteenth-century ideologies of British colonialism were surely ‘racist’ in a conventional sense, it would be somewhat analytically impoverished to simply identify them as such. One might also quip that to read a tract of racially-directed invective, and then accuse its author of being racist, is approximately as profound or revealing as accusing Edward Said’s (1978) *Orientalism* of being ‘academic’. The broader discourse itself was also far from monolithic – the nature of these and similar texts would vary considerably in both form and



substance, and in ways that would sometimes elicit quite strident debates amongst their authors. The exact nature of that variation is somewhat blurred, however, given that the “categories” (Stoler 1989) within which we continue to sort both academic knowledge and genres of writing were in many ways still emerging, shifting, or ‘territorializing’ in the late nineteenth century. One result is that the “lists of authorities” cited by colonial administrators and officials in the first decades of the twentieth century in East Africa would often contain references to a text like Sir Charles Eliot’s (1905) *The East Africa Protectorate* – which is self-evidently a combination of largely undocumented or unreferenced memoir and speculative essay – just as readily and for the same ‘evidentiary’ reasons as Sir Harry Johnston’s (1902a) *The Uganda Protectorate*.<sup>15</sup> Despite similarities in title, the latter was presented as precisely the opposite of memoir and speculation, even though today we might say – to put it lightly – that much of it was nonetheless similarly unfounded.

Just as there are wide variations between many of these texts, there are also complexities of textual and narrative *form* or style in this regard. Whilst the writings of colonial administrators in early twentieth-century East Africa surely contain a great deal of racist, classist, patriarchal, and other malign theorizations, they also address much more mundane topics at great length as well. These range from recreation and ‘sport’ (Hindlip 1905), to bemused descriptions *ad nauseam* of African physical geographical landscapes and wildlife, to condescending “ladies’ tips” for new female settlers in Kenya or elsewhere (e.g. Cranworth 1912). Accordingly, their form is thus often ‘innocuous’ or pedestrian in ways that has arguably assisted them in eluding a much more sustained or widespread degree of critical attention.

In many cases, the titles, tables of contents, abstracts, and chapter descriptions of these works provide little or no indication of the more vicious argumentation or substance that they often contain. That is, beyond the simple fact that terms like ‘native’, ‘uncivilized’, and ‘primitive’ are seen as pejorative today (e.g. Mamdani 1996a: 7). In this sense, I would perhaps concede that there is little to be gained by *directly* comparing these texts to the more overtly or self-

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<sup>15</sup> See, for example, UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda, Vol. II-III.

evidently racist *genre* of tracts written by self-described fascists, white supremacists, and others in the United States or Nazi Germany, for example, or even the ideologues of Japanese fascism, imperialism, and settler colonialism on the Korean peninsula or elsewhere (e.g. Uchida 2014). Conversely, however, we might wish to explore the more nebulous, theoretical, or genealogical relations between the substance of these writings, even if their form and genre is not directly comparable *per se* (e.g. Arendt 1951; Agamben 1998; Gordon 1998; Mamdani 2001; Steinmetz 2007).

The question of the relation of these texts to a subsequent generation of similar philosophies, administrative theories, and practices within explicitly *apartheid* and apartheid-republican South Africa rather than the ‘British’ Union of South Africa is a likewise complex one. As Mamdani (1996a: 8) argues, “apartheid, usually considered unique to South Africa, is actually the generic form of the colonial state in Africa.” Whilst Mamdani’s intentionally provocative claim might surely be nuanced in various respects, it remains that histories of the institutions of South African apartheid are inextricable from those in other incarnations of British indirect rule in Sub-Saharan Africa. The writings of Jan Smuts (1930a), for instance – authored between his two terms as Prime Minister of the Union of South Africa in the pre-republican period – make clear that both some form of many of these institutions was in place or in development before the full emergence of apartheid as such. Moreover, his writings make clear that these institutions were still seen as *liberal* ones.

As Smuts writes in his *Africa and some world problems*, which was initially delivered as a series of lectures at Oxford University and a number of other institutions:

“Let those who watch our experiments from afar bear in mind that in Africa we are facing the most perplexing racial situation which has ever been faced in the world. We can no longer follow the path of repression which formerly would have commended itself wherever a superior culture came in contact with a lower, more primitive. We cannot mix the two races, for that means debasement of the higher race and culture. [...] A grand experiment in racial and cultural contacts is being tried and tested out, which is fraught with enormous issues for the future of our civilization. If black and white in Africa,

while faithful to themselves, can manage to evolve a plan according to which they can jointly develop the resources of this continent, a great service will be rendered for the future of the human race” (Smuts 1930a: 30).

In remarks such as the above, one can certainly identify an ideological and institutional precursor to the form of apartheid that would more fully emerge in South Africa after the elections of 1948 (e.g. Mamdani 1996a: 99, see also Posel 1991). This precursor is inextricable – in legal or regulatory form and in ‘intellectual’ histories of development, if not necessarily in commonalities of its empirical application – to various other technologies of segregation under indirect rule in other British African colonies.

Importantly, although those technologies of segregation sought to keep races ‘apart’, those races were not always understood in relation to the ideology of *colour*, and especially so outside the more settler-populous colonies of South Africa, Southern Rhodesia/Zimbabwe, and to some extent the Kenya Colony and Protectorate. Moreover, it bears mentioning that these institutions also retain a troubling history of relations with their much earlier precursors in the British Empire – most obviously perhaps the institution of the ‘native reserve’ – in what is now Canada, the United States, New Zealand, and Australia (Mamdani 2015, see also Povinelli 2002, 2011; Harris 2004, 2011).

Perhaps the most troubling point is that these texts may be difficult to interpret today – not because they are too ancient or shrouded in historical obscurity – but because they are too *recent* or close to our own historical moment to see them with full clarity even of the sort only offered by retrospect (see also Foucault 2005 [1970]; Mbembe 2017). If one reads still older texts by British administrators and officials – such as those written in the eighteenth century, prior to the nineteenth century abolition of slavery in the British Empire after 1833-8 – one indeed is often more able to say in no uncertain terms that their discourse is not our own, with its frank dehumanization of “Africans” and many other populations outright and *en masse*. Yet many of the concepts inaugurated by anthropology, colonial ‘public administration’ and racial science in the early twentieth century are still straightforwardly in use within vernacular discourses at least. This is particularly so because their administrative *application* has yielded forms of politics and contestation that linger to date (e.g. Mamdani 1996a, 2001, 2012;

Berman 1998; Spear 2003; Coulthard 2014).

### **A disinterested empire? Science, colonialism, and the ‘new imperialism’**

Over the first few decades of the twentieth century, the (re)production of science and European colonialism in Sub-Saharan Africa went firmly hand in hand (Tilley 2011). Especially following the Berlin Conference of 1884-5, the activities of the European powers in Africa and elsewhere were meant to be characterized by a “new imperialism”, or a supposedly enlightened – even straightforwardly ‘rationalist’ or ‘empiricist’ – approach to practices of colonization and the regulation of trade that envisioned a stronger and more interventionist role for the colonial state (see Hobson 1902). Nonetheless, the results of ‘scientific’ practices in this context were still thought to have been attained – in the eyes of many, in Britain at least – with a combination of sharp minds, tireless efforts, liberally provided resources, and widely respected methods. Yet many of these texts contained some of the most baseless and damaging forms of racial theory and anthropology of the period. Today, these books and articles sit inconspicuously on the shelves of libraries, and their authors posthumously ‘retain’ their awards issued by the Royal Geographical Society and other academic bodies, without, even, any sort of footnote or qualification.

To be clear: I do not advocate for the purging of libraries or the withdrawal of awards *per se* – simply, as with those demanding today that certain statues and other likenesses of one Cecil Rhodes must fall – we may require a new and more democratic sort of memorialization in this regard (e.g. Mbembe 2015). To say that ‘Rhodes must fall’, I should add, is not to say that he somehow must be stricken from the historical record. It is only to say that he must fall, and be replaced with a likeness of himself that represents a more democratic understanding of his history from both the vantage of the present, and also from that of his own time (see also Kros 2015). Perhaps the clearest example of such an approach are the murals that currently adorn the Parliament of Namibia and the Independence Memorial in Windhoek: German settlers and colonial administrators are certainly present there, albeit – shall we say – with a slightly different take on what they were up to than would have been provided by the German colonial state at the time (Kossler 2015).

In some ways like the historiography of Kafka's *Metamorphosis* itself, a reading of the immensely rich historiography of East Africa yields a dizzying range of both implicit and explicit analytical interpretations, and often of exactly the same events. These interpretations have been variously influenced by Marxism(s), feminism(s), postcolonial theory, and environmentalism(s); Darwinism and social Darwinism; Islamic, Hindu, Judeo-Christian, and various African theologies, cosmologies, and philosophies; and numerous forms of legal and political institutionalism. Further still, other interpretive influences appear to include Popperian rationalism; vague and often undefined notions of 'empiricism'; pan-Africanist traditions of anti-colonial radicalism; Freudian, Lacanian, and Fanonian psychoanalysis; nineteenth-century European political liberalism(s); poststructuralism; neoclassical and neoliberal economics, and so very many others. In itself, this diversity is surely not 'flawed', nor 'problematic', nor an indication that the historiographical sum of this discourse itself is somehow inherently 'unscientific', whatever that might actually mean. Very much on the contrary, this diversity is in some ways inherently *precious* in the sense that it inevitably constitutes an archive in its own right. This archive is one that will help future generations, of course, to learn about certain narratives or *versions* of the past. But more pressingly, in my view, it will also help those readers to learn about how and why we so frequently seem to have shouted so vehemently at each other about how those events should be 'properly' interpreted, or how our understanding of them should be acted upon in the present.

In some ways very unlike the historiography of Kafka's *Metamorphosis*, however, many of the above writings do not necessarily appear to understand themselves as offering an interpretation *of a text*. Rather, many of these contributions perceive themselves as offering an analysis of *events* – albeit, quite often, of events reconstructed on the basis of the careful examination of a wide range of relevant historical records. But what is the nature of those records, exactly, and how should we treat them? Do they grant us a kind of perfectly clear window into the empirical events that they describe? Are they the historical equivalent of CCTV footage, satellite imagery, or American military drone photography – intended for imperious uses, surely – but otherwise offering a straightforward 'view' of events? Many have expressed certain reservations in this regard – it is perhaps worthwhile to touch upon a small part of their *oeuvre*, here, though

hopefully in a straightforward and palatable way (e.g. Spivak 1985, 1988, 1999; Chakrabarty 2000, 2011, see also Wainwright 2008).

Even if it was unknown to some authors of the above East African historiographical contributions at the time – and even if they disavowed the very *possibility* itself, as so many colonial administrator-scholars did – those texts are also characterized, even if inadvertently so, by their impression of shifting dynamics. These include the progression of oral and other genres of East African political, moral, economic, and ethical thought and philosophies; inter-community, intra-community, and interpersonal disputes; shifting practices of ‘public administration’ or community governance, and very many other processes (e.g. Kopytoff 1989; Comaroff and Comaroff 1991; Lonsdale 1992c, 1992d). Lord Frederick Lugard (1922: 70), for instance, once wrote – in his *The Dual Mandate in British Tropical Africa* – that “the African native” was allegedly characterized, as a category and as an essentialized collective subject, by “an inability to visualize the future”. Virulence of its racism aside, we now know that there is a deep irony indeed to his comment, though inevitably a dark one. Even today, I am not sure that we have appreciated its irony in the fullness that we should or could.

In the first instance, the irony is – amongst so many other things – this: the alleged ‘races’, ‘tribes’, ‘sub-tribes’, ‘traditions’, ‘kingdoms’, ‘customs’, ‘relations’, and so many other ‘things’ that Lugard and others perceived themselves to be ‘documenting’ via rationalist ‘science’ were either totally nonexistent, or very rapidly changing in ways that they had little or no appreciation of (see also Ranger 1983, 1993; Berman 1998; Spear 2003). In some sense, it was *impossible* for them to have an appreciation of the latter: many of these ‘scientists’ simply appear to have conceived of the communities with which they engaged as being too racially or civilizationally inferior *to change*. Differently put, all of these ‘objects’ of colonial knowledge were shifting and moving because of the philosophical, political, cultural, and other debates that diverse African communities were having, precisely, *about the future*. These debates appear to have been changing in unprecedented ways – but then again, conquests, warfare, and invasions do indeed tend to provoke rapid intellectual, political, and other changes and responses. The point is that the racism that Johnston, Lugard, and others practiced did not only influence their *actions* and subsequent relations with diverse African communities, but inevitably also their *epistemologies*

or methodologies. This fatally compromised – I would argue – not only most of the ‘science’ they were producing about ‘race’ or ‘anthropology’ – but likely much of that on many other topics as well, and in ways that we have quite possibly yet to fully untangle.

In this sense, in some ways it is perfectly appropriate to have begun with a discussion of the works of Franz Kafka. Though this dissertation is ‘about’ texts, contexts, and events in what is now Uganda and Kenya, it is also about the forms of *European* bureaucracy and hierarchy that Kafka so intensely railed against (Deleuze and Guattari 1986). It is about the *production* of categories within those bureaucracies – including, I might add, the categories of the ‘Uganda Protectorate’ and the ‘East Africa Protectorate’ or Kenya Colony, which went through a variety of territorial permutations before crystalizing in the borders that we are familiar with today. Moreover, it is about the apparently malign effects of the practices that the production of those categories and hierarchies inspired. Emphatically, nowhere has the imposition of category of any sort obliterated possibilities for human agency, resistance, creative repurposing, negotiation, and a vast range of other responses. Yet such categories – as well as the typologies and hierarchies in which they were often embedded – continue to shape the present in ways that influence those forms of agency, and in ways that do not always present themselves as obvious to us, or that suggests the full depth of their genealogies and pedigrees (Stoler 1989).

Of course, one might demur that, when an entire field or discourse is discredited, there is perhaps little to be gained by criticizing individual or even the sum of regional contributions to it. Yet the ‘findings’ and views within texts such as Johnston’s (1902a) were also *enacted* quite readily or immediately within colonial states in East Africa at the time, and often by the very same ‘disinterested scientists’ that authored the works in question. In Sub-Saharan Africa, the practices of governance and state administration that these forms of ‘science’ inspired have produced a wide range of baseless ‘racial’ and other “biopolitical” categories (à la Foucault 2003: 254-255). Though the uptake of these categories or discourses would be somewhat more tacit in Britain’s African colonies – relative, for example, to German South-West Africa – they nonetheless yielded forms of state administration on the basis of produced innate or “innatist” categories of ‘race’, ‘tribe’, and ‘sub-tribe’ that were – though more controversially today with regard to the notion of ‘tribe’ in some instances – utterly baseless. Yet the troubling thing is this: whilst the

colonial ideology of race was certainly an ‘ideology’, it was one largely *produced* via ‘scientific’ practice, rather than one inherently vulnerable to that practice (see also Mamdani 2001).

How, exactly, should we grapple with such a predicament today, and with what methods? Indeed, the question of how we should interpret the epistemological status or ‘facticity’ of the narratives, supposed ‘data’, and conclusions of these texts is a fraught one. The puzzle is effectively this: though Johnston’s and other accounts of alleged racial typologies or ‘proper’ forms of racial administration would fill hundreds of pages with individual tirade, their contents are – as Achille Mbembe (2017: 51-57) so eloquently discusses in his *Critique of Black Reason* – largely sheer “fantasy” or “delirium”. This also raises a certain puzzling issue of how we should regard the *other* texts written by administrator-scholars like Sir Harry Johnston (1902a, 1904), Sir Charles Eliot (1905), Lord Frederick Lugard (1893, 1922) and their colleagues in Britain’s Foreign or Colonial Services during this period.

If, on one hand, we must dismiss the racial theorizations of a book like Sir Harry Johnston’s (1902a) *The Uganda Protectorate* on the basis that they are manic, delusional, and groundless, in what way should we treat the more mundane bureaucratic communiqués similarly drafted by him, perhaps even on the same days between 1899-1901 when he was writing the former? The question is not merely a philosophical one: perhaps the current gold-standard for historical literature in East Africa, D.A. Low’s (2009) excellent *Fabrication of Empire: the British and the Uganda Kingdoms, 1890-1902*, makes extensive use of precisely these communiqués of Johnston’s from precisely these years whilst he was writing this thousand-page tract. Moreover, although Low’s (2009: 348) bibliography includes *The Uganda Protectorate*, nowhere does he appear to discuss its contents or substance. In short: where, exactly, can we draw the borders around the fantasies and reveries that apparently so consumed men like Johnston, or can we do so at all? Unfortunately, Johnston would not live to seek the therapeutic advice of one Dr. F. Fanon, so we may never know precisely what the latter’s professional opinion might have been in this regard. Both below and in the chapter that follows, I turn to a set of methodological and analytical reflections on how such an endeavor might be pursued.



## Of method and massacre

“‘[A]nything goes’ is not a ‘principle’ I hold – I do not think that ‘principles’ can be used and fruitfully discussed outside the concrete research situation they are supposed to affect – but the terrified exclamation of a rationalist who takes a closer look at history.”  
– Paul Feyerabend, *Against Method: Outline of an Anarchist Theory of Knowledge* (1993: vii).

In many of the chapters that follow, I discuss what effectively amount to profound failures, manipulations, and distortions of early twentieth-century scientific practices and method in East Africa, and the malign effects of how their results were incorporated into the bureaucracies of (colonial) states (see also Campbell 2007; Levine 2010). These failures are disturbing – not because they eluded or were shielded from a kind of Popperian falsification at the time – but because they largely *sustained* numerous versions of one, prompting revisions and reformulations that were still unable to transcend the false colonial ideology of race (see also Tilley 2011, 2014; Mbembe 2017). Although they were disputed and debated in more pedestrian ways at the time, the full depth of these failures and manipulations has become clear to us only gradually and in retrospect. Moreover, even today I would argue that we have much work to do in order to tease out the full implications of these within particular historical and geographical contexts.

There are many studies that, for good reason, should reinforce our faith in conventional forms of science. Others should make us pause, at least for a moment, to consider the notion of humility in relation to scientific method itself and the consequences of its bureaucratization, rather than simply the nature of its application or procedure. In short, this study is one of the former. I am not an epistemological relativist, nor even a strong social constructivist with respect to issues of scientific knowledge *per se*. If I contract malaria, I quite readily go to a medical doctor, ingest the pharmaceuticals prescribed, and then appreciate the fact that they exist. In the first instance, I simply note – historically and empirically – that science appears to have advanced like a moronic colossus: some haphazard steps have yielded providence, others have yielded massacres (see, *inter alia*, Arendt 1951; Foucault 1984; Agamben 1998).

Over time, I have come to agree with Feyerabend (1993) at least partially, in his *Against Method*, that it is only the most impoverished conception of science that would conceive of it as an epistemological shouting match or war, and perhaps especially when conceived as a war that can be *won* in some sense. Poorer still when conceived as a chauvinistic battle to the death of sorts between ‘true science’ and ‘non-science’ – a crusade of the “science warriors” to annihilate the barbarians and fools (e.g. Latour 1999: 199). Yet, regardless of debates about epistemology and method – or verification and falsification – it remains that the *results* of science are always experienced unevenly (see also Arendt 1951; Haraway 1989, 1991, 2007). ‘Validity’ of the result aside, one person’s scientific career might advance, another person’s village might burn.

To some, this might seem like an untowardly gothic interpretation of colonial science and history. But it is not an interpretation of colonial science and history: *it is an argument that is developed throughout the dissertation, one about science and our colonial present*. Villages – or at least collections of huts and settlements – in contemporary Uganda and Kenya continue to burn. Quite often, this has much to do with the dynamics of what many have called “accumulation by dispossession” (Harvey 2003) and its articulation with various other – increasingly ‘green’ and ‘bioeconomic’ – imperatives (e.g. Haraway 2007; Prudham 2007; Fairhead et al. 2012; Wolford et al. 2013; Cavanagh and Benjaminsen 2014). Yet it also has much to do with the contemporary practice of science, and more especially with its bureaucratization. Mischievously, I remind us that – yesterday – Sir Harry Johnston and others counted the chins of apes and Dwarves, and inferred that they had discovered a race to be ‘civilized’ more forcefully than others. Today, I wonder how different it is that we count numbers of trees, quantities of carbon, or diversities of flora and fauna, and conclude that we have discovered a certain version of *nature* – one that historically racialized and marginalized humans must once again be burned out of. Doubtlessly, it will be irately shouted that those scientists have only the highest of motives; that they have published in the most esteemed journals; that they have been rewarded with the highest of honours. Yet if you read Sir Harry Johnston literally, *so did he*. He certainly also published in the right places, won the right awards, and posthumously continues to hold those awards.

The chins of Dwarves and quantities of carbon have been counted rigorously, tirelessly, and perhaps even accurately in some cases, though much to the chagrin of the Dwarves in particular. Yet the chins of the former did not indicate a ‘race’, and the quantities of the latter do not indicate ‘nature’ in the ideologically dualist sense that is still so prevalent today. Emphatically, *neither* justify the violence and dispossession that has been and continues to be deployed. This is not to discount at all, of course, the severity of our contemporary *ecological* predicament, or the apparently contemporary “dual mandate” (Lugard 1922) of fostering the conditions for the proliferation of both human and the nonhuman life. It is only to point out that, more than ever, we perhaps desperately need a conception of “ecology *without* Nature” (Morton 2007), and one that cannot abide the arbitrary razing of homes. “If I have recalled a few details of these hideous butcheries,” once wrote Aimé Césaire (1972 [1955]: 41) in his *Discourse on Colonialism*, “it is by no means because I take a morbid delight in them.” Quite simply, neither do I. But still today, it remains that the endeavor is intensely necessary. This is because – with Césaire (*ibid*) again – “I think that these heads of men, these collections of ears, these burned houses, these Gothic invasions, this steaming blood, these cities that evaporate at the edge of the sword, are not to be so easily disposed of.” This dissertation is about why some of those ears have been collected, why some of those houses have been burned, why they continue to be burned, and what we can learn from the courage of their inhabitants, which continue to rebuild them almost immediately.

### **Tragedy, folly, and positionality**

Throughout the course of writing this text, I have struggled enormously to find the appropriate style, voice, and tone. On one hand, many of the texts and events discussed in what follows are difficult to understand as anything other than ‘tragedy’ in the classical or literary sense of the word. That is to attempt, in one sentence, to say what can never be reduced to either one sentence or thousands: Despite valiant, ceaseless, and enduringly hopeful struggles of opposition, negotiation, reformulation, and contestation – as well as, of course, everyday moments of joy, resentment, narcissistic bemusement, irritation, frustration, laughter, desire, mundane contentment, and the rest of the full range of human experience – the inheritances and affordances of certain resented forms of oppression, dispossession, and exploitation appear to linger. In short, whilst the documentation of the latter fact risks obscuring the former resistance

and range of human experience, a celebration of that range of experience or that resistance alone risks trivializing what the latter rails against.

Karl Marx is often misattributed the quip: “history repeats itself, first as tragedy, then as farce.” Yet as certain students of this genre remind us anyway, no two tragedies are exactly alike (Nietzsche 1900). Surely, to the contemporary descendants of those dispossessed through a certain series of events and processes put in motion a century or more ago, there is nothing farcical about the ongoing reproduction of an idiosyncratic version of that dispossession in the present. Academic debates about the historiography of any given historical-geographical conjuncture are, in this sense, always simultaneously debates about the contemporary predicament of many, if not us all by implication.

Marx (1937: 5) indeed wrote the words, in his *Eighteenth Brumaire*, “the first time as tragedy, the second time as farce”. Yet it seems he was simply criticizing Hegel for omitting a section of a quotation that is otherwise largely irrelevant for his argument, rather than offering a platitude about the tendencies of history or anything else to repeat themselves.<sup>16</sup> The fact that this quotation has been misattributed to Marx as a kind of intentional platitude or aphorism thousands of times, however, *is* a farce. Over the pages that follow, I discuss similar empirical instances of – to put it lightly – profound and often self-serving interpretive and inferential blunder in relation to forms of ‘racial science’ in East Africa. Inevitably, the nature of the latter has in many ways complicated how I have sought to tell the story.

Gradually, I have come to a fuller appreciation of the ways in which the above forms of tragedy are intertwined with – not a comedy or tragi-comedy in the classical sense – but a folly or kind of *folie*. It would be inappropriate, I think, if I were to *satirize* as such within the narrative of this dissertation, again because so many of us that continue to inhabit the historical geographies it addresses might not feel able to laugh along with the same ease or lightness. But nonetheless, there is a story of folly to be told: here, however, in the conventional sense of “a costly and foolish undertaking” rather than the nineteenth century genre of theatre. I also note that the

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<sup>16</sup> See editorial marginalia in English-language Progress Publishers version of 1937 (Marx 1937: 10).

English word ‘folly’ is etymologically related to the French word *folie*, or madness (Foucault 1965). In many respects, the French word better conveys the sense in which I use the English one, even though the forms of madness I discuss have been and continue to be costly and foolish in such an inestimably wide diversity of ways (Fanon 1963; Mbembe 2017).

It might also be remarked, today, that a dissertation about – amongst many other things – issues of racialization and colonialism in East Africa should not be written by a “white man” that holds a Canadian passport. Perhaps it will be said that, when undertaken by a white person or man in East Africa, this endeavor reproduces colonial relations of knowledge production, and that it is only made possible by enduring forms of white privilege and western academic privilege. Colonial relations of knowledge production surely endure in variegated and evolving ways within what Derek Gregory (2004) calls our “colonial present”, as do similarly variegated and evolving forms of white privilege and western academic privilege. It would be utterly ridiculous of me to argue that I do not continue to benefit from both of those things in some shape or form, albeit resentfully and in a way that I would like to epistemologically weaponize precisely *against* the latter forms of privilege.

Conversely, I also note that the above counterpoint would seem to leave me in a somewhat untenable position as a ‘writer’. If I should not write ‘about’ racialization or other issues in in East Africa because I am “white”, presumably – if I should write about such things at all – I should write about them at ‘home’ in Canada. Yet, unless I have seriously misunderstood certain aspects of the history of that country, white people in what is now Canada did not spring from the ground like “sons of the soil”. As so many historians and geographers of colonial state formation and its afterlives in Canada remind us, very much on the contrary indeed (e.g. Braun 2002; Harris 2004, 2011; Coulthard 2014).

Sometimes I wonder if – much needed, of course – discussions and debates about epistemology and positionality relative to the inheritances of past racializations and productions of *races of colour* perhaps overshadow the traces of history that we otherwise inhabit in common (see also Gilroy 2000). When I interact with my friends, colleagues, and interlocutors in Kenya, I surely do so as a person who – genealogically and contemporarily – has been ‘produced’ as embodying

a certain version of “whiteness”, and in ways that intersect with related ideologies of patriarchy (e.g. hooks 1989, 2013; see also Haraway 1989; Nuttall 2001). Likewise, too, have my interlocutors been historically produced as embodying a certain and often highly variable iteration of “blackness” (Mbembe 2017), or “whiteness” (see also Shadle 2015). Still others have grappled with a variety of more apparently indeterminate notions of racialized colour that British officials and census demographers were themselves still debating and uncertain about how to “produce” or categorize at the time of Kenya’s independence in 1963 (see Republic of Kenya 1966). Within each of those categories as well, all of us continue to debate and struggle with various other productions of labels and categories intended to sort ‘who is who’ – *inter alia*, those of nationality, ‘tribe’, sub-tribe, ethnicity, culture, and so forth.

Genealogies of the historically differential productions of race and identity are indubitably necessary to engage and unflinchingly account for. Yet it remains that, simultaneously, in many of these interactions we inhabit moments very much characterized by our collective subjection within in a *shared* genealogy, most obviously perhaps an enduringly imperial one – whether in Canada or in Kenya, South Africa or elsewhere. Often, certain friends and interlocutors in Kenya tell me about how life used to be in the native reserve – and how it still is, in what used to be a native reserve. I then cannot help but recall the stories of friends and other acquaintances in my childhood that also resided in a version of such natives reserves, and my own experiences in them: reserves that very much still exist today. At that time, too, many friends and acquaintances wiser than I tried so hard and so kindly to help me understand what those reserves were, what it was like to live in them, and what it meant to do so. Those friends also tried to help me understand why or in what sense it was true that I was a settler (e.g. Veracini 2011, 2015). It has taken me a long time to begin to appreciate what they meant in the fullness that they were so graciously trying to help me achieve. Even today, when I read Fanon’s (1963: 37-38) words, “[t]he colonial world is a world divided into compartments. [...] The colonial world is a world cut in two,” they remind me much more squarely of where I grew up in Canada than of any fieldwork I have done in Sub-Saharan Africa *per se*.

Imperial genealogies have subjected many of us – though certainly, again in differentially experienced ways – across vast histories and geographies. Today, there are doubtlessly those

who would argue that, even in such moments alluded to above, our individual histories are marked by such radical alterity that we cannot truly say that we inhabit them together (e.g. Wolfe 2013). Yet I am inclined to hope and to insist on the possibility that we can. The danger, it seems to me, is that what was once *institutionally* an apartheid of race and tribe – in some sense generically so across much of the British Empire, in variegated ways, not just South Africa (e.g. Mamdani 1996a, 2012, 2015) – will inadvertently transmute into an apartheid of differential histories of grievance, suffering, and claims for redress. The latter types of fragmentation were, in fact, precisely what forms of indirect rule and apartheid were in some ways *designed* to achieve. We have not suffered or struggled in the same ways, for the same reasons, or across the same histories and geographies. Yet I remain committed to the hope – with thinkers like Mbembe (2017) – that we can, at least, inhabit those moments together, and use them if we choose to prefigure a different sort of future.

As Fanon reminds us, however, to recognize those possibilities for both being in and remaking the common does not mean we must reproduce a version of past or present imperial liberalisms (Coulthard 2014). “Let us waste no time in sterile litanies and nauseating mimicry,” he writes in the conclusion to *The Wretched of the Earth*, and in the gendered idiom of his time:

“[I]eave this Europe where they are never done talking of Man, yet murder men everywhere they find them, at the corner of every one of their own streets, in all the corners of the globe. [...] let us combine our muscles and our brains in a new direction. Let us try to create the whole man, whom Europe has been incapable of bringing to triumphant birth” (Fanon 1963: 313).

Fanon wrote those words in a specific conjuncture, and with a specific audience or readership in mind. Almost certainly, he did not anticipate the appropriation of these remarks by Canadian PhD Candidates at Norwegian universities dissertating on issues of colonialism in East Africa. Nonetheless, we can still read Fanon today in ways that remind us – no more, and no less – of what remains as our common imperative: to decolonize our geographies and political ecologies, surely, but also to build more perfectly shared and inhabited conceptions of the human. In that regard, however, and to turn Cecil Rhodes’ own words against him – as so many are doing

presently at universities in South Africa, the UK, and so many elsewhere (Mbembe 2015) – “so little done, so much to do!”<sup>17</sup>

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<sup>17</sup> As in Galbraith (1974), *Crown and charter: the early years of the British South Africa Company*.



### 3. Historiography, geography, political ecology

“It is perhaps characteristic of the African to regard the head as primarily an organ for bearing burdens, and not for exercising the nobler functions with which Europeans associate it.”

– Sir Charles Eliot, Commissioner of the East Africa Protectorate (1900-1904), *The East Africa Protectorate* (1905: 112).

#### **Introduction: *Story of My Life***

The analysis of historical and contemporary texts and statements like Eliot’s above is, of course, methodologically, ethically, and hermeneutically fraught. It is certainly true that prevailing norms and values concerning acceptable discourses and ideologies of rule – or virtually anything else, for that matter – have shifted dramatically over the course of the last century, as the course of a century is often wont to do. This is such that both Eliot’s denigrating comment above and Lord Frederick Lugard’s (1922: 70) assertion that “the African native” is allegedly distinguished by an invariable and consistent “inability to visualise the future” will almost certainly cause most readers to justifiably recoil in discomfort, offense, or disgust. That is a sense of disgust I certainly share.

Yet for conservative others, the dictates of a certain brand of received wisdom might suggest that there is little to be gained by retrospectively vilifying men like Johnston, Eliot, and Lugard for their racism, when such views were perhaps in some ways typical of their own historical discourse or “epistemological field” (e.g. Foucault 2005 [1970]: xxiii). Others might argue that we should not reproduce such statements *at all*, and that we should rather repress them within the graveyard of the historical record where they rightfully belong. Upon deep reflection and discussion with many friends, colleagues, and communities more broadly in East Africa, I have elected to present and analyze such statements despite these dangers, as the alternative is arguably even *more* dangerous. That is to say, if we simply repress our awareness of such statements, and thereby also repress them from our *consciousness*, we risk failing to recognize

the ways in which invective like Eliot's above in fact influenced his *practices*, and therefore also the *institutions* that he crafted, some of which continue to impinge upon our own present, though sometimes in tacit or elusive ways (see, especially, Mamdani 2001; Stoler 2016; Mbembe 2017).

Hence, I would argue that we should not in any way restrain ourselves from critically analyzing the effects of the racism practiced by these men – and it is, in fact, almost entirely men that produced these writings whilst in an official capacity during this period in East Africa – on the forms of colonial state apparatuses they administered and vice versa. However, we must consider as well that – when Sir Harry Johnston published his autobiography in 1923 – he chose to entitle it, apparently without irony or insinuation, *Story of My Life*. He was not being elusive, either. The book's first sentence is this: "I was born in the early Saturday morning of June 12, 1858, the eldest child of my mother, Esther Laetitia (Hamilton), and the third son of my father, John Brookes Johnston; at 4 Newington Terrace, Kennington Park, South London" (Johnston 1923: 1).

Neither was this a quaint beginning that would soon move on to more reflective or speculative concerns *per se*. The book is 474 pages in length, offers no table of contents, and is punctuated by chapter breaks of wildly varying length in what is otherwise largely a continuous narrative of events in *Story of My Life*. Its last sentence is this: "Of all the counties of England, Sussex must be saved from the hands of the speculative builder, the low-down racing man, the Gypsy, the motor-manufacturer, the flower-picker, paper-strewer, and the user of naked corrugated iron. THE END" (Johnston 1923a: 474). It appears a wide and seemingly arbitrary range indeed of persons had aroused Johnston's ire whilst in retirement, such that he desired to end his own autobiography by warning us against their influence.

The challenge, effectively, is to tease out to what degree Johnston's (or any other author's) dispensations such as this, terminologies, and inclinations were conditioned by the time in which he lived, and to what degree he was *motivated* to more zealously or virulently pursue certain views on his own accord. To be clear – my own assessment is that his writings and those of many of his 'colleagues' in the Foreign and Colonial Services evince a considerable degree indeed of the latter. This is especially insofar, as we saw in Chapter 2, that Johnston and others

were in the business of *creating* terminologies and categories rather than simply *using* ones within their own discourse. Yet this chapter argues that we have an interpretive responsibility ourselves, as well – what I will refer to as an *historiographical reflexivity* – to in no way perceive ourselves as ‘above’ Johnston in any sense, but to engage him in ways that are relentlessly principled and critical, and simply unwilling to accept or repeat a *version* of his follies within the idiom of our own time.

### **Rhodes must fall**

But why, today, should we examine or re-examine these texts and this archive? Or, to engage another order of skepticism altogether, why should we concern ourselves with the contexts that they are bound up in at all? Firstly, I would suggest that such an undertaking is more relevant today than perhaps at any time in at least the past few decades. Indeed, vociferous debates about the politics of such memorialization and ‘remembrance’ are currently very much underway in this regard, most obviously perhaps in relation to Cecil Rhodes and the ongoing ‘Rhodes Must Fall’ movement in South Africa and the UK (e.g. Mbembe 2015). Though it began out of certain protests against a statue of Rhodes at the University of Cape Town in 2015, it has since blossomed and evolved into diverse referenda of sorts about how – not only South Africa and South African universities – should relate to legacies of British colonialism and apartheid, but also those throughout the UK, Britain’s former African colonies, and perhaps (I would hope) elsewhere (see also Kros 2015).

Certainly, I do not intend to describe the aspirations of those movements in South Africa from afar. I simply note that, quite often, the debate appears to have been engrossed in discussions about ‘what Rhodes did’ or ‘what actually happened’ during his tenure with the British South Africa Company (BSAC), and the implications for colonial state formation thereafter.

Conservative rejoinders then insist on the fallacy that such events are merely being *interpreted* through the distortionary lens of contemporary radical politics: that history is simply ‘real’, and that ‘politics’ is a plague upon the correct understanding of it (e.g. Lemon 2016; Lowry 2016). For instance, the former Australian Prime Minister and Rhodes Scholar Tony Abbott offers this bumbling platitude in an email to *The Independent*:

“The [Oxford] university should remember that its mission is not to reflect fashion but to seek truth and that means striving to understand before rushing to judge [...] Racism is a dreadful evil but we all know that now. It’s hardly virtuous to be against racism today. Real virtue would have been to oppose racism when it was difficult to do so [...] The university and its students should prefer improving today’s orthodoxies to imposing them on our forebears” (in Jabour 2015).

This is a remarkable statement. Firstly, it would appear that Abbot flirts with the suggestion that ‘racism’ is *itself* ‘historical’ in the sense of pertaining to a regrettable but nonetheless ‘past’ chapter of history. As so many scholars remind us, racism is not ‘dead’ so much as it is chameleonic or metamorphic, and therefore very much still difficult to oppose in its contemporary forms (e.g. Gilroy 2000; Mbembe 2017, see also Stoler 2016). Secondly, it would seem Abbott does not appreciate that Rhodes’ presumption of civilizational and racial superiority allowed him to accumulate vast quantities of land and wealth – assets that likely continue to compound interest and returns in one way or another thanks to the re-investments and management of their trustees, and in ways that are purely contemporary (see also Mbembe 2015; Stoler 2016). Thirdly, there is perhaps a distinction to be drawn between critical *judgment* and critical analysis or even *autopsy* – a kind of empirical documentation of how the racism of men like Rhodes inspired *practices*, institutions, bureaucracies, and other ‘fossils’ that nonetheless continue to reproduce the dispossession and impoverishment of many, even if many of their ideas are now ‘dead’ or totally discredited.

The contexts leading to the accumulation of such wealth are surely important to document and critically analyze. Yet I am occasionally surprised by an apparently relative lack of interest in what Rhodes and other colonial administrators *wrote*, given that it might provide insight into his motivations and intentions, and given that many of the things these individuals wrote have proven to be somewhat regrettably profound *events* in their own right. This is particularly so when they were ‘writing’ legal texts, orders, and other institutions that would impose and enforce a version of their views. From an activist perspective, this is completely understandable – it is natural to assume that the writings of individuals in the Foreign or Consular Service, Colonial Service, or trading companies like the BSAC would be euphemistic, fanciful, or self-serving, if

not offering fabrications of historical narrative outright. However, such a presumption can sometimes yield odd results in relation to prevailing forms of “critical theory” in relation to what has in fact been written by men like Rhodes. For instance, in his famous essay on “Ideology and Ideological State Apparatuses”, Louis Althusser (1971: 155) describes the relation between science, education, and ideology thusly:

“It takes children from every class at infant-school age, and then for years, the years in which the child is most ‘vulnerable’, squeezed between the Family State Apparatus and the Educational State Apparatus, it drums into them, whether it uses new or old methods, a certain amount of ‘know-how’ wrapped in the ruling ideology (French, arithmetic, natural history, the sciences, literature) or simply the ruling ideology in its pure state (ethics, civic instruction, philosophy).”

From this description, it would seem that ideology is almost like oxygen unwittingly absorbed by young lungs, inhaled merely by virtue of presence within certain institutions, and via an oxygen pump of the disembodied state apparatus itself. In some ways, however, this definition sits somewhat awkwardly alongside such a ‘bourgeois’ text as Cecil Rhodes’ *Last Will and Testament*. In the latter, Rhodes in fact provides considerable justification for why he has donated such a huge amount of – some would say, myself amongst them, stolen, plundered, or primitively accumulated (e.g. Mbembe 2015) – treasures to establish what are still today known as the Rhodes Scholarships at Oxford University. As his testament records:

“Whereas I consider that the education of young Colonists at one of the Universities in the United Kingdom is of great advantage to them for giving breadth to their views for their instruction in life and manners and for *instilling into their minds the advantage to the Colonies as well as to the United Kingdom of the retention of the unity of the Empire* [...] I direct my Trustees to establish certain Scholarships and these Scholarships I sometimes hereinafter implicitly believe will result from the union of the English-speaking peoples” (Rhodes 1902: 23-27, emphasis added).

Firstly, I simply note that Rhodes' intended outcome appears to have been achieved quite well in Tony Abbott's case. Secondly, however, it would almost seem that what Althusser perceives to be a deeply theoretical critique of ideology is – on one hand – largely correct in its *description*, but somewhat complicated by the fact that, simply, he is describing what men like Rhodes consciously thought to be obvious and explicitly *intended*. Though it is phrased somewhat euphemistically above, there is no ambiguity in the extent to which Rhodes sees Oxford as a kind of training ground of sorts for budding 'Colonists', an experience at which will ostensibly result in both their reproduction as such and their enduring service to the British Empire.

Accordingly, the writings of Rhodes and others also present us with an interesting "question of the audience". Who, exactly, were men like Cecil Rhodes, Frederick Lugard, and Harry Johnston writing for when they produced – especially in the latter case – such a vast number of lengthy tracts? Rhodes does not seem to have been a prolific writer in the same regard as many others, although his *Last Will and Testament* quite often becomes a flashpoint of debate in South Africa, Zimbabwe, and sometimes also Zambia in ways that other writings from this period do not. Frequently, it would seem that these men had *each other* in mind as 'the audience', as suggested by cross-citations evident within and between their various works. The rhetorically 'dampening' effects of both the form and the substance of the text in this genre of writing may in this sense be much less than one might otherwise expect. This is especially so when we consider the degree to which their racism – quite literally – led them to presume the targets of their invective would not be able *to understand* or even *read* at all what they were writing: neither at the time of publication, nor, quite possibly, any point in the future either. Recall, for instance, Eliot's comment about 'the African head' – it would seem that he was not particularly worried at the prospect of facing a withering review in the *Journal of the Royal Anthropological Institute* or anywhere else.

To examine such writings does not mean at all that we must somehow 'privilege' the voices of these authors, or that we inadvertently lend them a degree of legitimacy that we do not intend. Aime Césaire (1972 [1955]) himself understood all too well how such a technique of reading and analysis might be pursued. For instance, toward the beginning of his *Discourse on Colonialism*, Césaire engages in a, surely, polemical analysis of European forms of colonialism in Africa

relative to the rise of fascism and Nazism in Europe. He puts forward, especially, a discussion of the views of Adolf Hitler himself, and then presents the following quote:

“We aspire not to equality but to domination. The country of a foreign race must become once again a country of serfs, of agricultural laborers, or industrial workers. It is not a question of eliminating the inequalities among men but of widening them and making them into a law” (in Césaire 1972: 37).

Yet the quote is not Hitler’s, but apparently from *La réforme intellectuelle et morale* by Ernest Renan, the French historian and philosopher. Making an argument that overlaps considerably with Hannah Arendt’s (1951) in *The Origins of Totalitarianism*, Césaire’s point is that – though the text he quotes is not, in fact, a work of Nazism – he is compelled to argue that they are nonetheless genealogically related. “Through the mouths of the Sarrauts and the Bardes, the Mullers and the Renans,” he writes (*ibid*), “through the mouths of all those who considered – and consider – it lawful to apply to non-European peoples ‘a kind of expropriation for public purposes’ for the benefit of nations that were stronger and better equipped, it was already Hitler speaking!” For Césaire, Hitler may have invented the doctrine of Nazism, but Renan and others were a kind of genealogical ventriloquist.

Césaire’s polemical analogy was perhaps useful in the context of the radically anti-colonial movements of his own time. Even in ours, however, we can draw certain lessons. Firstly, I read Césaire – perhaps even more so than Fanon – as articulating quite clearly the often *euphemizing* and to some degree the *mythologizing* effects of the passage of time. As he so eloquently observes, such a euphemizing effect makes us forget that the condescension of paternalistic ‘concern’ or ‘civilizing influence’ is only made possible by a kind of *decivilization* or assertion of civilization’s absence that precedes it. Lugard (1922: 70-72), for instance, in his influential argument *against* the excesses of previous forms of British colonial rule in *The Dual Mandate in British Tropical Africa*, would express his ‘paternalism’ toward “the African” thusly:

“The virtues and the defects of this race-type are those of attractive children, whose confidence when once it has been won is given ungrudgingly as to an older and wiser superior, without question and without envy. [...] They have a fascination of their own, for we are dealing with the child races of the world.”

Even today, some might be inclined to argue that, in fact, these remarks are simply an expression of Lugard's liberal paternalism, though perhaps regrettably articulated in the racist idiom of his time. *For Lugard*, that may have been the case to some degree – Césaire (1972) reminds us, however, that such comments were directed at and received by people and communities who *absolutely* viewed themselves to be civilized and adult in the fullest sense of both words. We should dispense with the myth from the outset that – even if such remarks were not perceived by Lugard to be denigrating with a greater or lesser degree of severity – that they would not be received as such. In what follows, I elaborate on the concepts of historiography and historiographical reflexivity, as these concepts may assist us in gaining a fuller understanding of both Lugard's discourse, as well as our own contemporary relation to it.

### **Toward historiographical reflexivity**

One virtue of an historiographical approach is that it perhaps yields a certain understanding of the inevitable *variation* in such views, and the debates that arise therefrom – in the past just as surely as in the present. Though the parameters or horizons of those debates are in some ways historically contingent, they do not determine individual sentiment and intent. Quite simply: the racism of men like Eliot and Lugard – as well as the imperious uses to which they bent such views – were disputed in their own time, just as the lingering effects and mutations of those views continue to be debated in our own (e.g. Leys 1925, 1931, 1941, see also Wylie 1976). We might usefully recall, for instance, that the mid-to-late nineteenth century was also a time of emergent radical thought, typified by the works of those like Karl Marx, Joseph Proudhon, Friedrich Nietzsche, and Élisée Reclus. Lugard's (1922) *The Dual Mandate* had been published more than half a century *after* the first volume of Marx's (1995 [1867]: 501) *Capital*, in which he conceives of the history of "primitive accumulation" – imperial and otherwise – as being "written in the annals of mankind in letters of blood and fire".

By 'historiography', I have in mind a conceptual and methodological approach that views the concept of 'a history' or historical text as being inextricable from 'the history of writing about history' in different ways and from different perspectives. As utilized in the present study, this is also a perspective that perceives every 'text' – understood both as a linguistic or graphical



inscription (written, visual, or oral) and as a situated representation of an empirical *context* (e.g. Spivak 1985) – as inevitably historical. In other words, all texts both contribute to and are shaped by a continuously evolving discourse or set of discourses. As Foucault's (1980: 194) own notion of a *dispositif* or apparatus reminds us, moreover, a 'discourse' is never simply immaterial or effervescent – it also becomes materially inscribed or performed in laws, institutions, "administrative practices", cartographies, and even in the form of the built environment. As Timothy Mitchell (2002: 77) once wrote, "[t]he colonial presentation of law as a conceptual structure brought from abroad performs the silencing of the actuality out of which property is made." Perhaps the clearest examples, here, emerge from the ways in which 'racial', 'tribal', or 'ethnic' discourses become inscribed in the law, and in turn then influence both the territorialisation of space and the distribution of property in accordance with the law's ostensibly disinterested authority (Mitchell 2002; Blomley 2003) – not least in Kenya Colony's "White Highlands" reserved for European settlement (Morgan 1963).

Moreover, in relation to present-day iterations of such phenomena, I consciously insist on the word 'historiography' rather than 'ethnography', even though I am aware that some readers might have expected to encounter the latter, and even through the practice of historiographical method entails a certain ethnographic or at least self-reflexive dispensation. In large part, this is out of an awareness slowly cultivated throughout the study that contemporary ethnography's insistence on self-reflexivity – though indubitably powerful in its own right – is ultimately of somewhat limited value if not coupled with an *historiographical* reflexivity. That is to say, an awareness of the ways in which the output of one's ethnography or study as *text* ultimately falls within an historically evolving discourse on the same or closely related issues. This is so – or perhaps, most crucially so – even if prevailing terminologies, epistemologies, disciplinary categories, and terms of dialogue have shifted quite dramatically between its past and present iterations. It is a commonplace, perhaps now a straightforwardly hackneyed one, to point out that the fields of geography and anthropology retain problematic or awkwardly intertwined histories with practices of colonial administration in various conjunctures (e.g. Malinowski 1930; Evans-Prichard and Firth 1949, see also Moore 1994; Pels 1996, 1997). However, there is an important difference between *historicizing* one's argument, study area, methodology, or topic – as so many colloquially-described 'background sections' and 'history chapters' in articles and dissertations

accomplish – and the cultivation of *historiographical* understanding and self-reflexivity. To pursue the latter, one needs to foster an appreciation not only of the historically evolving empirical dynamics within a given ‘study area’, but also how the shifting terms, methods, and substance of discourse itself will both shape and receive one’s own output: with what ethical complexities, material effects, and political consequences.

At risk of being much too pedantic, we can also perhaps draw a further distinction between a conventionally *historical* method and an unconventionally historiographical one, as an effort to extend the latter to the relatively young field of political ecology will inevitably be. Whereas the former might typically pose a research question, and look to ‘the archive’, however understood, for its answer, an historiographical method is an inherently inductive and “recursive” one (see also Stoler 2016: 24-36). It *explores*, via an iterative engagement between the extant secondary literature and the archive, possibilities for the further enrichment or contribution of texture, nuance, and perspective to the former. With each successive recursion, the broader argument proceeds in ways that are “tributary” (Mbembe 2017) rather than progressive, in the sense that – if perceived to be successful – each new ‘stream’ of analysis lends richness to the text and the fullness of the understanding that it cultivates. This is somewhat appropriate for the topic at hand, given that – as Mbembe (2017: 68) points out – notions of race and civilization such as those noted above are *also* both materially and recursively “sedimented” within our own present, albeit often in chameleonic or elusive ways that demand careful exploration. Due to such exploration, however, the style of text that such an approach yields is inevitably somewhat essayistic, in the sense of the verb *essayer*, to try out, test, or explore. Yet, nonetheless, the argument that it ultimately lays out for the reader is a well-grounded one, arising inductively and exclusively from the results of the analysis.

### **Historiographical political ecologies**

For political ecologists today, such historiographical concerns are perhaps especially pertinent if we share Paul Robbins’ (2012: viii, emphasis added) “revelation” that political ecology itself might be principally understood as:

“an urgent kind of argument or *text* (or book, or mural, or movie, or blog) that examines winners and losers, is narrated using dialectics, begins and/or ends in a contradiction, and surveys both the status of nature and stories about the status of nature. [...] insofar as political ecology is the characteristic of a text, one might be a political ecologist only in the same way those who consistently and exclusively write gothic novels might be considered gothic novelists.”

My intent, here, is not so much to challenge Robbins’ argument as it is to develop it, or at least to explore its implications. Political ecologists, of course, are perfectly accustomed to historically situating both their arguments and the empirical *milieux* with which they engage. They are also encouraged to do so: many will recall first reading the chapter on “A Tree with Deep Roots” in Robbins’ *Political Ecology: A Critical Introduction*, even if one was already a fully “practicing” political ecologist or academic at the time of the book’s first publication in 2004. Here, Robbins (2012: 25) traces the intellectual genealogies of “early political ecologist[s]” in the nineteenth century such as Peter Kropotkin, Alexander Humboldt, and Elisée Reclus. He also notes how the continuously evolving intellectual traditions or ‘critical tools’ of Marxism, poststructuralism, postcolonialism, environmental history, and many others have been and continue to be drawn upon by political ecologists to generative effect.

In relation to “critical environmental history”, Robbins asserts (2012: 65-66) that – whilst “[h]istory is theoretically important to political ecologists” – it was apparently also the case that “empirical research in [its precursor] fields was initially not historical.” Perhaps it was in response to this apparent precedent that the average dissertation, book, or article that self-identifies as “a political ecology” today is likely to be substantially or even deeply historical. In addition to much-celebrated and historically rich book-length contributions to the field (e.g., *inter alia*, Watts 1983; Bryant 1997; Neumann 1998), an increasing number of articles and other texts also engage not only political ecology, but specifically “historical political ecology” (e.g. Brannstrom 2004; Offen 2004; Widgren 2010; Reyes-Garcia et al. 2014; Mathevet et al. 2015). Yet we might benefit from pausing to reflect whether political ecologists have always pursued historiographical analysis with the same fervor as historical analysis, and, if not, whether we might in fact gain from doing so. Here, it is perhaps useful to etymologically highlight that *historiography* is the study of the methods and practice of the writing of history, just as geo-

graphy pertains to the writing of the Earth (e.g. Springer 2017), and carto-graphy to the writing of maps. An historiographical political ecology, in this sense, would be a history of the *writing* of political-ecological texts. Yet a “political-ecological text” is of course not only that which self-identifies as such: Robbins’ (2012: viii) own “insistence that I am not a political ecologist” reminds us of this in particular.

Accordingly, although the field of political ecology is young in a relative sense, the issues that political ecologists so rightfully examine and critique have been earnestly *debated* in different fora and in varying idioms from the eighteenth century onward in particular. These include the imperatives for and deleterious consequences of the conservation of ‘nature’; the treatment of indigenous peoples and their dispossession for both conservation and ‘development’; the manipulation of both environmental or other ‘sciences’ and the definition of environmental ‘problems’; the historical production of scarcity in food, water, land, and various natural resources, amongst other themes (e.g. Prichard 1839a, 1839b, see also Kjekshus 1977; Griffiths 1997; Davis 2002; Beinart 2003; Crosby 2004; Heartfield 2011; Tilley 2011; Lester 2016). Certain environmental historians, such as Richard Grove (1996, 1997), would even insist that we in some ways still inhabit a many-times evolved and compounded version of the increasingly transnational environmental problematic inaugurated by the globalization of European imperialism from the *fifteenth* century onward.

As they are wont to do, debates about periodization of this kind rapidly slide into the casual suggestion of ever-more ancient and ever-more tenuous assertions of similarity and lingering influence. Rather than perpetuating such a tendency, I simply concur with Michel Foucault’s (2007: 16) suggestion that, despite important precursors, a certain *administrative* or governmental shift began to emerge in European states when, “starting from the eighteenth century, modern western societies took on board the fundamental biological fact that human beings are a species.”<sup>18</sup> Scholarly interest in the ongoing efforts of “modern western societies” to

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<sup>18</sup> As well as in their transcontinental imperial and colonial administrations in diverse ways, which Foucault does not discuss to any meaningful extent, though his silences in this regard are perhaps deliberate in ways that remain largely unexplored (see also Stoler 1995; Mbembe 2003).

grapple with this emergent “biopolitical” problematic and the effects thereof has been so extensive that it threatens to inspire the formation of a field of study in its own right (e.g. Clough and Willse 2011; Campbell and Sitze 2013; Rentea 2017). Yet, as Stoler (1995: 59-60) argues, Foucault’s “historiography” on these issues was “so locked in Europe and its discursive formations that colonial genocide and narratives about it could only be derivative of the internal dynamics of European states.”

As many have noted in the interim, European states indeed exported a version of this very biopolitical logic and predicament around the world via their own practices of imperialism and colonial administration (e.g. Mbembe 2003; Legg 2007), albeit in ways that would be transformed and reshaped by the colonial encounter itself. In the work of certain British colonial ideologues, however, the significance of the eighteenth century for evolving forms of British imperialism and colonialism is in fact made quite explicit. As Lugard (1922: 6, emphasis added) puts it at the outset of *The Dual Mandate in British Tropical Africa*:

“In brief, we may say that the eighteenth century was chiefly remarkable for the acquisition of large and almost uninhabited portions of the earth, situated in the temperate zone. The nineteenth century saw the development of these great colonies into nations enjoying self-government. Its closing decade witnessed the dawning recognition of the vital importance of the tropics to civilisation, and the ‘discovery’ and acquisition of large non-colonisable areas in tropical Africa – no longer regarded as picturesque appanages of Empire, *but as essential to the very existence of the races of the temperate climes*. To the twentieth century belongs the heritage of the tropics and the task of their development”.

Colonization, allegedly, was thus in the view of certain imperial theorists – and at least rhetorically – perceived to be inherently *biopolitical*, in the sense that it was ostensibly necessary for the very survival of subject populations in the tropics. Yet, it would appear that even Lugard himself was confused by this issue, as he would occasionally contradict himself in this regard. As he writes elsewhere in the same text:

“The tropics produce in abundance a class of raw materials and of foodstuffs which cannot be grown in the temperate zones, and are so vital to the needs of civilised man that they have in very truth become essential to civilisation. It was the realisation of this fact (as I have said) which led the nations of Europe to compete for the control of the African tropics” (Lugard 1922: 43).

So which was it – was colonization necessary to ensure the survival of the colonized, or to ensure the survival of ‘civilization’? If nothing else, the extent to which such contradictions arise within the writings of even a single theorist such as Lugard’s might suggest the question could remain an empirically open one. Lugard’s own response to this predicament was effectively what he termed the *dual mandate* of both inherently contradictory exploitation and ‘protection’ in British colonies, to a discussion of which I turn in subsequent chapters. For now, I simply note that it is debatable whether the biopolitical problematic that Foucault (2003, 2007) describes arose *within* European states, or whether it, in effect, *returned to them*. This may have been, for example, when a mutated version of the administrative practices and technologies of government developed within the colonies “boomerang[ed]” (Foucault 2003: 103) back to the metropole, in the eighteenth century and perhaps even before (see also Arendt 1951; Agamben 1998; Gordon 1998, 2009; Graham 2011). If it did, the next question is, effectively, ‘which boomerang’, as those technologies and practices had been bouncing back and forth since the late fifteenth century in some cases.

In Foucault’s lectures and written texts – and aside from an otherwise largely underdeveloped comment about a certain “boomerang” of imperial technologies (Foucault 2003: 103) – the implications of those circuitous flows are almost entirely disregarded. Inevitably, this has led some to lay charges of “Eurocentrism” at his door (e.g. Legg 2007), or – more productively, in my view – to suggest that certain elements of Foucault’s thought may need to be “provincialized” (à la Chakrabarty 2000) if they are to be fit for purpose or reconstitution within the analysis of nineteenth or twentieth century colonialisms (Stoler 1995; Moore 2005: 5-10). Yet it remains unclear as to *why* such a lacuna exists in Foucault’s writings, and the extent to which that absence, too, was intentionally cultivated or maintained. Moreover, a careful reading of the lectures in especially the *Society Must be Defended* and *Security, Territory, Population*

courses at the Collège de France suggests another methodological dynamic at work, which may have exerted a certain influence in this regard.

In their contextualization of the former course delivered by Foucault in 1975-6, its editors Alessandro Fontana and Mauro Bertani (2003: 289) confide that: “[a]s to the studies Foucault may have consulted while preparing these lectures, we can only speculate [...] The task of reconstructing Foucault’s ‘library’ remains to be undertaken, and it is certainly far beyond the scope of this note.” Stoler’s (1995: 58) own appraisal of the *Society Must be Defended* lectures is similar; as she writes:

“Foucault sparingly footnoted other authors. There are obviously no footnotes for the lectures, but there are also no citations to anyone else’s work on the subject [...] Even for Coke, Lilburne, Thierry, and Boulainvilliers, whose historical narratives provide the grist for his analysis, there is only rare mention of the specific texts to which he sometimes painstakingly attends.”

Nonetheless, there are certain clues in this regard within the published version of the lectures that are now available to us (Foucault 2003, 2007). Here, I am less concerned with the academic or philosophical influences on his thought, as both Foucault (e.g. 1977) himself and many others have written about his sometimes explicit but more often unstated relation to thinkers such as Nietzsche and Marx, as well as his exchanges with philosophers like Gilles Deleuze (e.g. Elden 2016, 2017). Further still, I am not so much concerned with Foucault’s broader philosophy of *methodology*, as the shelves of libraries around the world currently groan with secondary literature on the two concepts of “archaeology” and “genealogy” (e.g. Foucault 1972, 1977, 2007 [1970], see also Gordon 1991; Stoler 1995, 2016; Legg 2007; Elden 2016, 2017). Rather, I am primarily concerned with Foucault’s *method* or mundane academic practice in a more narrowly-understood sense. That is, in relation to the techniques he was in fact using – rather than theorizing or expounding upon *per se* – to formulate the texts that are still of such interest to so many of us in political ecology and so many other fields. As Stoler (1995) perhaps intimates above, both these techniques and the sources to which they were applied often indicate the practice of a form of ‘grounded theorization’ in

some sense, rather than the sort of “pure philosophy” once satirically referenced by Foucault’s contemporary, Gilles Deleuze.

Coke, Lilburne, Thierry, and Boulainvilliers, for instance: only one of these men was a scholar in a straightforward or largely professional sense – even by the somewhat loose standards or parameters that it was possible to roughly define such an ‘occupation’ at the time. Coke was a judge; Lilburne, a soldier; Thierry, a historian; Boulainvilliers, a *Comte* or ‘Count’ who wrote works of history and philosophy. Yet Foucault draws upon the memoirs and reflections of the former two as well as the more formally ‘scholarly’ works of the latter, suggesting the treatment of each as primary rather than as secondary sources.

Foucault’s both primary and secondary sources were diverse, of this there is no particular dispute. Yet his historiography was notably complemented by a *particular* kind of primary text in relation to certain lectures and passages that are of special interest to a substantial number of political ecologists today (e.g. Cavanagh 2014; Büscher 2016, see also Prosovov and Rentea 2017). For instance, as Foucault describes the substance of the “biopolitical” turn in the eighteenth-century:

“The sovereign deals with a nature, or rather with the perpetual conjunction, the perpetual intrication of a geographical, climatic, and physical milieu with the human species [...] the sovereign will be someone who will have to exercise power at that point of connection where nature, in the sense of physical elements, interferes with nature in the sense of the nature of the human species, at that point of articulation where the *milieu* becomes the determining factor of nature. This is where the sovereign will have to intervene, and if he wants to change the human species [...] it will be by acting on the *milieu*” (Foucault 2007: 38).

Particularly in Foucault’s (2007) writings on the concept of the *milieu*, we find a rather sophisticated account of human-environment relations, one in which both ‘natures’ and ‘human natures’ are co-produced through the practice of government. Yet these and similar formulations appear to have been derived from or at least fueled by a reading of perhaps un-intuitive sources.



In relation to the above remarks, for instance, Foucault references the works of the French demographer Jean-Baptiste Moheau as inspiration for the relationship between government and the *milieu*.<sup>19</sup>

Interestingly, Moheau was likewise not a professional scholar, *per se*, but an *administrator* of a certain kind – he was an inspector with the French *Contrôle general* in the late eighteenth century. Though Foucault’s footnotes are indeed sparse throughout both this course of 1977-8, and its lectures more directly related to the concept of “governmentality”, a similar ‘cast of characters’ and sources would emerge within them. These would be interspersed of course with references to Plato, Rousseau, Bentham, Hobbes, Nietzsche, and so very many others.

Nonetheless, they would also include the prospectus of the *Annales d’hygiène publique et de médecine légale*; the works of Moreau de Séchelles (a French administrator and politician), Michel Guerry (a jurist and statistician); Claude-Jacques Herbert’s critique of French mercantilist policy in his 1753 *Essai sur la police générale des grains*; J.H.G. von Justi’s theorization of the institution of ‘the police’ in *Grundsätze der Policey-Wissenschaft*, as well as the entirety of “the *Polizeiwissenschaft*, the science of police” that would “produce an enormous bibliography of *Polizeiwissenschaft* in the eighteenth century” (Foucault 2007: 413).

Importantly, these and a great many other of Foucault’s primary sources were based to a greater or lesser degree on their authors’ own experiences, criticisms, or *practices* of governing in eighteenth and nineteenth century Europe.

In this sense, the accusations of ‘Eurocentrism’ laid against Foucault are to a certain degree somewhat perplexing: his historiography simply *was* overwhelmingly European. It also seems to have often been quite consciously so. As he wrote, “I think the pastoral, the new diplomatic-military technique, and finally, police, were the three major points of support on the basis of which that fundamental phenomenon *in the history of the West*, the governmentalization of the state, could be produced” (Foucault 2007: 145, emphasis added). If the text is Eurocentric in this

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<sup>19</sup> Though one might also wonder to what extent this alludes at least in part to Marx’s (1995 [1867]: 124) well-known assertion that when “man” acts “on the external world and chang[es] it, he at the same time changes his own nature.”

sense, it is arguably so in the same way that E.P. Thompson's *The Making of the English Working Class* was Anglo or England-centric. As Thompson (1966: 13) explained in his famous preface: "a note of apology to Scottish and Welsh readers. I have neglected these histories, not out of chauvinism, but out of respect [...] I have been cautious as to generalising beyond English experience." In short, if Foucault's notion of governmentality needs to be provincialized (see, especially Moore 2005: 5-12), perhaps this is because subsequent generations of academics have so quickly plucked it from his texts and extended it for analytical use in such a geographically broad range of *contexts*. Like Foucault's own method or historiographical technique seems to suggest, we might be better served by efforts to reconstitute – rather than simply to apply – the notion of governmentality on the basis of a more relevant range of sources and texts for any given empirical *milieu* (see also Pels 1997).

Toward such an end, the pages that follow give substantial consideration to texts written by ideologues and theorists of British colonial administration in the nineteenth and early twentieth centuries. This is not because I wish to privilege these voices, as Ranajit Guha's (1982) seminal critique of the historiography of both colonial and republican India warns us against (see also Kjekshus 1977). I do not engage these texts primarily in the interest of reconstructing *events*,<sup>20</sup> but to reconstruct *contexts* and subject them to critical analysis. Here, the intention is to perhaps generate a richer or fuller understanding of the forms of governmentality that these individuals consciously sought to develop or practice, and with what effects. This is, I infer, also a method that appears to have been used somewhat implicitly or tacitly as well by Mahmood Mamdani himself (1996a, 2012, 2015). To utilize such a method is likewise not to presume the authority of colonial writers and the forms of knowledge that they produced. As we will see in no uncertain detail, both colonial states and individual administrators – just like their 'independent' successors – are of course neither omnipotent nor omniscient (e.g. Berman 1997; Comaroff 1998). Nevertheless, they produced discourses, bureaucracies, institutions, forms of organization, and

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<sup>20</sup> Though inevitably one must draw upon the archive to do so to a certain extent, albeit in ways disciplined by critical sensibility. Nonetheless, this remains one of the "aporias" or irresolvable yet necessary-to-engage contradictions of drawing upon both colonial and republican or 'independent' archives from a critical perspective (e.g. Spivak 1988, see also Wainwright 2013).

political ecologies that linger, though surely in ways that have become idiosyncratically transformed, nuanced, or ‘mutated’ over time and in response to unprecedented dynamics (e.g. Mbembe 2001; Moore 2005; Ferguson 2006; Stoler 2016).

Differently put, I read texts such as Sir Charles Eliot’s (1905) *The East Africa Protectorate*, Sir Harry Johnston’s (1902a) *The Uganda Protectorate*, and Lugard’s (1922) *The Dual Mandate in British Tropical Africa* as inherently writing their own political ecologies, albeit explicitly imperialist and “paternalistically authoritarian” ones (Berman 1990: 104, see also Arendt 1951).<sup>21</sup> Indeed, one cannot help but appreciate from reading these and similar tracts that men like Lugard viewed themselves not only as *writing* the world, but also making or *producing* a certain kind of world via imperial practice, and more specifically as *governing* what was effectively perceived as a world in-the-making via British imperialism. Lugard and “his ilk” – as Marx once described the interlocutors of Sir Henry Maine, another of the British Empire’s legal and administrative theorists (in Marx and Engels 1989: 365) – were, in effect, *geographers*, even though they may have also employed individuals who held a more narrowly-understood disciplinary training in this sense (see also Smith 2003: 55).<sup>22</sup> For Lugard and Johnston, this was literally the case, at least formally: both men were ultimately awarded the Founders Medal of the Royal Geographical Society in 1902 and 1904, respectively. In Lugard’s instance, this was apparently for his “persistent attention to African Geography”, and in Johnston’s for “his many valuable services towards the exploration of Africa” (Royal Geographical Society 2017: 10). It is also regrettably the case that the geographies and political ecologies of Johnston, Eliot, Lugard,

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<sup>21</sup> As Hannah Arendt (1951) points out in *The Origins of Totalitarianism*, the forms of authoritarian government practiced by European colonial states in Africa and elsewhere in the early twentieth century are ultimately less categorically distinct from the forms of fascism and totalitarianism that would arise *within* Europe shortly thereafter than one might expect or hope. This is perhaps most evidently the case in the relationship between ‘racial science’ as it was practiced by the German colonial state in what is now Namibia – leading to the attempted genocide of the Herero and Namaqua peoples – and the further development of those very concepts and ideologies under Nazism and its immediate precursors in Europe (e.g. Gordon 1998, 2009).

<sup>22</sup> This is in much the same sense that certain critical human geographers have recently explored the ‘geographies’ and spatial theories of members of the Nazi party such as Carl Schmitt and Walter Christaller (e.g. Barnes and Minca 2013; Minca and Rowan 2015), though of course in relation to a quite distinct set of imperial philosophies, ideologies, and values.

and others were more intensely *applied* – though often to intentionally malign effect for some, and the benefit of others – via the colonial states they governed in what is now Uganda, Kenya, and Nigeria. Admittedly, this is perhaps a more severe degree of ‘application’ than any self-identifying political ecologist would possibly even presume or desire to effect in a more radical or progressive register today.

### **Bureaucracy, the archive, and the government of archives**

“K. stopped talking with them; do I, he thought to himself, do I really have to carry on getting tangled up with the chattering of base functionaries like this? [...] They're talking about things of which they don't have the slightest understanding, anyway. It's only because of their stupidity that they're able to be so sure of themselves.”

– Franz Kafka, *The Trial* (1925: 9).

But what is the status of those texts? Are they simply ‘books’, or a kind of merely ‘old’ secondary literature? Much like Foucault, I am inclined to treat these works as primary rather than as secondary texts, just as much a part of ‘the archive’ as the official memos and communiqués they were also writing in the same period. In the first instance, it bears mentioning that even ‘the archive’ in a more narrowly understood sense is always somewhat paradoxically both historical and contemporary. Even as I write this, Kenya’s “national archive” – for example – continues to swell with newly-added contributions from various periods, including those relating to only the past decade. Even when these contributions are ‘historical’, the politics of their inclusion or exclusion are always inevitably still contemporary. Perhaps the clearest example of this was the recent “discovery” of an apparently “forgotten” Hanslope Archive in the UK of “sensitive” documents that had been physically migrated from Kenya and elsewhere to Britain, and which pertained to certain apparently compromising aspects of British counter-insurgency in late colonial period (Anderson 2011; Badger 2012). Indeed, the nature of the latter only truly came to light in full during the British High Court’s consideration of a case filed by survivors of torture and other abuses in Kenya Colony’s detention or concentration camps during the 1950s (e.g. Bennett 2013, see also Kariuki 1963; Elkins 2005).

In a way that Hannah Arendt (1951, 1963, 1969) would have certainly appreciated, the latter case turned into an inquisition of sorts not only with respect to certain events in the 1950s, but also to the nature and machinations of the colonial state in Kenya at that time. More specifically, it elicited considerable debates about the extent to which the bureaucracy and administration of Kenya Colony might have been said to exist in a contiguous *governmental* or *administrative* hierarchy or chain-of-command with the British state and the Colonial Office in London. Indeed, an argument offered somewhat tentatively within certain testimonies heard by the High Court suggested that Kenya Colony was a largely autonomous ‘institution’ existing in complex *diplomatic* rather than administrative relations with the Colonial Office, thereby largely absolving the contemporary *British* state from any liability (see, *inter alia*, Bennett 2013). Though the case was settled in favour of the Kenyan claimants in 2013, no explicit admissions of responsibility or liability were made by the British government, nor by any specific individuals in either Kenya or the UK. As Arendt (1969: 9) once put it, there is a sense in which bureaucracy might indeed be understood as “rule by an intricate system of *bureaux* in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called the rule by Nobody.” The above case was settled financially, and the UK Foreign Secretary William Hague expressed “sincere regret” in a statement delivered to the House of Commons (see Hague 2013). Yet the representatives of the above individuals returned home after being politely informed, curiously, that no one – past or present – was ‘responsible’ in a legal or technical sense for the abuses that they had suffered. One of those claimants had testified that he was castrated by a British colonial official during this period (see Croft 2012).

Whilst especially postcolonial and poststructuralist theorists often refer to “the archive” as effectively the sum of historiography in any given place or period, I am concerned here with the relation primarily between state bureaucracy and what the latter normally perceives to be “the archive” or “the national archive” (see also Kros 2015). Beyond the politics of exclusion and subsequent replacement of archival records in such cases, the various branches and agencies of the state itself in Kenya continue to produce vast amounts of textual and other materials. Many of these materials, too, will eventually be added to the archive in one way or another, even if they are not transferred immediately or otherwise to the premises of a specific building on central Nairobi’s Moi Avenue (see also Mbembe 2002c). Today, the sheer volume of those texts

is such that it might appear digitization is being pursued simply as a means of preventing the state's officials from drowning or being crushed by the accumulated weight of all the papers and files that they continuously find themselves compelled to produce, rather than simply for the convenience of reference (e.g. Hull 2012a; Gupta 2012: 141-149).

The reasons for such compulsion are related to imperatives for the reproduction of the archive as an ostensibly 'authoritative' record of the *present* – given the irritatingly persistent tendency of the present to slip almost immediately into the past – and in ways that are hoped to reliably inform ongoing processes of governance, decision-making, and institutional (re)formulation in the future (e.g. Stoler 2002; Mbembe 2015; Basu and de Jong 2016). Following Achille Mbembe (2002c: 20), one might agree that, in the broadest terms, the archive is not simply a “building” – much less a collection of documents or set of data – but also a “status” whose authority is drawn from its relation to the (colonial) state. Archives, in other words, do not merely offer neutral possibilities for “knowledge retrieval” (Stoler 2002); implicitly, they also authorize or legitimize the substance of their own contents. Hoag (2011: 284), for instance, suggests that bureaucracies and the archives that they produce effectively constitute an “objectivity machine”, one that generates a seemingly disinterested “vision from nowhere and everywhere”, but which is in fact populated and authored by humans with their own – quite often, unflattering or even malign – interests, desires, fantasies, and so forth.

As a result of this always both simultaneously historical and contemporary nature of the archive, its contents – emphatically – must not be dealt with uncritically. Indeed, what is often glossed as “the national archive” in fact refers to a vast diversity of types of documents, records, and other “graphic [or aural] artefacts” (Hull 2003), each of which retains a certain *agencement* or influence on the volume and nature of the material recorded or transferred therein (see also Hull 2012b). Most obviously, an ‘archival’ record in the form of a single telegram will by definition not contain lengthy philosophical reflections on the nature of Britain’s ‘civilizing mission’ or other topics. This is regardless of whether its author harbors strong views in that regard, and burns with desire to expound upon them. Perhaps less obviously, day-to-day communiqués of the sort that constitute the entirety of many files within Kenya’s “national archive” from both the colonial and republican periods also exert a more modest degree of such restraint.

The apparent culture of the latter documents' formulation and exchange also evinces the influence of certain bureaucratic norms, ones that arguably deter the consumption of ink, paper, and a reader's time with the exchange of views perceived to be unduly philosophical, speculative, or of no immediate administrative consequence (Hull 2003, 2008, see also Berman 1990). As Lugard (1922: 96) put it, "[t]he practical man [...] recognises the futility of theoretical disputations as to whether or not civilisation is a benefit." As a result, I have consciously sought to complement my reading of such records with that of books, memoirs, treatises, lectures, and other genres of writing, and especially so when the latter have been authored by the very same individuals whose signatures appear on more mundane administrative records in the archive. Indeed, those genres and media perhaps lend themselves to a form of writing and communication that is able to explore deeper or more speculative issues. In this sense, interpretive difficulties arise not only from reading archival texts too literally, or without adequate contextualization, but also from inferring too readily the nature of either certain events or a given individual's views from the study of only a certain *type* of archival record, which may exert an otherwise unstated influence of its own.

Moreover, and at risk of merely stating the obvious, regardless of type these documents have usually been authored by administrators, officials, consultants, and other representatives of the (colonial) state. Hence, even when apparently rebellious, dissenting, or 'critical' views and individuals are discussed within them, these pieces of 'data' are *representations* as much as they are 'facts' in one sense or another. Moreover, these representations have often been crafted or transcribed by agents of the local state or transnational/metropolitan colonial apparatus, and who are both consciously and unconsciously disciplined by the imperatives of that apparatus (see also Spivak 1985, 1988). This is sometimes quite obviously or glaringly the case, as evidenced by the decidedly unsettling racism and sentiment contained within Sir Charles Eliot's (1905: 112) comment about 'the African head' above, as well as within other invective of this sort. Yet such remarks also remind us that – by reconstructing ostensibly critical or contrarian narratives primarily on the basis of archival records, such as those authored by Eliot himself or his subordinates – one risks simply reproducing the perhaps fabricated, erroneous, prejudiced, or

misconstrued representations of colonial officials. This is especially so within texts whose authors might not explicitly state but certainly continue to harbour such views.

### **From methodology to method**

As a result of this always both historical and contemporary nature of ‘the archive’ in East Africa, however – and in relation to the representation of “African” or other communities within it – an historiographical approach is inherently complicated by a number of more practical concerns as well. Firstly, this is so in relation to the “protean” (Berman 1998: 310) and contested nature of both self-assumed and externally-ascribed identities in the region, historically as well as in the present. These processes of cultural and political dynamism, contestation, and change denote that it is somewhat difficult to draw direct connections or to infer explicit relations between communities associated with a particular ethnonym or identity in the archival record, and those utilizing similar terms either in the present or in different historical periods. Not least, this is reflected in enduring confusion within both archival and other discourses about the relevance of certain ‘ethnic’ labels or signifiers – many of which have been ascribed by the state and are used by larger communities – but which are both variously rejected and occasionally adopted strategically by the actual membership of these groups (see also Ogot 1976; Kratz 1980; Cronk and Dickson 2001; Cronk 2002). Even if perceived to be derogatory, in other words, such exogenous labels may sometimes be voluntarily used in certain fora. Various, this may be in order to draw upon the authority seemingly offered by the archive and other records wherein these terms appear (see also Lynch 2016), or simply because they are thought more likely – with a greater or lesser degree of exasperation – to facilitate a certain degree of mutual understanding, even if such terms are not otherwise preferred or used.

Secondly, other interpretive complications might arise from an – in some ways, enduring – administrative tendency within Kenya in particular to name certain places or state-defined “locations” with the same terms ascribed to particular groups of *people*, and in ways that inevitably precipitate a corresponding politics of both identity and territoriality. Most obviously, this is the case in relation to what Donald Moore (2005: 153) terms the “ethnic spatial fix” of concretely territorialized native reserves. Yet, as I discuss below, a similar practice is also



evident with regard to the naming of “locations” *within* native reserves, a tendency that is of particular relevance for the both historical and contemporary claims of “Sengwer” or “Cherangani” community members in one of the chapters that follow. Indeed, although these are effectively the self-assumed/endogenous and derogatory/exogenous terms for the same community, respectively, the colonial state would affix each of these terms to separate administrative “locations” in the relevant district and native reserve.<sup>23</sup> By 1937 – several years after the cessation of one Sir Morris Carter’s Land Commission that will be discussed in Chapters 10 and 11 – this had resulted in the split of a single “Cherangani location” into both a “Sengwer location” and a “Cherangani location”, each with their own government-sanctioned Chief. Contemporary land claims made by these communities are thus complicated not only by a “politics of names and naming” (Lynch 2016: 208) in general terms, but also by a politics of unambiguously *claiming* land within administratively and ascriptively-defined areas produced within a particular form of colonial governance or governmentality.

Thirdly, with regard to state engagements with certain ‘tribes’ or ‘ethnic’ groups – administrators, scholars, consultants, and everyday citizens remain very much engaged in debates about whether certain groups are, in fact, culturally or otherwise distinct from their more populous neighbours (e.g. Huntingford 1931; Kratz 1980; Lynch 2011b, 2016). Since the early twentieth century, debates have likewise been ongoing about whether certain claims to identity are “true” (e.g. Huntingford 1929; van Zwanenberg 1976; Cronk 2002), or whether they have been instrumentally formulated to conceal a more complex – but perhaps less strategically or rhetorically useful – ‘reality’ (e.g. Cronk 2002; Carrier 2011; Lynch 2006a, 2011a). In this sense, a particular datum within the archives, interviews, or contemporary documents cannot simply be treated as a mere statement of fact or straightforward proffering of opinion. Rather, such statements are frequently – if implicitly or tacitly – *arguments* delivered within a subtext of

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<sup>23</sup> See, for example, records of administrative visits and surveys to specific “locations” or administrative units in Marakwet, especially KNA/DC/TAMB/1/1/7 – Cherangani Safari File (1936-1954) relative to those in KNA/DC/TAMB/1/1/9 – Sengwer Safari File (1937-1951). Such a perspective thus departs somewhat from an analysis of Sengwer and Cherangani “identity politics” recently offered by Gabrielle Lynch (2016).

ongoing intellectual debates, conflicts, or disputes, as well as the simultaneous pursuit of perhaps mutually exclusive political or economic interests.

To provide an example: several of the chapters that follow draw upon the report and evidentiary appendices of a Land Commission led by one Sir Morris Carter in Kenya Colony and Protectorate over the course of 1932-3. A careful reading of the “evidence and memoranda” contained therein often yields a realization of subtle yet troubling discrepancies in the commission’s collection and treatment of evidence. Here, one must appreciate that although this was a ‘colonial’ exercise in administrative inquiry, it was officially also a ‘participatory’ one in much the same way that similar commissions are in Kenya today. Carter et al. did indeed cover a considerable amount of ground in Kenya Colony to collect evidence from ‘native’ Africans, rural administrators, settlers, missionaries, and various other individuals. Yet although the three volumes and several thousand pages of testimonies and other memoranda are prefaced with a set of largely formalistic methodological notes and comments, few details are available on a case-by-case basis about specific instances of the collection of these from “native” subjects especially.

For instance, it is usually unclear whether such testimonies were provided in English, Swahili, or in one of Kenya’s many other African languages. Many of these languages – unlike Swahili – are affiliated with broadly non-Bantu families.<sup>24</sup> If provided in one of the latter, in particular, questions therefore arise in relation to the translation of those statements into English, and their transcription as English text. This is perhaps especially so as there are frequently vast differences in both the number of testimonies considered from ‘native’ individuals and communities relative to those from settlers and administrators, as well as in individual quantities of that testimony. It is thus also difficult to ascertain whether – or, more likely, to what extent – the collection, transcription, and consideration of these ‘native’ testimonies were influenced by the forms of racism and ostensibly ‘paternalistic’ condescension toward Africans that were commonly

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<sup>24</sup> Interestingly, prevailing forms of linguistic categorization and classification also retain, to varying degrees, complicated genealogies or roots in this early twentieth-century colonial period. Sir Harry Johnston (1902a, see also 1921a, 1923b) himself also contributed to early debates and discussions about their ‘scientific’ categorization at the same time he was developing related ‘racial scientific’ taxonomies of these same populations.

practiced by colonial administrators and settlers in Kenya at the time (see, *inter alia*, Berman 1990; Campbell 2007).

Often, the views of large and internally diverse African communities – often consisting of thousands of individuals, tens of thousands, or more – are represented within both the Commission’s “evidence and memoranda” and other archival records by only a handful of terse sentences, sometimes allegedly delivered by a single “Chief”, “Headman”, or other representative. To date, nowhere in the Land Commission’s record have I encountered explicit reflections by Carter or his colleagues about the possibility that the testimony of a single “Chief” might not be perfectly representative of the thousands of “natives” within his “tribe”, much less of particular strata within that population, such as women, youths, or the relatively more impoverished – particularly a then-emerging landless class within the reserves (e.g. Overton 1988).

Moreover, one idiosyncrasy of Kenya Colony’s administration by the 1930s was that ‘Chiefs’ were frequently a sort of African government employee more so than a purely ‘customary’ authority with a longer, pre-colonial pedigree (see also Mamdani 1996a).<sup>25</sup> Neither was this some sort of covert arrangement: as Lugard (1922: 203) once put it in his theorization of indirect rule and the dual mandate, “[t]here are not two sets of rulers [...] but a single Government in which the native chiefs have well-defined duties and an acknowledged status”. Even where Kings, Chiefs, and other hierarchical authorities existed prior to the process of colonial state formation in East Africa – in all the historical and geographical diversity that scholars have

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<sup>25</sup> In Kenya today, ‘Chiefs’ continue to be government employees, as an amended version of the Chiefs Ordinance of 1937 (see Kenya Colony and Protectorate 1937) remains ‘on the books’ in the form of the Chiefs Act of 1998 (see Republic of Kenya 1998). At the time of writing, efforts are underway to rename these officials as ‘Location Administrators’ or something more innocuous, albeit without substantially altering their mandate and powers as a local representative of the state’s executive branch. Amongst the powers of contemporary Chiefs are the ability to “require work or services for conservation of natural resources” (Republic of Kenya 1998: §13), the solicitation of which was much resented as essentially a form of forced or *corvée* labour during the colonial period as well (e.g. Anderson 1984; Carswell 2006; Makana 2009).

identified (e.g. Geschiere 2007; Low 2009; Kleist 2011) – their mandates would be reshaped and constrained by colonial legislation, such as the ‘Native Authorities Ordinances’ and ‘Chiefs Ordinances’ that defined the powers and responsibilities of these individuals (e.g. East Africa Protectorate 1912; Kenya Colony and Protectorate 1937). Yet the apparent ‘failure’ to consider such issues and other methodological problems may simply evince Carter’s – or any other officials’ – strategic exigencies rather than his intellectual or other inadequacies. Differently put, whilst the archive contains an often highly detailed record of events – one presented to the reader as an authoritative account of these – it remains the case that the archive itself is, in the last instance, also a technology of (colonial) governmentality or statecraft, one that produces certain ‘truths’ perhaps more so than it simply records them (see also Hoag 2011).

Finally, although it is surely valuable to triangulate these records with the perhaps dissenting narratives and oral or written histories of present-day individuals, one cannot simply assume that such counter-narratives or “hidden transcripts” (Scott 1990) are identical to those that may have been offered in generations prior. As Walter Benjamin (1968: 255) reminds us, “to articulate the past historically does not mean to recognize it ‘the way it really was’ [...] It means to seize hold of a memory as it flashes up in a moment of danger” (see also Lund 2013). Likewise, such oral histories and narratives also present their own challenges for interpretation, especially in contexts or within communities which appreciate or encourage a narrative ‘craft’ that heavily employs metaphor and symbolism, though perhaps in ways that are not stated or explained to the listener or reader.

As V.Y. Mudimbe (1991: 89) once put it in his interpretation of a certain “Luba narrative”, and somewhat in contrast to an interpretation of the same narrative offered by oral historian Jan Vansina:

“Strictly speaking, it is not history. On the other hand, it cannot be reduced to a purely mythical legend. It is beyond what these two concepts imply. [...] I propose to consider this memory-text as a theoretical discourse which validates a human geography, its spatial configuration, and the competing traditions of its various inhabitants, simultaneously cementing them via this retelling of the genesis of the ‘nation’ and its social organization. In effect the charter does not

state exactly what happened but proposes an explanatory interpretation about how the country was occupied, a 'nation' organized, and a state ensured."

Mudimbe is surely without parallel in his ability to draw out and illuminate the diverse and numerous layers of meaning within narratives such as the one he discusses above. At the same time, however, it is important to not unnecessarily exoticize the notion of 'oral testimony' or 'oral history'. This is particularly so in contexts that are as "worldly" or "Afropolitan" (e.g. Mbembe 2016) as much of rural Kenya is today, albeit in ways that very much remain marked by poverty, material deprivation, landlessness, contestations of enduring dispossession, and so forth. Conversely, as we have seen in a previous chapter 'colonial' narratives and records too are often so characterized by racial and other "fantasies" that, today, we read them literally or without qualification. There is a sense in which – especially insofar as the writings of Johnston (1902a) and others reproduced baseless histories of 'race' and 'anthropology' – we might in fact much the same point that "[s]trictly speaking, it is not history" or even nonfiction (see also Haraway 1989: 3-4). Indeed, I read these texts almost exactly in the way that Mudimbe describes above – as "oral history" textually inscribed within certain *contexts*.

Sometimes, oral histories, testimonies, and narratives are just that: histories or narratives communicated orally, and frequently in straightforward or matter-of-fact ways. Quite often, this is regardless of whether they are offered by a "hunter-gatherer" or pastoralist in Laboot or a plumber in Ipswich. In such contexts, the insinuation that the former's narrative is so metaphorical or symbolic that it "strictly speaking, is not history" would effectively amount to a kind of dispossession of "representational sovereignty" (e.g. West 2016: 5), or ability to speak intentionally and authoritatively about one's own experience. Of course, many and diverse traditions of oral narrativity continue to be widely practiced and celebrated in Kenya, and for good reason, as they are exceptionally powerful in their own right. Quite often, however, people simply want to be heard and *understood* by various 'others' in unambiguous ways, and craft both the form and the content of their narratives or 'texts' accordingly.

Analytically or interpretively, a more serious issue is perhaps that we often do not have a set of historical yet independent reflections available to control for a 'hermeneutics of danger' like the one Benjamin (1968) alludes to above regarding the interpretation of past events in the context of

the present. Nonetheless, I would suggest that this is simply an unavoidable ‘aporia’ of the historiographical context in which we *always* find ourselves: the present is always an historical one, an historical present (Foucault 1972, 1977, 2005 [1970]). Often, the ‘national archive’ does not offer us truly satisfactory material in either form, volume, or substance, and we must complement it with alternative primary and secondary sources. Those alternative sources will always retain their own interpretive risks and politics, just as the ‘national archive’ itself does. Yet, as Wainwright (2008: 24-25) notes, we do not gain much from disavowing or repressing our cognizance of such aporias; though problematic or difficult, we must confront and engage them nonetheless.

## Conclusion

As Stoler (1989: 137, emphasis original) reminds us, both “the *quality* and *intensity* of racism vary enormously in different colonial contexts and at different historical moments in any particular colonial encounter.” While this is surely true and important to document, I would also emphasize that denigrating invective is always offensive – by definition – to its *target*, even if not to certain other readers, bystanders, or even if it is not perceptible as such to its author. This is also regardless of whether it elicits conspicuous, explicit, or “publically transcribed” forms of resistance, rejection, or counter-attack (e.g. Scott 1990). Very much in spite of the virulently racist musings of Lugard and his disciples, in other words, diverse East African communities in what is now Uganda and Kenya have surely always maintained the capacity to visualize, (re)imagine, debate, and pursue their own individual and collective futures, as well as to identify means of engaging an often ominous present in ways thought to at least secure their “minimum disadvantage” (Hobsbawm 1973: 13). This was as true in the late nineteenth and early twentieth centuries just as surely as it is today: as Marx (1937: 5) once quipped, “[m]en make their own history, but they do not make it as they please”.

As many scholars remind us, the archive implicitly and ultimately silences much more than it records or illuminates (see also Spivak 1985; Arondekar 2005; Basu and de Jong 2016). As a result, we may never know exactly what sort of counter-histories or counter-narratives may have been independently offered under different relations of knowledge collection, transcription (see

also Kros 2015), and exchange by Kenya's diverse African communities at any given point during British rule. As Achille Mbembe (2017: 182) puts it, reflecting on the works of V.Y. Mudimbe (1988, 1993):

“Africa as such – and we should add the Black Man – exists only on the basis of a text that constructs it as the fiction of the Other. The text subsequently acquires such structuring power that the self, seeking to speak in its own authentic voice, runs the risk of speaking only in accordance with a preconstituted discourse that masks, censures, or requires imitation. In other words, Africa exists only because of a colonial library that intervenes in and interferes with everything – including the discourse that seeks to refute the library – to the extent that, in terms of identity, tradition, and authenticity, it is impossible, or at least very difficult, to distinguish the original from the copy, from its simulacrum.”

We can, however, seek to contextualize that library or that archive that we have inherited. More pressingly, we can do so in a manner that interrogates the ways in which it cannot be separated from the imperatives for – and practices of – government, administration, and knowledge production that has given rise to it, as I discuss in many of the chapters that follow.

#### 4. Marx's peasants, Polanyi's kings, and the 'liberal' governance of dispossession in the nineteenth-century British empire

"The History of the World is not intelligible apart from a Government of the World."

— W. V. Humboldt, epigram to Hegel's (2001 [1837]) *The Philosophy of History*.

"Keynote: Anyone can rule a country who has sufficient force at his disposal, but he alone who understands the people, their customs, manners, and ambitions, can govern them successfully."

— J.F. Cunningham, *Uganda and its peoples* (1905: viii).

"There is no document of civilization which is not at the same time a document of barbarism. And just as such a document is not free of barbarism, barbarism taints also the manner in which it was transmitted from one owner to the other. A historical materialist therefore dissociates himself from it as far as possible. He regards it as his task to brush history against the grain."

— Walter Benjamin, 'Theses on the philosophy of history', (1968: 256-257).

#### Introduction

In the final years of his life, Karl Marx appears to have been deeply invested in the study of texts written by ideologues and theorists of British imperial administration (see also K. Anderson 2002, 2010). Though extremely preliminary and unsystematic, important portions of his notes and transcriptions of source material in this period from 1880 to his death in 1883 have been published as *The Ethnological Notebooks* (Marx 1974). Running into the hundreds of pages, these notes are less a coherent narrative or analysis, and more a preliminary attempt to grapple with key issues, themes, and debates in the literature of the time. The notebooks available also comprise only a portion of the work that Marx had been doing on these themes in the same period, much of which is unavailable to this day in English.<sup>26</sup>

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<sup>26</sup> For example, a similar set of Marx's notes on the writings of Russian scholar Maksim Kovalevsky on issues of common property in India, 'French' Algeria, and elsewhere is currently still available only in German (see Harstick 1977). However, these notes also concern a similar set of underlying themes as those discussed herein.



Other than their quite modest and partial uptake by Engels (1942 [1884]) in a subsequent work, *The Origins of Family, Private Property, and the State*, the Anglophone version of *The Ethnological Notebooks* largely remained unpublished until its release by the archival curators of the International Institute for Social History in Amsterdam in 1972 (see Krader 1974, 1979). It has often been remarked that Marx's engagement with this literature perhaps sheds new light on debates about his view of non-Western societies (Gailey 2003), and to some degree also on his view of Africa in particular (Meisenhelder 1995). But more importantly – and this has so far been largely unexplored (though see K. Anderson 2002, 2010; Hudis 2010) – these efforts might also help us to contextualize Marx's perception of these societies *in light of* his studies of what were essentially debates about the governance of 'custom' as a form of colonial statecraft in the nineteenth century.<sup>27</sup> As Humboldt's remark above alludes, Marx was ultimately and inevitably reading not only about the ostensible 'history' of those societies, but also the shifting ways in which various European imperial powers were increasingly attempting to govern ostensibly 'uncivilized' populations in their colonies within his own time, and how.

The writings that have been collected in *The Ethnological Notebooks* are from a substantially different period in Marx's life and 'career' than those on similar themes that had been edited by Eric Hobsbawm and published as *Pre-Capitalist Economic Formations* (Marx 1965). The latter were extracted primarily from the notes and associated materials – entitled *Formen die der Kapitalistischen Produktion vorhergehen* – that Marx (1973 [1859]) had been drafting over the course of 1857-8. These extracts were then complemented by a selection of those from still earlier writings by Marx and Engels – such as *The German Ideology* written in 1845-6 (Marx and Engels 1932) – and a small sample of correspondence between the two friends following the

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<sup>27</sup> See, especially, Mantena (2010) and Mamdani's (2012) recent reflections on some of these same writings and their wider historical context, particularly Sir Henry Maine's (1908 [1861]) *Ancient Law* and *Lectures on the Early History of Institutions* (Maine 1875). For broader context on the ethnological and other 'debates' within this literature and possible administrative 'applications' of them within the British Empire, see Cowen and Shenton (1996) and Lester and Dussart (2008, 2014). Lester (2016), for example, has recently drawn upon the "ethnographic" writings of Sir George Grey in the period between 1840-1860 in Australia to show how "cultural genocide" merged as an apparently "humane" means of administration in British settler colonies during the nineteenth century.

publication of *Capital, Vol. 1*. In other words, Marx's production of these two bodies of material on 'non-capitalist' societies were separated by almost two decades, the course of which was perhaps one of the most generative periods of Marx's life, and throughout which his interests would have doubtlessly evolved, deepened still further, and matured.

Introducing *Pre-Capitalist Social Formations* almost a decade prior to the first publication of *The Ethnological Notebooks* in English, for instance, Eric Hobsbawm (1965: 25) observes that Marx and Engels' view of ostensibly "primitive society" at the time was:

"therefore only sketchy. It was not based on any serious knowledge of tribal societies, for modern anthropology was in its infancy [...] most of their views about it were based partly on classical authors, partly on oriental material, but mainly on material from early medieval Europe or the study of communal survivals in Europe."

It also appears to have been geographically quite uneven. As Hobsbawm (1965: 26) continues:

"So much for the general state of Marx and Engels' historical knowledge. We may summarise it as follows. It was [...] thin on pre-history, on primitive communal societies and on pre-Colombian America, and virtually non-existent on Africa. It was not impressive on the ancient or medieval Middle East, but markedly better on certain parts of Asia, notably India, but not on Japan. It was good on classical antiquity and the European middle ages, though Marx's (and to a lesser extent Engels') interest in this period was uneven. It was, for the times, outstandingly good on the period of rising capitalism."

Hobsbawm's own knowledge of the full sweep and scope of Marx and Engels' writings available at that time is, beyond all question, impressive. But he also appears to assume that the *objective* of especially Marx's inquiries into these topics was "serious knowledge of tribal societies" as such, and conceives of such knowledge in the terms of his *own* time in the mid-1960s. Further, Hobsbawm also suggests that Marx's interest in such knowledge was intended to assist in the further development of the stadial concept of historical materialism that had

begun to be outlined in the preface to *A Contribution to the Critique of Political Economy* and elsewhere (e.g. Marx 1993 [1859]). This was certainly one dimension of the works that Marx was examining two decades later as well, all of which engaged in different ways with social Darwinist or social evolutionary conceptions of ‘primitive’ and ‘civilized’ societies and forms of social organization (e.g. Krader 1979; Gailey 2003). Yet both the content of *The Ethnological Notebooks* and the exact ‘sample’ of literature that Marx had ultimately selected for this study in his final years also perhaps allow us to take a somewhat more nuanced or at least complicated view. Accordingly, the argument of this chapter is that, by historicizing Marx’s writings in this manner, we may gain a clearer view of the continuously evolving current of his thought on these issues. By implication, we may also begin to develop a fuller appreciation of how Marx’s writings at the end of his life may have begun to prefigure – rather than simply diverge from – those of a man who would dwell upon quite similar ambivalences between ‘protection’ and ‘containment’ more than half a century later, namely the twentieth-century political economist Karl Polanyi.

### **Marx, and his menu**

Of particular interest to Marx during this period were the writings of the nineteenth-century “ethnologists”, legal philosophers, and imperial theorists Lewis Henry Morgan, Sir John Budd Phear, Sir Henry Sumner Maine, and John Lubbock (later, ‘Lord Avebury’). With the possible exception of Morgan, the work of these men was deeply bound up in questions of the civilizing influence of British imperialism, colonial state formation, and the relationship between ‘custom’ in colonized territories with the forms of ‘law’ that had emerged and prevailed in Europe. Sir Henry Maine was a legal scholar at Oxford and later Cambridge, but as Mamdani (2012: 6-7) notes, he was also a “legal member of the viceroy’s cabinet” in India, whose writings “became compulsory reading for those being groomed for the India Service, and, indeed, for the Colonial Service.” Likewise, John Budd Phear was Chief Justice of Ceylon in what is now the contemporary nation of Sri Lanka, responsible for overseeing the jurisdiction and application of British imperial laws and ultimately adjudicating their intersection with ‘custom’. Particularly in *The Aryan Village in India and Ceylon*, Phear’s (1880) writings were concerned with descriptions of ostensible ‘village custom’, but also with

questions of land law, land tenure, and the possibilities for their expeditious administration under British indirect rule. Lubbock's (1898 [1870]) *The Origin of Civilization and the Primitive Condition of Man: Mental and Social Conditions of Savages* was bound up in similar pursuits, albeit in ways that more explicitly sought to link his descriptions of 'custom' to evolutionary theories of racial science and social Darwinism. Lubbock's writings in particular are notable for their insistence across hundreds of pages of text on the recurring theme of the alleged "inactivity of the Savage intellect" and thus the "tyranny of custom" as it pertained to communal property and 'customary' forms of governance.

The administrative orientation of these studies was, however, perhaps most clearly and famously the case in relation to Maine's *Ancient Law* (1908 [1861]), and his *Lectures on the Early History of Institutions* (Maine 1875). Particularly in the latter, the underlying questions were largely the following: What was it, exactly, that distinguished law in Europe from 'customary' law elsewhere? Was law in Europe simply a form of European customary law? And, perhaps more to the point: was European law inevitably imposed arbitrarily on those societies with divergent customs and legal systems, or might it lay a claim to universalizing ambitions on deeper, and more civilizational, grounds?<sup>28</sup>

The question was not a purely academic one. Following Queen Victoria's 'Doctrine of Non-Intervention' in 1858, the British Empire was by the 1880s quite invested in governing *through* and *around* custom, rather than simply attempting to erase or suppress it.<sup>29</sup> In large part, this doctrine reflected a transition to a more paternalistic conception of British "trusteeship" following numerous crises of colonial governance in the early-to-mid nineteenth century (Cowen

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<sup>28</sup> For a fascinating account of how these debates were translated into administrative practice in diverse imperial contexts, see Mamdani (2012), *Define and rule: native as political identity* and Mantena (2010), *Alibis of empire*. For discussions of how this doctrine would finally shift quite markedly in the British Empire after 1940, see Lonsdale and Low (1976) and D. Anderson (2002b).

<sup>29</sup> For a text of the decree itself, see a collection of such proclamations edited by then-Under Secretary of State for India Arthur Godley (1908). For administrative and diplomatic exchanges about how this doctrine should be interpreted and applied in different contexts, see Benson (ed), (1908), *The Letters of Queen Victoria: A Selection of Her Majesty's Correspondence, 1837-1861, Vol. II*.

and Shenton 1996; Li 2010; Mantena 2010). As Mahmood Mamdani (2012: 8-10) has recently explored in quite some detail, these crises were perhaps exemplified by uprisings “at both ends of the empire” in the form of the 1857 Sepoy mutiny in India and the 1865 Morant Bay revolt in Jamaica, as well as innumerable rebellions, protests, and uprisings elsewhere, including the Fenian uprising of 1867 in Ireland. By the middle of the nineteenth century, it was indeed clear that if the Empire was to endure, much less expand, its administration would have to at least formally operate within an idiom of “protection” and “trusteeship” rather than blatant exploitation (Mehta 1999; Lester and Dussart 2008, 2014; Lester 2016).

In this sense, certain aspects of the prevailing narrative on Marx’s views and motivations in this regard might be productively revisited. Edward Said (1993: 168), for example, has notably accused Marx of holding a conventionally nineteenth-century view of Africa in particular – not unlike Hegel’s – as being “static, despotic, and irrelevant to world history” (see also Meisenhelder 1995). In *The Philosophy of History*, Hegel (2001 [1837]: 117) had famously declared that “Africa [...] is no historical part of the World; it has no movement or development to exhibit”, and that the continent was “the Unhistorical, Undeveloped Spirit, still involved in the conditions of mere nature.”<sup>30</sup> Precisely this Hegelian account of Africa has since provoked searing critiques and genealogies of conscious and unconscious attempts to govern, administer, and ‘develop’ non-Western populations as though they are “people without history” (Wolf 1982), or people that must be brought *into* the current of world history understood as ‘progress’, and by force if necessary.

In this context, the question of Marx’s view of Africa and non-Western societies is not an obscurely biographical one. A deeper understanding of it is perhaps necessary to more adequately interpret certain *political* ambivalences or ambiguities in his work, and more specifically his work on the topic of “primitive accumulation” that is developed throughout the final chapters of *Capital, Vol. 1*. In short, if Marx – like Hegel – viewed the continent of Africa as having “no historical part of the world”, then perhaps, in the last instance, primitive

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<sup>30</sup> For a more recent discussion of this ‘Hegelian’ view of Africa in relation to contemporary narratives of the continent’s supposed “rise” or “decline”, see Mbembe (2016).

accumulation in Africa might actually be *desirable* in some sense. Desirable, possibly, because it might ostensibly drag the continent into a current of history that would presumably also draw it into capitalism, class struggle, and onwards toward the alleged horizon of communism. Much to the chagrin of post-colonial critics more than a century later, Marx and Engels (1969 [1848]: 16) had indeed written in *The Communist Manifesto* that the “world market [...] draws all, even the most barbarian, nations into civilization [...] It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilisation into their midst, i.e., to become bourgeois themselves. In one word, it creates a world after its own image.” Crucially, however, if the elder Marx’s work was beginning to lead him to a more nuanced understanding of the ways in which the *discourse* of ‘primitivism’ itself was in some ways a technology of colonial statecraft, then his position may have ultimately been more complex.

### **Primitive accumulation and Marx’s Africa**

Certain schematic or “vulgar materialist” (Friedman 1974) interpretations of Marx’s work have inferred exactly the above argument about imperial dispossession as a necessary precursor to class struggle. For instance, prefacing one of Marx’s articles for the *New York Daily Tribune*, ‘On imperialism in India’, Tucker (1978: 653) suggests that it was his “assumption that it was the fate of non-Western societies like that of India to go the way of bourgeois development as seen in modern Europe.” Though her position is vastly much more complex and nuanced than the caricatures offered by vulgar materialists, Rosa Luxemburg (1951 [1913]) flirts with a certain version of this logic in *The Accumulation of Capital*, at least insofar as she perceives the asymmetrical and haphazard absorption of non-capitalist societies that were “exterior” to capital into the rapidly expanding capitalist mode of production to be “inevitable” unless curtailed by socialist revolution elsewhere (see also Hudis 2010: 88).

Yet, Luxemburg herself – writing in 1913 – would not have enjoyed access to *The Ethnological Notebooks* and the various other unpublished studies and writings that occupied Marx in the final years of his life. These were produced as he was assembling the archive of research upon which the next volumes of *Capital* were to be based, many of which have only entered into public

circulation in a variety of forms and languages from 1930 onward (Hobsbawm 1965). More generally, Marx's writings – and especially his notebooks and letters – also frequently evince an aversion to the kinds of universalizing, essentializing, and deterministic arguments that have often been attributed to him. This is especially insofar as these texts grant us insight into Marx's efforts to grapple and engage with *current* events in his own time, such as the 1867 Fenian rebellion in Ireland that he and his wife, Jenny Marx, committed substantial energies to studying and writing about.<sup>31</sup> Hence, while the “vulgar materialist” view of primitive accumulation above might perceive it as an unavoidable precursor to class consciousness and struggle, there are reasons to believe that Marx himself would have been increasingly hesitant about taking such a position without at least substantial qualification, as I explore below.

Today, much critical scholarship on the topic of land and resource “grabbing” of various kinds draws heavily on Marx's thought on primitive accumulation.<sup>32</sup> This is for good reason. His writings on the topic vividly evoke the violence often deployed in various schemes to *enclose* commonly-owned land and resources via the assertion of either state or private property rights. Such rhetoric was deliberate: the underlying objective of this section of *Capital* was to dispute the “parable” of sorts developed by Adam Smith to explain the initial emergence of capitalist social relations. However, Smith does this in a rather whimsically abstract, ahistorical – and, as Marx would intimate – perhaps knowingly disingenuous way. Hence, though the term ‘political economy’ is in common usage now often conflated with a vaguely Marxist set of positions, *Capital* was conceived as a *critique* of the eighteenth-century school of liberal ‘political economy’ that had been developed mainly by Adam Smith, David Ricardo, and others in England.

Countering Smith's account of “original accumulation” as the slow and gradual accumulation of wealth by a “diligent, intelligent, and, above all, frugal elite” at the expense of “lazy rascals,

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<sup>31</sup> See, especially, correspondence collected within *Marx and Engels Collected Works, Vol. 18-24* for the years 1857-1883.

<sup>32</sup> The range of possible citations is far too wide to comprehensively cover here. See, *inter alia*, Büscher (2009), Kelly (2011), Peluso and Lund (2011), Fairhead et al. (2012), Benjaminsen and Bryceson (2012), Hall (2012, 2013), Wily (2012), Prudham (2013), Cavanagh and Himmelfarb (2015).

spending their substance, and more, in riotous living”, Marx forcefully proposes instead the concept of “primitive accumulation”. In stark contrast to the “idyllic” account proffered by Smith, Marx (1995 [1867]: 500-501) argues, famously, that:

“In actual history it is notorious that conquest, enslavement, robbery, murder, briefly force, play the great part. In the tender annals of Political Economy, the idyllic reigns from time immemorial. Right and labour were from all time the sole means of enrichment, the present year of course always excepted. As a matter of fact, the methods of primitive accumulation are anything but idyllic [...] [T]he historical movement which changes the producers into wage-workers, appears, on the one hand, as their emancipation from serfdom and from the fetters of the guilds, and this side alone exists for our bourgeois historians. But, on the other hand, these new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all the guarantees of existence afforded by the old feudal arrangements. And the history of this, their expropriation, is written in the annals of mankind in letters of blood and fire.”

In terms of those “robbed of their own means of production”, Marx specifically has in mind the ways in which the “expropriation of the agricultural producer, of the peasant, from the soil, is the basis of the whole process” (*ibid*). In other words, the concept of primitive accumulation forcefully highlights those historical contexts in which “freedmen became sellers of themselves” as wage labourers only after the forceful enclosure of their lands as private property, rather than voluntarily or in response to incentives and opportunities.

Here, Marx’s writings on primitive accumulation are often recalled or discussed as primarily referring empirically to processes of the enclosure of the commons in England. It is indeed the case that Marx (1995 [1867]: 501) would claim that the English experience was “the classic form” of primitive accumulation, and that he would devote a substantial portion of Part Eight of *Capital, Vol. 1* to its discussion. Following an influential exegesis of these writings by David Harvey (2003: 143-146), it is also often commonly accepted that Marx’s conception of primitive accumulation refers to the “pre-history” of capital, rather than to an ongoing feature



of it, a fact that has led Harvey (2003) to develop the concept of “accumulation by dispossession” in reference to ongoing processes of this type. Yet, a reading of these same chapters also perhaps suggests a certain degree of ambiguity in both respects.

In relation to the first, while Marx indeed claimed that England had witnessed “the classic form” of primitive accumulation, he was also careful to note that the broader context of the “history of this expropriation, in different countries, assumes different aspects, and runs through its various phases in different orders of succession, and at different periods” (Marx 1995 [1867]: 501-502). He observes, for instance, that in Italy “the dissolution of serfdom” had taken place “earlier than elsewhere”, and that the decline of “Northern Italy’s merchant supremacy” at the end of the fifteenth century would actually prompt a process of what contemporary Marxists might call “re-peasantization” (e.g. Fernandes 2013). In other words, this would entail a process in which the “labourers of the towns were driven en masse into the country, and gave an impulse, never before seen, to the *petite culture*, carried on in the form of gardening” (Marx 1995 [1867]: 502). Rather than a kind of epochal transition marked by the transformation of peasants into workers, then, Marx quite readily acknowledged how such a transformation might double back on itself under the right historical and geographical conditions. This would appear to be an insight of particular relevance for movements towards “food sovereignty” or “land sovereignty” in contexts marked by the absence of viable wage-based livelihoods today, and especially so even within contemporary Europe (e.g. Calvario 2017).

Secondly, however – and perhaps because of this desire to account for such diversity – Marx’s argument concerning primitive accumulation as the “pre-history” of capital sometimes becomes tangled in its own broad geographical and trans-historical scope. He writes, for instance, that:

“The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signaled the rosy dawn of the era of

capitalist production. These idyllic proceedings are the chief momenta of primitive accumulation” (Marx 1995 [1867]: 527).

And further, that:

“The different momenta of primitive accumulation [...] arrive at a systematical combination, embracing the colonies, the national debt, the modern mode of taxation, and the protectionist system. These methods depend in part on brute force, e.g., the colonial system. But they all employ the power of the State, the concentrated and organised force of society, to hasten, hothouse fashion, the process of transformation of the feudal mode of production into the capitalist mode, and to shorten the transition. Force is the midwife of every old society pregnant with a new one. It is itself an economic power” (Marx 1995 [1867]: 528).

Particularly in relation to the above allusion to the African slave trade and “the colonial system”, the argument does not quite hold, or holds only in a way that seems to demand much deeper elaboration. Differently put, the argument appears to stand so long as we conceive primitive accumulation via the slave trade *in Africa* as comprising the immediate pre-history of capital *in Europe* rather than on the continent itself, the latter possibility remaining largely unexplored (see also Perelman 2000; De Angelis 2001: 10-11; Glassman 2006: 610-611). It is exactly this sort of insinuation that has prompted post-colonial critiques like Edward Said’s (1993) – indeed, it almost seems as though Marx views the local effects of primitive accumulation through the African slave trade as being irrelevant.

The example does not directly contradict the argument in the sense that slaves were commodities – like gold and silver – whose extraction and sale filled European state coffers and bourgeois accounts, thereby contributing to the gradual process of capitalist industrialization. This “genesis of the industrial capitalist” is in fact the broader theme of the chapter from which the above quotations emerge. In terms of its *local* effects, however, it would seem unhelpful to subsume the slave trade into processes of primitive accumulation *as such*, especially as Marx defines the term in this chapter of *Capital* and elsewhere. Slavery, obviously, was the radical antithesis of “freeing” labour so that it might “sell” itself, though it

perhaps shares in common a certain “divorcing of the producer from the means of production” in the sense of incarcerating Africans that would have otherwise practiced diverse agrarian, pastoralist, and other livelihoods (e.g. Mbembe 2003). Likewise, it largely remains an empirically open question whether or to what extent the pre-1833 slave trade and the activities of the pre-colonial trading companies intersected with practices of the enclosure of lands and resources and to what degree on the African continent.<sup>33</sup>

In light of such ambiguities or unexplored ‘layers’ in Marx’s argument, it is perhaps useful to reflect upon the fact that the first volume of *Capital* had been published in 1867. This was almost two decades before the Berlin Conference of 1884-1885, in which the African continent would be more formally “partitioned” into spheres of European influence (e.g. Hobson 1902; Galbraith 1972, 1974), and was almost three decades before the declaration of British jurisdiction over what is now Kenya. Yet, it was also published more than three decades *after* Britain had passed the Slavery Abolition Act of 1833, denoting that slavery had been formally abolished in the British Empire for what amounts to most of Marx’s adult life by 1867. In other words, with regard to Africa, the argument was somewhat backwards, or at least undeveloped in certain important ways. The “momenta” of primitive accumulation that Marx identifies *in Africa* had not yet fostered capitalism on the continent to any truly significant extent,<sup>34</sup> other than in the relatively tenuous activities of the imperial trading companies, certain precocious colonial states in western and southern Africa, and the older slavery enterprises. In fact, primitive accumulation had not yet even *begun* on the vast scale that would accompany the territorialization of colonial states across nearly the entire surface

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<sup>33</sup> Whether those trading companies were ‘capitalist’ to any significant extent is also debateable, often blurring the distinction between capitalism, state mercantilism, and outright plunder. For an evocative account of the activities of both indigenous elites, pre-colonial societies and polities, and these trading companies prior to the formation of European colonial states in Africa *as such*, see Mbembe (2001: 67-72). For a broader overview of this period see Polanyi (1966), Unomah and Webster (1976), Wright (1985), and Lonsdale (1985).

<sup>34</sup> Exceptions were perhaps the precociously settled Western Cape of South Africa, from the mid-seventeenth century onward in relation to Dutch settlement, and from 1810 onward in earnest for British settlement (e.g. Omer-Cooper 1976). Others are French Algeria and possibly also that of the economies that were beginning to emerge in the “freed slave” colonies of Sierra Leone and the Gambia (Fyfe 1976).

area of the continent from 1885 onward, with all of the vast enclosures that this would entail for the purposes of white settlement, ‘nature’ conservation, extractive industry, and other land uses. Hence, although it is not explicitly stated, the progression of Marx’s argument appears to at least imply the possibility of future ‘rounds’ of a process resembling primitive accumulation.

### **Resisting primitive accumulation?**

Nonetheless, there remains a certain ambivalence or absence within these chapters about whether Marx thought these types of enclosures should be *resisted* as such as a matter of socialist or even anti-colonial strategy. In part, this was because Marx’s (1995 [1867]: 537) argument on primitive accumulation – despite certain slippages or ambiguities like those suggested above – largely spoke to the “pre-history” of capital, and conceived of Europe in particular as a continent where “the process of primitive accumulation is more or less accomplished.” Under such premises, theorizing why or how a socialist or communist movement in Europe might resist primitive accumulation would be almost logically contradictory: a certain interpretation might be that the workers’ movement exists in Europe *because* the process of primitive accumulation is largely complete.

Moreover, the relationship between socialist revolution in Europe and socialist revolution elsewhere was still a source of considerable uncertainty for Marx. As he put it in a letter to Engels in 1858:

“The difficult question for us is: on the Continent the revolution is imminent and will immediately assume a socialist character. Is it not bound to be crushed in this little corner, considering that in a far greater territory the movement of bourgeois society is still in the ascendant” (Marx 1978b: 676)?

The question appears to be one of revolutionary strategy in an international frame. Yet the “far greater territory” that Marx alludes to in this letter was not particularly great in relation to the scope of “globalization” that we are familiar with today. Indeed, in the same letter of 1858, Marx would describe the “world market” as follows:

“The specific task of bourgeois society is the establishment of a world market, at least in outline, and of production based upon this world market. As the world is round, this seems to have been completed by the colonisation of California and Australia and the opening up of China and Japan” (*ibid*).

California, Australia, Japan, and China: apparently these were the four corners of the Earth in Marx’s estimation at the time. But again, in 1858, the “world market” had only just begun to interact with the African continent in particular beyond the establishment of politically tenuous colonies and the instrumental extraction of certain commodities. The scale of these activities would be dwarfed by that which would follow the territorialization of mutually exclusive colonial states across the extent of its surface from 1885 onward.

Given that Marx passed away a year prior to the Berlin Conference of 1884-5, it decidedly remains uncertain what his view would have been on these vast enclosures-to-follow. The significance of these events was not lost even on certain budding ideologues of imperialism at the time, such as Frederick Lugard, who wrote in 1893 as a Captain in the Imperial British East Africa Company:

“The ‘Scramble for Africa’ by the nations of Europe – an incident without parallel in the history of the world – was due to the growing commercial rivalry, which brought home to civilised nations the vital necessity of securing the only remaining fields for industrial enterprise and expansion. [...] There are some who say we have no right in Africa at all, that ‘it belongs to the natives.’ I hold that our right is the necessity that is upon us to provide for our ever-growing population – either by opening new fields for emigration, or by providing work and employment which the development of over-sea extension entails – and to stimulate trade by finding new markets, since we know what misery trade depression brings at home.” (Lugard 1893: 381).

Such was the opinion of a man who, almost three decades later, would go on to offer perhaps the most influential argument for tempering those imperatives with the ‘civilizing influence’ of liberal colonialism in *The Dual Mandate in British Tropical Africa* (Lugard 1922).

But how would Marx have responded to these events? His other writings – such as those in *The Ethnological Notebooks* – evince considerable sympathy toward societies that encountered European imperialism on the African continent and elsewhere as well, as by an often fervent critique of those imperialisms (see Hobsbawm 1965; Krader 1974). Importantly, however, he was occasionally also critical of the *representation* of those societies in the texts he was reading, almost in a way that would foreshadow the post-colonial critiques of Marx himself that would emerge more than a century later. As he put it to a letter to Engels in 1868, expressing dissatisfaction with the work of one Georg Maurer in particular:

“[T]hough they provide the impulse, somewhere or else, there’s always some weakness. They lack the *right critical instinct* and above all, the sense of proportion. I was extremely struck by the fact that Maurer, though often referring to Africa, Mexico, etc., for purposes of illustration, knows absolutely nothing about the Celts, and therefore ascribes the development of landed property in France entirely to the German conquerors. ‘As though’ – as Herr Bruno would say – ‘as though’ we did not possess a Celtic (Welsh) book of laws from the eleventh century which is entirely communist, and ‘as though’ the French had not excavated original communities of the Celtic form here and there, and precisely in recent years. “As though!” (Marx 1965: 140, emphasis added).

To some extent, such observations appear to reflect that Marx was at least beginning to gain an appreciation of the ways in which processes of colonization both within Europe and elsewhere were not simply engaged in *instituting* law, but also in the nullification and replacement or reconfiguration of pre-existing institutions, a fact that seemed to be neglected in the work of Maurer and others. In reply, Engels would agree: collectively referring to many of the ‘bourgeois’ histories of custom and collective ownership that he and Marx had been reading at that time, he lamented that “[o]wing to a certain judicial blindness even the best intelligences absolutely fail to see the things which lie in front of their noses. [...] They are therefore surprised to find what is newest in what is oldest – even equalitarians, to a degree which would have made Proudhon shudder” (in Marx 1965: 141). Proudhon’s (1970 [1840]) famous thesis being, of

course, that property itself is a form of theft in the sense that it must be extracted or carved out from a pre-existing commons.

The elder Marx would state his position on this issue more forcefully still in his later writings, a particularly clear example of which lies in a letter to the Russian radical intellectual Vera Zasulich in 1881. As he wrote:

“Go back to the origins of Western societies and everywhere you will find communal ownership of the land; with social progress it has everywhere given way to private property; so it will not be able to escape the same fate in Russia alone. I will not take this argument into account except in so far as it is based on European experiences. As for the East Indies, for example, everyone except Sir Henry Maine and others of his ilk realises that the suppression of communal landownership out there was nothing but an act of English vandalism, *pushing the native people not forwards but backwards*” (in Marx and Engels 1989: 365, emphasis added).

Read in the context of both Zasulich’s letter to Marx and the broader argument of his response, the position taken here is significant as it gives an indication of the ways in which Marx’s thinking appears to have been evolving in ways that are more politically and geographically complex than he is often given credit for. Firstly, it reflects an understanding of the ways in which universalizing accounts of what would later be termed the “evolutionary theory of property rights” in colonial-administrative discourses and the gradual conversion of communal into private property were often largely an extrapolation of European historical experience. Perhaps, as Marx suggests above, an extrapolation that is invalid when extended to vastly different contexts. Such a tendency is also evident in Marx’s critique of Nikolai Mikhailovsky’s somewhat ahistorical or empirically ungrounded conjectures about the inevitable emergence of capitalist social relations in Russia (e.g. Marx and Engels 1975: 291, see also Perelman 2000: 27-28).

Secondly, Marx’s reply to Zasulich also seems to reflect a growing appreciation of the ways in which there was nothing necessarily ‘progressive’ about the imposition of private property

rights in the portions of the British Empire with which Sir Henry Maine had been so preoccupied, whether from a bourgeois or a radical perspective. As Marx continues in the same letter of 1881:

“But does this mean to say that the historical career of the agricultural commune must inevitably come to such an end? Not at all. Its innate dualism admits of an alternative: either the property element will gain the upper hand over the collective element, or vice versa. It all depends on the *historical environment* in which the commune is placed [...] Having been first restored to a normal footing in its present form, it may become the *direct starting point* for the economic system towards which modern society tends and turn over a new leaf without beginning by committing suicide. The English themselves attempted some such thing in the East Indies; all they managed to do was to ruin native agriculture and double the number and severity of the famines” (in Marx and Engels 1989: 367-368, emphasis added).

In other words, while Marx was to some degree skeptical about the prospect of specifically Russian forms of communal property and ownership to endure, this seems to have been a reflection of his understanding of Russia’s relationship to broader historical processes within Europe, rather than a deductive inference from some sort of universalizing ‘law’ or argument. Moreover, although he saw that relationship as affording certain potentialities or likelihoods for the fate of common property in the present, he did not view that outcome as being determined by historical trends. Rather, he acknowledges the various trajectories of the ways in which these processes could play out across highly variegated and uneven geographies, from Russia to the ‘East Indies’ and elsewhere. Moreover, his comment above further suggests awareness of an impending colonial-administrative reaction as well to the failure of privatization schemes, and alludes to the ways in which Maine himself had argued in favour for the protection of common or ‘customary’ rights from the mid-1870s onward, precisely, in the “East Indies” (see also Mamdani 2012: 19-20).

Marx’s other writings, both alone and together with Engels, frequently also evoke a harsh critique of the forms of imperialism and colonialism underway in the early-to-mid nineteenth



century (e.g. Marx 1978a), and evince celebrations of resistance to them. As early as 1860, Marx had developed a strong abolitionist perspective on the slave trade and the plantation agricultural systems that it had given rise to in the United States and elsewhere in the Americas. As he put it in a letter to Engels in that year:

“In my view, the most momentous thing happening in the world today is, on the one hand, the movement among the slaves [...] in America, started by the death of Brown, and the movement among the slaves in Russia, on the other [...] I have just seen in the *Tribune* that there was a new slave uprising in Missouri, naturally suppressed. But the signal has now been given” (in K. Anderson 2010: 85).

In addition, he also appears to have written in support of largely *nationalist* and anti-colonial struggles within British colonies, rather than just workers’ or anti-slavery movements *per se*. Here, a case in point is Marx’s perspective on the Fenian uprising of 1867 in Ireland, the apparent “brutality” of its suppression, and the broader implications thereof within the context of the British Empire.

Marx noted the irony, in particular, that the British colonial state in Ireland apparently presumed “a divine right to fight the Irish on their native soil”, whereas “every Irish fighting against the British Government in England is to be treated as an outlaw” (in Marx and Engels 1985: 189). Such an impulse toward resistance had not come from out of nowhere, but had instead “been baptised in blood by the English Government” (*ibid*). Indeed, in a statement that could have almost come from the pen of Karl Polanyi nearly a century later, Marx argued that the struggle of the Irish was not simply one for political independence, but one that also had to be seen in the context of mass enclosures and evictions for the establishment of capitalist agriculture. This was “not simply a question of nationality,” Marx wrote, “but a question of *land and existence*” (in Marx and Engels 1985: 319, emphasis added). More notable still was the apparent fact that this most recent rebellion had been precipitated specifically by the British government’s turn towards a more *liberal* form of colonial administration in Ireland and elsewhere. As he wrote, “[h]ere is what baffles the English: they find the present regime mild compared with England’s former oppression of Ireland. So why this most determined and

irreconcilable form of opposition now? What I want to show [...] is that the [oppression] since 1846, though less barbarian in form, has been in effect destructive, leaving no alternative but Ireland's voluntary emancipation by England or life-and-death struggle" (in Marx and Engels 1985: 194). Even to Marx at the time, the violence of the liberalism that characterized mid-nineteenth century forms of British imperial rule was indeed evident, even if it was "less barbarian in form" than its predecessors.

Though Marx would not live to see the full extent of such contestations, Engels would later draw upon the *Ethnological Notebooks* to extol similar instances of emerging 'native' resistance to British colonial rule much farther afield. For instance, reflecting on Marx's notes on Iroquois opposition to colonial state formation in what is now the United States, Engels (1942 [1884]: 52) writes that:

"We have seen examples of this courage quite recently in Africa. The Zulus a few years ago and the Nubians a few months ago – both of them tribes in which gentile institutions have not yet died out – did what no European army can do. Armed only with lances and spears, without firearms, under a hail of bullets from the breech-loaders of the English infantry – acknowledged the best in the world at fighting in close order – they advanced right up to the bayonets and more than once threw the lines into disorder and even broke them, in spite of the enormous inequality of weapons and in spite of the fact that they have no military service and know nothing of drill."

Despite these apparent celebrations of 'resistance' to slavery and colonialism in various contexts, it would nonetheless inevitably be over-reaching to try and somehow answer this fomenting dialectical contradiction within Marx's own thought for him. Though he had begun to grasp the contours of this underexplored 'layer' in his own thought – that is, the relationship of class struggle to broader movements against various imperialisms, colonialisms, and the forms of racism that they espoused – he would not live to provide a fully developed answer to it (see also Harvey 2003; K. Anderson 2010). Indeed, it has been the subject of much speculation amongst historians and biographers that one possible reason for the delay in the drafting and publication of the second and third volumes of *Capital* may

have been Marx's own acknowledgement that his research on these themes was still too shallow (e.g. Hudis 2010, see also Krader 1979).<sup>35</sup> The existence of *The Ethnological Notebooks* of 1880-1883 and his related notes on the works of Maksim Kovalevsky are perhaps suggestive in this regard. Ultimately, however, these delays were such that it required the intervention of Engels' heavy editorial hand to allow these volumes of *Capital* to be published at all – and posthumously so – in the form available today (see Marx 1956 [1885], 1959 [1894]).

Almost certainly, Marx would have vehemently denounced the massacres, burnt fields, razed villages, looted properties, stolen lands, enclosed commons, mass starvation, and other gross affronts to humanity that the immediate post-1885 colonial period entailed with varying degrees of severity and regularity in much of the African continent (Davis 2002).<sup>36</sup> He may have even celebrated instances of the sort of “primary resistance” (e.g. Ranger 1967, 1968a, 1968b, 1977; Lonsdale 1977) that characterized diverse African responses to these abuses in the early colonial period. Yet we simply cannot know exactly his thoughts about advisable political strategy in their wake, and especially not without abstracting and universalizing strategies developed for use by workers' movements and anti-colonial struggles in nineteenth-century Europe from their historical and geographical context. This tendency has often rightfully prompted the ire of many post-colonial critics (e.g. Spivak 1988; Said 1993; Chakrabarty 2000).

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<sup>35</sup> Particularly in the second volume, we begin to see much more attention paid to diverse and non-European geographical contexts, populations, and forms of production. See Hobsbawm (1965), Krader (1974, 1979), K. Anderson (2002), Hudis (2010).

<sup>36</sup> The “complexities” and “ambiguities” of colonial rule in Africa and the extent to which it depended on the use of state violence are much debated (e.g. Berman 1990, 1997; Young 1994; Comaroff 1998). However, it is important to note that the *initial* process of colonial state formation and the suppression of “primary resistance” (Ranger 1968a, 1968b) was often overwhelmingly predicated on the use of force, the theft of land and livestock, and the enclosure of lands via “punitive raids” or “punitive expeditions”. Explorations of the apparently even-handed or measured forms of administration that followed must be properly qualified as being predicated on or emergent from this earlier, in many ways *constitutive*, violence (see, *inter alia*, Lonsdale 1977; Mbembe 2001, 2003; Anderson 2004; Davis 2002; Moore 2005; Cavanagh and Himmelfarb 2015).

Conversely, however, many scholars have perhaps been too quick to assume Marx's likely acceptance of the inevitability of such violence, and its necessity in precipitating the workers' struggles presumed to follow. This is especially the case in light of his writing in support of anti-colonial struggles for "land and existence" in Ireland and elsewhere, as well as his possibly mounting awareness of the ways in which 'custom' itself was increasingly a technology of apparently 'liberal' colonial rule, one that may have demanded a tactically different sort of response. Marx's writings that we are left with are marked by only the most slightly incipient degree of indication that a more robustly developed perspective was emerging in this regard. Nonetheless, it remains the case that colonial strategies of *managing* these processes of dispossession in early-twentieth century Africa would largely circumscribe the emergence of workers' struggles of the sort that a younger Marx might have expected, and especially so on the scale that he might have anticipated.

### **Peasants, kings, and counter-movements for 'land and life'**

If Marx is the implicit conceptual patron for much of the contemporary literature on land and resource "grabbing", this is perhaps only narrowly so. The writings of twentieth-century political economist Karl Polanyi are also of deep relevance, and have been drawn upon extensively by critical scholars of the "global land rush" on this basis (see, especially, Murray Li 2007, 2010, 2014a, 2014c; Cotula 2013; Prudham 2013; McMichael 2014). This is particularly so insofar as they grant us deeper insight into not only the drivers of processes of dispossession in land, but also the political stakes of efforts toward managing the consequences thereof, and specifically toward their management by states.

Yet Polanyi also had the benefit of writing in a very different time and place. Whereas Marx had passed away before the apex of European colonial rule in the late nineteenth and early twentieth century, Polanyi would live to not only see it reach such an apogee, but also to see it double-back or "boomerang" (Foucault 2003: 103) upon itself in the desolation and despoliation of the Second World War.<sup>37</sup> The first chapter of his *magnum opus*, published in

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<sup>37</sup> As Hannah Arendt (1951) would suggest in *The Origins of Totalitarianism*.

1944 as *The Great Transformation* (Polanyi 2001 [1944]), concerns exactly how “nineteenth century civilization” – a civilization of which Marx was a product, and whose end he did not live to see – had “collapsed”.<sup>38</sup> This collapse was in many ways the disintegration of what the Nazi legal theorist Carl Schmitt (2006) once termed the global *nomos* of the *jus publicum Europaeum* or European international order. In other words, this was the *nomos* or balance of power that had orchestrated the “partition” of the African continent between various European powers, that had crumbled in the First World War, that was subsequently reconstructed only partially, and that was very much in ruins again as Polanyi was writing *The Great Transformation*.

Much of this text concerns the nature of the Industrial Revolution in Europe, its effects, the responses it had evoked, and the much more ominous consequences that it had appeared to precipitate over the following century (Burawoy 2013). However, just like many of Marx’s writings, Polanyi’s narrative is quite exquisitely layered. Its broader current suggests that the roots of fascism’s rise in twentieth-century Europe ultimately lay in the disarticulations and social disintegration wrought by the ascendance of market liberalism from the Industrial Revolution onward. Yet the narrative often presents the reader with sub-plots, sub-texts, and segues that – though often not fully explored by Polanyi himself – are frequently highly suggestive and potentially generative in their own right.

One of these subtexts possibly arises from the fact that – throughout the course of his life – Polanyi had the benefit, unlike Marx, of seeing the ways in which some iteration of such a ‘transformation’ had unfolded throughout the late colonial period in diverse European “possessions”. Notably, this period was characterized not simply by the “imperialism in trade” that Marx (e.g. 1978a) was intimately familiar with, but by a more substantively *territorial* form of colonialism on the African continent and in southeast Asia in particular. This would amount to a process – as Achille Mbembe (2003: 25-26) so eloquently puts it – that was:

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<sup>38</sup> To quote only its famous opening sentence.

“a matter of seizing, delimiting, and asserting control over a physical geographical area – of writing on the ground a new set of social and spatial relations. The writing of new spatial relations (territorialization) was, ultimately, tantamount to the production of boundaries and hierarchies, zones and enclaves; the subversion of existing property arrangements; the classification of people according to different categories; [and] resource extraction [...] Space was therefore the raw material of sovereignty and the violence it carried with it. Sovereignty meant occupation, and occupation meant relegating the colonized into a third zone between subjecthood and objecthood.”

Polanyi (2001 [1944]: 187-188) himself makes much the same point in *The Great Transformation*'s chapter on 'Market and Nature' when he writes that:

“it is in the field of modern colonization that the true significance of such a venture [of marketization] becomes manifest. Whether the colonist needs land as a site for the sake of the wealth buried in it, or whether he merely wishes to constrain the native to produce a surplus of food and raw materials, is often irrelevant; nor does it make much difference whether the native works under the direct supervision of the colonist or only under some form of indirect compulsion, for in every and any case the social and cultural system of native life must be first shattered. There is close analogy between the colonial situation today and that of Western Europe a century or two ago. But the mobilization of land which in exotic regions may be compressed into a few years or decades may have taken as many centuries in Western Europe.”

This passage is revealing, and perhaps helpful for contextualizing the broader aims and scope of *The Great Transformation* itself.<sup>39</sup> Without making too much of this, the point is that Polanyi

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<sup>39</sup> In particular, the reference to 'modern colonization' above – though seemingly casual or non-specific – is substantiated by a description of practices and imperatives that are perhaps reminiscent much more of the predicament of twentieth-century colonial states than that of their forebears in a preceding era of European imperialism. The encapsulation of contradictory administrative imperatives alluded to in this passage – the

doubtlessly retained a keen sense of how these interrelated territorializations and transformations were unfolding in the early twentieth century, and often in intensely contested ways. Indeed, as another scholar of the Industrial Revolution and its effects – one E.P. Thompson (1963: 13) – would later put it, “the greater part of the world today is still undergoing problems of industrialisation, and of the formation of democratic institutions [...] Causes which were lost in England might, in Asia or Africa, yet be won.” More importantly: Polanyi would have also been able to observe that these processes had precipitated highly complex forms of social struggle, ones that – especially prior to 1944 – very infrequently in the colonized world even rhetorically took the form of a straightforward workers’ vanguard and its attempted capture of the state.

There is also evidence that Polanyi commiserated deeply with those struggles. As he wrote to one Be de Waard towards the end of his life in 1958, “[m]y life was a ‘world’ life [...] My work is for Asia, for Africa, for the new peoples” (in Block 2001 [1944]: xxi). In this sense, while much of *The Great Transformation* by definition concerns a European empirical context – and although it has been suggested that Polanyi’s thesis is underpinned by a certain degree of Eurocentrism (Holmwood 2016) – it seems to be almost blatantly the case in certain portions of the text that Polanyi’s analysis of the Industrial Revolution in Europe was written with at least one eye on the struggles and contestations that were unfolding far beyond it in his own time.<sup>40</sup> One might almost read it less as an historical study, *per se*, and more of a piece of then-contemporary social and political theory whose argument happens to be made via historical narrative.

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alienation of land; the nonetheless persistent compulsion to extract commodities surpluses from ‘natives’; the extraction of resources; the enduring necessity of ensuring that the ‘natives’ remain somewhat responsive to directives – could just have easily been extracted from one of Bruce Berman’s (e.g. 1990) works on twentieth-century colonial governance in Kenya.

<sup>40</sup> Often implicit or only tangentially explored in his earlier writings, Polanyi’s interests in the political economy of European societies vis-à-vis their colonies and the broader world system were more explicitly examined and developed in two subsequent works, *Trade and Markets in Early Empires* (Polanyi et al. 1957), and, posthumously after his passing in 1964, *Dahomey and the Slave Trade* (Polanyi 1966).

Some of the most substantial contributions of *The Great Transformation* arise from the ways in which Polanyi was able to clearly perceive – and clearly articulate – many of the reasons *why* processes of capitalist transformation and development tend to yield such destabilizing effects. Firstly, Polanyi’s analysis was facilitated by his underlying conception of ‘the economy’ and ‘the market’ as being socially *embedded* in diverse contexts, rather than somehow abstracted from social, political, or cultural life. In this sense, the effects of ‘economic’ transformation can never be purely economic in nature, and neither can their effects somehow be insulated from broader social or political consequences. As a result of the potentially wide-ranging extent of such destabilization, Polanyi (2001 [1944]: 136-140) nicely articulates how these ‘economic’ transformations often provoke the emergence of a “countermovement” in opposition to their effects, and especially so when those effects appear to fundamentally threaten livelihoods, lifeways, and possibly even life as such. Accordingly, then, processes of marketization or commodification and capitalist development are never a one-way street: in aggregate they amount to a “double movement”, wherein efforts to further such processes are inevitably met with varied resistances, ones primarily mobilized in the interest of “social protection” (e.g. Polanyi 2001 [1944]: 136).

Read in the context of the 21<sup>st</sup> century, it might be tempting to somewhat casually subsume Polanyi’s notion of a ‘countermovement’ into broad, polymorphous, and somewhat ambiguous struggles for ‘change’ of the sort that often accompany World Trade Organization summits and related gatherings at which the ‘rules of the game’ for global capitalism are being negotiated. Yet, it is worth noting that the exact ways in which Polanyi formulated the concept suggest that ‘his’ countermovement is primarily a movement of *protection*, one engrossed with the conservation of a *status quo ante* from the destabilizing effects of, precisely, political-economic or other forms of ‘change’. In other words, Polanyi’s countermovement is not a movement *for* a different society, whether conceived in progressive, revolutionary, or other terms; rather, it is primarily a movement for the conservation of an old one, as well as for the preservation of the forms of livelihood and sociality which that previous order sustained.



In Polanyi's (2001 [1944]: 151-152, emphasis added) usage, countermovements are also not necessarily driven by any particular ideology or political vision – as he puts it:

“The great variety of forms in which the ‘collectivist’ countermovement appeared was not due to any preference for socialism or nationalism on the part of concerted interests, but exclusively to the broad range of the vital social interests affected by the expanding market mechanism. This accounts for the all but universal reaction of *predominantly practical character* called forth by the expansion of that mechanism. Intellectual fashion played no role whatever in this process”.

In other words, Polanyi's countermovement is primarily a collective response to processes of market-oriented change perceived to be socially, economically, or otherwise disadvantageous. The underlying motivation – to the extent that Polanyi feels there is one – is related mostly to how these deleterious effects cut across a whole suite of aspects involved in individual and collective life, from the ability to maintain a livelihood, to the possible dissolution of a community's form and structure as such.

Further to this, Polanyi is much-noted for his argument that efforts to extend market relations are particularly destabilizing when they involve the commodification of particular aspects of both individual and community life. Again, such destabilization arises from the extent to which these prospective ‘commodities’ are in fact deeply embedded within everyday concerns. As he writes:

Traditionally, land and labor are not separated; labor forms part of life, land remains part of nature, life and nature form an articulate whole. Land is thus tied up with the organizations of kinship, neighborhood, craft, and creed – with tribe and temple, village, guild, and church. One Big Market, on the other hand, is an arrangement of economic life which includes markets for the factors of production. Since these factors happen to be indistinguishable from the elements of human institutions, man and nature, it can be readily seen that market economy involves a society the institutions of which are subordinated to the requirements of the market mechanism” (Polanyi 2001 [1944]: 187).

Such a view leads Polanyi to distinguish between “real” commodities, which are produced by individuals for sale on the market, and “fictitious” commodities, which require certain forms of legal or other intervention to render them transactable over markets. Here, Polanyi’s (2001 [1944]: 72-73) famous examples of fictitious commodities are land, labour, and money. Whereas land is simply a component of the biophysical world, and labour arises from the innate capacities of human beings, money not only needs to be commodified, but actually requires state intervention and legislation to bring it into existence as such. Especially given that the former two are so fundamentally integral to life and livelihood itself, their commodification – or the intensification of the ways in which they are traded as commodities over markets – is especially likely to produce “countermovements” of various kinds. Indeed, as Prudham (2013: 1575) suggests, Polanyi might be productively read in this regard as offering an “attempt to reflect on and rearticulate the centrality of processes of primitive accumulation in constituting active ‘society’” and its forms of mobilization in response.

### **Counter-movement by royal decree?**

At certain points in *The Great Transformation*, however, there are passages where Polanyi deviates somewhat from the above-noted definition of his “double movement”, or at least from the precise substance implied above. Throughout, the term is used in reference both to processes of marketization and efforts to mitigate their deleterious effects. At certain junctures, however, Polanyi is somewhat ambiguous about exactly whose agency is generative of the countermovement. It is clear from the text that the protagonists of Polanyi’s narrative are the “peasants” (Polanyi 2001 [1944]: 19), “common people” (*ibid*: 35), “workers” (*ibid*: 106) and other vulnerable populations whose lives were thrown into so much disarray by the emergence and intensification of capitalism. Yet, there is occasionally a certain ambivalence as to whether those populations *themselves* organize countermovements in the interest of their own social protection, or whether such movements have been organized on their *behalf*; specifically, organized on their behalf by states.

In relation to contemporary debates about neoliberalism, Polanyi is often applauded for his broader argument that state intervention is ultimately necessary both to create and to sustain a

liberal market economy. As he put it, in one of his most-cited formulations, “[t]here was nothing natural about *laissez-faire*; free markets could never have come into being merely by allowing things to take their course” (Polanyi 2001 [1944]: 145). Yet his thought is less often drawn upon to explore the *converse* dimension of precisely this argument in precisely the same chapter, which was that – paradoxically – the rise of *laissez-faire* economics also prompted the necessity of new forms of *state* administration, and occasionally so in increasing volume. Indeed, Polanyi (*ibid*) encapsulates this contradiction when he writes that the emergence of market liberalism in England precipitated an “outburst of legislation repealing restrictive regulations”, yet one that was also accompanied by “an enormous increase in the administrative functions of the state, which was now being endowed with a central bureaucracy able to fulfil the tasks set by the adherents of liberalism.” This is an insight that could be productively harnessed within contemporary debates about “roll back” and “roll out” *neoliberalism* as well (e.g. Peck and Tickell 2002). What Polanyi suggests, effectively, is that processes of legislative roll-back in the interest of economic liberalization were twinned with one of *administrative* roll-out that was necessary to manage its socially disarticulating effects. In the contemporary setting, Wacquant (e.g. 2009) has recently made a similar argument, albeit by distinguishing between “left arm” (or broadly protective) from “right arm” (broadly prosecutorial or coercive) functions of the state, suggesting that neoliberalism tends to involve a simultaneous “roll-back” of the left arm and the strengthening of the right. In relation to twentieth-century forms of colonialism in British African colonies, however, there are reasons to believe that we might wish to pay closer attention to Polanyi’s own formulation of the ‘left’ arm as well.

Differently put, Polanyi was attentive to the ways in which “roll out” functions undertaken by the state in the interest of facilitating economic liberalism were not simply related to constitutive ones – that is, the passing of laws that facilitate, rather than regulate, free trade, or that institute markets for new commodities – nor simply to the enforcement and policing of contracts. The substance of his argument in this regard revolves around efforts to manage the effects of rural enclosures in England during the sixteenth and seventeenth centuries. For instance, Polanyi (2001 [1944]: 37) writes that:

“Enclosures have appropriately been called a revolution of the rich against the poor. [...] They were literally robbing the poor of their share in the common, tearing down the houses which, by the hitherto unbreakable force of custom, the poor had long regarded as theirs and their heirs'. [...] The King and his Council, the Chancellors, and the Bishops were defending the welfare of the community and, indeed, the human and natural substance of society against this scourge. With hardly any intermittence, for a century and a half – from the 1490s, at the latest, to the 1640s they struggled against depopulation.”

Polanyi’s double movement – in this sense of certain imperatives for marketization and those against it by other elements within the state itself – would be a recurring theme in his analysis. For instance:

“It was almost a hundred years later when a second trial of strength came between the same opponents, but by that time the enclosers were much more frequently wealthy country gentlemen and merchants rather than lords and nobles. High politics, lay and ecclesiastical, were now involved in the Crown's deliberate use of its prerogative to *prevent* enclosures and in its no less deliberate use of the enclosure issue to strengthen its position against the gentry in a constitutional struggle” (Polanyi 2001 [1944]: 38, emphasis added).

Here, Polanyi’s account is insightful, as it points to the incentives that certain interests within the state and other elements of *elite* society retain to resist or mitigate the kinds of upheaval induced via the enclosure of lands and resources. The exact constellation of those actors may change depending on the precise historical and geographical conjuncture involved. This depends especially on the specific divers of enclosure; for example, whether these occur in the interest of capital or simply to set aside lands for use by the state. Though the former are more remarked upon by both Polanyi and by Marx, historians such as Michael Hechter (1975) and Richard Grove (1996, 1997) also remind us of much older waves of enclosures in England and elsewhere, ones essentially undertaken for the purposes of an early form of *conservation*, or the ‘setting-aside’ of lands as royal hunting grounds or for other uses.

Crucially, however, Polanyi further contributes via his specification of the underlying tactical orientation of elite-sponsored countermovements. Indeed, as formulated in *The Great Transformation*, a countermovement is not one necessarily oriented at the total prevention of economic or social change, but rather the management of its speed or pace, and the extent of its effects. Here, the role of the state “consists often in altering the rate of change”, and wherein, again:

“Enclosures offer an example [...] [B]ut for the consistently maintained policy of the Tudor and early Stuart statesmen, the rate of that progress might have been ruinous, and have turned the process itself into a degenerative instead of a constructive event. For upon this rate, mainly, depended *whether the dispossessed could adjust themselves* to changed conditions without fatally damaging their substance, human and economic, physical and moral; whether they would find new employment in the fields of opportunity indirectly connected with the change; and whether [...] those who lost their employment through the change to find new sources of sustenance” (Polanyi 2001 [1944]: 39, emphasis added).

In sum, Polanyi’s reflections on these themes offer us a sophisticated, dynamic, and non-deterministic view of both state and ‘societal’ or community efforts to contest and manage dispossession via the enclosure of lands and resources. In particular, his writings provide us with a reminder to remain attentive to diverse elements within the state and other elites that may be prone to managing and deaccelerating processes of dispossession even whilst their counterparts of similar political or economic stature in society might seek to accelerate it.

Nonetheless, it is essential to conclude this discussion of Polanyi’s (2001 [1944]) thought in *The Great Transformation* by threading his thesis back through its premises; that is, back through his initial discussion of the collapse of “nineteenth century civilization.” Indeed, as Burawoy (2013) reminds us, Polanyi’s notion of the countermovement is marked by a largely implicit temporal and political ambiguity. On the one hand, the enclosures associated with the transition to and through the Industrial Revolution in Europe had precipitated the deployment of countermovements both by peasants and other vulnerable communities, as well as by states

and monarchs on their behalf. But the deeper argument is that the forces unleashed by the rise of market liberalism would also precipitate countermovements and repercussions that would only be felt much later. Just as it included ‘protective’ resistance to enclosures, Polanyi’s countermovement ultimately “could be as destructive as the market it sought to contain [...] it included fascism and Stalinism as well as the New Deal and social democracy” (Burawoy 2013: 38).

Today, we might just as surely point out that the ‘double movement’ of our times includes indubitably sustained imperatives toward marketization, commodification, and economic growth (Harvey 2010), as well as ‘countermovements’ in forms as diverse as Brexit, the Donald Trump presidency, La Via Campesina, ‘post-neoliberal’ regimes in South America (Radcliffe 2015), and new forms of state redistribution in Sub-Saharan Africa predicated on the idea of a citizen’s “rightful share” (Ferguson 2015). Though his analysis is deeply insightful, it remains uncertain whether Polanyi’s thought provides us with the tools for the construction of a *politics* that might contest not only the dispossessory effects of those ongoing processes of capitalist transformation, but also their underlying imperatives, drivers, and impulses. In short, it is precisely some of those less-than-progressive impulses for the ‘protection’ of certain populations in twentieth-century British African colonies that is the focus of many of the chapters that follow.

### **Conclusion: Sir Henry Maine, and his puzzle**

Reflecting upon the broader stakes of the conceptual issues raised in this chapter, it is perhaps useful to return to Sir Henry Maine’s ‘questions’ that Karl Marx had been annotating fervently almost line-by-line of text near the end of his life in 1883. In essence, Maine’s (1875: 371-400) ‘puzzle’ toward the end of his *Lectures in the Early History of Institutions* was the question of whether European ‘law’, in the last instance, was simply a form of European ‘custom’, and whether or not more substantial grounds might be found for its extension and imposed jurisdiction over ‘customary law’ elsewhere.

It should not be underestimated in its own right: Maine's answer was complex, and tied up in his broader and fundamentally 'liberal' theory of empires and imperialism. This theory will be revisited in subsequent chapters. But in short, Maine's view of empires – not unlike that advanced by the Nazi jurist Carl Schmitt (2006) more than half a century later – was not one of imperial ascendancies and gradual declines. Instead, it was simultaneously much more sophisticated and much more ominous. For Maine, imperial rise and imperial decline bled into one another in a way marked by continuity rather than discontinuity. In short, he offers us a theory of post-colonialism, albeit one that is advocative rather than critical. To paraphrase his position, empires did not over-extend or over-reach; rather, their implicit mission was, though somewhat unconsciously, a terminally gerontocratic one. His corollary was that the inevitable process of post-imperial decomposition fertilizes the emergence of a new order, not a radically different one, but one that was laudable *because* it bore the imprint of the old in a new configuration, an imprint most clearly evident in the prevailing law and its form if not its precise content. We might infer that Maine attracted the late Marx's interest precisely because he was in this sense an ecologist – not like Darwin, who also occupied Marx's interest – but more specifically a conservative political ecologist of empires, whose ecology Darwin decidedly neglected. In this regard, and to be somewhat mischievous, we might say that Maine anticipated the theories of 'resilience' that are so popular today. His answer to the decomposition of the British Empire was the emergence of a new order that might resemble what we now know as the "Commonwealth", one that would continue to bear the institutional and legal imprint of the empire and a certain version of its civilizing mission. Perhaps simply breathless – and although his rough notes in *The Ethnological Notebooks* "attack [Maine] mercilessly for his bland politics" (Krader 1979: 159) – Marx did not live to fully articulate his critique.

Ultimately, Maine's more precisely legal thesis was that Europe and its laws had, indeed, been extricated from the realm of custom. This was not through of their own innate virtue or the agency of their exponents, not through the Renaissance nor the Enlightenment. For Maine, European law had emerged from custom because most of the continent itself had – though only at the fringes of its popular memory – been largely vanquished in conquest. European law had been 'liberated' from custom only through the experience of being ground through Roman annexation and its offshoots. Its legal codes and statutes were thus for Maine an *evolution* of the

laws imposed under that conquest, rather than reflective of inherently European ‘custom’, virtue, or ingenuity (see also Bryan 1906; McAuslan 2007). More than half a century after Maine (1908 [1863]), one Lord Frederick Lugard (1922: 618) – in *The Dual Mandate in British Tropical Africa* – would agree:

“[a]s Roman imperialism laid the foundations of modern civilisation, and led the wild barbarians of these islands along the path of progress, so in Africa to-day we are repaying the debt, and bringing to the dark places of the earth, the abode of barbarism and cruelty, the torch of culture and progress, while ministering to the material needs of our own civilisation.”

That deeply constitutive violence, and most of Europe’s final submission to it, were ultimately, for Maine, what gave its contemporary nations the license to spread that same gospel of blood and fire elsewhere. Differently put, such histories of exteriority to Roman occupation and civilization thus ostensibly gave the British Empire equal right and warrant to administer Ireland – mired as it still seemed to Maine (1875: 9-10) to be in “ancient Brehon law” – just as it did India and the emergent African colonies (see also Mamdani 2012: 19-20).

In the chapter that follows, I explore the fraught politics of ‘Maine’s puzzle’ as it manifested within attempts to build a form of British colonial governmentality known as indirect rule – guided, at the turn of the twentieth century, by the ‘liberal’ doctrine of Lugard’s (1922) dual mandate – on the African continent. This is fundamentally a context that dialectically engages Polanyi’s concerns with social protection with those that Marx had begun to contemplate in his final years: that is, the political implications of the dispossession of ‘custom’ and resistances to it, even if that version of ‘custom’ has its roots in a form of liberal colonial statecraft.



**Part II – Shifting practices of racialization, civilization, and territorialisation**



Frontispiece II – Map of the East Africa Protectorate, 1897-1898. Source: BL/WO/1205 – ‘Map Showing the Limits of the East Africa Protectorate’.

## 5. Dual mandate: experimentation, racialization, and civilization under indirect rule

“[T]he history of the development of every country is full of lessons of how futile is calculation without experiment.”

– Frederick Lugard, *The Rise of Our East African Empire* (1893: 452).

“The Protectorate of Zanzibar is a native state theoretically administered by the Sultan and the ministers whom he appoints.”

–Sir Harry Johnston, *The Uganda Protectorate* (1902a: 269).

### Introduction

In the fields of critical human geography and political ecology, the year 2017 might seem an odd or arbitrary one to engage in a re-visitation and re-examination of texts, doctrines, and policies written by British colonial administrators on the topics of institutional segregation and “indirect rule” in the early twentieth century. Yet, across the social sciences, what perhaps began as a certain range of debates about contemporary forms of liberalism and multiculturalism in societies such as Canada, Australia, the United States, and South Africa has inaugurated a new wave of interest about the genealogies of those liberalisms and multiculturalisms (e.g. Povinelli 2002, 2011; Coulthard 2014; Stoler 2016; Radcliffe 2017).

This chapter explores certain roots of these liberalisms and multiculturalisms in Britain’s former colonies in East Africa; namely, the institutionalization of certain group or collective identities under the ostensible “trusteeship” of the indirect rule or apartheid state (see also Cowen and Shenton 1996; Murray Li 2007, 2010, 2014). As Mahmood Mamdani (1996a: 7-8) reminds us, “neither institutional segregation nor apartheid was a South African invention [...] apartheid, usually considered unique to South Africa, is actually the generic form of the colonial state in Africa.” Yet it is often forgotten, today, that the ‘generic’ institutions that characterized the indirect rule and apartheid state – the ‘native reserve’, certain forms of

dispossessory land law, rule through a ‘Native Authority’, and the affordance of different rights to hierarchically conceptualized ‘races’ and ‘tribes’ – is not unique to Sub-Saharan Africa either.

As Mamdani (2015: 13) himself notes in a later essay on settler colonialism in North America, which is worth quoting at length:

“What is exceptional about America, the USA, is that it has yet to pose the question of decolonization in the public sphere. The significance of this became clear to me in 1993 when first I went to South Africa to study apartheid as a form of the state. I realized that basic institutions of apartheid had been created long before the name and the state came into being. The ethnic cleansing of the African population of South Africa began as early as 1913 when the Natives Land Act declared 87 percent of the land for whites and divided the remaining 13 percent into tribal homelands for the native population. These homelands were called reserves. I wondered why the name sounded so uncannily like the American reservation. The answer was illuminating and chilling. White South Africa became independent from Britain in 1910. That same year, the new settler government sent a delegation to North America, specifically to the US and Canada, to study how to set up tribal homelands; for, after all, they had first been created in North America half a century before. The American reservation became the South African reserve. Inserted in the history of colonialism, America appears less as exceptional and more as a pioneer in the history and technology of settler colonialism.”

In short, Mamdani’s deterritorialized genealogy of the institutions and technologies of apartheid is fascinating. Yet it also allows us to identify certain parallels between the forms of *politics* that have emerged in diverse societies that were subject to a version of what Mamdani describes above, most notably perhaps South Africa (Mamdani 1996a, 2015; Mbembe 2017), Canada (e.g. Harris 2004, 2011; Coulthard 2014), and Australia (e.g. Povinelli 2002, 2011). This is not at all to say that these forms of contestation are determined by a common institutional precedent

– quite on the contrary, the diverse historical and geographical conjunctures into which the above institutions would land have produced vastly diverse and variegated results.

Yet as Glen Coulthard (2014) notes in his excellent *Red Skin, White Masks*, these generically common institutional precedents have also produced forms of politics and political mobilization that often evince a shared tension between a politics of *recognition*, on one hand, and the politics of mass redistribution or even mass mobilization on the other. This is particularly so in the extent which the pursuit of recognition and redress for the injustices meted out upon a particular group, ‘tribe’, or ethnic community, may occasionally be adverse to or mutually exclusive with the aims of redistribution more broadly, or to more transformative manifestations of political-economic change (e.g. Lynch 2011a). Indeed, as Mamdani (1996a: 3) had argued almost a decade earlier than the above, “how power is organized and how it tends to fragment resistance” are sometimes more intertwined than we expect or fully and consciously realize.

In East Africa today, such a politics of recognition is often interpreted as a form of “political tribalism” (e.g. Lonsdale 1992c, 1992d; Berman 1998), wherein the broadly-defined legacies of colonial rule have been manipulated via the asymmetrical expenditure of patronage by politicians, elites, and bureaucrats after independence. In East Africa, studies of these phenomena have yielded rich and perceptive analyses of how both certain intra-group and inter-group inequalities came to be produced in the colonial era, and have been reproduced or complicated in various ways after independence (e.g. Mamdani 1976; Berman 1990; Feierman 1990; Klopp 2000, 2012; Boone 2012, 2014, see also Lynch 2011a). Yet, although these studies often quite rigorously document what are essentially the *effects* and afterlives of the idiosyncratic form of indirect rule that emerged in East Africa, they do not always identify what indirect rule *was* in the sense used within treatises of British colonial administrative theory at the time.

This leads Bruce Berman (1990: 309) – in his otherwise magisterial study of the administration and bureaucracy of Kenya Colony – to state that “Kenya, where indirect rule had never been implemented and the administration ruled through institutions of its own creation, was regarded as a progressive example of the direction in which other colonies were to move.” Yet nowhere in his excellent *Control and Crisis in Colonial Kenya* does he define what indirect rule *is*, and

nowhere does he engage the works of indirect rule's perhaps most influential *re*-theorist and practitioner, Frederick Lugard. In his PhD dissertation of 1974 – upon which the latter book would be based – Berman (1974: 496) elaborates on the reason for this claim. As he puts it:

“The study of British colonial administration has been bedeviled by a ‘myth of indirect rule’, and it is in relation to this myth that Kenya, where indirect rule was never officially applied, appears at first to be atypical of British colonies in Africa. The myth is based upon the selection of one particular colony, Northern Nigeria, as a paradigm for the analysis of all British administration in Africa. This has been the result of not only the long shadow of Lord Lugard and his disciples, and the metropolitan authorities' general encouragement of the adoption of the principle of indirect rule in most colonies; but also of the British preoccupation and fascination with centralized African kingdoms and their confusion over and even hostility towards the decentralized systems that did not conform to Western stereotypes. The Northern Nigeria system, however, was not even fully replicated in the other regions of Nigeria, and was applied only partially and inconsistently in other colonies.”

This is unfortunate, because – although Lugard's (1922) *The Dual Mandate in British Tropical Africa* would be written around the time that he was Governor-General of Nigeria – his argument had been previously developed *empirically and in practice* not in relation to Nigeria, but in relation to what was then broadly ‘British East Africa’ under the rule of the Imperial British East Africa Company (IBEAC) between 1888 and 1894.<sup>41</sup> Moreover, as we will see, this was in ways that did not distinguish between what would only later become the Uganda Protectorate and the

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<sup>41</sup> For a detailed map and account of Lugard's route through the interior to the Buganda kingdom and elsewhere, see UKNA/FO/925/611 – ‘Map Showing Routes of Capt. Lugard in Uganda and Unyoro and Adjoining Territories, with Notes on Soil, Products, Vegetation etc., Sketched by Capt. T. D. Lugard in 1891’. Also illuminating for this period are British Library (BL)/WO/814 – ‘Imperial British East Africa Company's Uganda Caravan 1889-1890’; BL/WO/1369 – ‘Uganda: Sketch Map to Illustrate the Intelligence Division Report on the Operations in 1897-98’; BL/WO/1370 – ‘Plans of Battles in Uganda 1897-98’; BL/WO/1420 – ‘Map of Uganda Protectorate and Territories to the North Explored by the Macdonald Expedition, 1897-98’; BL/WO/1655.

East Africa Protectorate (later still Kenya Colony and Protectorate). Particularly in his two-volume *Rise of our East African Empire* (Lugard 1893) and *The Story of the Uganda Protectorate* (Lugard 1900), one gains an impression of Lugard's view not only that the administration of British East Africa should be characterized by a certain iteration of indirect rule: he largely viewed such practices as indirect rule's *archetype* with regard to the administration of British African territories (Lugard 1892, 1893, 1900, 1922, see also Perham 1968; Low 2009). Further, neither the bibliography of Berman's (1990) *Control and Crisis*, nor his dissertation of 1974 (Berman 1974) contain references to Lugard's works. I will return to this point throughout the chapter.

This is not to say that the arguments articulated by theorists of indirect rule like Lugard (1893, 1901, 1922) and others would be applied slavishly or blindly by colonial administrators in Kenya Colony, the Uganda Protectorate, or anywhere else. As Berman (1990: 73-87) himself reminds us, it was often the case that individual administrators or "men on the spot" even in various provincial or district-level *milieux* within a single British African colony exercised considerable autonomy. Yet a close examination of such arguments yields no indication that they were *intended* to be deductively applied. As Lugard's (1893: 453) epigraph above suggests, the logic was often more one of contextualization and *induction* on the basis of generic principles or malleable doctrines. Consequently, this chapter argues that – if we do not have a full appreciation of, firstly, what indirect rule was *in theory* – and secondly, what *kind of theory it was*, our analysis of the archive perhaps remains constrained in certain respects. More specifically, my corollary is that if we do not understand the two concepts of 'race' and 'civilization' as they were widely in use by theorists of indirect rule, we cannot fully appreciate how they influenced or guided administrative and bureaucratic practices in different historical-geographical conjunctures, even if in almost endlessly variegated and perpetually debated ways.

To date, discussions of especially the nature of the racisms practiced by British colonial administrators in Sub-Saharan Africa remain complicated – and to some degree, I would argue, *paralyzed* – by the apparently "liberal" form of colonial governmentality that these racisms infused. As I have mentioned, this was a form of governmentality known as indirect rule (Lugard 1922, see also Mantena 2010; Mamdani 1996a: 62-65, 2012). As a type of colonial statecraft, administration, and subject formation or *subjectification*, indirect rule was

guided from the early twentieth century onward – though in uneven, diverse, and variable ways – by the more general doctrine of the dual mandate. This was perhaps most clearly and influentially articulated within Lugard’s *The Rise of our East African Empire* (Lugard 1893) and *The Dual Mandate in British Tropical Africa* (Lugard 1922). I turn to a discussion of these works in four parts: firstly, examining the concept of indirect rule; secondly, its relation to the dual mandate; thirdly, the emergence of the dual mandate itself as a kind of experiment or innovation; finally, the concepts of race and civilization within the latter. I conclude with some reflections on these writings in relation to theoretical literatures on both “civilization” (e.g. Mbembe 2000, 2001, 2003) and “racialization” (Mamdani 2001; Moore 2005; Pierre 2012; Mbembe 2017) in contemporary African studies.

### **Frederick Lugard and indirect rule in *The Dual Mandate***

The broad strokes of Frederick D. Lugard’s biography provide us with a glimpse both at the often circuitous flows of individual soldiers and administrators throughout the British Empire, as well as the range of experience that would have inevitably influenced his thought in this regard. He was, in fact, born in Madras in British India (1858), shortly after the Indian rebellion of 1857, and would elect to attend military college in England. His early career as a military officer saw him deployed in what is now Afghanistan (1879-1880), Sudan/South Sudan (1884-1885), and Burma/Myanmar (1886-1887). Afterward, he would serve in the African Lakes Company and IBEAC in the late nineteenth century (1888-1892), both in what is now Malawi as well as in Uganda and Kenya. In the latter, Lugard would become the IBEAC’s “principal representative” in the Buganda kingdom (e.g. Panton 2015: 284), with which he had negotiated the first British treaty (Hertslet 1894: 160).

From East Africa, he would serve in the Royal Niger Company (1894) and West Charterland Company (1895), and would be tasked by Secretary of State for the Colonies Joseph Chamberlain with organizing what became known as the West African Frontier Force initially in what was then Lagos Colony (1897-1899). Following his relative success in doing so at the expense of French and German imperial interests in west Africa, he would then rise quite precipitously in the Colonial Service, taking posts as High Commissioner of Nigeria (1900-1906), Governor of Hong Kong (1907-1912), and then Governor (1912-1914) and Governor-

General (1914-1919) of Nigeria.<sup>42</sup> Afterward, Lugard would become involved as one of the directors of a sweeping British imperial undertaking known as The African Research Survey, intended to aggregate, review, and assess virtually the entire sum of empirical ‘science’ conducted in Africa under British rule, and thereby better operationalize it for colonial-administrative purposes (e.g. Hailey 1938, see also Cell 1989; Tilley 2011, 2014).

Written around the time that he was Governor-General of Nigeria and afterward, *The Dual Mandate in British Tropical Africa* is a complex text, consisting of some 643 pages over 31 chapters. These address issues ranging from law and jurisprudence; to trade and economic development; to transport infrastructure; to education, taxation, labour recruitment, and slavery; land tenure and property law; vaguely defined “methods of ruling native races” (spoiler alert: this is where the ‘indirect rule’ bits mostly are); and miscellaneous “other problems”. The book’s title is somewhat misleading, because – although, indeed, it is primarily concerned with Britain’s tropical African colonies – it is filled with allusions to almost everywhere else in the British Empire, both in Lugard’s own time and via historical analogies to the genesis of colonies such as the Union of South Africa, the Dominion of Canada, and the United States that had already gained either republican independence or a kind of “responsible self-government”. It also contains a considerable number of allusions and references to administrative practices within other European empires and colonies, as well as Lugard’s views on the American colonization of the Philippines (e.g. Lugard 1922: 59-61).

Most importantly, the book’s narrative is complicated by the fact that Lugard’s argument is simultaneously both retrospective and speculative. That is to say, he was *both* describing a process that had *already* happened to some degree, as well as advocating for its refinement and perpetuation. Lugard’s (1922) text was thus not an invented ‘template’ intended for colonial application *per se* – much of what he discusses were policies and practices already in place within various colonies, from British East, West, and Southern Africa, to India, Malaya, and very many elsewhere. Usually, these were contexts in which he had no personal experience, role, or ‘say’. In the chain of command for the Foreign and Colonial Offices, he

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<sup>42</sup> On Lugard’s biography, see, *inter alia*, Lugard (1892, 1893, 1922), Perham (1968), Low (2009), Tilley (2011), Panton (2015).



also had no authority or mandate to do so in any kind of direct way outside Nigeria or the other colonies in which he had served as an administrator (see Banton 2015). He would, however, attempt to influence metropolitan debates in this regard via his position as one of the key individuals involved with The African Research Survey after 1919 (Anker 2001: 293; Tilley 2011: 72-73), and more broadly through ‘scientific’ writings and articles throughout his career (e.g. Lugard 1892, 1893, 1900, 1924, 1926a, 1926b, 1927).<sup>43</sup>

Notably, the term ‘indirect rule’ as such appears almost nowhere in Lugard’s works, except in passing within *The Dual Mandate*. This would seem to pose two problems for Berman’s argument at the outset of the chapter – first, Lugard’s “long shadow” was not cast by his theorization of indirect rule *per se*, as he almost totally ignores the concept as such; and even then, he discusses concrete examples of indirect rule only casually and in reference to what was then Sierra Leone, the Gold Coast Colony, and the Uganda Protectorate (Lugard 1922: 199). The term appears only once in his chapter on Northern Nigeria, and only then in a quotation from one Bishop Tugwell, who Lugard (1922: 223) then proceeds to criticize for his apparently incorrect understanding of what indirect rule is. As he puts it in a chapter “On Methods of Ruling Native Races”:

“That the principle of ruling through the native chiefs is adopted by the different governments of British Tropical Africa can be seen from recent local pronouncements. [...] The system adopted in Nigeria is therefore only a particular method of the application of these principles – more especially as regards ‘advanced communities’ – and since I am familiar with it I will use it as illustrative of the methods which in my opinion should characterise the dealings of the controlling power with subject races” (Lugard 1922: 200).

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<sup>43</sup> As Tilley (e.g. 2011, 2014) explores in great detail, The African Research Survey was an enormously broad and sweeping effort in the early twentieth century to take stock of the state of science of all descriptions produced via fieldwork on the African continent, and to draw lessons for practices of colonial administration. The primarily ‘social’ scientific or administrative results of The African Survey were subsequently published in the voluminous form of Lord Hailey’s (1938) *An African Survey*.

In the broadest terms, I will straightforwardly define indirect rule as per the above – as ‘the principle of ruling through the native chiefs’. Quite simply, however: Lugard did not ‘invent’ indirect rule, much less invent it in Nigeria for export elsewhere. As he puts it, “[p]rinciples do not change, but their mode of application may and should vary with the customs, the traditions, and the prejudices of each unit [of native authority]” (Lugard 1922: 194).

Though he does not use the term directly in relation to India, Lugard seems to be of the opinion that the above system – or at least logic – of ‘ruling through chiefs’ or other ‘customary’ authorities arose first in eighteenth century India via the strategic approach of the British East India Company. Indeed, he draws direct analogies – but also contrasts – between the ‘protectorates’ established in Africa and those initially established through the ‘protected states’ in India (see also Panton 2015: 248). For instance, he writes:

“The African protectorates were for the most part declared over uncivilised territories, in which (since the native Governments were incapable of maintaining law and order) there were instituted courts of law and police for the benefit of both Europeans and natives. With some exceptions, therefore, such as Egypt and Zanzibar, they bear little resemblance to the protected States of India, though, as we shall see, the method of rule in the Moslem States of Nigeria has some analogies” (Lugard 1922: 33).

The difficulty appears to have been, on one hand, that there were a few polities that seemed possible to approach in the same manner as the Indian principalities, but that the authority of those polities did not seem to extend to very many other relatively acephalous societies or “stateless” communities (e.g. Mamdani 1976; Scott 2009). Rather, the latter were effectively practicing their own forms of relatively autonomous and often comparatively non-hierarchical forms of territoriality and governance in what Igor Kopytoff (1989) terms “interstitial frontiers”, or vast areas within and between those governed by more centralized pre-colonial states and societies. In a pattern that Lugard would himself pioneer, first, in what is now Uganda and Kenya, and secondly, in what is now Nigeria, treaties or agreements would first be established with these relatively centralized states, and used as a basis for extending the power of the embryonic colonial state outward (e.g. Lugard 1892, 1893, see also Low 2009; Cavanagh and

Himmelfarb 2015). These are the “advanced communities” that Lugard (1922: 200) alludes to in one of the quotations above.

The administrators of Britain’s diverse African colonies were also certainly not automatons that would slavishly apply Lugard’s ideas without regard for local strategic considerations. As Mamdani (1996a: 62) puts it – importantly, on the basis of reading *The Dual Mandate*:

“[t]he form of the state that contained the free peasant was comprehensively thought through by Lord Lugard, the architect of indirect rule. But this system did not spring full-blown from the mind of a colonial architect, for although Lugard theorized it as the British colonial system, its origins predated Lugard’s reflection on it; also, the practice it summed up was not confined to British colonies.”

As Mamdani (e.g. 1996a: 19-24) notes, indirect rule – as a form of ‘ruling through chiefs’ – would come to involve the generic application and rule *through* three malleable institutions: the native reserve or homeland, the native authority, and the native treasury. Lugard would state this quite straightforwardly, using examples from the Nigerian context with which he was familiar:

“The object in view is to make each ‘Emir’ or paramount chief, assisted by his judicial Council, an effective ruler over his own people. He presides over a ‘Native Administration’ organised throughout as a unit of local government. The area over which he exercises jurisdiction is divided into districts under the control of ‘Headmen,’ who collect the taxes in the name of the ruler, and pay them into the ‘Native Treasury,’ conducted by a native treasurer and staff under the supervision of the chief at his capital” (Lugard 1922: 200).

Precisely this system would also be described by Jan Smuts (1930a: 79-80) as the form of “indirect rule” that had been fostered in South Africa from Cecil Rhodes’ administration of the BSAC onward:

“The principal innovation of Rhodes in his new legislation was, so far as possible, to introduce indirect white rule, and to make the natives manage their

local tribal affairs. A system of native councils was inaugurated for the smaller areas, from which again delegates met to form a larger general council under the chairmanship of the resident magistrate of the area. Powers of taxation, of administration, and of recommending legislation to the Government were conferred on these councils.”

Importantly, the native authority and the district or provincial administration were not distinct bodies in Lugard’s view, quite on the contrary: “[t]he District Officer who has achieved success in the assessment of his district will have done much to promote its progress and civilisation. The test of his work is the absence of crime and the efficiency of the chiefs and native courts [...] There are not two sets of rulers [...] but a single Government in which the native chiefs have well-defined duties and an acknowledged status” (Lugard 1922: 135, 203).

In other words, the basic components of indirect rule were simple, but their application would take a unique form in virtually every context in which they were applied. This is perhaps unsurprisingly so, as those contexts were intensely variegated and diverse. For Lugard, this appears to have been viewed in terms of the notion of the *adaptation of principles*. For instance, the:

“declaration that the British policy is to rule subject races through their own chiefs is generally applauded, but the manner in which the principle should be translated into practice admits of wide differences of opinion and method.

Obviously the extent to which native races are capable of controlling their own affairs must vary in proportion to their degree of development and progress in social organisation, *but this is a question of adaptation and not of principle*”

(Lugard 1922: 194, emphasis added).

Nigeria was thus not a ‘laboratory’ from which the results of certain experiments would be exported *per se*. Under Lugard’s governance, it was simply an idiosyncratic application and experimentation with certain generic principles, strategies, and institutions in its own right.

### **The dual mandate in *The Dual Mandate***

It may thus seem curious to select Lugard's writings as the basis for a reconstruction of the concept of indirect rule. Yet this is necessary because what he *does* offer is essentially what amounts to an influential *re-theorization* of indirect rule through the lens of what he calls the "dual mandate", as well as a recognition that to some degree practices of indirect rule would always be inevitably *ad hoc*. What he provides, effectively, is more of a conceptual argument about why and how practices of indirect rule might be infused or linked to a conception of trusteeship. This was a form of trusteeship that, in his view, apparently did not characterize the approach of trading companies such as the Imperial British East Africa Company (IBEAC), the British South Africa Company (BSAC) led by Cecil Rhodes, and some of the early practices of colonial administrations proper that would follow. Moreover, although the basic concept of indirect rule was very much in use by the late nineteenth century, the concept of the dual mandate itself arguably did not truly begin to even rhetorically infuse policies and practices of governance across the full extent of Britain's many and diverse African colonies and protectorates until the early twentieth century. This was particularly so in the form of "protecting" natives from the expropriation often caused by the process of European settlement via "native reserves" and other means of calibrating dispossession (Hailey 1938, see also Murray Li 2010, 2014c). Here again, however, the process of uptake appears to have been uneven.

Crucially, Lugard's view of both the dual mandate and the form of trusteeship it espoused was also inextricable from his understanding of the concept of *civilization*, to which I will return below. Broadly, the doctrine of the dual mandate refers to the imperative of calibrating the exploitation of a colony's material resources with the alleged 'betterment', protection, and civilization of its inhabitants. As his famous definition would have it:

"the civilised nations have at last recognised that while on the one hand the abounding wealth of the tropical regions of the earth must be developed and used for the benefit of mankind, on the other hand an obligation rests on the controlling Power not only to safeguard the material rights of the natives, but to promote their moral and educational progress" (Lugard's 1922: 18).

He would return or restate this definition in his conclusion, albeit somewhat more clearly and more strongly:

“Let it be admitted at the outset that European brains, capital, and energy have not been, and never will be, expended in developing the resources of Africa *from motives of pure philanthropy*; that Europe is in Africa for the mutual benefit of her own industrial classes, and of the native races in their progress to a higher plane; that the benefit can be made reciprocal, and that *it is the aim and desire* of civilised administration to fulfil this dual mandate” (Lugard 1922: 617, emphasis added).

Yet as the somewhat wax-philosophical rhetoric and phraseology suggests, the concept of the dual mandate was in some ways more of an intellectual or bureaucratically cultural one than a legal or regulatory one. It was an *aim and desire*, as per the formulation above, rather than a policy, much less a law. It was not even, necessarily, Lugard’s own idea, or meant to pertain specifically to British Africa *per se*.

For instance, one of the epigraphs to *The Dual Mandate* is an excerpt from an address delivered by King George V to the House of Commons on the 23 December 1920, which appears in italics below. Its context is the aftermath of the First World War, and the British Empire’s receipt of a mandate from the League of Nations to administer colonial territories formerly ‘belonging’ to Germany. The address reads as follows:

“The Mandates for German South-West Africa and the German possessions in the Pacific will be severally administered by the Governments of the Union of South Africa, of the Dominion of New Zealand, and of the Commonwealth of Australia. *It will be the high task of all My Governments to superintend and assist the development of these countries, according to their varying degrees of advancement, for the benefit of the inhabitants and the general welfare of mankind*” (in Craig 1975: 47, emphasis added).<sup>44</sup>

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<sup>44</sup> Text of Lugard’s (1922: i) epigraph in italics.

Although the address refers to German South-West Africa (now Namibia) and other territories, it does not refer to German East Africa (now Tanzania), which would subsequently fall under the administration of the British Empire via a related League of Nations Mandate. This suggests that the remarks were perhaps primarily intended to assure parliament that these territories would not be governed in accordance with principles different from those in place to administer other colonies and protectorates at the time. Nevertheless, this italicized portion of the above address would influence not only Lugard's thought, but also the contents of diverse British-colonial ordinances, orders, regulations, policies, and decrees in various contexts. Moreover, this would unfold in ways that are difficult to explain in a precise chronology of events or under an overarching logic of their application in diverse historical-geographical conjunctures. I am tempted to say that these remarks would circulate or be picked up in ways that are simply haphazard or even anarchic in some instances.

For example, the very extract that Lugard uses – completely out of context – as his epigraph and warrant to develop the concept of the dual mandate in relation to British tropical Africa would also be cited in Kenya Colony's legislative council as justification for a certain formulation of what was then the Native Lands Trust Bill. This Bill would subsequently be adopted as the much-debated and maligned Native Lands Trust Ordinance.<sup>45</sup> As the Chief Native Commissioner of the time would put it in 1928:

“The chief object of the Bill is to secure to the native tribes of the colony the lands which Government sets aside for their use and benefit. But in the case of people situated as the African races of Kenya are to-day-people who, in the words of the Covenant of the League of Nations, are unable to stand by themselves, it is necessary for Government to set up an authority in which will be vested the management and control of those lands, and that authority will be charged as to administer those lands, so that they may be used for the benefit of the native tribes. A tremendous responsibility will rest upon that authority. In that connection, I should like to quote some words used by His Majesty the King. His words were: *‘It will be the high task of all my Governments to*

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<sup>45</sup> See Colony and Protectorate of Kenya (1930, 1938).

*superintend and assist the development of these countries for the benefit of the inhabitants and the general welfare of mankind.*”<sup>46</sup>

The use of this quotation in Kenya’s legislative council eight years after it was uttered by King George V in the House of Commons is likewise removed from its context. In much the same way, I would suggest, the concepts of indirect rule and the dual mandate themselves would circulate often quite rapidly and haphazardly throughout discourses of British colonial administration in different contexts. In this sense, it might be said that the real “myth” (Berman 1974: 496) of indirect rule and the dual mandate is that they had any universalizing firmness in their own right, but would rather be reconstituted or re-combined differently or idiosyncratically in almost every British colony in Sub-Saharan Africa. Differently put, Lugard’s was an argument meant to inspire a certain kind of liberal-paternalistic administrative approach – based, in turn, on his own experimentation with prevailing approaches to indirect rule, and his interpretation of the above decree from King George V – not to dictate the letter of the colonial law or the practices of officials *per se* in diverse contexts.

Mamdani (1996a: 62-72) traces the institutional genealogy of indirect rule and the dual mandate to the Colony of Natal in the late nineteenth century – prior to the federalization of the Union of South Africa. This was, importantly, a European *settler* colony rather than a non-settler colony like the Uganda Protectorate or Sierra Leone mentioned above. Here as well, however, I would argue that there is perhaps limited value in attempted chronological generalization or general periodization, as the exigencies that the commissioners, governors, and administrators of those colonies faced – from what is now Egypt to South Africa to Uganda to Nigeria – were enormously variable (see also Watts 1983; Mitchell 1991). The concepts of both indirect rule and the dual mandate themselves, in this sense, would be bent to diverse and contingent uses – even if not explicitly or outwardly so – in virtually all of these contexts. Almost in lock-step with the genealogy that Mamdani offers, for instance, Lugard (e.g. 1892, 1893, 1901) himself would be fashioning the institutions of another iteration of

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<sup>46</sup> Kenya (Colony) National Assembly Official Record (Hansard), 1928. ‘Second Reading: Native Lands Trust Bill’, 14 June 1928, pp. 313, emphasis added.



indirect rule and – embryonically – his notion of the dual mandate in British East Africa between 1888 and 1892. By an examination of his perception of the latter context, we can gain a fuller appreciation of what Lugard (1893: 452) meant when he wrote that “the history of the development of every country is full of lessons of how futile is calculation without experiment.”

### **Indirect rule and the dual mandate as innovation and experiment**

Here, I emphasize that my concern in this chapter is ultimately not whether the supposed doctrines of the dual mandate or indirect rule were in fact ‘sincerely’ applied in practice. I would suggest, in fact, that the word ‘sincerity’ is somewhat unsuitable in this regard, as these terms would seem to have been empirically reconstituted almost everywhere in British colonial Africa. Rather, I aim to more fully excavate Lugard’s *own* understanding of both indirect rule and the dual mandate, and how this notion emerged from his own musings about imperial experimentation and innovation. Firstly, although the above definition of the dual mandate is relatively much-cited, its deployment and reproduction is often not followed by a discussion of Lugard’s corollary to this remark, or by a contextualization of it within *The Dual Mandate* as a whole. The corollary was this:

“The recognition of these great principles does away with the ‘make believe’ of the former illogical system, by which the controlling Power, basing its rights on treaty, arbitrarily exercised sovereign powers often incompatible with those treaties [...] The problem of the methods of acquisition was followed by the problem of the methods of exercising control.”

The ‘dual mandate’, in other words, was explicitly understood by Lugard himself as a *response* or reform necessitated by crises and contradictions engendered by the less constrained practices of earlier regimes, both those characterized by early forms of indirect rule and otherwise (see also Mamdani 1996a: 72). The latter were frequently marked by the rapacity – as well as, simply, the follies and failures – of state and royally-mandated companies, as well as widespread dispossession associated with settler colonialism in nineteenth-century southern Africa in particular (see also Ranger 1967; Mbembe 2001; Lester 2012b).

Lugard himself had served in the Imperial British East Africa Company (IBEAC), and had articulated a version of the above views as early as 1893, in a chapter on “British Rule in Uganda”,<sup>47</sup> and one year before the formal declaration of the Uganda Protectorate:

“An arbitrary and despotic rule, which takes no account of native customs, traditions, and prejudices, is not suited to the successful development of an infant civilisation, nor in my view, is it in accordance with the spirit of British colonial rule. The king [of Buganda] has been proved incompetent and useless, but the Resident [colonial power] should rule through and by the chiefs”  
(Lugard 1893: 651).

Though the experience of the IBEAC would largely be marked by commercial or economic failure even on its own terms (see also MacDermott 1893; MacDonald 1897), the activities and effects of the British South Africa Company (BSAC) led by Cecil Rhodes would in some ways be both more profound and more malign (e.g. Ranger 1967).

This had led Rhodes – in a kind of mania that perhaps has no true parallel within this historical period on the African continent at least<sup>48</sup> – to not just found a new colonial state in southern Africa on behalf of the BSAC and the British Empire, but also to concede to its naming after *himself* as ‘Rhodesia’, or at least not to refuse the inclinations of his colleagues and followers in that regard (see also Moore 2005; Mbembe 2015). In the writings included within his *Last Will and Testament*, Rhodes (1902: 68-73) was still rather ‘bullish’ about the concept:

“They are calling the new country Rhodesia, that is from the Transvaal to the southern end of Tanganyika; the other name is Zambesia. I find I am human and should like to be living after my death; still, perhaps, if that name is coupled with the object of England everywhere, and united, the name may

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<sup>47</sup> In reference to the Buganda kingdom, not the territory that would become the Uganda Protectorate, nor the contemporary state of Uganda.

<sup>48</sup> Though there are interesting smaller-scale parallels with the mandate apparently given by Sir Harry Johnston to one Semei Kakungulu to carve out a new kingdom for himself near Mount Elgon, so long as he could ‘pacify’ the population of the area (e.g. Twaddle 1993; Low 2009: 23-24).

convey the discovery of an idea which ultimately led to the cessation of all wars and one language throughout the world, the patent being the gradual absorption of wealth and human minds of the higher order to the object.”

The humility of contemplating life’s end, apparently, led Rhodes to temper his impression of the glory of ‘Rhodesia’ with the acknowledgement that it could never outdo the glory of the British Empire itself, and would remain indebted to the latter.

Often, such territories had been acquired – firstly, through a degree of violence and bloodshed that we may never, in fact, have a truly full account of<sup>49</sup> – but also through the disingenuous use of “treaties” designed to “legally” secure jurisdiction and sovereignty for companies like the BSAC, and thereby the Crown. Yet Lugard had no particular delusions in this regard, either. As he writes:

“The moment at which the civilized Powers of the world have asserted the unequivocal right and obligation of the more advanced races to assume responsibility for the backward races seems an appropriate one to brush aside these archaic and anomalous distinctions [between Crown Colonies and Protectorates], and to abandon the farce of ‘acquiring’ jurisdiction by treaties not understood by their signatories, and foreign to their modes of thought” (Lugard 1922: 38).

Elsewhere, he would elaborate on the “farce” of assembling colonial territories via the use of more-or-less fraudulent treaties, prefiguring an argument that D.A. Low (2009) would later encapsulate as “the fabrication of empire” in relation to the activities of Lugard, Johnston, and others in what would later become the Uganda Protectorate. As Lugard puts it, rather bluntly:

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<sup>49</sup> Though Frederick Courtney Selous’ (1896) account of his time with the BSAC in *Sunshine and storm in Rhodesia: being a narrative of events in Matabeleland both before and during the recent native insurrection up to the date of the disbandment of the Bulawayo field force* provides an indication of the scale of the violence of both colonization and the “primary resistance” (Ranger 1968a) of various African populations to it. See also Ranger (1967).

“The civilised nations entered for the competition [of the Scramble for Africa] with avidity. Treaties were produced by the cartload in all the approved forms of legal verbiage by ill-educated interpreters. It mattered not that tribal chiefs had no power to dispose of communal rights, or that those few powerful potentates who might perhaps claim such authority looked on the white man's ambassador with contempt, and could hardly be expected to hand over their sovereignty and lands or other assets had they understood what was asked of them. *The Sultan of Sokoto, for instance, regarded the subsidy promised to him by the chartered company as tribute from a vassal.* [...] No sooner was ‘occupation’ effected by virtue of these treaties, than the controlling Power usually found itself involved in hostilities with the people with whom these treaties of amity and friendship had been made” (Lugard 1922: 15-16, emphasis added).

The dual mandate was not, in short, some sort of moral revelation on the part of the British state or its Colonial and Foreign Offices. As Lugard (1922: 92) makes clear in a later chapter, “it would be absurd to deny that the initial motive for the penetration of Africa by Western civilisation was [...] the satisfaction of its material necessities”. Such pursuit of the ‘satisfaction of material necessities’ would surely endure, albeit in ways coupled with more refined forms of administration and colonial government that were thought to more effectively ensure its realization and ‘sustainability’. Moreover it was largely *necessary* in order to placate ‘customary’ authorities like the Sultan of Sokoto that Lugard mentions above, who would rapidly ascertain in no ambiguous detail the extent to which they had been defrauded through such interactions.

Here, however, Lugard would also present a related but often now somewhat neglected justification for British colonial administration via the dual mandate. Indeed, it is often noted that arguments about the apparent responsibility of colonial powers to ‘protect’ African populations against various forms of “barbarism” were often advanced as rhetorical justifications for the establishment of colonial states in Africa from 1885 onward (e.g. Lugard 1922: 613-614). These ‘barbarisms’ were often said to include lingering forms of the slave trade after its abolition in the British Empire in 1833, supposedly ‘inter-tribal’ warfare, and

even gender-based violence (see also Spivak 1988; Cowen and Shenton 1996). A less noted argument was that these states were also justified as a means of protecting Africans from *white settlers* and sometimes even the rapacity of trading companies such as Rhodes' BSAC. As Lugard quotes Sir Charles Lucas' (1915) treatise on *The British Empire*:

“In the circumstances, as Sir Charles Lucas says, the best protection for the native against abuse of power by the white man is to place the white man under the control of a civilised Government” (Lugard 1922: 92).

In some corners, in other words, the exploits of Rhodes, his followers, and others in southern Africa in particular had prompted concerns not unlike what Aime Césaire (1972 [1955]: 35) would later term the *decivilization* of the colonizer. That is, they had prompted certain anxieties about the possibilities for British imperialism and colonial state formation – if unchecked – to slide into a form of more-or-less outright plunder and brutality that apparently needed to be better controlled. This was more of a practical concern than a moral one, however – as Lugard (1922: 426) laments, the “impact of European civilisation on tropical races has indeed a tendency to undermine that respect for authority which is the basis of social order.”

In this context, the two concepts of ‘race’ and ‘civilization’ would infuse Lugard’s account in complex ways. Curiously, however, Mahmood Mamdani distinguishes somewhat schematically between these concepts and his own concerns. As he put it by way of introduction and framing to his *Citizen and Subject*:

“this book is not about the racial legacy of colonialism. If I tend to deemphasize the legacy of colonial racism, it is not only because it has been the subject of perceptive analyses by militant intellectuals like Frantz Fanon, but because I seek to highlight that part of the colonial legacy – the institutional – which remains more or less intact. Precisely because deracialization has marked the limits of postcolonial reform, the non-racial legacy of colonialism needs to be brought out into the open so that it may be the focus of a public discussion” (Mamdani 1996a: 4).

But is it really the case that these two legacies – the racial, and the institutional – are so distinct as Mamdani appears to suggest? Firstly, he seems to understand “decracialization” as the dissolution of institutions which explicitly granted asymmetric privilege, property, status, and opportunities to “whites” or “Europeans”. As alluded to in Chapter 2, however, racialization along the lines of an ideology of *colour* was only one dimension of a process that would in fact produce very many more “caesuras” (Foucault 2003: 254-255) or stratifications of the *African* population. Those stratifications were often understood in terms of the concept of ‘tribe’ – as Mamdani (1996a, 2012) so powerfully illuminates – but also in terms of both *races of colour* and *races of Africans*, as the works of Sir Harry Johnston (1897, 1899, 1902) point out in particular. Accordingly, I turn to a fuller discussion of these nuances below.

### **Racialization and civilization**

As many scholars remind us, ‘racial’ concepts are inevitably the outcome of a process of *racialization* that often unfolds in fraught, contested, and historically-contingent ways (e.g. Stoler 1995; Moore 2005; Pierre 2012). As noted in a previous chapter, however, scholars and administrative theorists of the late British Empire, such as Sir Henry Maine (1875), often understood the latter forms of supposedly ‘racial’ difference and inequality in highly intricate ways. Though Maine himself would occasionally speak and write of such differences as differences *of race*, in his view *relations of inequality* between races were not necessarily constituted by forms of racial difference *per se*. That is, inequalities of race were – for Maine and certain others – often described as resulting from divergent experiences of and exposures to processes of *civilization*, rather than from innate racial characteristics. Here, Lugard (1922: 618) would largely repeat the same analogy as Maine and others between the Roman and British Empires:

“As Roman imperialism laid the foundations of modern civilisation, and led the wild barbarians of these islands [the UK] along the path of progress, so in Africa to-day we are repaying the debt, and bringing to the dark places of the earth, the abode of barbarism and cruelty, the torch of culture and progress, while ministering to the material needs of our own civilisation.”

Indeed, as Achille Mbembe (2001: 31, emphasis original) reminds us, European colonialism in Africa was in many ways marked by “the *lack of distinction between ruling and civilizing*.” However, as Maine (1875, 1908 [1861]) and Lugard’s remarks suggest, certain imperial theorists also perhaps viewed this to be the case more broadly within the late British Empire.

As the above comment alludes, Lugard’s writings on indirect rule and the dual mandate were certainly shot through in complex ways with his conception of inequalities of race and civilization. In his chapter on “Colonial Northern Nigeria” in *Silent Violence*, Michael Watts (2013 [1983]: 155) would also observe that “Lord Lugard, one of the most respected ‘experts’ on African affairs, revealed a strong commitment to social evolutionary theory in terms of race and social progress.” At some junctures in *The Dual Mandate*, however, Lugard makes it quite clear that he did not perceive inequalities of race and inequalities of civilization as identical:

“it should in my opinion be made abundantly clear that what is aimed at is a segregation of social standards, and not a segregation of races. The Indian or African gentleman who adopts the higher standard of civilisation [...] should be as free and welcome to live in the civilised reservation as the European, provided, of course, that he does not bring with him a concourse of followers. The native peasant often shares his hut with his goat, or sheep, or fowls. He loves to drum and dance at night, which deprives the European of sleep.”  
(Lugard 1922: 150).

The segregation of civilized and uncivilized would simply appear, then, to have been a matter of relative inclination, convenience, and practicality. Yet this is, I would add, a concatenation of ‘racial’ and ‘civilizational’ discrimination that should trouble us today, given our contemporary politics of *refuge*, and debates about precisely whom might seek refuge where, on what grounds, and in what numbers (Gilroy 2015). Differently put, for Lugard and others, ‘race’ was supposedly marked by innate biological characteristics, but *racial inequalities* were not always marked by such characteristics, but also – and perhaps even primarily – by inequalities of civilization and civilizing experience.

Moreover, in a section on “Scope for the Educated Class”, Lugard would draw on a number of “authorities” to support his position in this regard. As in the below, these were apparently views held by both Cecil Rhodes and Winston Churchill, although Lugard would not footnote the comment by Rhodes in what is otherwise a well-referenced section. Here, he argues that the objective of Britain’s African colonies should be:

“in Mr Rhodes’ words to grant ‘equal rights to all *civilised* men irrespective of race.’ ‘I think,’ said the Secretary of State for the Colonies (Mr Churchill), when addressing the Dominion Premiers in June last (1921), ‘there is only one ideal that the British Empire can set before itself, and that is that there should be no barrier of race, colour, or creed which should prevent any man by merit from reaching any station if he is fitted for it’” (Lugard 1922: 85, emphasis added).

Even here, however, it is important to note that – just as individuals and persons could ascend the civilizational hierarchy – so could they descend it. This seems to have been possible for political as well as socio-economic or cultural reasons. It was ostensibly the case that:

“It is in the lowest stages of human intercourse that men and women herd together, and individual effort and aspiration is effaced in the communal principle. Yet in such communities, I believe, some bond, however fragile, exists between a man and the mother of his child. It is to a still lower plane which the cannibal savage – nay, the anthropoid apes – have left behind them – the level of mere gregarious animals, that Bolshevik theorists aspire to drag western civilization” (Lugard 1922: 75).

In other words, just as Indian and African ‘gentlemen’ could ascend the civilizational hierarchy under the ‘right’ conditions, “Bolshevik theorists” could descend it, and drag us all down with them. In such a context, civilization was both the means and ends: “If, then, we have to admit that the first impact of civilisation on barbarism [...] is bound at first to produce some untoward results, we may find encouragement and promise for the future in the undeniable alleviation of human suffering which it has also brought” (Lugard 1922: 93).



To reiterate, these two concepts – that of race or racialization, and that of civilization or civilizing influence – were of course understood in ways that are intimately related to each other, but were not always equivalent. In many respects, the process of racialization via the allegedly empirical ‘identification’ – but what often amounted to, in fact, the *production* – of ‘racial’ difference between African populations was often conceived as a means of assisting that process of civilization rather than preventing it or dismissing it as unnecessary or pointless.

Crucially, the production of ‘racial’ and other differences in Britain’s African colonies, in particular, would unfold in both general and in almost surprisingly narrow, divisive, and finite ways. In the broadest terms, Lugard’s writings on race were often characterized by a form of geographical or environmental determinism. For instance, he writes that the “tropics [...] consist for the most part of regions populated by back ward races. Both for this reason and on account of their climate, they offer no inducement for permanent settlement by white races” (Lugard 1922: 43). Yet, he also distinguishes between several races of Africans, in a broad and groundless typology that would be reproduced by many colonial administrators in this period (e.g. Johnston 1902; Eliot 1905). Allegedly:

“[b]roadly speaking, the coloured population of tropical Africa divides itself into the races of Asiatic origin which have penetrated the continent from the north-east and east, with their negroid descendants, who chiefly occupy the northern tropical zone, and the negro tribes which inhabit the greater part of the remainder. The immigrant races, generally called Hamites, are supposed to have invaded North-East Africa ‘probably a good deal more than 4000 or 5000 B.C.’” (Lugard 1922: 69).

Sometimes, such differences and categorizations were conceived as differences of *race*, and in other instances as differences of tribe or sub-tribe, spawning almost ceaseless debates between various anthropologists, geographers, administrators, and ‘racial scientists’ in this regard (see also Hailey 1938; Pels 1996, 1997; Mamdani 2012; Tilley 2014). Although some anthropologists and ‘racial scientists’ conceived themselves purely as scholars, there were also more direct administrative and governmental imperatives for the production of such

‘data’. Lugard (1922: 200) alludes to the reason for this above when he writes, “[t]he system adopted in Nigeria is therefore only a particular method of the application of these principles of [indirect rule] – more especially as regards ‘advanced communities’”. In effect, the early twentieth century concatenation of anthropology and racial science would prove useful indeed for identifying which were the ostensibly ‘advanced’ populations within a given colony (see also Arendt 1951; Mamdani 2001). In turn, the latter could be used to extend the power of the colonial state over its relatively acephalous or non-hierarchical communities, who were often the most opposed to the payment of taxes, the provision of wage labour, or the production of commodities for regional or international markets (e.g. Mamdani 1976; Cavanagh and Himmelfarb 2015).

Under Lugard’s version of indirect rule and the dual mandate, the ostensibly more advanced segments of subject populations would become conduits for the civilizing mission in much the same way that they were conduits for the territorialization of the state itself. Firstly, Lugard (1922: 67) emphasizes that “it is essential to realize that tropical Africa is inhabited by races which differ as widely from each other as do the nations of Europe.” Of these, he identifies the primarily agrarian Bantu ethnic groups as “the finer negro races”, whose “intelligence is more developed, and many tribes have reached a degree of social organisation which, in some cases, has attained to the kingdom stage under a despot with provincial chiefs of the feudal type” (Lugard 1922: 68). Hence, Lugard would articulate a theory of both racial and civilizational inequality amongst African societies, alleging that although each were properly seen as “child races” relative to Europeans, they nonetheless were said to illustrate “every state in the evolution of human society, from the hardly human bushman of the Kalahari [...] to the organized despotism and barbaric display of a negro kingdom like that of Uganda” (Lugard 1922: 72). Yet, realizing that it would be impractical for every administrator within Britain’s African colonies to receive thorough training in “racial science”, his recommendation would be as follows:

“From the point of view of the administrator, it will be convenient to classify the people of tropical Africa into three groups, according to their social organisation – viz., the primitive tribes, the advanced communities, and the Europeanised Africans. [...] These primitive tribes vary in social status from those who recognise no chief and are still in the patriarchal stage, lacking any

but the most rudimentary communal organisation, up to those with well-defined tribal institutions, till they merge into the second class of more ‘advanced communities’ [...] The advanced communities, then, whether their organisation was self-evolved by pagan races, or due to the advent of conquerors of alien blood, and the introduction of Islam, held sway over their less progressive neighbours, whom they raided and enslaved” (Lugard 1922: 72-79).

Here, however, Lugard’s ‘schema’ or typology of relatively more and relatively less ‘advanced’ communities would dovetail into this previous ‘racial categorization’. Indeed, these “conquerors of ancient blood” that he refers to were often thought to include those migrating south, and intermingling with other African populations to produce more “advanced” societies. Accordingly, in the chapter that follows, I explore the implications of this approach to both interrelated process of racialization and ‘civilization’ in East Africa, and their institutionalization under early approaches to indirect rule.

## **Conclusion**

The concepts and categories that emerged from these contingent processes of both civilization (Mbembe 2000, 2001, 2003) and *racialization* (e.g. Moore 2005; Pierre 2012) were false, misconstrued, baseless, or simply fabricated. To pervert Marx’s (e.g. 1995 [1867]: 138) definition of value as “immaterial” but nonetheless “objective”, we might say that these racial categories were ‘phantasmal but objective’ (à la Mbembe 2017). This is in the sense that their inscription in the law and in the territorialisation of certain forms of property and space would nonetheless yield all-too-material effects (see also Mbembe 2000, 2003; Mamdani 2001; Moore 2005).

One should think that fantasies are easy to debunk and dispel under the right conditions; unfortunately, it seems that the phantasmic nature of certain racial, civilizational, and racialized-tribal categories has often resulted in a frustrating degree of elusiveness instead. As Achille Mbembe (2002b) reminds us, even though racial science has long since been debunked as fantasy or fabrication, there is also a certain “power of the false” to be reckoned

with. In this case, such power manifests perhaps most clearly in the *institutional* form that these racial fantasies would take via their inscription in the law and other regulations, as well as in the afterlives of those institutions once their ‘racial’ overtones had evaporated. Accordingly, it is precisely to the institutionalization of such concepts and categorizations via practices of indirect rule in East Africa that the following chapter attends.

## 6. Circuits of rule: imperious entanglements of Sir Harry Johnston, Lord Frederick Lugard, and their political geographies

“Even supposing the entire male population of the Protectorate was ready to pay taxes, they have not at present the money to pay in.”

– Sir Harry Johnston, *The Uganda Protectorate* (1902a: 259).

“[C]orrect understanding of a matter and a misunderstanding of the same matter are not mutually exclusive”.

– Franz Kafka, *The Trial* (1925: 258).

### Introduction

As a number of scholars have pointed out, the last decade in particular has seen a considerable shift in the ways in which historians and historical geographers have sought to craft narratives of imperialism and colonialism in diverse contexts (e.g. Lester 2002, 2005, 2006, 2012; Lambert and Lester 2006). In the early twentieth century, for instance, it was common for scholars of the British Empire and the British African Empire to take entire continents (Johnston 1899, 1910; Lucas 1904, 1922; Lugard 1922) – or even the British Empire itself (e.g. Lucas 1915) – within a given frame of analysis. Often, this was in such a conservative orientation – and authored by persons holding or having recently left imperial posts – that the distinction between ‘history’ and imperial administrative theory or ideology was frequently blurred.<sup>50</sup>

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<sup>50</sup> See, especially, the works of Sir Charles Lucas (1904, 1915, 1922), and – perhaps almost too clear of an example – Johnston’s (1899) *The Colonization of Africa by Alien Races*.

In both East Africa and Sub-Saharan Africa, the era of political decolonization from 1960 throughout the 1970s saw the emergence of an independent critical scholarship both at African universities and their cultivation of diverse and iterative linkages with various academic and other institutions around the world. This would entail African scholars such as Mahmood Mamdani, Ali Mazrui, V.Y. Mudimbe, and H.W.O. Okoth-Ogendo rising to prominence at European and American universities, as well as Anglophone European scholars such as Terrence Ranger, Henry Bernstein, Giovanni Arrighi, and many others establishing hubs of critical scholarship at African universities. Amongst others, these would include what is now Makerere University in Kampala, the University of Zimbabwe in Harare, and the University of Dar es Salaam in Tanzania. During this period, the early post-independence literature tended to oscillate between nationalist, ethnic nationalist, and anti-colonial histories (e.g. Ogot 1968, 1976; Mamdani 1976, 1983; Iliffe 1979; Mazrui 1967; Ochieng 1975, 1989), world systems and dependency approaches (e.g. Amin 1972, 1973, 1974); articulations of the latter two (Lonsdale and Berman 1979; Berman and Lonsdale 1980; Mafeje 1981; Berman 1984a, 1984b); or quixotic narratives of “African initiative” and grassroots resistance (e.g. Ranger 1967, 1968a, 1968b, 1977; Isaacman and Isaacman 1977; Kjekshus 1977; Hyden 1980; Bunker 1984).

From the 1980s into the early twenty-first century, the African studies and African colonial studies literatures – like many other fields – were strongly influenced by postmodernism, poststructuralism, literary theory, and cultural theory. This fomented imperatives to fragment “meta-narratives” of structural or otherwise broad trajectories of historical change in favour of more situated, reflexive, or intimate accounts of knowledge, knowledge production, and historical experience (e.g. Rocheleau 1991, 1995; Rocheleau and Edmunds 1997; MacKenzie 1998, 2000, see also Stoler 1995; Yegenoglu 1998). In tandem, a proliferation of studies on the invention, social construction, production, or imagination of ostensibly ‘solid’ concepts or categories also emerged, such as those examining identity, tradition, indigeneity, knowledge, expertise, tribe, ethnicity, nation, or even ‘Africa’ itself as a concept (e.g. Ranger 1983, 1993; Moore 1986; Mudimbe 1988, 1991; Vail 1989; Mitchell 1991, 2002; Lonsdale 1992c, 1992d; Berman 1998; MacKenzie 1998; Lentz 2000; Spear 2003; Lynch 2006a; Hodgson 2011).

Diverse re-combinations of all of the above surely continue to be productively contributed to the East African and Sub-Saharan African historiography and colonial studies literature. Yet others have more recently sought to contribute by highlighting or tracing circuits, tensions, and flows of imperial and (post)colonial networks, rather than to begin from the geographical ‘category’ of a given colony, state, region, or even continent *per se* (see also Stoler 1989, 1995; Stoler and Cooper 1997). Some – perhaps most notably but somewhat implicitly in the case of Mahmood Mamdani (1996a, 2012, 2015) – have traced the circulation of institutional arrangements, such as those underpinning the indirect rule or apartheid state. Others have focused on the flows of individual administrators themselves within and across diverse imperial encounters, yielding often quite surprising narratives of the extent of trans-colonialism or transnationalism and early forms of globalization within nineteenth and early twentieth century imperialisms (e.g. Lester 2005, 2012a; Lambert and Lester 2006). Still others have traced circuits of science, scientific practices, forms of knowledge, and even nonhuman entities between imperial metropolises and colonies or states, across the latter, and within individual colonies or states themselves to much the same effect (e.g. Stoler 1995; Griffiths 1997; Grove 1996, 1997; Stoler and Cooper 1997; Mitchell 2002; Beinart 2003; Tilley 2011, 2014).

In this chapter, I build upon the latter body of literature through an examination of the entangled imperial ‘career’ trajectories of Captain (later General, later Lord) Frederick D. Lugard and Sir Harry H. Johnston. In doing so, I argue that – in such contexts – the tracing of individual biographies and that of institutional legacies and practices becomes almost indistinguishable. Indeed, wherever both Lugard and Johnston were deployed, they left behind institutional traces and inheritances that either the other, or other administrators would inevitably encounter in their wake. They also made executive decisions and crafted especially legal institutions in their capacities as commissioners and governors, ones that would irrevocably shape the histories of the colonial states that they were, in effect, producing and territorializing through imperial conquest and its aftermath.

Although the imperial-administrative careers of Lugard and Johnston would appear to only lead them to meet personally in what was then the British Central Africa Protectorate (later

Nyasaland, now Malawi), their institutional and political-geographical legacies would overlap as well in what is now the west African states of Cameroon, Benin, and Nigeria, as well as what is now Uganda and Kenya. Examining these linkages, the chapter proceeds as follows: Having presented key elements of Lugard's biography in the preceding chapter, I first narrate these entanglements through the career trajectory of Johnston. Secondly, I examine key elements of Lugard's efforts to build an indirect rule colonial state under the auspices of the Imperial British East Africa Company (IBEAC) in what was then British East Africa (1888-1892). Thirdly, I explore how Johnston's Special Commissionership over the Uganda Protectorate (1899-1901) would lead him engage this institutional precedent, and to what effect for ongoing processes of state formation and territorialisation in what is now Uganda and most of western Kenya. I conclude with a transition to a discussion of how this context provided fuel for Johnston's racial theorizations, which is the subject of the chapter that follows.

### **A disinterested imperialist: science, empire, and Sir Harry Johnston**

Although he is today perhaps not one of the most remembered of Britain's twentieth-century colonial administrators or ideologues, Johnston's biography – like Lugard's – also illuminates the ways in which he was likewise bound up within vastly diffuse imperial flows and circuits of the British Empire. Moreover, it also highlights how he was entangled with *Lugard's* biography in particular: in most cases, inadvertently so, and sometimes apparently to his chagrin.

Born in London into bourgeois surroundings – and as the son of a diplomat in the Consular Service (e.g. Johnston 1923a: 231) – Johnston studied at King's College, and quickly embarked upon his ambitions for a career as an “explorer” of the sort like David Livingstone, Henry Morton Stanley, and John Henning Speke (Johnston 1923a: 30). His initial experience in this regard would be through joining an “exploration party” of one Earl Mayo in what is now Angola (Johnston 1923a: 81), and he would later engage in similar expeditions in Egypt and East-Central Africa (Johnston 1923a: 121). Even more so than Lugard, however, Johnston would become a prolific writer from relatively early on. Initially, he gained a degree of



recognition for this in ‘scientific’ – and especially geographical – circles in Britain for his book-length account of following in Stanley’s footsteps to the Belgian Congo and the Congo River (Johnston 1884). Afterward, he would gain the backing of the Royal Geographical Society to lead an expedition to Mount Kilimanjaro, which likewise resulted in a book and number of articles (e.g. Johnston 1885, 1886).

From 1880 onward, Johnston would hold a dizzyingly-broad array of positions in the Foreign or Consular Service and other capacities. These included, variously, and quite possibly *inter alia*: British Consul-General at Tunis (Johnston 1923a: 65, 315); Acting Consul for the Niger Delta (Johnston 1923a: 176); Acting Consul for the Bights of Biafra and Benin (Johnston 1923a: 160, 176); Consul at Mozambique, and later Pro-Consul and High Commissioner of British Central Africa or Nyasaland (Johnston 1923a: 210, see also Lugard 1893: 159; Johnston 1897); Special Commissioner of the Uganda Protectorate (Johnston 1902a, see also Johnston 1923a: 334-339); the Managing Director of The Dunlop Company in Liberia (Johnston 1923a: 375); and President of the Royal African Society in London (Johnston 1923a: 366). He would also travel widely in a more journalistic or ostensibly ‘documentary’ capacity through the United States, Cuba, Jamaica, Haiti and elsewhere in Central and South America. The purpose of the latter was to conduct the “research” for a tract of allegedly ‘paternalistic’ racism that he would publish as *The Negro in the New World* (Johnston 1910). This would lead Ovington (1911), for instance – in a review of the latter, and in acknowledgment of his earlier works – to describe Johnston as “one of the foremost authorities on the Negro today”. In addition, Johnston also writes in his autobiography of positions that he was mooted for elsewhere in the Foreign or Consular Service but ultimately did not hold, including the Consul-General of Norway (Johnston 1923a: 313) and the High Commissioner of the Cape of Good Hope in South Africa (*ibid*). Discrimination on ‘racial’ and various other grounds would remain a constant theme in his life, however – indeed, the very last index entry in Johnston’s own autobiography, *Story of My Life*, is simply entitled “dislike of Gypsies”, which is also reflected in the book’s final sentence (Johnston 1923a: 471).

Many of the events that characterized a selection of the above periods in Johnston’s life would be influenced to a greater or a lesser degree – amongst a vast diversity of other variables, of course – by the similarly imperial career evolution of Frederick Lugard. As early as the late

1880s, Johnston recounts how part of his official mandate in the still vaguely-defined British Central Africa Protectorate would be to sort out some of the problems that Lugard had apparently exacerbated in the region prior to his arrival:

“The war between the African Lakes Company and the North Nyasaland Arabs had been going on since 1887. Captain F. Lugard had impulsively gone to Nyasaland in that year to the assistance of the African Lakes Company, and with other volunteers – notably Alfred Sharpe – was endeavoring to capture the principal strongholds of the Arabs near the northwest corner of Lake Nyasa, which strongholds – hedged or mud-walled towns – commanded the road from Nyasa to Tanganyika” (Johnston 1923a: 210).

Interestingly, however, Johnston had by 1890 also previously served in what is now Nigeria. This was shortly before Lugard – not long thereafter himself to become High Commissioner of Nigeria – was beginning his service with the IBEAC in East Africa (see Lugard 1893, 1901). In other words, although they would physically meet in Nyasaland (now Malawi), it would effectively be an intersection in what was a broader circuit of switching posts. Johnston would proceed from what is now Nigeria, to Malawi, to East Africa, to Tunisia. Lugard would proceed from Malawi, to East Africa, to Nigeria, to Hong Kong, and back again to Nigeria. Indeed, Johnston (1923a: 338) writes appreciatively of the fact that their careers had overlapped in East Africa – whilst recounting his time as Special Commissioner of the Uganda Protectorate – noting that “Lugard laid very solidly the foundations of British control over Uganda.” Likewise, in *The Uganda Protectorate*, Johnston (1902a: 233) would conclude that “Lugard finally left Uganda in the middle of 1892, having, it may be truly said, effected very wonderful things with very small resources.”

Johnston’s time as High Commissioner of the British Central Africa Protectorate resulted in a book entitled *British Central Africa: an attempt to give some account of a portion of the territories under British influence north of the Zambezi* (Johnston 1897). One of his responsibilities would be to design the flag and ‘coat of arms’ for the protectorate. He describes this in a cavalier manner that makes one recoil today:

“I designed a coat of arms for the British Central Africa Protectorate [...] a couple of Negroes with pick and shovel, supporting a shield, and standing on the continent of Africa, the one between Egypt and Uganda and the other striding from Cape Town to the Zambezi. The motto was ‘Light in Darkness’ and the crest a coffee tree in full bearing” (Johnston 1923a: 286).

In the book on his time as High Commissioner, Johnston (1897: 75-76) recounts – amongst a vast range of other topics, musings, ‘scientific results’, and stories – his efforts to see to the treatment and rehabilitation of a wounded Frederick Lugard, injured during an imperial military expedition such as that described above. During this period, however, Lugard and Johnston would not always see eye-to-eye on matters of colonial policy. In particular, Lugard was sceptical of Johnston’s approach to land reform and administration in the British Central Africa Protectorate. As he puts it, in a somewhat underhanded way:

“Mr H. H. Johnston, I have heard, has energetically set himself to promote in Nyasaland – the protectorate under his charge – a system of individual land tenure among the natives. Such personal acquisition of land is unknown among the savage tribes of Africa, where the tenure of land is merely tribal. [...] if Mr Johnston has to any smallest degree succeeded in inaugurating it in British Central Africa, to him must the credit be due of being the first, so far as I know, to introduce this great fundamental principle of civilisation into savage Africa” (Lugard 1893: 645-646).

Although there is no direct indication that it was in response to criticisms such as Lugard’s above, Johnston’s subsequent book of 1897 would devote a lengthy discussion indeed to matters of both ‘native custom’ and ‘land tenure’. This would lay the methodological and conceptual foundation for a comparable work that he would produce whilst Special Commissioner of the Uganda Protectorate, and which I will discuss in a subsequent chapter. Ultimately, however – whilst Johnston was writing *British Central Africa* – Lugard was in East Africa prefiguring the imperial proto-territories, institutions, and political context that Johnston would soon inherit as a colonial administrator.

## **Lugard's mess: treaties, Kabaka Mwanga, and the dubious origins of British East Africa**

Unlike Johnston's grand scientific ambitions, it appears that Lugard viewed himself more as a practical "soldiering and surveying" type of imperialist, to quote the title of a book by one of his IBEAC colleagues in this period, Major J.R.L. MacDonald (1897). Reading a paper before the Royal Geographical Society in 1892, for instance, Lugard (1892: 817). would begin with the following caveat:

"I must, therefore, begin by disclaiming all pretensions to scientific exploration [...] I have recently travelled – not as an explorer, with ample leisure [...] but solely in the prosecution of other, and at times very onerous, duties".

Those duties were onerous, indeed, though vastly more so for the inhabitants of Uganda and Kenya at that time. Effectively, Lugard's task under the auspices of the IBEAC was to lay the foundation for a British colonial state or states in the region, the quantity of the latter appearing to be an entirely open question within this particular conjuncture.

Reading Lugard's account of his approach to this task, there is little ambiguity that the entire enterprise was somewhat *ad hoc* or "fabricated" as he went along (Low 2009). This was quite often, evidently, on his own accord or under very loose orders. As he writes of his approach toward what is now Uganda from the East African coast:

"My idea of the method to be followed in opening up a country like Africa, was to build small stations as centres of trade, colonisation, &c, and so [...] to build up a wedge of civilisation which should gradually extend further and further into the interior, each furthest out-post being connected with a series of stations behind it, up to which an effective administration should have already made itself felt" (Lugard 1893: 220).

This was not exactly a revolutionary theory of how one might proceed from Mombasa to Kampala in the late nineteenth century. As Lugard (1893, 1900) tells it, however, he was largely left to his own devices in the East African interior, aside from the instructions to come back with treaties signed with "chiefs" on behalf of the IBEAC and the Crown, and ideally also the spoils of imperial plunder, or at least a plan for how such treasures might be acquired.

Yet in addition to the apparent lack of oversight, the prevailing situation was also complicated by the more general legal ambiguity of the time. When Lugard first arrived in East Africa, Britain's key legal technology of late imperialism – the Foreign Jurisdiction Act of 1890 – had not yet been passed, and the iteration of the law in force was a version of the somewhat dated Foreign Jurisdiction Act of 1843. The latter stipulates, in Sir H. Jenkyns' (1902a: 152) description, that: “where a foreign country was not subject to any Government from whom Her Majesty the Queen might obtain jurisdiction [...] the Queen should by virtue of the Act have jurisdiction over Her subjects for the time being resident in or resorting to that country.” Similar phrasing would also appear in the Foreign Jurisdiction Act of 1890:

“Where a foreign country is not subject to any government from whom Her Majesty the Queen might obtain jurisdiction [...] Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country [...] Thereupon these enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession” (United Kingdom of Great Britain and Ireland [UK] 1890: §2, §5[2]).

Unlike the context of the Sultanate of Zanzibar – and distinct as well from the political *milieus* of various kingdoms and relatively-well established indigenous states in parts of both contemporary Uganda and Nigeria with which Frederick Lugard would engage – the interior of the immediate East African mainland seemed to host few polities that would qualify as being “subject to any government” as understood by the Foreign Jurisdiction Act (see also Ogot 1968). Indeed, as Sir A. Hardinge (1897: 2) – the first Commissioner of the East Africa Protectorate – wrote in a report “on the condition and progress” of this territory since its establishment in 1895, portions of the new protectorate were thought to present challenges “in that the status of the Chiefs exercising authority there is not recognized by international law or at least by any international

engagement.”<sup>51</sup> Rather, in the absence of such recognition, many of its populations were legally assumed to be merely “resorting to that country” in the absence of such a government, and were thus exposed to the assertion of the jurisdiction of the British Crown as understood via relevant provisions of the 1843 and 1890 Foreign Jurisdiction Acts.<sup>52</sup>

Regardless of the letter of the metropolitan law, the practice of treaty-signing would be pursued adamantly by the IBEAC and its precursors in the form of Sir William Mackinnon’s British East African Association and the African Lakes Company (Lugard 1893; Johnston 1897, see also Galbraith 1974). This was both before and after the Foreign Jurisdiction Act of 1890 came into force. With or without the latter Act, however, such treaties were legally dubious even by the standards of the period. By the time Lugard arrived in East Africa to serve with the IBEAC, a variety of these had been signed both after the company’s receipt of a royal charter and mandate to administer the East African mainland in 1888, and beforehand under the ostensible auspices of extending the British Protectorate over the Sultanate of Zanzibar inland.

The Company’s accumulation of these treaties is chronicled by one Sir Edward Hertslet’s (1894) *The Map of Africa by Treaty*, which was compiled at the behest of the British government.<sup>53</sup> Interestingly, Hertslet’s (1894: 164) text includes a version of the “template” used for the basis of such treaties with East African “chiefs”, the pre-1888 version of which reads as follows:

“*Form a.* [*Name of Chief*] declares that he has placed all his country and peoples under the British East African Association. ‘The whole country is voluntarily placed under the rule and government of the said Association, and I

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<sup>51</sup> See Hardinge (1897), *Report by Sir A. Hardinge on the condition and progress of the East Africa Protectorate from its establishment to the 20th July, 1897*. Cmd 8093. London: HM Stationery Office., pp. 2.

<sup>52</sup> *Ibid.* This also bears a certain lingering resemblance to the conceptualization of Scotland and Ireland as mere *terra* (‘land’) from the twelfth century onward, rather than as *regnum* (‘kingdom’) or polities to be negotiated with (see Davies 2000: 13-15).

<sup>53</sup> See also E. Hertslet (1896), *The Map of Africa by Treaty, Vol. III: Appendix, Alphabetical Index, and Chronological List*. Second edition. London: HM Stationery Office.

will hoist the flag of His Highness the Sultan of Zanzibar, as has been agreed by deed between His Highness and the Association.’ [*Signature of Chief*].”

Prior to 1888, Hertslet’s review of IBEAC documents suggests that exactly this treaty was signed no less than 21 times on the East African mainland, and often under unclear or largely unreported – albeit formally ‘witnessed’ (by IBEAC personnel) – circumstances.

Following the IBEAC’s acquisition of a royal charter and mandate for administration of the East African mainland in 1888, however, the text of this treaty would be revised and worded rather more forcefully. The revised text reads as follows, and notably provides for confirmation in the form of a “mark” rather than a signature in case of illiteracy in English, the latter presumably being a common vice on the East African mainland circa 1888:

“*Form (b)*. [*Name of Chief*] hereby declares that he has placed himself and all his territories, countries, peoples, and subjects under the protection, rule, and government of the Imperial British East Africa Company, and has ceded to the said Company all its sovereign rights and rights of government over all his territories, countries, peoples, and subjects, in consideration of the said Company granting the protection of the said Company to him, his territories, countries, peoples, and subjects, and extending to them the benefit of the rule and government of said Company. And he undertakes to hoist and recognize the flag of the said Company. [...] [*Signature or Mark of Chief*]” (Hertslet 1894: 166).

Again, on Hertslet’s count, this revised treaty template was signed a further 62 times on the mainland in what is now Uganda and Kenya, including with a number of “tribes” and “chiefs” that would later vehemently dispute the legitimacy of this process, including a range of Kikuyu communities and a number of groups surrounding Mount Elgon. Hertslet (1894: 160) also reports that precisely this treaty was signed between the Kabaka (King) Mwanga of the Buganda kingdom and one Captain Frederick D. Lugard on 26 December 1890. Crucially, the existence of these treaties would also be cited more than four decades later in a memorandum submitted by the Kenya Colony and Protectorate’s Commissioner of Lands to one Sir Morris Carter’s Kenya Land Commission of 1932-3, and as justification for why certain ‘native’ land claims were

invalid or groundless, given that they had already signed away their rights to sovereignty and territory.<sup>54</sup>

However, Lugard would *himself* later dispute the legitimacy of these treaties in such a template form. As he writes in *The Rise of our East African Empire*:

“The fact is that, though I was provided with ‘treaty forms,’ I did not see my way to using them. In the first place, I felt I could not honourably pledge the Company's protection to distant tribes, whom they had no means whatever of protecting from their enemies, while the cession of all rights of rule in his country was, in my opinion, asking for more than was fair from a native chief, and more, I am confident, than was ever intended by the Directors. Secondly, the nature of a written compact was wholly beyond the comprehension of these savage tribes” (Lugard 1893: 329).

Lugard’s experiences with treaty-making in the Buganda kingdom in particular would spark his early thinking on both indirect rule and the dual mandate, and almost three decades before the publication of *The Dual Mandate in British Tropical Africa* (see also McDermott 1893; MacDonald 1897). In the latter, Lugard would later explicitly compare his early treaty-making exploits in East Africa with those that would follow in Nigeria. As he put it: “When I recall the state of Uganda at the time I made the treaty in 1890 which brought it under British control, or the state of Nigeria seven years later [...] I feel that British effort – apart from benefits to British trade – has not been in vain” (Lugard 1922: 617). But even here, neither did he feel that his efforts were unique: “I refer to these two countries because I happen to have personally witnessed their condition prior to the advent of British control, but similar results may be seen in every other British dependency in tropical Africa” (Lugard 1922: 618). Mamdani (1996a: 78-79), for instance, describes this treaty between Lugard, the IBEAC, and Buganda as one that “would become the basis of British indirect rule in the next century.” Importantly, this was also a *precursor* to the more well-known Buganda Agreement that would be signed by Sir Harry Johnston and the Buganda Kingdom in 1900 (Johnston 1902a).

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<sup>54</sup> See UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. III).



That said, Hertslet's (1894:160) 'official' record and overview of treaties from this period provides no indication that the relevant treaty form was not used in Lugard's engagement of the Buganda kingdom. Lugard elaborates, however, about the kinds of innovations that he would practice instead, perhaps giving us a glimpse into the experiences that would inform his writings about "experimentation", innovation, and the "adaptation of principles" in *The Dual Mandate in British Tropical Africa* (Lugard 1922). As he puts it:

"The most solemn form of compact for friendship that exists among them is that known as 'blood-brotherhood,' and this I therefore adopted, as suited at once to their comprehension, and as enabling me to say just so much, and no more, as seemed a fair and honest bargain. I then reduced to writing our mutual under-takings, and the treaty was witnessed by my comrades, and the chiefs made their marks. Such are the treaties concluded by myself, and sent to England, which have been approved and registered at the Foreign Office, and more binding treaties could not have been executed in savage Africa" (Lugard 1893: 329).

Nonetheless, with these treaties in hand – and following the declaration of the British Crown's jurisdiction over the Uganda Protectorate in 1894 and the East Africa Protectorate in 1895 – the specification of imperial rights to land and territory was, from a metropolitan legal standpoint at least, relatively straightforward. Indeed, subsequent discussions between Kenya Colony's Commissioner of Lands and other bureaucrats, for example, would note *both* that Lugard had signed these treaties, and that he had signed them in the manner described above. A portion of Lugard's comment on "blood-brotherhood" was in fact extracted and submitted as evidence by the Commissioner of Lands to Sir Morris Carter in 1932-3.<sup>55</sup>

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<sup>55</sup> UKNA/CAB/24/248 – 'The Kenya Land Commission Report, 1934', Evidence and Memoranda (Vol. III); See also UKNA/CAB/24/173 – 'Report of the East Africa Commission, 1925'; Lugard (1893), *The rise of our east African empire*; Gregory (1901), *The foundation of British East Africa*, and Eliot (1905), *The East African Protectorate*.

Nonetheless, Sir Harry Johnston would, in retrospect, write of Lugard's efforts without mincing words about what this process of 'opening up the country' amounted to. For Johnston (1910: 383):

“The British East Africa Company had at first attempted to take these regions under its control through its envoy, Captain (now Sir Frederick) Lugard, who, to put it plainly, conquered Uganda for British influence by enlisting Emin Pasha's abandoned Sudanese soldiers.”

The latter predicament had arisen from a confluence of factors. Firstly, by the late 1880s, it appears that the reigning Kabaka (King) Mwanga of the Buganda kingdom had decided to purge his court of those who had recently converted to either Christianity or Islam, or that were perceived to have been unduly influenced by missionaries or other European agents. Tension of this kind had been building for some time, as evidenced by the killing of one Bishop Hannington and other missionaries in 1885 (Lugard 1900: 19). Sir Harry Johnston would describe the latter context in a report to the Marquess of Lansdowne in 1901 as follows:

“Bishop Hannington [...] attempted to enter Uganda [...] By the orders of Mwanga, who had just succeeded his father [Mtesa] on the throne Hannington was killed near the Nile, close to the frontier of Uganda. The disputes between the native adherents of the Roman Catholic and Anglican Missions, the abrupt Mohammadan revolution that for a time put an end to Christianity, the flights and returns of Mwanga, his changes from Paganism to Roman Catholic Christianity, his coquetting with the Germans and the French did not directly settle the fate of Uganda in a historical sense.”<sup>56</sup>

Here, Johnston's remarks provide a sense of how fluid the prevailing institutional and political situation was at this time in the late 1880s, even only within the Buganda kingdom, much less the full territory of supposedly 'British' East Africa. Although Kabaka Mtesa had apparently

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<sup>56</sup> H.H. Johnston, Entebbe, to Marquess of Lansdowne, London, 1901, *Report by His Majesty's Special Commissioner on the Protectorate of Uganda, with Maps*. Cmd 671. London: HMSO., pp. 2.

been relatively bemused or entertained by the attempted courtship of various European dignitaries – English, French, and German – and various religious influences, whether Catholic, Protestant, or Islamic, his successor Mwanga would take a different approach, reacting strongly against perceived external interference with his rule.

Yet Johnston, possibly in defense of himself, his predecessors, and Lugard's branch of the IBEAC, would refuse to concede that Mwanga's resistance was the primary factor in determining the subsequent course of events. Instead, he attributes the broader progression of the situation to a treaty between the British Empire and German Reich in 1890, which solidified some of the territorial boundaries or frontiers between British East Africa and German East Africa. As Johnston would have it, again in his report to the Marquess: "That fate was really determined by the Anglo-German Agreement of 1890, which placed Uganda within the British sphere of influence". He writes:

"As the immediate result of this Agreement an attempt was made on behalf of the Imperial British East Africa Company to negotiate a Treaty with Mwanga [by Frederick Lugard] which would result in the territories now composing the Uganda Protectorate being administered, so far as Europeans and foreigners were concerned, by the Company's officials but the magnitude of the undertaking was soon realized by the Company, and notice was given to the Imperial Government of its inability to carry out a task involving such grave responsibility and expenditure. At this time the native Government of the Kingdom of Uganda was in the throes of a civil war between the Catholics, Protestants and Muhammadans."<sup>57</sup>

IBEAC officials – ostensibly 'concerned' by the latter violence – intervened by variously backing Christian and Muslim factions in the kingdom. In Johnston's terms: "[w]hen Captain (now General Sir Frederick) Lugard first visited Uganda as the agent of the Imperial East Africa Company, circumstances obliged him to intervene in the affairs of that kingdom and impose peace."<sup>58</sup> We may never have a full account of the

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<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

violence orchestrated by Lugard and other IBEAC officials at this juncture, following his recruitment of mercenaries lingering in Uganda that had previously fought with Emin Pasha in Sudan (see Pasha 1888). The violence was significant enough, however, that the Foreign Office would dispatch one Sir Gerald Portal to report upon an advisable course of action. For his part, Portal (1894: 6) would describe his mandate simply as the vague instruction to identify the “best means of dealing with the country”. In effect – although he would perish from an unspecified “fever” shortly after returning to London in 1894 – Portal’s conclusion was to recommend the formation of a Protectorate under the Foreign Office, rather than rule by the relatively under-resourced and economically floundering IBEAC.

That Protectorate would be declared in 1894, inaugurating a new phase of state formation throughout British East Africa, as well as increasingly widespread “primary resistance” and other responses to the solidification of British rule (see Ranger 1968a, 1968b). There were at least several ‘fronts’ to this resistance. Firstly, there was effectively a form of both anti-colonial and religious civil war within the Buganda kingdom itself. Secondly, there were efforts to raid the Buganda kingdom by the Bunyoro kingdom, partially in response to the perceived British favour of the former. Thirdly, there were uprisings, rebellions, and counter-attacks against the British administration and its representatives by a wide range of relatively “acephalous” societies throughout the protectorate. This was particularly so in what was then the Uganda Protectorate’s Eastern Province, but what is now western Kenya. Fourthly, by 1897, efforts to repress the sum of the latter with a relatively small, under-paid, and largely mercenary force of colonial soldiers from Sudan and elsewhere had resulted in a full-blown mutiny of its own. Fifthly, the latter mutiny exacerbated the above-described situation in the Kingdoms of Buganda and Bunyoro, both of which took advantage of the mutiny to renew their own rebellions against the British administration.

Two years after this particular juncture, Harry Johnston would find himself with the unenviable task of explaining via a report to the Marquess of Lansdowne in London what was going on in the Uganda Protectorate. His narrative clearly struggles to elucidate the complexities of the situation, and is worth quoting at length. This is not

because it necessarily provides an authoritative account, but because it nicely encapsulates the fraught, contested, fluid, and also somewhat haphazard nature of state formation in this period:

“There was, therefore, a latent spirit of discontent and a leaning towards mutiny in the Sudanese soldiery in the summer of 1897. The men certainly were sorely tried at that time. They had to march hundreds of miles to Nandi, to chastise the people of that part of the Eastern Province for attacks on caravans. Then came the news of Mwanga's flight and revolt against the British Government, and the Sudanese soldiers had to march several-hundred miles back to the west to encounter and defeat Mwanga's force in the district of Buddu. After this campaign they were told that a portion of them would have to proceed to the Eastern Province once more to act as escort to a British expedition under Colonel J.R.L MacDonald, which was to proceed in the direction of Lake Rudolf [now Lake Turkana].”

A punishing itinerary, indeed. But the imperial lack of cohesion within the troops would prove to be the spark that would ignite mutiny:

“A misunderstanding unhappily arose in addition between an officer on Colonel Macdonald's staff and themselves, due, no doubt, to the usual cause – inability to understand each other's language. The Sudanese were ordered to surrender their arms and refused. Shots were fired over their heads, and they broke out into open revolt, swinging round and starting back for the heart of Uganda, resolved to do as much damage as possible on the way. [...] Colonel J. B. L. Macdonald [...] succeeded after dogged fighting, carried on under the most difficult circumstances, in breaking the power of the mutineers, and chasing them away from the settled districts of the Uganda Protectorate.”<sup>59</sup>

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<sup>59</sup> H.H. Johnston, Entebbe, to Marquess of Lansdowne, London, 1901, *Report by His Majesty's Special Commissioner on the Protectorate of Uganda, with Maps*. Cmd 671. London: HMSO., pp. 4-5.

Though MacDonald's own narrative of these events is almost self-evidently euphemistic, it is clear that the mutiny was put down by means of what was largely a massacre. Though apparently somewhat surprised by the mutiny, MacDonald's European and other loyal personnel remained in control of much superior firepower. Indeed, MacDonald (1897: 251) largely encapsulates his strategy in response thusly: "Mr. Gedge took charge of one Maxim, Mr. Wilson of the other."

In short, the 'early days of the Uganda Protectorate' in what is now Uganda and Kenya would be marked by such intense contestation and resistance from almost all corners that it is almost not particularly useful to refer to 'the Uganda Protectorate' as such in this period.<sup>60</sup> At the time, the latter existed primarily only in the minds of British administrators, IBEAC personnel, and Foreign Office officials; in the texts that they wrote, and in the maps that they drew. Virtually everyone else in the area had very different ideas about the region's future, its future territorialities, and its future modes and forms of governance. Nonetheless, the forms of territoriality and governance that the British sought to impose would – at least formally – endure in ways that these other visions, "imaginative geographies" (Said 1978), or even *virtual* geographies would not (see also West et al. 2006). In recognition of such contestation, however, the Foreign Office sought to form a Special Commission to 'solve' these issues – a post for which they would recommend Sir Harry Johnston as Special Commissioner, and that he would take up in 1899.

### **Indirect rule and the 'specialty' of Johnston's Special Commissionership**

In order to interpret the significance of Johnston's activities and practices as Special Commissioner, we first need to appreciate the nature of his imperial mandate within East

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<sup>60</sup> For "plans of battles" executed via "punitive expeditions" of the King's African Rifles in what is now western Kenya and eastern Uganda during this period, see British Library (BL)/WO/1370 – 'Plans of Battles in Uganda 1897-98'. A recurring strategy seems to have simply been the deployment of Maxim guns.

Africa, which he would take up after his previous High Commissionership in the British Central Africa Protectorate (Johnston 1897). In effect, Johnston had been appointed to oversee the solidification of the British conquest of what had become known, after 1894, as the Uganda Protectorate. Although much had been ‘accomplished’ by Lugard and the IBEAC, the subsequent warfare, mutiny, resistance, and rebellion had put British rule or even influence over the region in wholesale jeopardy. Johnston’s presence was thus meant to *consolidate*, to *optimize*, and to *territorialize*. Lugard (1900: 167) would describe the problem thusly at the turn of the twentieth century, in a text written during Johnston’s Special Commissionership:

“No individual has remained continuously in control, since the time of the Company's rule, for more than a few months at a time. This, which in a settled country with a well-understood system of administration would not be advantageous, has in a land like Uganda been positively fatal. It is to be hoped that the experience gained at the cost of so much blood and treasure, in the troublous times through which the country has passed, will guide the conduct and the policy of the future”.

The method for consolidating this situation, too, had also been proposed by Lugard, and had been put in motion via his treaty signed with the Buganda kingdom. He would allude to the implicit (bio)political logic thusly:

“The chief claim of [the kingdom of] Uganda to notice consists in the extraordinary contrast between it, with its semi-civilization and the intelligence of its people, and the surrounding tribes of Africa. We are familiar with Mohammedan negro empires, and the comparative civilization and justice which the introduction of a higher religion and social law brings in its train. But, so far as we are aware, no purely Pagan tribe in Africa, shut off from contact with surrounding peoples on a plane of civilization, has ever developed so extraordinary a social, political, and even legal system as was found, at the time of its ‘discovery,’ in Uganda” (Lugard 1900: 13-14).

That is to say, Johnston would largely follow Lugard's approach by solidifying the treaties already signed between the IBEAC and various kingdoms, such as Buganda. The strategy would then be to project the power of these kingdoms outward over the interior, and subsequently carry out the "internal territorialisation" (e.g. Cavanagh and Himmelfarb 2015, see also Twaddle 1993; Vandergeest and Peluso 1995; Low 2009) of the protectorate into both Provinces and Districts thereafter.

In his two-volume book produced during this time, *The Uganda Protectorate*, Johnston (1902a) would lay out the letter of this approach in no uncertain detail. Writing in the third person, he describes the context of his own mandate thusly:

"It was considered by the Imperial Government that the time had arrived to set on foot a complete settlement of the administrative affairs of this Protectorate and more economy and efficiency in the direction of its finances. [...]

Accordingly, it was decided to appoint a Special Commissioner, who should at the same time hold unquestionably the highest military rank in the country, who should attempt to bring about such a settlement, reorganise the finances and armed forces, and report to the Government on the possibility of creating a local revenue sufficient to meet eventually the cost of the Administration [...]

He considered that no satisfactory attempt could be made to settle the question of native taxation, military service, tenure of land, or any other important question affecting the rights or sentiments of the natives which did not commence by a special agreement with the Kingdom of Uganda" (Johnston 1902a: 247-248).

In other words, Johnston's task would be to consolidate the new protectorate's administration, but to do so in ways that that were economically *optimal* rather than merely economic. He would have to calibrate the need for a "fiscality" of rule (Mbeme 2001) or an economically self-sustaining colonial state with the knowledge that a return to widespread mutiny and anti-colonial warfare would be entirely *uneconomic*.



In large part, the resulting approach and strategy was quite straightforward. The plan was a classic instance of indirect rule, and perhaps even one that might have been too schematic even for Lugard's own taste. This was to proceed, firstly, in relation to the Buganda kingdom itself, and then outward from there. As Johnston (1902a: 248-250) explains the first step in Buganda:

“The Kingdom of Uganda was divided into twenty districts, each district being placed under a chief appointed by the king of Uganda, but having his appointment confirmed by the principal representative of His Britannic Majesty's Government. These twenty chiefs were to be under the control of the king of Uganda [...] The power of life and death [‘sovereignty’] was reserved to the principal representative of His Britannic Majesty in the Uganda Protectorate [at the time, Johnston], who might also intervene when necessary [...] All natives of Uganda were henceforth liable to pay a hut and a gun tax of the value of three rupees (4 [shillings]) each annually. (Thus a native of Uganda owning both a hut and a gun would have as maximum taxation to pay to the Protectorate 8 [shillings] a year.)”

By decree, the three elements of indirect rule were – in terms of strategic intent, at least – suddenly in place. To reiterate a point from the previous chapter, these elements were the native territory (in this case, the district), the native authority (in this case, the Baganda chiefs), and the native treasury – in this case, compiled via the chiefs' collection of hut and gun taxes (see Mamdani 1996a). In addition, the British representative of the Crown asserted the colonial power to “decide” (Agamben 1998) over matters of life and death. This inaugurated and institutionalized the omnipresent threat of what some have termed the “necropolitics” (Mbembe 2003) of colonial rule, wherein death or the destruction of livelihoods and property could be meted out if certain populations refused to acquiesce to the political or economic objectives of the administration. Such forms of “punishment” would typically take the form of what administrators would refer to as a “punitive raid” or expedition in this period (e.g. Lonsdale 1977; 1992a, 1992b).

After the above agreement was in place, the task was simply to replicate a version of it elsewhere throughout the protectorate. Johnston (1902a: 251) seems to have been of the opinion that this was a relatively uncomplicated process:

“there was very little difficulty, except where Europeans had never penetrated, in inducing the natives of other countries to accept a settlement on similar lines. [...] The kings of Toro and Ankole were dealt with by separate agreements similar to that concluded with Uganda. The general provisions of these agreements as regards land and native taxation were made to apply to the rest of the Protectorate. [...] Arrangements were then made to divide the Protectorate definitely into provinces (six), and these again into districts.”

Within the districts, Johnston would advocate for a method of legal administration that could almost have been – read via some sort of a double blind experiment – extracted from Mahmood Mamdani’s (1996a) *Citizen and Subject* itself. As Johnston wrote, paralleling Mamdani’s (1996a, 2012) argument about one form of civil law for imperial citizens (Europeans and certain other non-natives) and one for subjects (natives beholden to ostensibly ‘customary’ law):

“Recognised native chiefs are supposed to deal out justice (reserving matters of life and death) to their own subjects. The [provincial] sub-commissioner, [tax] collectors, and assistant collectors hold generally magistrates' warrants and administer justice to Europeans and all persons not native to the Protectorate, in addition to their work of collecting the revenues and generally presiding over the maintenance of law and order in their respective districts” (Johnston 1902a: 252).

As some have pointed out, the imposition of this model of indirect rule throughout the country would be met with widespread “primary resistance” (Ranger 1968a, 1968b) especially in the Eastern Province (now western Kenya), and would elicit a variety of British “punitive raids” or expeditions to suppress such resistance in response (Cavanagh and Himmelfarb 2015, see also Lonsdale 1977; Anderson 2004; Low 2009). In anticipation of such resistances, Johnston’s (*ibid*) next step was to establish a constabulary in addition to the protectorate’s

colonial military – known as the Uganda Rifles – so that “the trained troops, consisting of the Indian soldiers, the Sudanese, Baganda, Somalis, and other negro soldiers of worth, might be reserved for actual warfare, for expeditions against powerful tribes, or the suppression of serious risings.” By 1900, it appears that the Uganda Protectorate administration had a total of 3500 troops at its disposal, 1500 of which were members of the newly formed constabulary, and the remaining 2000 of which were organized under the Uganda Rifles. Here, it was thought most pressing, in particular, that “all the fighting men of this nation are ready at very short notice to accompany a British expedition anywhere in the Eastern and Rudolf Provinces [now southwestern Kenya and northwestern Kenya/Turkana]” (Johnston 1902a: 254-255).

Particularly troublesome for Johnston, evidently, was the governance of the Eastern Province, the inhabitants of which appeared especially unimpressed both with ongoing processes of colonial state formation, and by the treaties that the administration had forged with kingdoms such as Buganda and Bunyoro. Johnston attributes this to the rebelliousness of a population that he describes both as a tribe and as a *race* that he terms “the Nandi”, although this likely refers to a range of more-or-less loosely affiliated populations and federations of communities that often associate with the term “Kalenjin” in contemporary western Kenya (e.g. Lynch 2011b), and perhaps several others as well. As Johnston (1902a: 256-7) describes the apparent problem:

“The Special Commissioner's stay in Uganda was unfortunately coincident with one war, though he had hoped that the era of wars with the natives had closed. But the Nandi tribe, who had shown themselves at different times very inimical to the white man, and who had never been effectually subdued owing to the mountains and dense forests of their country, commenced a series of aggressions against us which at last became unbearable. So far as we are aware they had absolutely no grievance to complain of.”

From the vantage of the present, it is difficult to assess whether the comment about the Nandi ‘having absolutely no grievance to complain of’ was instrumentally self-serving or merely suggestive of a political tone-deafness bordering on mild autism. Even if “the Nandi” had not

been treated with especially more brutality than the other subjects of British rule, they had still surely been subjected to ongoing processes of conquest and colonial state formation.

Here, Johnston's initial approach appears to have been to not unnecessarily exacerbate the situation if it was otherwise not essential to do so for strategic reasons or other exigencies. As he writes, almost certainly with considerable euphemism:

“No taxation had been imposed on the Nandi [prior to 1899]; in fact, on account of their waspish nature, they had been left severely alone. But the erection of the telegraph wire along the Nyando Valley and through Kavirondo had tempted them to acts of aggression. The copper wire represented considerable value in their eyes, and the temptation to descend at night-time and cut a mile or two of wire from between the posts in order to temporarily enrich themselves became irresistible. When these robberies were punished the Nandi replied by destructive raids on transport carts, mail carriers, and isolated telegraph stations. The difficulty, therefore, had to be faced, and a very strong expedition under Lieutenant-Colonel Evatt was sent into the Nandi country in the summer of 1900. Hostilities lasted until November, when the Nandi, having had enough fighting, sought for and obtained terms of peace” (Johnston 1902a: 257-258).

As Lieutenant-Colonel H. Moyses-Bartlett (2002) notes, there were three “punitive expeditions” against “the Nandi” in the Uganda Protectorate’s Eastern Province between 1895 and 1900. Only the last of these would have occurred during the term of Johnston’s Special Commissionership. In Moyses-Bartlett’s (2002: 85-90) estimation, the latter series of punitive expeditions under Johnston’s administration resulted in the killing of 111 Nandi, as well as the seizure of 2068 cattle and 7900 sheep and goats.<sup>61</sup> Particularly with regard to the number of human casualties, however, it remains uncertain how reliable this figure is – as Moyses-Bartlett (2002) observes,

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<sup>61</sup> See MacDonald (1897) for an account of the previous two campaigns against the Nandi in the Eastern Province, as well as BL/WO/1370 – ‘Plans of Battles in Uganda 1897-98’.

some reports and anecdotes from these expeditions simply allude to the fact that “steep casualties” were inflicted.

Such contexts provide us with a sense of how both contested and haphazard the process of colonial state formation was throughout East Africa at the turn of the twentieth century. Even where relatively stable ‘hubs’ of rule were established via treaties and collaborations with “advanced communities” of the sort that Lugard (1893, 1900, 1922) would propose as the foundation of colonial state formation, efforts to extend colonial power and territoriality outward therefrom were ‘fraught’, to say the least. Johnston himself was all too aware of this. As he writes, reflecting on the necessary “fiscality” (Mbembe 2001) of his administration:

“At the present time [1899-1900] the European Administration of the Uganda Protectorate is not unnecessarily extended, and is confined in the main to those districts where the presence of European or Asiatic traders or settlers obliges the establishment of British officials to ensure the maintenance of law and order on the part of the foreigners quite as much as on that of the natives. In those districts where it is not at present necessary to station European officials, and consequently where no direct expenditure of Imperial funds takes place, no taxation on the natives is imposed, the general theory being that the native should pay for the protection which he receives, and if native chiefs are unable to so govern their people as to ensure peace and quiet in their countries and protection to foreigners thereby obliging the Administration of the Protectorate to intervene, they must pay hut and gun taxes as the result of not being able to manage their own affairs” (Johnston 1902a: 258-259).

This was not a *general* theory of colonial administration in any sort of temporally-enduring sense, however, so much as it was a practical concession made in recognition of the severity of the tumult that had characterized the period in East Africa immediately prior and during Johnston’s rule. Administration in the “districts” was intended to roll out as rapidly and as firmly as was strategically possible to achieve:

“As circumstances render it advisable, no doubt, little by little, no district of the Uganda Protectorate will be left without European supervision, and

consequently, theoretically, all natives will pay for the upkeep of the Protectorate. Should this be the case, the entire theoretical native taxation of the whole Protectorate should, in money, suffice to meet the entire cost of administration” (Johnston 1902a: 259).

As Mbembe (2001: 31, emphasis original) puts it, European rule in Sub-Saharan Africa often amounted to a “*lack of distinction between ruling and civilizing.*” In a sense, however, it also amounted – at least in its early stages – to a lack of distinction between *war* and rule. Differently put, the prevailing calculus of force inevitably needed to consider the expenditure of violence in relation both to the likelihood of its ‘success’, as well as to the nature of the reactions, resistances, and counter-attacks that it would precipitate.

As Johnston makes clear above, this was especially so insofar as the imposition of *taxation* was initially a form of warfare, or at least indistinguishable from extortion seen in the perspective of those it was extracted from. The problem – as his epigraph to this chapter puts it – was that, “[e]ven supposing the entire male population of the Protectorate was ready to pay taxes, they have not at present the money to pay in.” In such contexts, the ‘value’ of the imposition of taxable livelihoods, and tax subsequently extracted, had to be weighed against the likewise economic ‘costs’ of putting down subsequent rebellions and revolts. Neither was this merely a theoretical concern that would dissipate immediately after Johnston’s Special Commissionership (1899-1900): as Jørgensen (1981: 61) notes, there were “at least 17 tax revolts and [subsequent] punitive expeditions” in the Uganda Protectorate between 1903 and 1911. Moreover, as David Anderson (2004) illuminates in relation to a certain primitive expedition that resulted in an historically much-remarked upon “massacre at Ribo Post” in the early twentieth century, such repressions of resistance to the colonial state could sometimes be all-too vicious indeed (see also Moyse-Barlett’s 2002: 90-95).

## **Conclusion**

This chapter has traced the imperial career trajectories of Frederick D. Lugard and Harry H. Johnston, aiming to illuminate the ways in which their circulation throughout various posts in the late nineteenth and twentieth century British Empire led them to inherit each other’s institutional,

military, and administrative precedents in a range of contexts. Though I have focused on how these trajectories overlapped within what is now Uganda and Kenya, a similar process would unfold to some degree as well both in relation to what is now Malawi, as well as in the contemporary west African states of Cameroon, Benin, and Nigeria. Such an approach perhaps provides us with a sense of the ways in which individual imperialists and the ideas that they formed and travelled with as they went along would be brought to bear in a vast diversity of colonial encounters. Moreover, although these encounters were highly variable, the engagement of such influential persons with them were not merely effervescent. Rather, such interactions yielded and engendered practices, installed institutions, inaugurated bureaucracies, and set in motion processes of territorialization that would shape events and terms of contestation for years, if not decades, if not – some would argue – the century and more to come.

In this chapter, however, I have focused primarily on the political, political-economic, and territorial exigencies for such practices and types of colonial state formation. In the following chapter, I turn to a discussion of how uncertainties related to the most effective modes of ruling apparently ‘troublesome’ populations – such as those in the Uganda Protectorate’s Eastern Province – would inspire forms of racial, zoological, and ecological taxonomization and hierarchization that would ultimately exacerbate, rather than ameliorate, the tumultuousness of rule in what is now both Uganda and Kenya.

## 7. A hierarchy of all and none: apes, dwarves, and everything else in Sir Harry Johnston's *Uganda Protectorate*

“The fierce colonial desire to divide and classify, to create hierarchies and produce  
difference, leaves behind wounds and scars.”

– Achille Mbembe, *Critique of Black Reason* (2017: 7).

“Celtic languages at times seem to have been associated with a broad headed population  
but now are spoken by broad and long heads alike.”

Dr. F.C. Shrubbsall, ‘Review: The Racial Origins of Civilization’,  
*The Eugenics Review* (1927: 222).

### Introduction

In East Africa and elsewhere, the ontological status of late nineteenth and early twentieth century concepts of ‘race’ and ‘tribe’ – as well as their afterlives within our own present – remain enduringly malign and problematic, but also somewhat elusive. Through the labors of administrators and ‘scientists’ – as well as through the resistances, responses, and creative engagements of this process by diverse African communities, leaders, and intellectuals – racial, tribal, and other biopolitical categories were effectively *produced* rather than simply ‘identified’ throughout the colonial encounter (e.g. Ranger 1983, 1993; Pels 1996, 1997; Moore 2005, see also Tilley 2014, Radcliffe 2017). On the part of European colonial administrations, this process was inaugurated by an almost manically grandiose presumption of both racial and civilizational ascendancy (Fanon 1963). Such inequalities supposedly lent British administrators a natural right to categorize, classify, and hierarchize on the basis of an intellect that was understood to be collectively superior (Stoler 1995; Mbembe 2017). The latter, I might add, is not mere critical invective: as Lugard (1922: 57) once put it, Britain’s “responsibility is one which the advantages of an inherited civilisation and a superior intellectual culture, no less than the physical superiority conferred by the monopoly of



firearms, imposes upon the controlling Power.” A superiority of force, then, but allegedly one of intellect as well.

As Lugard’s comment alludes, otherwise commonly repressed grandiosities would find an outlet in some forms and genres of writing from this period more readily than others. This is perhaps, I would suggest, to a degree that is currently somewhat under-represented in the historiography of East Africa. Read alongside the comparatively measured prose of everyday bureaucratic communiqués that they authored, the much lengthier treatises of men like Sir Harry Johnston (1897, 1899, 1902a, 1910), Sir Charles Eliot (1905), Lord Frederick Lugard (1893, 1900, 1922), Jan Smuts (1930), and other administrators, commissioners, or governors in this period are frequently and almost self-evidently ‘cathartic’ in this regard. Indeed, in such media, these men and many of their colleagues in the Foreign and Colonial Services apparently found both the space and the license to more speculatively expound upon their perspectives on inequalities of race and civilization, as well as to elaborate at length on how inequalities of the latter presented imperatives for – and demanded innovations within – practices of British colonial governmentality on the African continent.

This chapter aims to deepen our understanding both of the drivers of these processes of racialization and racial production within East African colonial administrations, as well as of the lingering political and ethical *stakes* of such processes. In doing so, I proceed as follows. Firstly, I examine the nature and context of Sir Harry Johnston’s *The Uganda Protectorate*, which would propose both a narrative and a hierarchy of racial categories that would be reproduced quite widely by other ‘anthropologists’, ‘racial scientists’, and other colonial administrators throughout this period in East Africa. Secondly, I examine the concepts of ‘hierarchy’ and ‘category’ as they are used throughout Johnston’s narrative. Thirdly, I examine Johnston’s general theory of the emergence of both racial and civilizational inequalities amongst the populations that he governed in the Uganda Protectorate. Finally, I discuss in more detail the process and methodology through which these ‘racial’ categories were produced, theorized, and subsequently asserted. I conclude with a discussion of the ways in which these dimensions of Johnston’s work and thought have seemingly eluded wider recognition and problematization.

From the outset, let me be clear: certainly, diverse East African populations asserted differences within and amongst their own communities in the pre-colonial period – or, variously, cast differences aside to jointly inaugurate or build new ones (e.g. Kopytoff 1989) – and continue to do so. Yet processes of colonial state formation in East Africa were distinguished by administrative practices of the production, assertion, and institutionalization of *differences of race*. Importantly, the production of these imposed differences of race was not simply limited to the production of differences of racialized *colour*: between “whites” and “blacks”, or between “Europeans” and “Africans”. Rather, and in ways that are enduringly problematic, processes of racialization in early twentieth-century East Africa also yielded the production of hierarchically-related “African races” which were only secondarily or in turn divided into “tribes” (see also Mamdani 2001, 2012).

The forms of colonial governmentality that these groundless ‘racial’ taxonomies and hierarchies infused were violent, arbitrary, and discriminatory, yielding after-effects or resonances that endure – often malignly – into our own historical present. Yet they were also produced in ways that were inextricable from – or even, I would suggest, *co-produced* with – the *ideological* category of a dualistic nature itself. As Hannah Arendt (1951: 159) reminds us, “an ideology differs from a simple opinion in that it claims to possess either the key to history, or the solution for all the ‘riddles of the universe,’ or the intimate knowledge of the hidden universal laws which are supposed to rule nature and man.” More precisely, I argue that Johnston’s ideology did not simply posit a dualism between ‘man’ and ‘nature’: it asserted a dualism between nature and *civilization* as well. As we will see, moreover, Johnston’s category of ‘civilization’ was not at all synonymous with ‘the human’, as I discuss throughout.

### **A taxonomy of everything: the *Uganda Protectorate***

As discussed in the previous chapter, Johnston (1897) would first begin to develop in his *British Central Africa* the ‘scientific’ approach and method that he would later deploy in the Uganda Protectorate. Yet both his scientific and administrative ambitions in the latter territory would be even more grand, to put it lightly. Importantly, though he was in fact the Special

Commissioner of the Uganda Protectorate at the time (1899-1900), Johnston (e.g. 1902a) conceived of his own “scientific explorations”, researches, and writings inside the protectorate in ways that bear further ‘exploration’ of our own. I should note again that the extent of the territory of the Uganda Protectorate when he arrived in 1899 was as follows:

“The boundaries of the whole Protectorate were defined as far north as the meeting place with the Sudan Administration, and as far east as the great Rift Valley of East Africa. [...] At the conclusion of my special commission, the eastern Province of Uganda was transferred to the East Africa Protectorate [later Kenya Colony and Protectorate]” (Johnston 1923a: 340).

Moreover, Johnston viewed his *scientific* activities within this territory as, firstly, purely empiricist and disinterested; but secondly, as immediately transferrable by himself or others in ways that might advise explicitly and hierarchically racialized forms of colonial government. In other words, his view of science was simultaneously ‘disinterested’ and explicitly ‘political’ or at least *governmental*, but in ways that did not seem to trouble him as being contradictory.

Quite literally, the two things went hand in hand: ‘research’ and colonial government or state formation. As Johnston (1923a: 349, emphasis added) writes in his autobiography of his combined imperial and scientific itinerary for the autumn of 1900, in the second half of his Special Commissionership:

“I felt that a renewed stay in the eastern part of the Protectorate was necessary, not only for *fresh treaty-making* but for the *solution of many difficulties with native tribes*, and the *prosecution of geographical research*. So in the late autumn of 1900 I visited Busoga, and the Sese Archipelago, and after a final visit for Christmas to Entebbe, transferred myself and my personal staff to the eastern part of the Protectorate. I wished especially to visit the remarkable region of Mount Elgon [...] From Elgon I intended to penetrate as far as I could towards Lakes Rudolf and Baringo.”

These lakes are now Baringo and Turkana, the latter especially being a vast distance – currently some 713 kilometers by road – from Johnston’s then-administrative headquarters in Entebbe. He confides, however, that when he reached Baringo, he decided to switch course and proceed to Mombasa via Nairobi instead, and onward from Mombasa to England. This was somewhat ahead of his official schedule as per the terms of the Special Commissionship; Johnston (1923a: 350-351) maintains that this was due to his experience of several bouts of vaguely specified “fevers”, and his doubts that he would survive many more of these.

Nonetheless, the practice of “treaty-making” that he describes was of precisely the sort that Lugard (1922: 38) would elsewhere deride as “the farce of ‘acquiring’ jurisdiction by treaties not understood by their signatories, and foreign to their modes of thought” (see also Low 2009). I thus italicize the words *Uganda Protectorate* above and in this chapter’s title in a way that is deliberately ambiguous – even today, it is uncertain how far or in what sense we can distinguish between the book he wrote and his approach to the administration of a colony he both governed and in some respects *created* in what is now Uganda and western Kenya. To recall a point from Chapter 3, if we conceive of geography as the study and practice of Earth-writing, Johnston was here both writing *The Uganda Protectorate* and writing a certain version of the political geography of the Uganda Protectorate at precisely the same time.

In broad terms, Johnston’s ‘scientific’ objective within this territory was no less than to identify and document racial, tribal, zoological, institutional, botanical, linguistic, geographical, and other forms of difference amongst and within various East African human populations, fauna, landscapes, flora, administrative units (that he was simultaneously in the process of creating and territorializing), and environments. In this regard, however, it is remarkable that his understanding of the concepts of ‘nature’ and ‘the natural’ was – firstly, ideologically dualistic – and secondly, purely rationalist rather than romantic. Indeed, although he would sometimes wistfully describe East African landscapes and wildlife, Johnston (1923a: 460) reiterates in his autobiography that he would come to take a strong position as a ‘man of science’ against religious belief and various other apparently non-scientific or irrational forms of thought:

“From the time of my own awakening to the logic of facts and discoveries from 1880 onward, it has been a source of growing amazement that intelligent men and women, careful students of real history, followers of the teachings of Astronomy and Geology, continue any longer to believe the theological nonsense generally understood by the term ‘Religion.’”

Moreover, Johnston felt that his knowledge of and confidence in scientific method separated him from the various populations that had fallen under both his rule in diverse imperial encounters, as well as within the British Empire more broadly. As he puts it, with palpable derision:

“The many, the mass of thinking humanity (and chiefly of poorly-thinking humanity) believes or pretends to believe in a Deity; in a Trinity; or in a larger number of divine powers. Millions of black, brown, and yellow peoples [...] contemplate in their thoughts a great assortment of Gods, of spirits that may – or may not – be enshrined in grotesque forms, *mostly images of Man's construction*. [...] the divinities of nearly three hundred millions of Indian people [...] of fifty millions of Africans not as yet captured by Christian or Islamic missionaries [...] in most cases have no higher status than that of a king or queen ghost, the spirit of some dead chief, medicine-man or witch” (Johnston 1923a: 460-461, emphasis added).

This would, in many respects, be a view articulated *ad nauseam* throughout Johnston’s writings. In much the same way as Lugard, he was inclined to discriminate *both* on the grounds of apparent ‘racial inequalities’, as well as ‘civilizational’ inequalities, particularly those ostensibly evidenced by the absence of a tradition of ‘rationalist’ science. However, to a much more severe degree than Lugard (see, especially, Lugard 1892), he would equate civilization with rationalist and ontologically dualist forms of thought and ostensibly ‘scientific’ reasoning. That is to say, civilization, for Johnston, was *both* ontologically separate from nature, and a vantage from which scientific forms of rationalist and empiricist scientific logic could be applied *to* and *upon* nature. This perspective would entail particularly idiosyncratic results for his approach to “anthropology” and “racial science”, to which I will return in a section below.

Johnston's work in Uganda appears to have been intended, in some respects, to constitute the *magnum opus* of his 'scientific research' and writings. Although he would publish numerous articles and books afterward, none of them would be as self-evidently 'empiricist' and all-encompassing or synthetic in the same way as *The Uganda Protectorate*. In large part, he would turn instead to political essay, generalist historical essay, fiction, and memoir (e.g. Johnston 1910, 1911, 1913, 1915, 1923a). Perhaps he was simply exhausted: the wide scope and range of the former book's two volumes are reflected in its full title – *The Uganda Protectorate: an attempt to give some description of the physical geography, botany, zoology, anthropology, languages and history of the territories under British protection in East Central Africa, between the Congo Free State and the Rift valley and between the first degree of south latitude and the fifth degree of north latitude* (Johnston 1902a). The title was not particularly unusual for its time, though Sir Charles Eliot (1905) – perhaps in a dissenting stylistic opinion – would not provide a subtitle of any kind for his own book-length reflections on his tenure as Commissioner of the neighbouring East Africa Protectorate, which was published only three years after Johnston's.

The crucial point is, however, not that the title was too long, but that it was misleading. To put it bluntly: Johnston's text was not a "description" *per se*. It was a taxonomy, a categorization, and in some instances a hierarchy of virtually *everything* within the boundaries of the Uganda Protectorate at whose administrative helm he sat. The word 'description' is also misleading because Johnston's *argument* – like a good imperious geographer or political ecologist – was in some ways "explicitly normative" (à la Robbins 2012). He not only outlined a taxonomy and a hierarchy, but also argued for why *everything should be* categorized, hierarchized, and territorialized in accordance with it.

### **Hierarchy, racialization, and the civilization of nature**

The two volumes themselves span more than 1000 pages in quite small, single-spaced print. Notably, however, even though the second volume is of equal length to the first, it is devoted almost exclusively to a series of chapters on "anthropology". In the latter, Johnston first expounds upon the apparently 'empirical' basis for a racial hierarchy of the Uganda

Protectorate's African population that he had developed, and follows with a chapter on each of the racial categories that he had invented in turn, beginning from the lowest rung in the hierarchy and concluding with the highest. By contrast, the first volume covers the full range of other subjects alluded to in the book's subtitle. It does so in more synthetic fashion, but in a somewhat haphazard manner. Some chapters in the first volume are structured around 'subject areas', such as those on botany and zoology. Others focus on 'geographical' areas of the protectorate – such as the provinces that Johnston himself had contributed to producing and territorializing – within which many of those 'subjects' are synthesized in administrative-geographical context.

Although *The Uganda Protectorate*'s narrative is filled with Johnston's earnest insistence on his own impeccable rationalism, it is also threaded through with – and punctuated by, sometimes at unexpected intervals – asides, segues, and lamentations about the more immediate strategic and imperial exigencies with which he was beset. In an aside that is so riddled with contradictions that it is almost worthy of Joseph Heller's *Catch-22*, Johnston at one juncture confides about the inherently almost paradoxical orders that he has been given by the Foreign Office. This appears to have been particularly the case with respect to the earliest impositions of taxation in some parts of the territory, and their relation to the economic development of the protectorate. As he writes, beginning with the epigraph to a previous chapter:

“Even supposing the entire male population of the Protectorate was ready to pay taxes, they have not at present the money to pay in. This can only come to them by the opening up of the Protectorate to commerce. Commerce will induce the native to develop the resources of his own land in order that he make money by the sale of its products. He will also be able to do work for the foreign merchants and settlers, and thus earn money by a reasonable degree of toil. So long, however, as the natives set themselves resolutely to maintain the Protectorate and a civilised administration over their territories, so long I consider that the Administration should uphold native interests and welfare first of all” (Johnston 1902a: 259-260).

The ‘catch’ was, of course, that the protectorate’s ‘native population’ initially had almost no incentive to ‘resolutely set themselves to maintain the protectorate’s administration’, thereby disqualifying the very premises for Johnston’s own expenditure of paternalistic beneficence (see also Mamdani 1976; Hyden 1980; Bunker 1984). In the short run at least – and, arguably, in the longer run as well – almost the entire population of the Uganda Protectorate would have very much to lose and almost nothing to gain by providing the sort of commodities and labour that Johnston demanded. Unfortunately, however, this very fact would necessitate the deployment of “punitive expeditions” to force the most recalcitrant communities – through massacre, the destruction of homes, and the mass theft of livestock, in very many cases – to adopt the forms of livelihoods that would both “open the protectorate to commerce” and generate cash incomes with which taxes could be paid (Cavanagh and Himmelfarb 2015, see also Lonsdale 1977; Moyses-Bartlett 2002; Anderson 2004).

In some ways, it is thus unsurprising that so much of Johnston’s ‘scientific’ writings would be infused with contradictions between – or even outright conflation of – the descriptive and the normative, as well as by an almost reflexive tendency to hierarchize and categorize. For instance, Johnston describes in what follows the *political* and administrative hierarchy that he had been tasked with creating – or at least refining – and which placed himself at its pinnacle. I quote his description at length, because even within this explicitly political or literal hierarchy of the colonial state, we can see within Johnston’s own narrative and his subsequent discussion the way in which he struggles to make empirical complexity conform to both the categories and the layers of rank into which he has attempted to stuff the entire personnel, overlapping mandates and duties, and material substance of the state itself. At certain points, his narrative blunders into an inability to fully do so. This is particularly the case in his description and subsequent elaboration of the category and rank of the “assistant collectors” below, the relation of the ‘home’ province of Uganda in relation to the five others, as well as in his insistence on noting the “race” of the various soldiers in the King’s African Rifles. Not to be deterred whence encountering these inconsistencies, however, Johnston then simply and immediately appears to repress the problem and move on. As he writes:

“With the present organisation of the Uganda Protectorate [...] there is the following system of government: A Commissioner and Consul-General



appointed by the Secretary of State for Foreign Affairs represents the Imperial Government. He is at the same time (theoretically) the Commander-in-Chief of the armed forces. Under him is a Deputy Commissioner. Then follow three sub-commissioners, who are placed over three of the six provinces into which the Protectorate is divided (Uganda proper being the 'home' province where the Commissioner and Deputy Commissioner reside). Next in civil rank come the collectors' assistants, from amongst whom would be chosen the collectors of districts. (The duties of a collector [...] [are] political officer, magistrate, and collector of Imperial revenues in a district, or it may be at a single station.) Finally there are the assistant collectors, some of whom are placed alone in charge of secondary stations in a district; others reside at the same station with a collector or a sub-commissioner, and assist the officer of superior rank, besides these officials involved in the administration of political affairs and of justice and the collection of revenue, there are others employed exclusively in the Treasury or Accounts Department, and others in the Secretariat" (Johnston 1902a: 267)

This was only the beginning: in addition to the basic administrative hierarchy above, there was also the issue of how to govern and administer the various technical departments of the protectorate. The problem, here, was that the technical departments were meant to be distinguished by the sort of expertise and scientific knowledge that they could offer. Yet both the character of that knowledge and the empirical uses to which it would be put would often be entangled, both with each other's mandates, and also with the ostensibly more purely 'administrative' or governmental functions of the state hierarchy above. For instance, as Johnston (1902a: 267-268) continues, in a single paragraph:

"There is a Survey Office for the general survey of the Protectorate lands, a Scientific Department which presides over agriculture [...] In addition to the collectors who act as magistrates, there is a special Judicial Department, at the head of which is placed a legal vice-consul who is Judge and Chief Justice for the whole of the Uganda Protectorate. There is a Public Works Department and a Transport Department, which, even after the completion of the railway and

the steamers, will attend to the upkeep of main roads and transport of goods and passengers in the countries west and north of the Victoria Nyanza. As regards the armed forces, there are the Military and Marine Departments. [...] The little army in Uganda is placed under the direction of an Inspector-General [...] and a staff of something like thirty English officers, including those of the Indian contingent. The force under this department consists of the 4th Battalion King's African Rifles (Negro soldiers – Sudanese, Baganda, Somalis, etc.), the 5th K.A.R. (Indian contingent) – about 400 Panjabis and Sikhs from the Indian Army; and the constabulary or police, some 1,060 men (Negroes) under British police officers, who are non-commissioned officers from the British Army.”

Particularly with regard to the description of the ‘character’ of the troops in the KAR, we see the ways in which Johnston would also feel compelled to, in turn, categorize by ‘race’ or at least origin the constituent elements of the troops at his disposal. In part, this is because – both in Johnston’s ‘official’ view and more broadly during this period – the formal hierarchy of the state and the military would also be paralleled by a more-or-less formal and explicit hierarchy of race. The formal hierarchy of the state, and the formal hierarchy of race would also be paralleled, in turn again – and perhaps more importantly, as suggested in a previous chapter – by the largely formal hierarchy of civilization. Crucially, these hierarchies of race amongst the African population, in particular, were conceived not as arbitrary or subjective, but *scientific*, and possible to confirm with scientific methods (see figure below).

Importantly, Johnston’s (1902a) attempt in this same text to establish similar categorizations, hierarchies, and taxonomies across the fields anthropology, geography, zoology, botany, history and linguistics did not necessarily arise *only* because he was ambitious in terms of his scientific career, though he certainly was in this regard. As was also common for the period, the imprint of a revised version of *The Uganda Protectorate* published in 1904 would list his recent ‘scientific’ accomplishments: “Founder’s Medallist Royal Geographical Society, Livingstone Gold Medallist Royal Scottish Geographical Society, Gold Medallist Zoological Society, Former Special Commissioner to the Uganda Protectorate, etc., etc” (Johnston 1904: i). There was no end, apparently, to his honours.

149	143	135	140	128	127	123	132	131	130	130	122	131
46	42	35	54	55	54	52	51	53	52	51	46	47
319	330	328	324	343	311	317	326	338	335	318	330	349
1029	1045	—	1016	1066	1069	1080	1041	1012	1004	1043	1107	1066
457	467	489	479	475	487	490	488	459	453	472	505	493
176	176	195	202	187	198	195	204	189	177	186	205	193
178	179	183	170	175	181	182	192	157	170	174	186	193
110	112	111	108	112	108	113	100	113	106	113	115	107
479	485	502	483	474	508	508	490	479	483	501	502	473
233	223	242	235	224	251	248	239	224	239	243	252	213
197	207	207	207	192	204	210	204	201	196	206	196	193
166	155	161	140	154	154	154	150	149	145	152	151	152
231	230	246	233	262	232	231	229	233	219	233	237	242
187	187	181	167	193	168	171	200	193	188	185	187	180
581	589	601	585	604	612	664	606	595	585	603	606	579
806	814	717	717	735	722	741	873	828	860	793	786	743

Figure 2 – Dr. F.C. Shruballs’s (1902a: 494-495) arbitrary tabulation of Johnston’s ‘results,’ stratified by ‘tribe’. These ‘data’ were then used to infer differences of race in addition to differences of tribe. Figures in the above purport to include assessments and measurements taken of, *inter alia*, “head, neck, trunk, span, upper limb, arm, forearm, hand, lower limb, thigh, leg, foot, breadth of shoulders, breadth of hips, height of umbilicus, [and] girdle index.”

From his preface through to page 1000, Johnston is frequently at pains to extol the virtues of the Uganda Protectorate in terms of the scientifically-relevant “specimens” that it contains. Yet, the crucial point is this: Johnston’s term “specimen” did not distinguish between humans and nonhumans. As he writes in the preface:

“Within the limits of this Protectorate are to be found specimens of nearly all the most marked types of African man, Congo Pygmies, and the low ape-like types of the Elgon and Semliki forests, the handsome Bahima, who are negroids as much related to the ancient Egyptians as to the average Negro, the gigantic Turkana, the wiry, stunted Andorobo, the Apollo-like Masai, the naked Nile tribes, and the scrupulously clothed Baganda” (Johnston 1902a: vi).

Importantly, however, Johnston’s term “specimen” did not seek to *dehumanize* Africans in the frank sense that was common in British discourses of slavery in the eighteenth century and beforehand. His argument is a complex one, and bears further examination. In effect, Johnston certainly maintained a “dualistic” conception of the relationship between humans and the nonhuman world. However, this was not *only* a dualism between society and nature: it was also shot through with another axis of dualism between nature and *civilization*. As a consequence,

Johnston appeared to view certain ‘uncivilized’ populations *as part* of nature within particular environments, often bordering on the suggestion and sometimes explicitly alleging relations between environments and humans as quasi-fauna or quasi-primates (e.g. Johnston 1902a: 473-477) . In order for African communities to be civilized via the process of colonial state formation and rule, then, they would first have to be removed from ‘nature’, and by force if necessary. Civilization was synonymous with *denaturalization*.

As a result, the term ‘nature’ appears in Johnston’s text in a way that is somewhat more broad than the sense in which it is often used by conservationists today (e.g. Cronon 1995; Neuman 1997, 1998; Brockington 2002; West et al. 2006). He describes as part of ‘nature’ and ‘the natural’, for instance, the produce of African agriculture: “The leaves of the bananas are the most lovely green that exists in nature. [...] A banana plantation, therefore, is a feast of colour for the eyes” (Johnston 1902a: 102). Yet this was the very same nature, for Johnston (1902a: 194-195), that also produced landscape-scale physical geographies: “Fort Mbeni is a most picturesque place. In clear days it has a glorious view across the Semliki to the snows and glaciers of Rwenzori [mountains] [...] There was such variety in the way in which they had been sculptured by the hand of nature.” Whether sculpted by the hands of African farmers or the hand of nature, both banana plantations and mountains fell within the remit of the latter category of ‘the natural’.

The reason that the former bananas and farmers remained within nature, moreover, was that they were similarly *uncivilized*. As Johnston (1902a: 752) puts it in his chapter on “Bantu Negroes”:

“Some people also cut a small door at the back of their own dwelling with the idea that in some way it assists the passage in and out of good ancestral spirits. *So far as they reason about the matter at all* they would appear to disbelieve in the continued life after death of unimportant persons. It is only chiefs or headmen of importance whose spirits continue to exist after the death of the body, and who in some way become part of the forces of nature.”

Recalling Johnston’s autobiographical reflections above, we again see one of the primary markers of distinction, in Johnston’s view, between himself and the communities that he ‘ruled’. Without the ability to ‘reason’ sufficiently well, in his terms, human communities might remain

trapped in nature rather than in the intersecting axes of civilization and society. At some junctures, Johnston would thus not only “decivilize” (Césaire 1972 [1955]) those with which he engaged; he would also seek to deny them *culture* as such. That is to say, he acknowledged the humanity of most populations under his rule, but suggested that such humanity was so primitive that it was not characterized by ‘culture’ in any sense of the word, much less civilization. As he wrote of “the brutish lives led by the Pygmies in their wild state” – in a chapter entitled “Pygmies and Forest Negroes” – it was allegedly the case that these individuals lived “in absence of human culture” and also “nearer to the beast than is the case with any recently existing race of men known to us” (Johnston 1902a: 537).

The implication is an unsettling one for contemporary political ecologists: of course, colonial administrations would certainly often impose an ontological “dualism” between the human and nonhuman, or between society and nature, and territorialize such dualisms in the form of protected areas (e.g. Neumann 1998; West et al. 2006). Yet, especially early on in the process of colonial state formation, some officials and administrator-scholars appear to have conceived of certain “races” as part of *nature* rather than of society (see also Sysling 2015). Indeed, this perhaps gives us a slightly different East African perspective on what some have called the “racialization of nature”, though most often in ways that perceive nature as racialized via the *exclusion* of certain populations on apparently ‘racial’ grounds (e.g. Hays 2015). Johnston (1902a), by contrast, was inclined to racialize nature via the assertion that specific ‘races’ – or, in some instances, certain ‘tribes’ – were at the time of his ‘data collection’ more-or-less inextricably *entwined* with it. In what follows, I turn to an examination of this process of the racialization and ‘naturalization’ of African communities through an analysis of both Johnston’s writings and a selection of his interlocutors.

### **Hierarchies of humanity, foundations of violence: the “Hamitic myth” and *The Colonization of Africa by Alien Races***

Early twentieth century practices of racial science produced ‘categories’ that were initially academic or intellectual, in the sense of being put forth in ‘scientific’ articles or treatises for discussion and debate (e.g. Zimmerman 2001; Tilley 2014). Yet many of these would also very quickly be institutionalized and bureaucratized, in some instances by the very same

people who had ‘produced’ them. As Mamdani (2012: 3-19) notes, the category of “the native” in British African colonies was usually distinguished from other types of residents insofar as it was only the ‘native’ population that was sub-divided into ‘tribes’ (see also Mamdani 2001). Yet, particularly within early twentieth century colonial governmentalities in British Africa, the category of “the native” was in fact conceived, first, as a *plurality* of native races or African races – even if those races were thought to be ‘indigenous’ to a given colony – and which were then, in turn, divided into tribes.

Accordingly, a seemingly now somewhat neglected point is that – in the context of some forms of British colonial governmentality in twentieth century Sub-Saharan Africa – the notion of a ‘tribe’ was *also* racialized. That is to say, the ‘African’ population was in many cases administratively stratified into *races*, and only secondly into tribes. The result was a layer of produced difference that is today often forgotten: firstly, ‘tribes’ were of course “invented” (Ilfiffe 1979; Ranger 1983, 1993) and therefore distinguished from each other; secondly, they were distinguished from the tribes affiliated with other *African* races; and thirdly, they were distinguished from both European and other ostensibly “non-native” ‘races of colour’, such as those which categorized Indians and ‘Arabs’. In East Africa, debates about how to racialize and categorize the latter non-European populations would continue until the very last census undertaken in 1962, which was published by the independent Republic of Kenya (1966) four years later.

Within the field of British colonial administrative theory in Sub-Saharan Africa, one of key proponents of this ideology was once again, in fact, none other than Sir Harry H. Johnston. One of his only works to be published with an academic press – in this case, Cambridge University Press – would come to circulate within imperial administrative circles as perhaps the preeminent articulation of the underlying theory of African racialization. That book was entitled *A history of the colonization of Africa by alien races* (Johnston 1899), and to date perhaps remains one of the British-colonial tracts that has, in both a direct and genealogical sense, inspired the most violence in East-Central Africa, both within the colonial period and after (see, especially, Arendt 1951; Mamdani 2001).

The latter work, importantly, is the one that immediately precedes *The Uganda Protectorate* in Johnston's "bio-bibliography" (e.g. Casada 1977a, 1977b). In it, he argues that the European 'scramble for Africa' in the late-nineteenth century – far from being an historical anomaly – was simply the culmination of:

"race movements during three thousand years which have caused nations superior to the Negro, the Negroid, and the Hamite to move down on Africa as a field for their colonization, cultivation, and commerce. The great rush, however, has only been made within the *last sixteen years*. Now there remains but very little of the map of Africa which is uncoloured, that is, attributed to the independent possession of a native state. There are still some tracts, however, which are generally recognized as independent, or the over-lordship of which is not universally recognized, and in the ultimate settlement of whose fate fresh developments of European energy may take place" (Johnston 1899: 277, emphasis added).

Johnston was clear that he viewed this as pertaining even to the apparently "independent" state of Liberia:

"Liberia perhaps may be pointed out as [...] [an] instance of an independent native state; but the independence of Liberia is guaranteed in such terms by Great Britain and the United States as to imply a joint protectorate of those two countries over that interesting experiment in giving the American negro an opportunity of ruling and civilizing his savage brothers" (Johnston 1899: 278).

In short: Johnston conceived of this process of alleged – and utterly phantasmagorical, I reiterate – 'colonization' over the *longue durée* as relativizing European conquest as part of a longer and very much ongoing history in his *own* historical present.

That said, he was also at pains to point out how these "race movements" had also produced a certain kind of geography as well. This resulted in the production of "three classes into which Africa falls from [a] colonization standpoint": "Healthy Africa", "Yellow Africa", and "Black

Africa” (Johnston 1899: 277-278). This geography would, in Johnston’s view, in turn shape the possibilities for the political and economic substance of European colonization:

“countries lying under the first category I should characterize as being suitable for European [settler] colonies, a conclusion somewhat belated, since they have nearly all become such. The second description of territory I should qualify as ‘tributary states,’ countries where good and settled government cannot be maintained by the natives without the control of a European power, [...] The third category consists of ‘plantation colonies’ vast territories to be governed as India is governed, *despotically but wisely*, and with the first aim of securing good government and a reasonable degree of civilization to a large population of races inferior to the European. Here, however, the European may come in small numbers with his capital, his energy, and his knowledge to develop a most lucrative commerce, and obtain products necessary to the use of his advanced civilization” (Johnston 1899: 279, emphasis added).

In the first category, Johnston would place what is today South Africa, Zimbabwe, Zambia, and Malawi, as well as portions of Kenya, Tunisia, Algeria, and Morocco. In the second, he would suggest Egypt, Ethiopia, Somalia, Eritrea, Zanzibar, and Djibouti. In the third, he would place the rest of the continent of Africa. The latter was also for apparently “biopolitical” (e.g. Foucault 2003: 255) reasons, as he writes: “[t]he third category consists of all that is left of Africa [...] where the climatic conditions make it impossible for Europeans [...] to settle for many years, or to bring up healthy families” (*ibid*).

Although Johnston took the racial superiority of Europeans over Africans as largely self-evident, his later work – from *The Uganda Protectorate* onward – increasingly dwelt on the determinants of ostensible inequalities within and between African societies. The ‘research problem’ appears to have been why his previous categorization above seemed to have been undermined or complicated in some instances by the presence of complex pre-colonial African states within areas of the “third class” of Africa, such as the Buganda and Bunyoro kingdoms that he would come to ‘over-rule’ in the Uganda Protectorate. Johnston (1902a: 471) would advance his explanation thusly, in a premise of what critical scholars now describe as the “Hamitic myth” or



the “invasion myth” (e.g. Mamdani 2001: 45-47, see also Sanders 1969; Mafeje 1991; Eltringham 2006):

“Perhaps on the whole the Negro retains more simian characteristics than any other existing type of humanity. On the other hand, some of his peculiarities depart from the simian, and would indicate a line of development on his own account, possibly somewhat on the down-grade. [...] He must have wandered across the peninsula of Arabia, following, no doubt, the anthropoid apes which preceded him along the same route (Arabia then being well watered and covered with vegetation) into Eastern Africa, and in all probability he made his first permanent home within the limits of the Uganda Protectorate.”

It is difficult to describe this passage as anything other than pure “fantasy” (Mbembe 2017) presented to the reader as authoritative knowledge or perhaps authoritative conjecture.

Admittedly, Johnston himself reflects at some junctures that his remarks are to some degree speculative. But even here – if one was inclined to be more charitably hermeneutic – the text is unreferenced, and Johnston provides us with no indication for how he arrived at his narrative. Yet he continues, in one of the clearest articulations of what many British colonial administrators would reproduce and widely accept as the “Hamitic hypothesis”:

“In Arabia he either mingled with the Caucasian race from the north, or himself evolved a nobler and handsomer type. In one or other way arose the Hamite, that negroid race which was the main stock of the ancient Egyptian, and is represented at the present day by the Somali, the Gala, and some of the blood of Abyssinia and of Nubia, and perhaps by the peoples of the Sahara Desert. The Negro who first reached Uganda was an ugly dwarfish creature of ape-like appearance, very similar, *I fancy*, to the Pygmy-Prognathous type which lingers at the present day in the forests of Western and Central Africa. From some such stock as this, which is the underlying stratum of all Negro races, may have arisen, in Somaliland, perhaps, the ancestors of the Bushmen-Hottentot group, which found its way down through Eastern Africa to Africa

south of the Zambezi [River], in the western parts of which Bushmen still linger” (Johnston 1902a: 473, emphasis added).

Three years later, Sir Charles Eliot (1905: 7, 283) would reproduce a version of exactly this narrative in *The East Africa Protectorate* as well. This was published immediately after his tenure as Commissioner of the East Africa Protectorate, the beginning of which would briefly overlap with Johnston’s Special Commissionership in the Uganda Protectorate. Citing Johnston as his source:

“On the whole, whatever traces of superior civilisation can be discovered seem to have entered these regions from the north, either by way of the Nile or from the Gallas and Somalis, who had relations with Abyssinia, and perhaps with Arabia. [...] At some period Uganda and the surrounding countries were invaded by a race from the north, whose blood still remains in the aristocracy, known as Bahima, and who probably belonged to the stock known as Hamitic, though all trace of their language has disappeared.”

In the span of two paragraphs in the above extract – and reiterating the thesis of his earlier work, *The Colonization of Africa by Alien Races* (Johnston 1899) – Johnston had thus provided the supposedly ‘intellectual’ grounds for distinguishing African communities not only on the basis of ‘tribe’, but also on the basis of *race*. The consequence of this, as Sanders (1969: 532) puts it, was that “[t]he Hamitic concept had as its function the portrayal of the Negro as an inherently inferior being and to rationalize his exploitation.” Under this ideology, civilization could not be understood from coming from *within* African communities and societies: whatever degree of ostensible ‘civilization’ was empirically observed would be explained by colonial administrators and governors as being introduced from the outside.

As a number of contemporary scholars remind us, precisely this myth of African ‘civilization’ emerging as a result of an “invasion” from the north has laid the foundation of some of the worst atrocities of twentieth-century African history. Most obviously, these include the German colonial state’s perpetration of genocide against the Herero and Namaqua peoples in what is now Namibia, the intensity and violence of which was justified in relation to produced racial categories and hierarchies (e.g. Gordon 1998, 2009; Zimmerman 2001; Eltringham 2006;

Steinmetz 2007). As Mamdani (2001) and others point out, however, precisely this myth would also inaugurate forms of colonial state administration in what is now Rwanda, Burundi, and the Democratic of Congo that would – after independence – mutate into genocides of their own. Importantly, the latter would be perpetrated against those that had previously occupied both the *highest* and the *lowest* ranks in colonial racial hierarchies, as evidenced by the attempted genocide of both Tutsi and Batwa or Twa populations in Rwanda and Burundi (see Sanders 1969; Mamdani 2001; Eltringham 2006). In what follows, I turn in more detail to the methodology that Johnston would use to document his own views in this regard, as well as the findings that he would present and defend.

### **Of apes, dwarves, and chins: producing race, civilization, and hierarchy**

Over the course of 1899-1902, Johnston would go on to elaborate and reconstruct the implications of this theory first articulated in *The colonization of Africa by alien races* for the population of the Uganda Protectorate of which – at the time of ‘researching’ and writing the book, I again reiterate – he had been the Special Commissioner. Effectively, Johnston’s view was that, in light of the above processes of the alleged colonization of Africa by alien races, the population of the Uganda Protectorate could be divided into five races or racial “stocks” (Johnston 1902a: 473). As he put it in a series of pages that would contribute – in one way or another – to so very much suffering and violence in eastern Africa over the century that would follow:

“At the present day the negro and negroid inhabitants indigenous to the Uganda Protectorate may for general purposes be divided into *five races or types*, these divisions and groupings being based mainly on measurements of the body and other physical characteristics, though to some extent they are also supported by community of habits and customs, and even relationships in language. [...] The five main stocks from which the elements of the native races in Uganda are derived are the following: (1) The Pygmy-Prognathous type; (2) the Bantu; (3) the Nile Negro; (4) the Masai; (5) the Hamite” (Johnston 1902a: 473-477).

Read in the context of the present, this passage is surely unsettling, as it reminds us of both how damaging and how baseless or “phantasmic” (Mbembe 2017) the practice of ‘racial science’ in fact was, whether understood as such or as a kind of racial ‘anthropology’ of sorts (see also Pels 1996, 1997; Dubow 1999, 2010; Levine 2010). Indeed, Johnston is forceful on the point that the differences that he has supposedly identified are *differences of race*, and not merely differences of “habit and customs” (Johnston 1902a: 473). But it is important to note, as well, that the above is not simply an attempt to assert some kind of racial taxonomy or categorization. Quite simply: it was also a *hierarchy*. The basis for the hierarchy was initially meant to be partially evolutionary or biological, in the sense that Johnston had attempted to justify the relative ‘rank’ of these races – at least in terms of the lowest rank – in relation to their allegedly relative similarity to apes and other primates. Encountering inconvenient forms of critique from one Dr. F.C. Shrubbsall (1902a, 1902b) and others in this regard, however, Johnston would transmute the basis for the hierarchy from a biological one into a *civilizational* one.

Whereas Johnston would place “the Hamite” at the top of his hierarchy – for the reasons described above – he would place the “Pygmy-Prognathous type” on its lowest rung. The latter is also an arbitrarily invented category of persons that he perceives – describing a diffuse collection of communities over a vast geographical area – as:

“not only the Dwarf races of the Congo and other Central African forests and the Dwarf element met with in other parts of Uganda, on Mount Elgon, among the Andorobo [...] but also those people of normal height which are found on the fringe of the Congo Forest from the Semliki River to the vicinity of Lake Kivu” (Johnston 1902a: 477).

Importantly, Johnston had *already* revised this portion of his racial hierarchy in response to criticisms he had received from various quarters. Over the preceding two years, it appears that Johnston had been attacked by various other ‘anthropologists’ for his theories about the ostensibly “ape like” or “simian” character of both Africans generally and his category of the “Pygmy-Prognathous race” in particular, though not necessarily on the *grounds* of his racism. In an appendix to Johnston’s above chapter on the subject of “Anthropology”, and a related chapter

entitled “Pygmies and Forest Negroes”, these take the form of the comments and criticisms of one Dr. F. Shruballs (1902a, 1902b).

As his epigraph for this chapter alludes, Shruballs was an eugenicist and member of the Royal Anthropological Institute at the time of his interaction with Johnston. He was also obsessed with ‘craniology’, ‘phrenology’ and their relationship with alleged racial or other human inequalities (e.g. Shruballs 1923, 1927). Like Johnston, moreover, Shruballs was also intensely concerned with the possibilities for “applied” forms of racial science and eugenics as a form of statecraft. As he would write more than two decades later:

“The historian of the future as well as of the past may say the proof of fitness is survival, but if modern man of the present dominant race, tribe, or caste is to belong to the future ‘the wisest statesmanship would begin at once the discovery of the gifted strains and seek to introduce social conditions favourable to their preservation and multiplication’. This is the province of modern Eugenics” (Shruballs 1927: 224).

Crucially, as discussed in Chapter 2, Shruballs’s (1902a) criticisms of Johnston were not ethical or political, but *methodological* and empirical. Firstly, he notes that Johnston’s “results” might be “usefully compared with Count Schweinitz’s (1) observations on living natives of German East Africa, and with Mense’s (2) studies of the people of the Middle Congo”, which he reproduces in the appendix for the purposes of such comparison (Shruballs 1902a: 488, see also the figure below). Again, the three categories in the table are simply categories derived from a subjectively-defined range of the likewise invented notion of the “number known as the modulus” derived from the “cranial measurements”. These were termed the Dolichocephalic (relatively long), Mesaticephalic (intermediate), and Brachycephalic (relatively broad).

TRIBE.	DOLICHOCEPHALIC.	MESATICEPHALIC.	BRACHYCEPHALIC.
<i>East Africa.</i>			
Wagogo . . .	7	6	—
Wangoni . . .	9	5	2
Wanyema . . .	4	2	2
Wanyamwezi . . .	3	1	1
Watusi . . .	2	2	—
Wasukuma . . .	3	7	—
Wasinja . . .	7	4	—
Wasiba . . .	5	2	—
	<u>40</u>	<u>29</u>	<u>5</u>
<i>Congo.</i>			
Bateke . . .	30	16	—
Bayansi . . .	6	8	2
Bakongo . . .	8	4	—
Bangala . . .	10	5	—
Balali . . .	3	1	—
	<u>57</u>	<u>34</u>	<u>2</u>
<i>Bantu Crania</i> (Shrubsall)	90	30	1
<i>Masai Crania</i> (Virchow)	13	3	—

Figure 3 – Table by Dr. F.C. Shrubsall (1902a), Appendix to ‘Chapter XIII: Anthropology’, in Johnston (1902a: 488), *The Uganda Protectorate*. Copyright expired.

To reiterate, we now understand in no uncertain detail how chilling this comparison was. Indeed, both Mense and – as Steinmetz (2007) points out – one “Count Schweinitz” or First Lieutenant Count von Schweinitz had ‘contributed’ substantially to the development of a related German body of ‘scholarship’ on racial science in what is now the Democratic Republic of Congo, Rwanda, Burundi, Tanzania, and Namibia. In addition, however, it appears that Schweinitz had also *prosecuted* or contributed to the German colonial state’s deployment of that ideology, most severely in the attempted genocide of the Herero and Namaqua peoples in what is now Namibia, but was then German South-West Africa (e.g. Gordon 1998, 2009; Stone 2001; Steinmetz 2007). He also seems to have done so in a personal capacity rather than simply a bureaucratic one, writing of efforts to hunt down any surviving “bands of fleeing Hereros” along routes they had “obviously” used for escape, and remarking upon “hundreds of skeletons of humans and horses lying side by side and piled on top of each other” observed along the way (in Steinmetz 2007: 195-196).

The outbreak of what began as the German colonial state's "collective punishment" of the Herero for contesting the expropriation of their lands for use by German settlers – but which rapidly escalated into the twentieth century's first genocide – had occurred in 1904 (Zimmerman 2001: 244), the same year as the publication of a revised edition of *The Uganda Protectorate*. The latter had not been revised in terms of content, however – simply with the addition of a new and largely whimsical "prefatory chapter" (Johnston 1904). In the latter, Johnston (1904: xxiii) is at pains to highlight that he has no reason to offer any corrections to the "anthropology" chapters in the previous edition: "I have not thought it necessary to add to the information I have given already regarding human races and languages in the First Edition of 'The Uganda Protectorate'. My attention has not been called to any errors in this section of my own work which it is necessary to correct."

Concerns had been raised by Shruballs (1902a) in the first edition, however. The latter's quantitative analysis of cranial, facial, and other measurements collected by Johnston and his staff were in this respect inconvenient for the wider argument that Johnston had initially advanced in this section of *The Uganda Protectorate*. As Shruballs (1902a: 490) had argued in his analysis of Johnston's chin size 'data' in particular, "[i]n this feature the Dwarf peoples are further removed from the ape than their neighbours." Accordingly, it appears that Johnston was given the opportunity to revise the relevant chapter in accordance with Shruballs's and other criticisms before it was published in 1902. As he writes:

"The 'Pygmy-Prognathous' type would include not only the Dwarf races of the Congo and other Central African forests and the Dwarf element met with in other parts of Uganda, on Mount Elgon, among the Andorobo, and perhaps the Doko tribe of Lake Stephanie [...] An examination of the measurements made of this supposed ape-like people, however, and a criticism of the photographs taken of them, *does not establish the existence in them of any feature that is exceptionally simian, more than is the case with many other Negro types*; but there seems to be sufficient community of physical features between them and the Pygmies to enable one to class them together, and as prognathism is a marked feature in these ape-like individuals, I propose to class them with the

Congo Pygmies as the ‘Pygmy-Prognathons’ group” (Johnston 1902a: 477, emphasis added).

Read out of the context of the broader argument, the above would appear somewhat odd – that is, beyond its utterly bizarre status more generally when we read it today. Effectively, Shruballs’s quantitative analysis appeared to suggest that there was no basis for comparing the above – and likewise totally baseless, I must reiterate – category of ‘Pygmy-Prognathons’ to apes. That is, no basis for comparing them to apes beyond that which would be done for the entirety of the protectorate’s African population.

At the time, Johnston was certainly not the only European in the region engaged in such practices. Indeed, *The Uganda Protectorate* would inspire numerous others in British East Africa to follow in his footsteps. This was perhaps most immediately and notably so in works that would soon be published by C.W. Hobley (e.g. 1902), who was initially Sub-Commissioner for the Eastern Province of the Uganda Protectorate, and then Sub-Commissioner for the Kisumu Province following the transfer of the latter to the East Africa Protectorate in 1902. It would also be followed by J.F. Cunningham’s (1905) *Uganda and its Peoples*, which Cunningham would begin to produce whilst serving as an underling within Johnston’s Special Commissionership.

Further still, it was not only Johnston’s minions that would desire to engage in these forms of racial science in the region. In his autobiography, for instance, Johnston recounts the story of “a certain German” as follows:

“In the early part of 1900 whilst I was residing at Entebbe, I received information from the Belgian officials at the Congo State Frontier beyond Ruwenzori, that a German had appeared at their station of Mbeni at the close of 1899, and asked permission to proceed thence into the Congo Forest, and engage twenty or thirty Congo Pygmies to proceed with him to figure at the Paris Exhibition of 1900. Permission was refused, or at any rate, decidedly postponed until Lieutenant Meura (in command of Mbeni) could consult with the Governor-General of the Congo State [...] The German had seemed to acquiesce, but shortly afterwards disappeared into the Forest with his caravan.



[...] Lieutenant Meura, however, heard that he had *engaged or more probably entrapped twenty to thirty Pygmies* and was attempting to convey them across country to Lake Albert and descend the Nile, or pass eastwards to the coast through the north of Uganda” (Johnston 1923a: 343-344).

It is difficult to say, in retrospect, whether Johnston’s narrative is disingenuous. However, he notes that “the German”<sup>62</sup> was apprehended and fined, though apparently for unlawfully entering British territory, not for “entrapping Pygmies”.

In any event, Johnston (1923a: 344-345) recounts this story for the purpose of the explaining to the reader how “[t]he remnant of the [entrapped] Pygmies – seven men, as far as I remember – was sent to me at Entebbe”, and how, thereafter, the alleged Pygmies would lead Johnston to their “home in the Congo Forest”. Whether or how ‘the Pygmies’ would have recounted this story differently, we have now means of being sure. A particularly suspect portion of Johnston’s (1923a: 345) narrative concerns the circumstances under which:

“One of these interesting little men seemed to have met with some internal injury on his march with the German exploiter, and shortly before my departure for Ruwenzori, he died. [...] So any reader of this book can see the skeleton of the Bambute Pygmy, who died at Entebbe in May, 1900, and whose skeleton is among the exhibits in the Natural History Museum of the Cromwell Road [in London]. In facial appearance he was the most ape-like among my seven guests.”

The somewhat tacit, yet nonetheless palpable, implication of the narrative is this: whilst Johnston viewed this otherwise unnamed, ‘ape-like guest’ as a *human*, he simultaneously viewed him – even whilst still alive – as a *specimen*. Differently put, Johnston’s ideology and ontology was surely a dualistic one. Yet it was not a dualism between ‘society’ and ‘nature’ *alone*. It was a

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<sup>62</sup> Johnston does not elaborate on the identity of “the German”, however, based on Shrubsall’s (1902a) discussion above – as well as the authors of certain published contributions to the *Zeitschrift für Ethnologie* on relevant forms of racial science, eugenics, and “physical anthropology” in this region and this period (e.g. Mense 1887) – we can perhaps speculate that it may have been either Schweinitz or Mense (see also Werner 1910).

dualism between nature and society, as well as between nature and *civilization*. Even when Johnston was interacting with these ‘ape-like guests’ at his own home, he viewed and engaged with them from the apparent vantage of a ‘civilization’ and corresponding forms of alleged ‘rationalism’ from which he denied them membership, access, and entry. The surviving guests of Johnston’s would ‘lead’ – or be forced to lead – him on a subsequent expedition to their ostensible ‘home’ within the Semliki forest in what is now western Uganda. Johnston would later recount this experience both in a paper for the Royal Geographical Society (RGS) (Johnston 1902b), and in a chapter of *The Uganda Protectorate*. As he put it in his paper read to the RGS on 11 November 1901:

“I employed my time in this forest profitably by visiting the Pygmies at home, and seeing their little settlements of tiny huts constructed of withes and leaves. I also encountered here those strange prognathous, ape-like people who seem to be a race of pariahs dwelling on the fringe of other tribes. [...] I also ascertained that the real gorilla comes pretty near to the Semliki in its distribution. I have reason to believe that other remarkable discoveries of hitherto unknown mammals will be made beside that of the Okapi. As it was, in this forest we obtained skins of several other beasts new to science” (Johnston 1902b: 23).

Whether he interacted with these individuals on the premises of his home, or the forest that was apparently ‘their home’, Johnston remained in civilization, and the latter remained in nature. His ‘findings’ on the Pygmies, the gorillas, and the Okapi were drawn from the ontologically same domain, and from precisely the same expedition. In subsequent chapters, I discuss how this and related iterations of such an entangled ideology and ontology would come to articulate with the ‘civilizing mission’ and territorializing practices of various permutations of the colonial state in East Africa over the decades that would follow.

## **Conclusion**

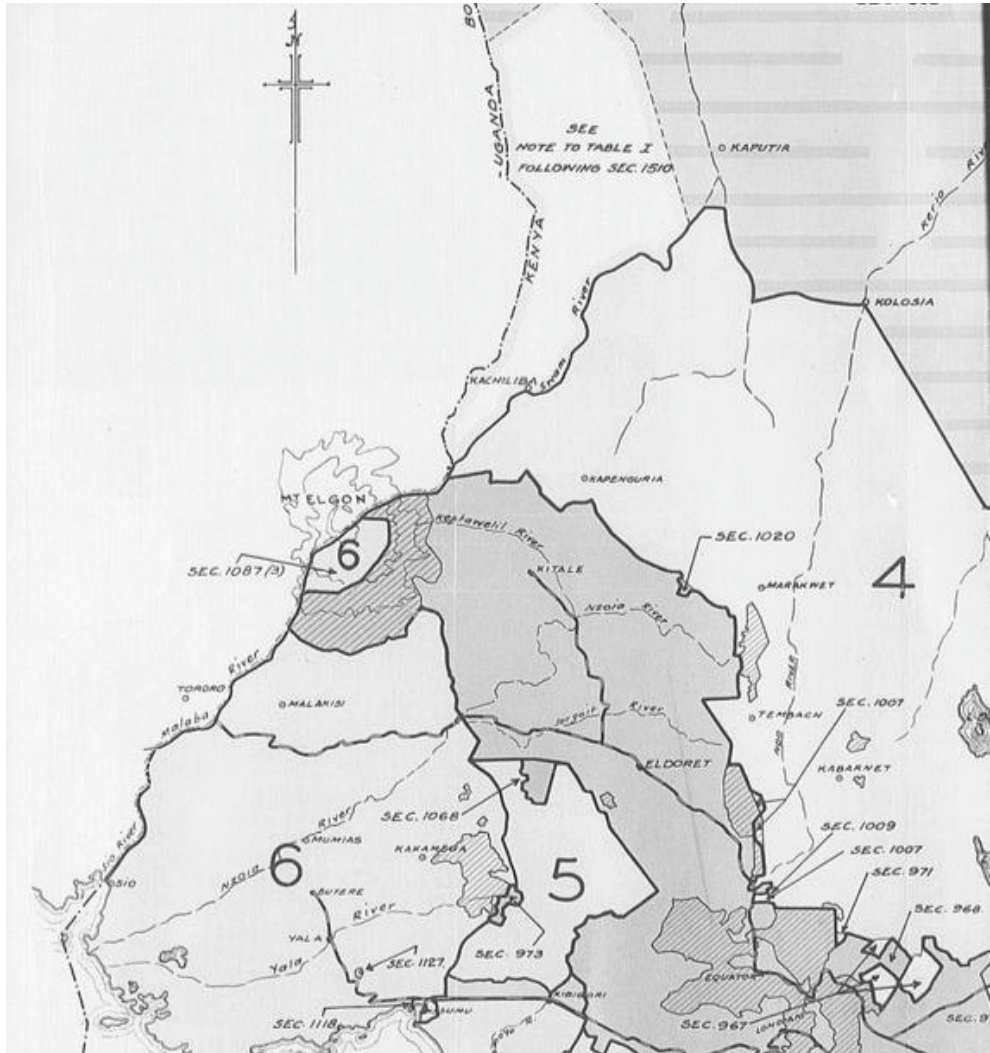
Even today, the website of the Library of Congress – with support from UNESCO – describes Sir Harry Johnston’s (1902a) *The Uganda Protectorate* thusly:

“This two-volume work by Sir Henry Hamilton (Harry) Johnston, a British explorer, writer, and colonial official who spent much of his career in Africa, is an *encyclopedic compilation of information* about Uganda, which became a British protectorate in 1894. Johnston was asked by the crown, in 1899, to spend two years in Uganda as a special commissioner [...] During his term in office, Johnston continued his literary and scientific pursuits and spent eight months traveling to gather the information in these volumes” (Library of Congress 2017, emphasis added).

The employees of an institution like the Library of Congress, of course, cannot be expected to comprehend the contents of the utterly vast range of texts, records, and other artefacts that their institution contains. Yet one also cannot help but wonder if the above ‘description’ of Johnston’s (1902a) work also *legitimizes* it to some extent, referring to the “information” that it contains and the apparently “scientific” nature of Johnston’s activities in seemingly straightforward or unproblematic terms. Effectively, my own view is that the above description does a great disservice to the citizens of the contemporary nations of Uganda and Kenya, as it perhaps obscures both Johnston’s *motivations* in producing this text, as well as the intensely problematic, virulently racist, and simply false nature of the views, ‘findings’, ‘methods’, and ‘conclusions’ that it contains.

In the chapters that follow, I examine the implications of Johnston’s invented racial category of the ‘Pygmy-Prognathous stock’ for administrative practices of territorializing control over land, people, and natural resources. In doing so, I follow the experience of a likewise invented category or ‘race’ of people that colonial administrators came to describe as ‘the Dorobo’ across East Africa. As we will see, the experience of the people who found themselves within the invented category of ‘the Dorobo’ in many ways straddles the other categories and hierarchies that Johnston had begun to institutionalize, bureaucratize, and territorialize. Indeed, the story of the Dorobo is one that straddles the dualisms between society and nature, as well as between alleged civilization and primitivism – yet in ways that foreground how these communities’ own resistances and engagements with these categories and ideologies present enduring lessons for us today.

### Part III – Racializing and civilizing space and nature



Frontispiece III – “Diagram and general illustration of the recommendations of the report”, UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 693. Copyright expired.

## 8. Dying races, disappearing fauna: intertwined genealogies of humanitarianism and conservation

“It is essential to remember that whereas the settlers in the American colonies, in Canada, and in Australasia, found the indigenous races (with the exception of the Maoris) sparse, decadent, and *rapidly tending to extinction*, the settlers in Africa encounter a race, virile, increasing, and racially potent”.

– Frederick Lugard, *The Dual Mandate in British Tropical Africa* (1922: 42, emphasis added).

“How many whole races have become extinct during the few centuries which have elapsed since the modern system of colonization commenced? [...] Wherever Europeans have settled, their arrival has been the harbinger of extermination to the native tribes”.

– James Cowles Pritchard, ‘On the extinction of human races’, (1839a: 168-169).

### Introduction

This chapter examines the notion of a “dying race” as it emerged and circulated through multiple British administrations – and in various permutations – over the late nineteenth and early twentieth centuries. Along the way, these circulations yielded often quite strident debates about both the concept itself and its applicability or proper *forms* of its application in British African colonies. By tracing such flows to, through, and from East Africa, such an approach will perhaps assist us in fully accounting for the forms of dispossession inflicted both under colonial rule generally, and upon what are now often referred to as ‘ethnic minority’ or ‘indigenous minority’ communities within the region in particular (e.g. Odour 2011, see also Lynch 2006a, 2011a). Yet such an endeavour also possibly aids us in avoiding the reproduction of likewise problematic forms of ‘advocacy’ that emerged in the context of these discourses, such as those practised by

the Aborigines' Protection Society in London,<sup>63</sup> as well as by ethnographers in Kenya Colony and the Uganda Protectorate such as Sir Harry Johnston (1902), C.W. Hobley (1905, 1906) and G.W.B. Huntingford (e.g. 1929, 1931).<sup>64</sup> By tracing these genealogies, I argue that we gain a degree of perspective on the awkward historical relationship between certain forms of contemporary advocacy surrounding issues of “cultural survival”, as well as those oriented towards “nature preservation” or conservation.

The writings of colonial administrators from this period in Sub-Saharan Africa often evince a presumption that – in order for colonial development and the civilizing process to effectively proceed – one must, firstly, establish and document ‘who is who’ in a given colony in terms of the invented notions of race and tribe; secondly, ascertain the relative degree of civilization of those races and tribes; and thirdly, determine which of the ostensibly more “advanced communities” (Lugard 1922: 200) might in fact be able to assist the administration as intermediaries in this regard. If no especially advanced communities were thought to be present within a colony, such a community might also be *imported* in the form of white settlers or other immigrant populations, who would fill the role in this regard (see Lugard 1893, 1922; Eliot 1905). In aggregate, these interrelated processes of racialization, differential civilization, and hierarchization were together constitutive of the form of British colonial administration and governmentality that is more generally known as “indirect rule” (e.g. Mamdani 1996a). As we have seen, however, indirect rule was not only enabled by a racially and tribally *divided* population, but also by an at least twice-hierarchically *ranked* population, which afforded differential expenditures of status, material beneficence, and respect to groups ascribed with both racial and civilizational ‘station’.

In what follows, I first examine the notion of a “dying race” as it appears in nineteenth and early twentieth century discourses of British colonial administration, and trace the imbrication of its genealogy with emerging forms of conservation or “nature preservation” (e.g. Neumann 1996) in this period. Secondly, I examine the relationship between these debates and the organization

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<sup>63</sup> Anti-Slavery and Aborigines' Protection Society from 1909.

<sup>64</sup> We will explore these forms of advocacy in Chapter 10, particularly in Huntingford's case.

known as the Aborigines' Protection Society, which emerged in the middle of the nineteenth century in London (e.g. Pritchard 1839a). Thirdly, I trace early engagements with these discourses in the Uganda Protectorate, the East Africa Protectorate, and the Kenya Colony and Protectorate, illuminating how they intersected with both indirect rule, as well as the specification and institutionalization of one of its key technologies: the native reserve, but to some degree also the *nature* reserve as well.

### **Dorobo defenders: trans-colonial political ecologies, conservation, and 'natural people'**

The concept of a “dying race” appears in British administrative discourses in contexts as diverse as Canada (Ryan 1990; Kelm 2005), India (Baber 2004; Sen 2013), South Africa (Dubow 2010), and Australia (Wolfe 2001; Lester 2016). In some of these settings, permutations of its usage recur over nearly a century of British rule (see also Levine 2010: 47-50; Lester and Dussart 2014). Though presently a perhaps somewhat underdeveloped theme in the contemporary African studies literature, a review of writings by high-ranking administrators and Foreign or Colonial Office officials suggests that a version of the concept was frequently deployed or discussed in relation to a variety of British African colonies as well, and not only colonies which were subject to white settlement (e.g. Lugard 1893, 1922; Johnston 1899, 1902; Cunningham 1905; Eliot 1905; Lucas 1922).

Further, the notion appears to have continually influenced state policies and practices of engaging ‘indigenous’ or ‘aboriginal’ populations after the acquisition of independence from Britain in some contexts. For instance, Dussias (2005) traces the afterlives of the concept in a legal historiography of cases filed by certain indigenous populations concerning contexts in the nineteenth-century United States and afterward. Likewise, a number of scholars have also suggested that “dying race” theories have influenced practices of the assimilation of indigenous populations through forcible internment in “residential schools” of various kinds in post-independence or at least “flag independence” (Collins 2015) contexts such as Canada (Lux 2010; Woolford 2013) and Australia (van Krieken 1999; Mosby 2014).

Frequently, however, scholars have often treated the concept of a “dying race” within a single colonial or national administration – perhaps acknowledging its historical evolution within discourses of British colonial theory and practice – but not always noting the ways in which both concepts and individual administrators often flowed quite circuitously or in “trans-colonial” (Dodson and Hatcher 2013) ways throughout the empire itself (e.g. Bryan 1990). In the late nineteenth and early twentieth centuries, for instance, it was in fact commonplace for (especially higher-ranking) career administrators and diplomats within the Colonial and Foreign or Consular Services to hold multiple postings over several decades and even on different continents, exchanging and developing along the way the concepts and theories with which they travelled (e.g. Grove 1996, 1997; Lester 2002; Lambert and Lester 2006; Tilley 2011).

Hence, although Lester’s (2016) excellent historiographical analysis of the mid-nineteenth century “ethnographies” of one Sir George Grey in Australia suggests that the latter was one of the most influential exponents of a more ‘liberal’ conception of British “dying race” theory, one should be careful to note that neither the concept nor Grey himself were confined to the administration of Britain’s Australian ‘possessions’. Indeed, Grey’s own career in the late nineteenth century would see him take ‘office’ as no less than Governor of South Australia, Governor of New Zealand, and Governor of Cape Colony (now the western Cape of South Africa) in turn. Nonetheless, it is important to examine the context that had apparently given rise to his understanding of or approach to this notion in Australia at the time, as well as the practices of “knowledge production” (Stoler 2002) that had bequeathed it.

The problem, in effect, seems to have been a growing awareness not of the likelihood of ‘native resistance’ to colonization *per se*, but that the dispossessory effects of the latter process had perhaps in some cases gone – even from the colonial state’s perspective – ‘too far’. In itself, this is remarkable, given that prevailing administrative theories of colonization often explicitly accepted and sought to justify the violence that these processes often entailed. As Gibbons (1916: 51) puts it, in a largely typical statement for the period: “[t]he process of civilization is always painful, always fraught with temporary injustice, always prejudicial to the immediate interests of native races which refuse assimilation and resist enlightening



influences.” Yet in colonial debates about dying races, it was often not the violence of colonization that was at issue, as such, but rather the extent and apparently irreversible material effects of it. As Lester (2016: 497, emphasis added) explains:

“[[j]ust as the collection of disappearing species of flora and fauna, and their preservation in zoological or botanical gardens became central to the developing biological sciences, the ‘sudden and traumatic’ awareness ‘of the destructive impact of European civilization on native peoples and their cultures’ gave rise to the collection of information on *dying races* as the basis for the new science of ethnography.”

To assert that a community or population constitutes a ‘dying race’ is of course offensive, and would undoubtedly have been offensive to the communities labelled as such in Grey’s time as well. In broad terms, its substance was also the subject of widespread debate in nineteenth-century religious and intellectual circles. Yet, Grey’s writings are significant in this regard, as they point to a growing *administrative* rather than merely intellectual concern with the concept.

Moreover, to Grey and others who ‘deployed’ it in the nineteenth century, the concept of a dying race could apparently also be approached – perhaps counter-intuitively – as a fundamentally *liberal* one. As he wrote:

“In contemplating, then, the future destiny of the Australian races, at the same time laying aside all thought of their amalgamation with Europeans, the prospect is most melancholy – only two cases can arise; either they must disappear before advancing civilization, successively dying off [...] or they must exist in the midst of a superior numerical population, a despised and inferior race” (Grey 1841: 366-367).<sup>65</sup>

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<sup>65</sup> The context of his career perhaps also helps us understand why he was so preoccupied with such a concept. Later, Panton (2015: 88) notes that – as Governor of Cape Colony – and presiding over a “famine [that] killed more than 40,000 people” Grey would refuse “to provide food for the starving unless they left their homes and moved to jobs in Cape Colony or agreed to work on public projects, such as improvements to the transport infrastructure.” Grey

It should be noted, here, that Grey – in an expression of his ostensible ‘liberalism’ – was lamenting rather than celebrating this predicament. His sentiment, in other words, bears certain similarities to that which characterized the incipient ‘naturalist’ or preservationist movement of the time as well, both in Europe and various European colonies (e.g. Neumann 1996, 1998; Prendergast and Adams 2003). By the late nineteenth and early twentieth centuries, individuals associated with the latter movement were also likewise engaged in a critique of the effects of colonial “civilization”, albeit in ways that highlighted its apparently damaging implications for the flora and fauna of the empire rather than necessarily its consequences for ostensibly “primitive” or “uncivilized” cultures.

Yet alliances between these human and nonhuman ‘lines’ of critique were occasionally more common than a contemporary reader might expect. As Sysling (2015: 396) points out, overtures were made as late as the 1930s between an iteration of the Aborigines’ Protection Society and the Zoological Society of London. These were largely oriented toward the identification of suitable means for both collaboration and the protection not simply of ‘nature’, but also the allegedly “natural people” living within it in various contexts, especially those marked by the habitation of alleged “Pygmy”, “Dorobo”, or “Bushman” populations. In some instances, the very same individuals – such as C.W. Hobley (e.g. 1923a, 1935) in East Africa and in London – were instrumental in advocating for both ‘causes’, albeit not always on the same occasion or in the same idiom.

Sir Harry Johnston, for instance, would advocate both for the Aborigines Protection Society and – as Prendergast and Adams (2003) note – the Society for the Preservation of the Wild Fauna of the Empire. The latter describe Johnston simply as one of “the most renowned colonial administrators, hunters and writers about Africa during that period [of 1902-1914]” (Prendergast and Adams 2003: 254). Johnston had indeed taken a strong stance on the preservation of flora and fauna. As he wrote in *The Uganda Protectorate*, “[t]he Foreign Office and the Administration of the Protectorate are becoming more and more averse to the mere shooting of wild beasts and birds for shooting’s sake. [...] It is hoped by the British Government that the

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may have considered himself to be a liberal, but the meaning of that term in his context had substantially different connotations than it does in ours (see also Davis 2002).

maintenance of these restrictions on the needless killing of African wild creatures may result in their preservation from extinction at the hands of the European or the Negro” (Johnston 1902a: 414). He hoped that the result would be as follows:

“The measure instituted may even tend towards the marked increase within the game reserves of birds and beasts. Should their multiplication ever tend to the overcrowding of these reserves, it will be easy enough to thin them from time to time, and it is to be hoped that on these occasions efforts will be made to capture living specimens for exhibition in the zoological gardens of the world” (*ibid*).

As some have noted (Cavanagh and Himmelfarb 2015, see also Turyahabwe and Banana 2007; Nel and Hill 2013; Cavanagh and Benjaminsen 2014, 2015; Nel 2015), the land and ecosystems upon which these reserves would be territorialized were often acquired by the colonial state via a combination of force and legal sleight-of-hand. As Johnston (1902a: 250) recounts it, this was done at the stroke of a pen, or more precisely via “treaties” signed with leaders such as the Kabaka of the Buganda kingdom:

“[t]he waste and uncultivated lands and the forests were handed over to the British Government to be dealt with by them on the same lines as those on which they would deal with the Crown lands of a Crown colony [e.g. as state property]. [...] in return for the cession of rights over waste lands, the king and some of the chiefs received an immediate payment in money”.<sup>66</sup>

Such payments would, of course, be of little consolation to the average resident of the area, who suddenly found themselves without rights to the access and use of forests or other natural resources, except where such access was granted on the basis of “privileges” that were often temporary in nature and could be revoked at any time. As one of the Uganda Protectorate’s Forest Department officials – one G. Webster (1954: 6, emphasis added) – puts it in a twentieth-

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<sup>66</sup> Also a phraseology paralleled in his ‘Agreement with Toru’ or Toro Kingdom. See UKNA/FO/881/7735 – ‘Agreement with the Kabaka and chiefs of Toru, dated June 26, 1900’. These agreements had the simultaneous effect of both enclosing forest or other commons and imposing taxes that would force the population into either commodity production or wage labour (e.g. Mamdani 1976; Cavanagh and Himmelfarb 2015).

century forest management plan, under a section titled “Rights and Privileges”, “*there are no rights*” (see also Webster and Osmaston 2003). A prevailing “order-in-council” issued by the metropolitan state in 1897 would grant British East African administrations wide powers indeed to create game and forest reserves, including to “by Proclamation, declare any other portion of the Protectorate to be a game reserve, and [...] define or alter the limits of any game reserve”.<sup>67</sup>

Yet it is now relatively commonplace to trace the ‘genealogy’ of contemporary conservation organizations, their often unflattering colonial pedigrees, and enduring commonalities in their effects on ‘native’ populations, not least due to seminal political-ecological contributions in this regard (e.g. Neumann 1996, 1998; Adams 2003; Adams and Hutton 2007; Dowie 2009). This endeavour is, however, less often undertaken in relation to the organizations that were emerging in tandem for ‘protecting natives’, such as the Aborigines’ Protection Society in London. For instance, the contemporary NGO known as Flora and Fauna International (FFI) certainly had a previous incarnation in the form of the Society of the Preservation of the Wild Fauna of the Empire. Yet the ‘indigenous rights’ NGO Survival International was originally known as the ‘Primitive Peoples’ Fund’ (Kuper 2003: 389), and – together with related organizations such as Cultural Survival – bears an awkward historical relationship to its colonial-era predecessors such as the Aborigines’ Protection Society, to a discussion of which I turn below.

### **Dying races and the Aborigines’ Protection Society**

The Aborigines Protection Society was certainly also engaged squarely in – or even inaugurated by – debates about “dying races”. Not least, this is evident in a tract by one of the society’s earliest members, James Cowles Pritchard (1839a), entitled *On the extinction of human races: the practicability of civilising aboriginal populations*. As Pritchard (1839a: 168-169, emphasis added) wrote in a remarkable paper of the same fore-title, first delivered for the newly-formed and explicitly ‘liberal’ British Association:

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<sup>67</sup> Via the East Africa Regulations Order-in-Council, 1897 (see East Africa Protectorate 1897; Buxton 1902; Johnston 1902a).

“The extermination of human races is still going on. Whatever were the causes which destroyed the ancient tribes, we know *to what agency* we are to attribute the similar fate of many nations who have perished since the historic age commenced. How many whole races have become extinct during the few centuries which have elapsed since the modern system of colonization commenced? [...] It would be endless to recount the names of tribes and whole nations in America, who have been extirpated by the Spanish conquerors of that country.”

Very much in contrast to colonial accounts that would posit processes of ‘racial death’ as a largely natural or inevitable feature of the *longue durée* of human history, then, Pritchard is distinguished by his insistence that such extinction was inextricable from the *agency* exercised by colonizing powers. He maintained that this was the case both directly, as well as indirectly as a result of the failure to change course or to undertake any sort of protective or ameliorative measures. Moreover, he also was not inclined to exonerate then-contemporary British administrations from complicity in this process. As he continued:

“The whole country now occupied by civilized nations in the New World, was, three or four centuries ago, thickly peopled by native tribes. A similar process of extermination has been pursued for ages in South Africa, formerly the abode of numerous pastoral nations of Hottentots, a peaceable and inoffensive race, who wandered about with numerous flocks, in a state of primitive simplicity, and whose descendants are now found in the miserable and destitute Bushmen, condemned to feed upon vermin and reptiles, and rendered savage and cruel by the wretchedness which their Christian conquerors have entailed upon them. Wherever Europeans have settled, their arrival has been the harbinger of extermination to the native tribes. Whenever the simple pastoral tribes come into relations with the more civilized agricultural nations, the allotted time of their destruction is at hand” (Pritchard 1839a: 169).

Here, Pritchard was also disinclined to draw a distinction between the processes of European colonization that had unfolded up to that point in the mid-nineteenth century, and the ostensibly more ‘liberal’ forms of administration that would follow. In the aftermath of

Britain's Slavery Abolition Act of 1833, it was then-commonplace to remark that practices of colonial administration were beginning to enter a new era of benevolence and virtuous dispensation (e.g. Lugard 1922). Under the latter, it was widely expected that the conduct of both officials and settlers would be characterized – as one of Kenya's own settlers once put it – by “high hopes and valiant hearts” (Nicholls 2005) rather than an uninhibited pursuit of personal and collective gain without moral, political, humanitarian, or any other sort of constraint.

Yet here again, Pritchard demurred. As a result, he provides us with a glimpse into the kinds of moral and ‘scientific’ or intellectual arguments that would also feed into the strategic imperatives evident within emerging discourses of colonial “trusteeship” at the time (e.g. Mantena 2010; Mamdani 2012). As he wrote in conclusion to his paper for the British Association:

“Now, as the progress of colonization is so much extended of late years, and the obstacles of distance and physical difficulties are so much overcome [...] it may happen that, in the course of another century, *the aboriginal nations of most parts of the world will have ceased entirely to exist.* [...] it is of the greatest importance, in a philosophical point of view, to obtain much more extensive information than we now possess of their physical and moral characters. [...] I cannot conclude this paper without making an appeal to the members of the British Association in behalf of an attempt [...] to do something more than merely to record the history of the perishing tribes of the human family, and to take up seriously the consideration, whether any thing can be done effectually to prevent the extermination of the aboriginal tribes” (Pritchard 1839a: 169-170, emphasis added).

Undoubtedly, the paper would have received a mixed reception, and not *necessarily* on political or ethical grounds. Indeed, perhaps one of its most controversial aspects – from the perspectives of other participants in what was ultimately a discourse or conference on “natural history” – was that the paper was premised or introduced as an exploration of “Ethnography, or the natural history of the human races” (Pritchard 1839a: 166). Here, Pritchard understood

the latter to simply constitute one amongst “other branches of natural history” (*ibid*). Yet his *conclusions* were explicitly and strikingly normative – advocating not simply for the collection of ethnographic or other information about dying races, but also their presumable ‘resuscitation’ or preservation if possible.

Following Prichard’s example, many of the Aborigines’ Protection Society’s early members would engage debates about “dying races” in ways that were advocative of various forms of the “preservation” of ostensibly both vulnerable and primitive cultures. Or, failing that, that were advocative of their relatively humane assimilation, rather than their physical eradication. In the process, however, exponents of these forms of ‘protective’ advocacy would *themselves* often evince a kind of racism almost identical to those practiced by their opponents in related debates. Here, both ‘sides’ to the debate would reify differences of culture, political organization, or socio-economic and ecological relations as *differences of race*, yet simply with diverging conclusions or administrative recommendations. Of course, it might be argued that these views were unsurprisingly and merely symptomatic of the nineteenth-century context in which their exponents found themselves. Yet they were similarly dismissive or resistant to certain *radical* forms of argumentation likewise widely prevalent in nineteenth century thought. Understood in the sense of the Latin word *radix*, or root – and typified in different ways by the likes of Marx, Proudhon, Freud, and Nietzsche – such forms of argumentation would be inclined in purely logical terms to attack the *drivers* of such problems and outcomes, rather than merely a certain version of their effects.

Even in ‘protective’ accounts, moreover, these alleged differences of race were not perceived as neutral, even if they were thought to merit a kind of allegedly benevolent trusteeship or preservation. The “aborigines” to be protected, in other words, were often still conceived as racially or civilizationally inferior. It bears highlighting, for instance, that Sir Harry Johnston – the author of some of the most virulently racist and inherently denigrating twentieth-century tracts about Africa, Africans, and alleged inequalities amongst communities of the latter (e.g. Johnston 1899, 1902a) – would later go on to write in profuse support of the Aborigines’ Protection Society, and would in fact author pamphlets for them (e.g. Johnston 1915a). As he put it in a paper for the Royal Geographical Society on 24 February 1915:

“there are many amongst us who view the most marked outcome of British rule, the welfare of the indigenous races, with secret disfavour. If we were a logical people, sufficiently well read in history and the lessons of history, each one of us who could afford the modest subscription of a few shillings would be a member of the Aborigines’ Protection Society, the most purely philanthropic organization which exists in our land at the present day” (Johnston 1915b: 284).

Similarly, Sir Charles Eliot (1905: 98), whose own contemptuously essentializing view of “the African” has been addressed in a previous chapter, would nonetheless write the following:

“Perhaps the most remarkable, as it is certainly the saddest, characteristic of the African races is the burden of suffering which they have borne. It is far greater than that which has fallen to the lot of other uncivilised people, such as the aborigines of America or Australia. Yet the African races, as a rule, are neither physically weak nor cruel. But they are in the immediate neighbourhood of much stronger races, who long regarded them as the legitimate victims of the slave trade”.

Differently put, such expressions of ostensible ‘empathy’ or advocacy were often inextricably mixed with straightforwardly racist forms of derision and condescension. More importantly, such views are of course usually not intended to challenge either imperialism or its effects *as such* – much less the forms of racial theory and ideology practiced within it – as they were toward managing the dispossessory effects of those practices, and hopefully in ways that avoided instances of ‘racial death’ outright.

### **Racial protection, extermination, or letting die: biopolitics of colonial humanitarianism**

Debates about the necessity of such protection arose regardless of the underlying *cause*. That is to say, regardless of whether eradication was ultimately being carried out militarily – as it had been by the German colonial state against the Herero and Namaqua communities in early twentieth-century Namibia (e.g. Gordon 1998, 2009; Steinmetz 2007) – or more indirectly, as



a kind of “letting die” (Foucault 2003: 255, see also Fassin 2011) instigated by the political, economic, or administrative implications of colonial rule. For instance, to some, the latter processes were so apparently ‘natural’ that they seemed to barely deserve comment. As John Lubbock (later, ‘Lord Avebury’) casually wrote, more than three decades after Sir George Grey above, and in a text that would later be feverishly studied and annotated by the elder Karl Marx:

“The history of the human race has, I feel satisfied, on the whole been one of progress. I do not of course mean to say that every race is necessarily advancing: on the contrary, most of the lower ones are almost stationary, and there are, no doubt, cases in which nations have fallen back; but it seems an almost invariable rule that such races are dying out, while those which are stationary in condition are stationary in numbers also; on the other hand, improving nations increase in numbers, so that they always encroach on less progressive races” (Lubbock 1871: 485).

Different versions of such a position would continue to shape the perceptions of British administrators and Colonial Office diplomats in Africa well into the twentieth century. However, they would also evince debates and disagreements both about the *drivers* of these processes, as well as about appropriate administrative responses to them in different contexts. As Sir Charles Lucas (1922: 97) would later write – in a series of lectures first delivered at the Royal Colonial Institute in London – Britain’s African colonies apparently:

“were, so to speak, marked out in advance of actual Protectorate or annexation. The rights of the Africans in their own lands were practically ignored, and there is nothing to be said in justification, except that what now happened in Africa had happened all over the world from the beginning of time. Everywhere, and at all times, the stronger and more civilized have encroached upon the weaker and more barbarous, and especially the white men upon the coloured men.”

Just as they would on the subject of imperialism itself, various individuals and organizations formulated both relatively ‘liberal’ and relatively ‘conservative’ positions on the apparent

phenomenon of both “proliferating races” and “dying races” – yet usually without deigning to consider or entertain more radical possibilities for challenging the drivers thereof.

Although Sir Charles Eliot (1905) himself would also agree with the gist of Lubbock’s argument, he would – in a reflection on his four years as Commissioner of the East Africa Protectorate (1900-1904) – offer a somewhat dissenting view of whether “weaker” or “uncivilized” races were necessarily equivalent to “dying” ones, and especially so in East Africa. As he wrote:

“The relations between Europeans and Africans present in their extreme form the difficulties which may arise from the contact of advanced and backward races [...] the two races are too far apart to produce a successful hybrid, and the inferior race shows no sign of disappearing before its superiors. [...] In Australia, New Zealand, and Tasmania *the native race tends to disappear*, or has disappeared altogether. [...] In North America *the Indian tends to disappear*, but also to some extent mingles with the whites, and a strain of Indian blood is not, like negro blood, regarded as a disgrace. [...] But the African has hitherto shown no sign, either in his own continent or in America, of yielding to either process” (Eliot 1905: 101-102, emphasis added).

Nearly two decades later, Frederick Lugard would agree. As he put it, making clear that Eliot’s phrase ‘tends to disappear’ in fact refers to *extinction*:

“It is essential to remember that whereas the settlers in the American colonies, in Canada, and in Australasia, found the indigenous races (with the exception of the Maoris) sparse, decadent, and *rapidly tending to extinction*, the settlers in Africa encounter a race, virile, increasing, and racially potent” (Lugard 1922: 42, emphasis added).

Construed as such, the “encroachment” of stronger or “improving nations” upon the lands and resources of either “backward” or “dying races” was often simply glossed as the natural, rightful, or inevitable order of things. Yet the perspectives of individual commentators would also differ in accordance with their – often, unstated or implied, and more narrowly personal –

motivations and agendas. Eliot, for instance, was a well-known or even ‘bullish’ exponent of settler colonization in the East Africa Protectorate, and keen to emphasize that larger influxes of white settlers into ‘his’ territory would not necessarily result in the kinds of – in contemporary terms, genocide – that had arguably accompanied such processes in Australia and North America (see, especially, Wolfe 2006; Veracini 2010, 2013). By contrast, Lucas – as both a diplomat and historical geographer of the British Empire (e.g. Lucas 1915, 1922), and in much the same way as Lugard (1893, 1922) – was more inclined to stress the benevolent effects of the empire’s “dual mandate” or civilizing mission, and the burden that past injustices placed upon the empire to expend its ostensible beneficence in the present.

From Lubbock and Eliot’s perspectives, in particular – which are in some ways more unflinching in this regard than that of either Grey or Lucas – this question of British colonization relative to the possibility of “racial death” appears to have barely merited ethical reflection of any sort. Effectively, Lubbock (1871: 484-486) alleges that processes of racial death were underway *regardless* of whether they were further exacerbated by the British or other imperial powers, and therefore that administrations could not be faulted for simply “letting die” (Foucault 2003: 254-255). Such reasoning is, of course, both totally false and deeply unsettling. However, it also provides us with a perhaps fuller understanding of *why* early ethnographies and ethnographers were often not necessarily critical of colonial states *per se*, even if they were partial to the goals of social protection for colonized populations either as such, or via forms of cultural and socioeconomic assimilation. Indeed, if such processes of ‘racial death’ were accepted as being ostensibly ‘natural’ or inevitable – or if other possibilities were sufficiently repressed psychologically or disavowed – then it may have appeared that there was little point in attacking the motives and practices of various colonial administrations.

### **Entanglements of Ethnography, Conservation, and Rule in East Africa**

Though also not particularly troubled by the ethical implications of ‘dying races’, Eliot’s experience as Commissioner of the East Africa Protectorate would lead him into a more ‘nuanced’ view of the apparent idiosyncrasies of these processes on the African continent.

Here, Eliot mused that – whilst *some* of East Africa’s more “backward” or “uncivilized” populations might “disappear” in the face of both colonization generally and white settler colonization more specifically – this might be mitigated with a sort of assimilation, understood almost as a type of crude social engineering or eugenics. As Levine (2010: 43) reminds us, “in the potent mid-nineteenth-century combination of anthropology and colonialism, [we find] ideas that prefigured and helped generate the subsequent acceptance of eugenics as a serious scientific and increasingly social endeavour”. Eugenics proper in East Africa would not gain a true foothold until the 1920s, however, and would fully emerge only in the 1930s – most explicitly in the form of the Kenya Society for the Study of Race Improvement (e.g. Gordon 1934, Vint 1934, see also Campbell 2007).

In contrast to Sir George Grey’s views on assimilation above, Sir Charles Eliot’s perspective was that such an approach could be applied differentially to supposedly distinct “races” within the African population. As he wrote:

“A race is not an entity like an individual; it is not even comparable to a species among animals. In the vast majority of cases, it is a hybrid and in a process of slow change. I can see no reason why we should attempt to stop this process of blending, which is nature's law. [...] Fusion between Europeans and negroes is of course out of the question [...] But among the Africans themselves it appears to me sound policy to encourage the intermingling of different tribes and the formation of a settled and peaceable population” (Eliot 1905: 106-107).

If *some* African “races” appeared to be dying, in other words, they could be “blended” or “intermingled” with their apparently more sturdy neighbours. As he would explain, explicitly linking the notion of the “dying race” to the technology of indirect rule known as the native reserve (e.g. Mamdani 1996a, 2015):

“Reserves may sometimes be advisable in dealing with very strong native races, or, in the contrary case, where it is desired to prevent the extinction of a vanishing race; but in the case of races which are neither dangerous nor on the

point of disappearing, I think that the sentiment which wishes to isolate them and arrest their possible improvement is false” (Eliot 1905: 106).

In reflections such as this, we gain insight into the multiple objectives or intentions that could inform the territorialisation of native reserves in different contexts. For instance, in the case of “very strong races”, reserves could function as a form of containment, or as a means of insulating European settlers and functionaries from raids, attacks, or competition more generally. In others, they could be *protective* measures to support ostensibly “vanishing races”; in still others, reserves would constitute the terrain for “intermingling” or assimilation of the sort that Eliot refers to above. Ethnography both in East Africa and elsewhere, in this sense, would increasingly be perceived as useful not only for generating and preserving knowledge of “native custom”, or simply for governing more effectively, but also for identifying the most expeditious means of assimilating certain populations into more allegedly ‘robust’ or ‘civilized’ segments of native society. For some, this would constitute the alleged humanization of processes of “racial death” by pre-empting the material destruction of communities, albeit via what would today most likely be termed a form of “cultural genocide” (Lester 2016: 507).

One Edward North Buxton (1902), in his *Two African Trips: Notes and Suggestions for Big Game Preservation in Africa*, would phrase the issue even more starkly. Indeed, he would draw a direct comparison between the logic of creating game or nature reserves and the logic of creating native reserves. His “decivilizing” (Césaire 1972 [1955]) and even dehumanizing logic is fairly blunt:

“We are establishing Reserves in which all kinds of wild beasts are to be left to fight it out. Can we not extend such a measure to some of the human species, to this extent that they shall govern themselves, and the strongest shall prevail? They are more interesting than the four-footed ones; and though their ideas of life are inscrutable to us, they may after all, in some respects, be able to teach us something” (Buxton 1902: 40-41).

Not unlike Johnston (1902a), then, Buxton viewed the emerging native reserves not only as a means of offering ‘protection’ to the African population, under which their own customs would

continue to be practiced undisturbed. In addition, he was also interested in the possibilities arising therefrom for their *observation*, or the kinds of scientific experiments and data collections that could be carried out in both the native reserves and the nature reserves. Importantly, Buxton was one of the ‘hunter-naturalists’ involved in the founding of the Society for the Protection of the Wild Fauna of the Empire, a precursor to the contemporary Flora and Fauna International (see FFI 2013). Three years later, however, Sir Charles Eliot would quote a portion of precisely the same extract from Buxton’s text above to form a contrarian position, and to criticize Buxton for his views. As he writes:

“With this [Buxton’s] view of our duties and proper policy towards natives I entirely disagree. It utterly ignores the difference between mankind and beasts – a difference which, I admit, is minimised in Africa, but which still exists, and which shows itself, among other ways, in the fact that while most animals are incapable of development or improvement, and cannot change their mode of life, mankind is almost without exception capable of such change and improvement. To wish to preserve inter tribal war [...] appears to me to be little better than a proposal to protect cannibalism and human sacrifice. The existence of such practices is an interesting fact: one may even be glad if anthropologists have had an opportunity of accurately recording the circumstances in which they occur, but the most fervid votary of science would hardly propose to encourage or even permit their exercise. *The only hope for the continued existence of these nomadic warlike tribes is that they should settle down and adopt fixed habitations and a peaceful occupation*” (Eliot 1905: 105-106, emphasis added).

Eliot’s remarks are important, as they would come to be influential within the administration of both the East Africa Protectorate and, after 1920, the Kenya Colony and Protectorate. The recommendation that populations such as the Maasai should “settle down and adopt fixed habitations and a peaceful occupation”, however, was easier said than done. In the early twentieth century, a very large proportion of the populations of what is now Kenya and Uganda would have practiced a wide range of largely non-sedentary livelihoods. This would not only be the case for largely ‘pastoralist’ communities like the Maasai (e.g. Waller 1976; Spear 1999), but

also for a wide range of groups across the region engaged in variable livelihood portfolios of dryland pastoralism, mixed highland pastoralism and foraging, and even shifting cultivation amongst more agriculturally-oriented agrarian and agro-pastoralist communities.<sup>68</sup> In such a context, one might argue that Eliot's notion of "fixed habitation" throughout 'his' protectorate effectively constitutes a form of colonial "high modernism" (Scott 1998), or a grand vision for the sedentarization, transformation, and territorialization of collective identities and livelihoods across a vast geographical area.

In some cases, it appears that "strong native races" were selected as a sort of basis for the territorialisation of some native reserves – or homelands and districts in non-settler colonies, such as the Uganda Protectorate – for largely practical reasons. Lugard's writings from the late nineteenth century are revealing in this regard; he would prefigure the views of many in perceiving the Buganda kingdom in particular to be ruled by a form of *law* that – whilst alien to the British legal system, ostensibly distinguished the Baganda from the comparatively "state-less" or acephalous populations of what is now both Uganda and Kenya. "In Uganda, for instance, where an embryonic civilisation and law exist," he writes, "cases arising out of the relation of the serfs to their masters are, or were in my time at least, dealt with under the native law, administered by the chiefs and the king" (Lugard 1983: 185). The implications of this were also apparently quite clear in relation both to more acephalous societies, and even to more hierarchical kingdoms such as contemporary Bunyoro:

"We may also note the amenability of the [Baganda] people to the control of their chiefs, and the possibility, therefore, of their organisation into parties under them for public works. This is in very vivid contrast to the majority of the tribes of Africa, who own allegiance only to their own village headman, and are under little or no control and have no cohesion whatever. [...] The very large country of Unyoro reproduces the characteristics of the Waganda people in a modified degree, since they are not yet as civilised as the latter." (Lugard 1893: 433).

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<sup>68</sup> See, for instance, Ehret (1976); Waller (1976), Kjekshus (1977), Johnson and Anderson (1988); Davis (2002).

The refraction of British power through certain “advanced communities” (Lugard 1922: 200) provided advantages for what we might call the ‘economy of rule’ (à la Berry 1992, 1993) in British East Africa, as the ‘protection’ of this system of customary law was in many ways more pragmatic than seeking to dismantle it outright and replace it with purely British institutions and forms of legal administration. The result was the development of a mode of indirect rule thought to be useful throughout the region. The quintessential example is perhaps the way in which “Baganda sub-imperialism” or the use of Baganda agents as administrators, chiefs, and tax collectors became one of the principal means of integrating various relatively acephalous societies into the colonial state (e.g. Roberts 1962). As Johnston (1901: 1) would write in his capacity as Special Commissioner of the Uganda Protectorate to the Marquess of Lansdowne in 1901, for instance, “[g]reat power radiated from this Kingdom of Uganda”, such that it apparently almost naturally “imposed its rule or overlordship over a large portion of the present area of the Uganda Protectorate” during his administration.

Both Lugard and Johnston’s writing on these topics would inspire many others to reproduce and rehash their arguments about both racial and civilizational inequalities, and often in ways that were even more arbitrary or unjustified than those offered by the former. Here, assertions of inequality were often made even *within* or in relation to the different “tribal” members of the same “racial stocks” that Johnston (1902a: 473-477) had outlined in his *Uganda Protectorate*. For instance, as Roscoe (1915: 161) put it in relation to the “Bagesu” agriculturalists of Mount Elgon, in particular, referring to one of the members of Johnston’s “Bantu racial stock”:

“The Bagesu [are] one of the most primitive of Bantu tribes. The Bagesu are a Bantu tribe living upon the eastern and south-eastern slopes of Mount Elgon. [...] They are a very primitive race and stand low in the human scale, though it is somewhat difficult to understand why they should be so intellectually inferior, surrounded as they are by other Bantu tribes much more highly cultivated and civilised than themselves.”

Sometimes, the basis for drawing such conclusions was almost absurdly thin, and must have been so even by the standards of the time. For instance, an underling of Johnston’s during his



Special Commissionship, J.F. Cunningham (1905: 28) – in his book *Uganda and its peoples* – would treat the highly complex pre-colonial society and kingdom of Bunyoro thusly:

“The population of Unyoro is closely akin to that of Uganda. The people, however, are not of so fine a physical type, and are distinctly weaker in carrying loads. Identity of race makes the civilisation of Unyoro very similar to that of Uganda, though it is of a rather lower type”.

Even by the scientific and academic standards of the early twentieth century, one would have hoped that such baseless generalizations – that would *decivilize* (Césaire 1972 [1955]) an entire society on the basis that they were “distinctly weaker in carrying loads” – would not have passed muster.

Yet, as Sir Harry Johnston (1905: xvi) writes in his preface to Cunningham’s *Uganda and its peoples*, “Mr. Cunningham’s book” was, apparently, and “together with the works of Mr. C.W. Hobley”, the “necessary sequels to my own studies of the Uganda Protectorate”. He then proceeds to note, “I should like to set before his [Cunningham’s] readers a short classificatory statement regarding the *races and tribes* of the Uganda Protectorate [...] These may be divided into the following main groups: (1) Hima or Hamitic; (2) Nilotic Negro; (3) Bantu; (4) Sudanese Negro; (5) Pygmy” (Johnston 1905: ix-x, emphasis added). He clarifies, however, that the “Hamitic race” is in fact “little more than a caste or aristocracy” whose invasion into the region had been responsible for the emergence of the more “advanced communities” (Lugard 1922: 200) within it. Although Johnston would refer to both Cunningham and Hobley’s books as the “sequels” to his own, Hobley’s (1902) first book-length endeavour would in fact be published in the same year as Johnston’s, and would also provide a “classification of races and tribes” (Figure 5).

- I. *Bantu Kavirondo* :—  
 (A) type Awa-Rimi.  
 (B) " Awa-Ware.  
 (C) " Awa-Kisii.
- II. *Nilotic Kavirondo* :—  
 (A) type Ja-Luo (Acholi or Shuli stock).  
 (B) " Elgumi or Wamia (Lango stock ?).
- III. *Nandi group (Hamitic Nilotes ?)* :—  
 (A) Nandi, Lumbwa or Sikisi, Elgeyo, etc.  
 (B) Lako, Elgonyi, Sanei, etc.
- IV. *Masai group (Hamitic Nilotes ?)* :—  
 (A) type Guasangishu.  
 (B) " Eldorobo (only provisionally placed in  
 Masai group).

Figure 3 – Sub-Commissioner C.W. Hobley’s "Classification of Races and Tribes" for the Eastern Province of the Uganda Protectorate, 1902. Source: Hobley (1902: 7). Copyright expired.

This is significant, because Hobley, too, would also insist on the distinction between and necessity of developing a combined *racial and tribal* classification system for the Eastern Province of the Uganda Protectorate of which he was Sub-Commissioner. As suggested by the question marks in the figure above, however, Hobley was somewhat sceptical of Johnston’s “Hamitic hypothesis” and theory of the pre-colonial “civilization” of East Africa by an “aristocracy” of supposedly advanced communities that had migrated to the region from the north. In part, this may have been because the Eastern Province over which he presided did not host any of the centralized, hierarchical pre-colonial states that this “aristocracy” was supposedly so wont to found widely and with proclivity. Moreover, he was *also* unsure at this stage about how to ‘draw’ tribal boundaries *within* each of the races that he had identified, in particular breaking with Johnston’s classification that had identified “Pygmy-Prognathons” as a separate race, and instead opting to classify the “Dorobo” members of that group as a tribe in the Masai race instead. As he put it: “[s]ome people have sought for likenesses between these people [Dorobo] and the Negrillo or pygmy races, but such comparisons are, I think, rather fanciful [...] they appear to be a rather gaunt, tall people of the Nandi or Masai type, if anything more like Nandi than Masai” (Hobley 1902: 11).

It is thus palpable that both Hobley and Johnston’s classifications had been advanced within the context of ongoing debates about both ‘who is who’ within the Uganda Protectorate and

the East Africa Protectorate, as well as about the proper relationship between ethnography and colonial administration. Subsequent efforts at the ethnographic documentation and study of ‘dying races’ in East Africa would thus not always necessarily be understood or oriented towards either the *prevention* of such forms of apparent extinction, or the facilitation of assimilation. For some, the purpose of ethnography would remain primarily *historical* or even eulogistic rather than protective. For instance, one John Roscoe (1915: vi, emphasis added) – formerly of the Church Missionary Society in the Uganda Protectorate – sums up the underlying logic of such an epistemological stance when he writes:

“It is lamentable to reflect, that while large sums are annually devoted by Governments, learned societies, and the generosity of private benefactors to the study of merely material and comparatively permanent relics of ancient civilisation, so little is given to the investigation of the mental and social state of those primitive living races of men who are *melting away before our eyes*, and who can still tell us secrets which we shall never wring from all the tablets of Babylon and the pyramids of Egypt.”

Roscoe was primarily concerned here with the ostensibly ‘scholarly’ virtues of ethnography. Yet regardless of individual preferences, the production of such knowledge would also retain administrative implications. These ‘ethnographies’ or ‘ethnologies’ were often drawn upon to better *understand* the customs of certain communities, and thereby to govern them more expeditiously, even if such an effect was not intended by their authors (e.g. Cunningham 1905).

As C.W. Hobley (1902: 5) would reflect in a preface to his “ethnological survey” of the Uganda Protectorate’s Eastern Province, which is now western Kenya:

“Possibly in the near future [...] such studies may become the special work of a department of the administration. At any rate it is to be hoped that every effort will be made to chronicle these features before they are obliterated by the advent of European civilization.”

Yet in his *Ethnology of A-Kamba and other East African Tribes*, Hobley (1910: vii-viii) would elaborate on the “utility” of such a department and the form of ethnography practiced by it:

“The native races in British colonies and protectorates are one of our greatest assets, both for the production of products necessary for the European world and for labour supply. [...] In Africa, for instance, owing to the introduction of many new factors, white colonization, improved communications, missionary efforts, etc., the situation yearly becomes more complex, and greater control and development on sound lines will not be arrived at by armed force and expeditions, which are merely destructive in effect, but by *complete knowledge and more scientific treatment*.”

Particularly in Hobley’s writings, one gains an impression of a growing view that colonial administration in East Africa might in fact be treated as a *science* perhaps even more so than a literal “art of government” (Foucault 1991, 2007), or at least as an art of government that draws heavily upon rationalist science to pursue a discourse of truth concerning a more “complete knowledge” of its population.

In a fascinating “prefatory note” to Hobley’s *Ethnology of A-Kamba*, William Ridgeway (1910: xiv) – then the President of the Royal Anthropological Institute – would reinforce not only this point, but would also specify the *logic* of the colonial science at hand:

“It is only when such systematic inquiries and observations shall have been made over the whole range of primitive races, not yet too corrupted by civilisation, that we shall be in a position to apply properly *the inductive method* to the study of Man and draw from the data sound and irrefragable conclusions.”

Recalling Lugard’s (1893: 452) remark that “the history of the development of every country is full of lessons of how futile is calculation without experiment”, the logic of ethnographic induction would provide the basis for the continual refinement of colonial policy and approaches on the basis of ‘scientific’ and ‘empirical’ observations. Moreover, such a position also yields an awareness that must have been growing at the time – both in the Uganda Protectorate and the

East Africa Protectorate – that eventually the African population would need to be drawn into capitalist agriculture and labour markets through a degree of what Gramsci (1971) once termed “consent” rather than pure coercion and punitive expeditions (see also Anderson 2004).

However, in certain cases, it appears that these ethnographies were also increasingly harnessed by administrators to enable normative judgments about which “tribes” were suitable for inclusion – as, effectively, an administrative unit – within the colonial state, and which groups would be slated for assimilation into the latter. As late as the 1930s, the works of Hobley (1902, 1905), Johnston (1902), Rostoe (1915), and others would regularly appear in lists of “authorities” appended to memoranda delivered colonial state bodies and commissions, and in ways intended to influence decisions in this regard.<sup>69</sup> As we will see in the chapter that follows, variously identified ‘groups’, ‘tribes’, or ‘races’ thought to belong to the invented category of the “Pygmy-Prognathons” once outlined by Sir Harry Johnston (1902a), in particular, were often targeted for assimilation into the native reserves of their more populous neighbours. This is a process that I engage in more detail in the chapter that follows.

## Conclusion

“[P]ower would be a fragile thing if its only function were to repress”.  
– Michel Foucault, ‘Body/power’ (1980a: 59).

Ultimately, only a ‘minority’ of communities were slated for assimilation by the colonial state during the period of British rule in East Africa. Yet even those African populations in Kenya allocated reserves for their own use as a “tribe” were of course also not spared the ‘civilizing’ interventions of the administration. Quite on the contrary, tribes were in some ways simply

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<sup>69</sup> See, especially, UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1900-2050, for debates about the treatment of “Dorobo” communities in the Nzoia, Rift Valley, and Nyanza Provinces, in particular.

the administrative unit within or at which civilization would be pursued. As Lord Cranworth (1912: 43-44, emphasis added) wrote in relation to the Masai:

“As regards the future of the Masai, the outlook can only be described as gloomy. There can be no place eventually in a British Colony for a tribe that will neither work for themselves nor others; who breed cattle but will not sell them; whose militarism is a continual menace to the peaceful population, and who in a word are no credit to encroaching civilisation. As far as one can see, *if they are to avoid the degradation of the North American Indian*, their sole hope lies in *some internal change of character and habit*, whereby they may become useful members of the community. If time or any influence can induce the young men either to cultivate the soil [...] [or] if the tribe can even be taught to regard their surplus cattle as negotiable, there is hope. We may be assured that the Government will spare no pains to attain this end.”

Here, we perhaps encounter the full sense in which British colonial administration entailed not simply a particular form or mode of governance, but also governmentality, understood in the more specific sense as the “conduct of conduct” (e.g. Foucault 1982, 2007). Even when certain ‘tribes’ were not slated for assimilation, in other words, they were still targeted for various kinds of indirect *transformation* or “internal change of character and habit” in ways that suited the colonial state. Hence, as Mahmood Mamdani (2012: 26) reminds us, the post-1857 doctrine of ostensible “non-interference” via the protection of custom in some ways instead “turned into a charter for all around interference”. This was both in relation to the state’s power to define the boundaries of the customary, as well as in its *attempts* – often unsuccessful in whole or in part – to influence or reshape its contents.

As I discuss in the chapters that follow, a version of these discourses on “dying races” would also manifest within debates chronicled by Sir Morris Carter’s Land Commission in Kenya Colony of the 1930s. As we will see, these debates are deeply ambiguous about the length of the ongoing influence or lifespan – perhaps even afterlife – of the concept of a “dying race” within our own historical present. I do not suggest, of course, that this ideology would recur in the form of post-independence invocations of “dying race” theories within Kenya’s republican

administration. It is nonetheless the case, however, that the formation of certain lingering boundaries, laws, and institutions appear to have been influenced by this concept, and in many ways continue to perform a version of its intentionally dispossessory effects. More subtly, it sometimes also seems that the forms of advocacy that emerge in response to such dispossessions at times border on reproducing an idiosyncratically contemporary version of the condescensions and ‘racial’ fantasies which often underpinned the work of organizations such as the Aborigines’ Protection Society, and which are evident in the testimony of “ethnographers” like that provided by G.W.B. Huntingford to Carter’s Land Commission in the 1930s, as will be discussed in Chapter 10.

As a result – reviewing the above debates and discourses – I would suggest that a both self-reflexive and historiographic or historically “ethnographic” (Stoler 2002) approach to the study of the enduring salience of these issues is perhaps essential within contemporary academia. Indeed, such a perspective reminds us we are also not politically detached from the “performative” effects or consequences of our own published findings and opinions. In this regard, journal articles, reports, testimonies, and books written by present-day consultants and academics on the politics of certain claims to identity – or identities predicated on certain livelihood practices – continue to bear implications for the efforts of states and other actors to adjudicate upon these claims (e.g. Kenrick and Lewis 2004). Here, an historiographical approach is of considerable value, as it perhaps alludes to the ways in which the substance of certain debates and discussions has persisted, even when prevailing terminologies and idioms of discourse have shifted quite markedly (see also Pels 1997).

As we will see, colonial ethnographers and state consultants such as Huntingford in the 1930s were unequivocally advocative of the ‘protection’ of especially Dorobo communities in western Kenya. Yet Huntingford’s motivations for advocacy were themselves ultimately somewhat troubling – both in his conception of the Dorobo as a “race”, and one whose value as an object of study was related to its apparent ‘antiquity’ or primordialism relative to the other populations of western Kenya. Hence, in the three chapters that follow, I thus explore the interrelations between such practices of knowledge production with processes of material dispossession. In particular, I do so in relation to the genesis and application of institutions for the racialization and

territorialisation of spaces for settlers, natives, and nature in the East Africa Protectorate and Kenya Colony.



## 9. White highlands: racializing and territorializing space for settlers and natives

“[T]he interior of the Protectorate is a white man's country. This being so, I think it is mere hypocrisy not to admit that white interests must be paramount, and that the main object of our policy and legislation should be to found a white colony.”

– Sir Charles Eliot, *The East Africa Protectorate* (1905: 103).

“The missionary carried the Bible; the soldier carried the gun; the administrator and the settler carried the coin. Christianity, Commerce, Civilization; the Bible, the Coin, the Gun: Holy Trinity.”

-- Ngugi wa Thiong'o, *Petals of Blood* (2005 [1977]: 88).

### Introduction

The story of settler colonialism in both Kenya and elsewhere in Sub-Saharan Africa is often told as the story of a “white” or “European” invasion of sorts into territories populated by Africans, and the frequently quite widespread dispossession of the latter by the former (e.g. Elkins 2005; Elkins and Pedersen 2005). Likewise, it is often said that the underlying motivations and imperatives for that invasion on the part of the settlers were largely profit, personal gain, and the desire to secure a degree of upward socioeconomic mobility, social dominance, or class status perhaps unattainable at ‘home’ (e.g. Wolfe 2006, 2013; Veracini 2010, 2015, see also Mbembe 2015). Further, on the part of the colonial state, the imperative to generate tax revenues, stimulate capital accumulation and commodity production, and perhaps also to fragment or deflect ‘native’ resistance against itself are also quite regularly identified in the literature as motivations for the facilitation of European settlement (e.g. Leys 1925, 1931, 1941).<sup>70</sup>

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<sup>70</sup> The literature on settler colonialism in Kenya is vast. The topic of this chapter, however, is not settler colonialism or Kenya's settler society *per se* – I simply direct readers to an historiographic-ally indicative range of contributions, tending over time from structural considerations of political economy to those of increasingly fragmented narratives

There are good reasons why many scholars of settler colonialism in Kenya have taken both the above positions and continuously more nuanced variations of them, as well as for why they continue to hold such positions. Nonetheless, the use of the term “invasion” in relation to settler colonialism in Kenya might, in some circles, be seen as an unconscionably rabid term for use in the description of this process. Yet the term is not mine, nor any ‘critical’ scholar’s *per se*. It is J.H. Oldham’s, a man whose biography utterly blurs the line between missionary work and imperial conquest in a way that Ngugi wa Thiong’o (2005 [1977]: 88) would likely appreciate. As he put it in a paper first read before the Royal Institute for International Affairs on 19 March 1929:

“white settlement is a factor of immense importance in the life of East Africa. [...] Its significance lies in that fact that it is an outpost of the *immensely powerful alien civilisation which is invading Africa*. [...] It is Western civilisation with its resistless energies which is impinging on Africa and in the persons of the settlers is beginning to strike its roots into East African soil” (Oldham 1929: 230, emphasis added).

For some apparent representatives of that ‘alien civilisation’, their last ‘home’ might have been – most recently – in various European states, or in another settler colony like South Africa (Ogot 1968). The Kenya Colony and Protectorate’s census of 1948 also suggests that at least 321 of them were “American”, 106 Norwegian, and that 332 were “other” types of non-specified but explicitly and racially-defined “European” individuals (see Colony and Protectorate of Kenya 1948: 58). Yet Kenya also hosted a relatively much larger proportion of immigrants from India than either Southern Rhodesia/Zimbabwe or South Africa, as well as sizeable communities from what is now Sudan, Ethiopia, Somalia, and – in a more complex historical sense – what is now Oman and other contemporary Gulf states. However, both

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of culture, cultural values, and pluralities of individual or community experience. See, *inter alia*, Wasserman (1973, 1974), Good (1976), Bratton (1977), Furedi (1977), Lonsdale and Berman (1979), Berman and Lonsdale (1980), Mosley (1982), Overton (1989), Elkins (2005), Anderson (2000, 2010), Kanyinga (2009), Shadle (2010, 2012), Jackson (2011, 2013).

colonial censuses and other administrative publications do not account for residents from any of the latter as *settlers*.

In part, this is because some of those communities simply found themselves in the East Africa Protectorate when its borders were drawn around them: initially, from the comfortable recesses of map-rooms hundreds of kilometres away in Mombasa and Nairobi, or thousands of kilometres away in London, rather than on the ground. Yet this also points to the ways in which the notion of the ‘settler’ was itself racialized, and especially so via the colonial state’s institutions that prevented Indians and other merely ‘immigrant’ communities from accessing productive agricultural land.<sup>71</sup> Sir Charles Eliot (1905: 179), for instance, opts to go the self-serving geographically determinist and essentializing route for his justification: “It may be doubted if the Highlands are really congenial to Indians. The coolness of the climate is not appreciated by them [...] I therefore, when Commissioner of the Protectorate, discouraged all acquisition of land by Indians in the Highlands, except in the immediate vicinity of towns.” It appears that Eliot had not visited the Himalayan regions of what was then ‘British India’. Nonetheless, when the immigration of non-European communities was facilitated by his administration and those that followed, it was primarily for the purposes of importing *labour*, whether manual or professional. When Europeans were imported as settlers, the reasons were in large part certainly political-economic as well. In both cases, however, there were also more nebulous political, biopolitical, and *civilizational* imperatives for this, as Oldham’s remark above alludes.

This chapter explores the empirical fact and implications of the production and racialization of space and territory in Kenya Colony. The concatenation of the two is perhaps most obviously the case in relation to the “white highlands”, or high-potential agricultural lands reserved exclusively for European settlement (e.g. Morgan 1963; Jones 1965, see figure below).

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<sup>71</sup> See UKNA/CAB/24/114 – ‘Grievances of Indians in Kenya’; UKNA/CAB/24/161/34 – ‘Indians in Kenya’; UKNA/CAB/24/260/8 – ‘Reservation of the Highlands Question’.

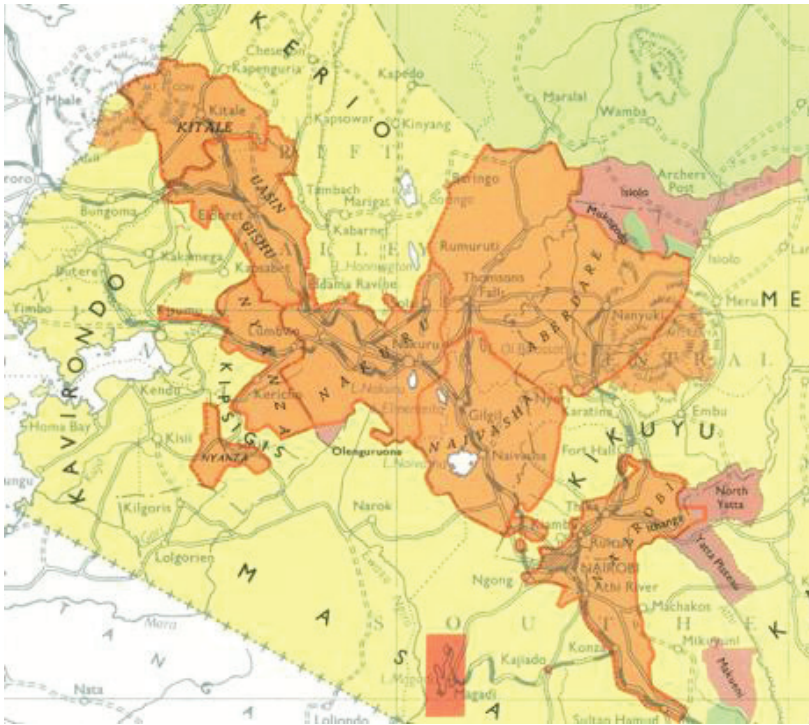


Figure 4 – Map showing the extent of the “former White Highlands” (in orange), in central and western Kenya Colony, ca. 1960. By 1960, the process of gradual degazettement and “deracialization” (Mamdani 1996a) of these territories had already begun. However, this chapter pertains to a period that arguably constitutes the ‘apex’ of the settler colonization of these territories in the 1920s-1930s, and the genesis of the legal and bureaucratic institutions which set these processes in motion. Source: Colony and Protectorate of Kenya Survey Department. Crown Copyright expired.

Yet it remains that racialized space was produced in somewhat more tacit ways as well, including the differential racialization of the East African Protectorate and Kenya Colony as a “white man’s country” (e.g. Huxley 1963) *tout court* relative to the Uganda Protectorate and the Tanganyika Territory. Exploring these differential productions and racializations of space, the chapter proceeds as follows: firstly, I examine shifting notions of “whiteness” and “blackness” at the turn of the twentieth century in East Africa and elsewhere. Secondly, I examine the concepts of “lawfare” (Comaroff 2001) and “racecraft” (e.g. Fields and Fields 2012: 18; Pierre 2012: 40) vis-à-vis processes of “internal territorialisation” and settler

colonialism in the East Africa Protectorate and (after 1920) the Kenya Colony and Protectorate. Thirdly, I trace the connection of these processes with prevailing forms of indirect rule in Kenya, examining in particular the tensions and contradictions of the administration's attempts to expeditiously govern 'customary' authorities across imposed categories of race and tribe within this process.

### **Whiteness, blackness, and East Africa**

The vague racial categories of "white" and "black" would be reworked by the idiosyncrasies of nearly every European colonial encounter in Sub-Saharan Africa, but especially so by settler colonialisms in contexts as diverse as the contemporary nations of South Africa, Zimbabwe, Namibia, Kenya, and Algeria. This would produce a wide, varied, and shifting range indeed of notions of "blackness" and "whiteness" along the way (Nuttall 2001; Pierre 2012; Mbembe 2017, see also Mamdani 1996a; Lützelschwab 2013). As we will see, exchanges between European administrators, scholars, missionaries, and others on this topic certainly evince a widespread conception of more-or-less discrete and hierarchically arranged *races of colour* (see, especially, Gilroy 2000). Or, in more virulent forms, a conception of hierarchically-arranged 'races' of both humans and quasi-humans or proto-humans (e.g. Johnston 1902a, Smuts 1930a, see also Gordon 1998; Mbembe 2003). Yet even these broad and vague assessments of 'colour' were often disputed by East Africans as well as by European administrators, settlers, and intellectuals (e.g. Leys 1925, 1931, 1941), and on ethical-political as well as *empirical* grounds. Not least, the memoirs and novels of Kenya's "white" settlers often whimsically recount sceptical African perceptions of "red people" or "pink people" beginning to arrive in their territories (e.g. Huxley 1939; Nicholls 2005). In an era broadly unfamiliar with the concept of UV radiation *as such*, perhaps that was simply an empirically more correct description or impression of appearance.

Perceptions of one's hue, shade, and appearance aside, however, the notion of "colour" as a racial *ideology* was also very much undergoing a process of reformulation, debate, and change at the turn of the twentieth century. The concepts of race and colour would soon take on new form again via the rise of the "eugenics" movement expounded by Sir Francis Galton and others in Europe, which also found devoted European adherents in Kenya Colony (e.g.

Gordon 1934; Vint 1934, see also Campbell 2007) and elsewhere in Sub-Saharan Africa (Dubow 1999, 2010; Levine 2010; Tilley 2011, 2014). Importantly – and prior to the full emergence of ‘eugenicist science’ in the early twentieth century – processes of change were also underway in relation to persons vaguely ascribed with the terms “white” and “black” in East Africa, Europe, and elsewhere (e.g. Shadle 2010, 2012). I broadly and schematically distinguish between the latter regions because – as we will see – though racial concepts and terminologies would often travel, so too would they frequently be transformed, reshaped, or reconstituted by the contexts in which they landed, variously either in form, substance, or a combination of both. In other cases, the idiosyncrasies of engagement, negotiation, contestation, and encounter between colonial administrators and various African leaders, intellectuals, citizens, and populations would also result in the invention of new racial categories outright. This would be in addition to the invented ‘tribal’ categories that have been the subject of so much debate in the field of African studies (e.g. Iliffe 1979; Ranger 1983, 1993; Berman 1998; Spear 2003).

Moreover, these processes of change were unfolding within Europe as well as via European engagements with various colonies, protectorates, and other “imperial formations” (Stoler 2006). Indeed, the concept of a “white race” or “European race” in use at that time arguably evinces a notion of “whiteness” (e.g. Nuttall 2001) that is simultaneously both genealogically related but substantively somewhat distinct from the colloquialism or vernacular term “white people” as it is commonly used today. Of course, Europe itself had also been – and, I must add, very much continues to be – subject to vociferous debates about both its exact geographical ‘membership’ or extent, as well as the exact membership of a “white” or “European” race or even population as such. In the mid-nineteenth century, for instance, it was common to assert that certain groups of allegedly “peripheral Europeans” – such as the Irish and the Ukrainians, in Satzewich’s (2000) account – were racially or quasi-racially distinct from a presumably ‘core’ group of variously and often contradictorily-defined Anglo-Saxon, Germanic, or ‘Aryan’ peoples. In Ireland – for example – this would produce a complex politics of identity, resistance, and insurgency, wherein what was *ascribed* as a difference and inequality of race was reworked and repurposed within the idiom of *nationalist*, anti-colonial, and anti-imperialist struggle within a European territory of the

British Empire (see also Kearns 2007; Nally 2008).<sup>72</sup> This process of resistance via the reconstitution of an ascribed label or relation and subsequent “counter-attack” (Hobsbawm 1973: 13) would unfold in very many other places as well, in Europe and far beyond, though not always via the idiom of nationalism (Mamdani 1996a).

With regard to the colonial government of and through produced categories of race in East Africa, “whiteness” would primarily enter into the administration of indirect rule in two distinct ways. Firstly, for a racial hierarchy that ultimately privileged “white Europeans” to maintain its coherence, Europeans would need to comport themselves in ways that maintained what numerous writers from this period would describe as “white prestige”. For Lugard (1922: 59, emphasis added):

“the standard which the white man must set before him when dealing with uncivilised races must be a high one [...] The *white man's prestige* must stand high when a few score are responsible for the control and guidance of millions. [...] There is no room for ‘mean whites’ in tropical Africa. Nor is there room for those who, however high their motives, are content to place themselves on the same level as the uncivilised races. They lower the prestige by which alone the white races can hope to govern and to guide.”

Yet, for some, the measure of this prestige was also to be assessed in the outcome of administrative practice as well. As Lugard continues:

“The task of the [colonial] departments [...] is to maintain the Government machine in a state of efficiency, and to afford direct assistance in material development. Their motto is efficiency and economy. The two branches work together, and their duties overlap and are interdependent in every sphere. The efficient discharge of those duties is a combination that constitutes the white man's title to control” (Lugard 1922: 96).

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<sup>72</sup> This was a struggle that would be celebrated and covered journalistically, not least, by both Karl Marx himself and his wife, Jenny Marx (e.g. K. Anderson 2010).

In relation to the position of white settlers in Kenya and other African colonies, this posed certain difficulties not only for establishing such a racial status hierarchy, but also for performing or reproducing it. On one hand, Lugard and others were forthcoming in their view that it was often not the ‘best and brightest’ European citizens that were exported as settlers elsewhere; indeed, he would unambiguously describe the latter in British colonies as “the surplus population of the white races” (Lugard 1922: 42). Moreover, even though the Colonial Service itself had sought to cultivate an administrative class characterized by distinction and aptitude for maintaining a certain *noblesse oblige* (Berman 1990) – drawing many of its recruits from England’s prestigious public schools, as well as Oxford and Cambridge – senior officials would have to vigilantly monitor these individuals for any untowardly ‘egalitarian’ or prestige-compromising sentiment or activity. Though Europeans would surely enjoy a position of racial privilege in African colonies – and often in ways that were directly to the detriment or dispossession of African communities – ‘white’ society would thus harbour its own internal differentiations of both class and degree of ‘civilizational’ pedigree.

Whilst those differentiations would be maintained, the context of indirect rule would also necessitate the production of a kind of “whiteness” (Nuttall 2001) that would evince a sort of solidarity arguably not widely present within Europe itself at that time. As Lugard (1893: 150) wrote:

“I can recall many such evenings in campaigns in other countries, and in shooting parties in the jungles of India, but none like those in the days I have spent in Africa. None in which a camaraderie could be so cemented as that which holds a handful of white men together in a land far from all communication with the civilised world, where a common task, the common weal, and perhaps a common danger, binds men in the closest of unions.”

This was surely a camaraderie of sorts – particularly in the days of IBEAC rule that Lugard refers to above. Yet it was also a *solidarity*, one oriented toward the maintenance of “white prestige” relative to Africans, Indians, and various other communities (see also Shadle 2010, 2012; Anderson 2013; Jackson 2013). Indeed, as Oldham’s (1929) writings make clear, white settlers and administrators in East Africa were very much linked to the metropole and to other



communities of settlers in southern Africa. This was such that their significance to the colonial state – to expand upon his comment in the introduction above – exceeded their relatively small numbers:

“we are ignorant of the extent to which white settlement will grow [...] but notwithstanding these uncertainties and in spite of its present smallness, white settlement is a factor of immense importance in the life of East Africa. [...] [...] The relatively small number of Europeans who have made their homes in *East Africa* are united by ties of sentiment and community of ideas with the larger body of Europeans [...] to the south in Rhodesia and South Africa, and with the land of their origin [...] We cannot isolate the settlers in East Africa. It is *Western civilisation* with its resistless energies which is impinging on Africa and in the persons of the settlers is beginning to strike its roots into East African soil” (Oldham 1929: 230-231, emphasis added).

Doubtlessly, many East Africans in the 1920s would have disputed both that these often confused and struggling settlers were of “immense importance” for the life of the region, much less that they were “immensely powerful”. Nonetheless, whilst East Africa’s white settlers were often conceptualized in relation to an ideology of racialized colour, they were also conceptualized as representing a version of “Western civilization”. This ostensibly had a degree of “prestige” of its own to maintain relative to the various communities and populations that Europeans would encounter via the colonial experience.

Likewise, as the writings of V.Y. Mudimbe (1988) and others illuminate, the *idea* of both “Africa” and “Africans” as concepts and as a more-or-less contiguous geographical whole in the former case had similarly only recently, in relative terms, begun to fully crystalize. That is, begun to crystalize into a conceptual precursor of the vernacular form that the word ‘Africa’ often takes in casual usage today, whether in the European press or within institutions such as the African Union (see also Mbembe 2000, 2001; Ferguson 2006).<sup>73</sup> Indeed, some historians are inclined to argue that – especially before the eighteenth century – Europeans

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<sup>73</sup> For discussions of the virtues of narratives of commonality/unity vis-à-vis narratives of multiplicity and difference in ‘African history’, historiography, and literature, see, *inter alia*, Mazrui (1967), Iliffe (2007), and Adichie (2008).

had not yet projected the same concept of ‘Africa’ upon what were a number of, variously, relatively interconnected and relatively isolated regions and sub-regions, ones often separated by and shot through with “interstitial frontiers” (Kopytoff 1989). In certain historical-geographical conjunctures, many of these regions were quite often more firmly linked via their economic, cultural or other relations and connections to various ‘elsewheres’ than with their linkages to other parts of the African continent (e.g. Mudimbe 1988; Mbembe 2000, 2001, 2016). This is a situation perhaps most obvious in the relations of North Africa to the Mediterranean and north-eastern Africa to what are now the Gulf states, but also prevalent otherwise, both in terms of connections between regions or places within the continent and relations with places far beyond (see also Du Bois 1965; Mazrui 1967, 2007; Mbembe 2001). Iliffe 2007).

Of course, versions of those relatively more intense exchanges and interactions with certain ‘elsewheres’ or ‘extra-Africas’ rather than others persists in one form or another today, and are surely compounded with a vastly diverse and voluminous array of new flows of capital, goods, people, ideas, and so very many other ‘things’ (Ferguson 2006; Mbembe 2001, 2016). Nonetheless, the territorialisation of mutually-exclusive colonial states across most of the African continent’s surface – especially from roughly 1870 onward – would prompt a certain “incitement to discourse” (Mudimbe 1988, see also Foucault 1984, Stoler 1995). This would entail the production of geographical, anthropological, ‘racial’, and ostensibly ‘administrative’ musings about “Africa” generally, as well as the supposed character of “the African” (Eliot 1905: 92) or “the African native” (Lugard 1922: 70). As Achille Mbembe (2017: 86) puts it:

“‘Africa’ and ‘Blackness’: these two notions took shape together. To speak of one is to invoke the other. Each consecrates the other’s value. [...] Both are the result of a long historical process that aimed at producing racial subjects”.

Whilst concepts of ‘Africa’ were indeed shifting, likewise, too, had corresponding notions of “blackness” continued to virulently mutate after the abolition of slavery in the British Empire via legislation in 1833 (see also Dubow 1999; Mbembe 2017: 50-70). The latter were always contradictory, however, albeit in often highly idiosyncratic ways that bear further

examination. On one hand, such discourses of “blackness” surely posited an essentialized, collective subject of “the black African”, upon which much invective was visited, and whose social construction enabled and justified many mercantilist, imperialist, or colonial self-serving interventions (Mudimbe 1988; Mazrui 2007, see also Said 1978).

Perhaps the clearest example of such a text is Sir Harry Johnston’s (1910) *The Negro in the New World*, which sought to extend and apply all the same “phantasmagoric” (Mbembe 2017: 40) theories of race and Africa – which he had developed in the African colonies that he had administered – to the African-American communities that he apparently “studied” in the United States and elsewhere in the Americas (see Johnston 1923a). Yet discourses of “Africa” and “Blackness” also generated vast quantities of texts purporting to identify ever-more specifically defined “African races”, as well as specific “tribes” within the latter “races” (e.g. Cunningham 1905; Beech 1911, see also Mudimbe 1991; Mamdani 2012). In turn, these uncertainties spawned debates about which forms of apparent ‘difference’, exactly, might be said to constitute a race, and which forms of difference might be said to simply constitute a distinction of tribe or sub-tribe *within* a race. To examine how such debates were institutionalized in the East African context, I turn below to a discussion of the forms of indirect rule that had emerged and were solidifying in the region by the 1920s.

### **Assembling dispossession: lawfare, racecraft, and the production of racialized space**

The earliest writings of British explorers, travellers, and IBEAC personnel in East Africa frequently evince musings about the region’s suitability as “white man’s country” (e.g. Huxley 1935). As the upwardly-mobile Lugard (1893: viii) had put it already in 1893 – two years before the declaration of British jurisdiction over the East Africa Protectorate:

“the time is not far distant when the teeming populations of Europe will turn to the fertile highlands of Africa to seek new fields for expansion. It is possible, therefore, that British Central and British East Africa may be the embryo empires of an epoch already dawning – empires which, in the zenith of their growth and development, may rival those mighty dependencies which are now the pride of the Anglo-Saxon race.”

By 1905, the newly altered distinction between the Uganda Protectorate and the East Africa Protectorate – which had recently seen the former transfer the vast area known as the Eastern Province to the latter, in 1902 – had in many ways become racialized in accordance with such a vision of settler colonialism.<sup>74</sup> As Sir Charles Eliot (1905: 304) writes: “[o]ur possessions in these regions fall into two divisions, the East Africa Protectorate to the east of Lake Victoria, and Uganda to the north and west of it. Speaking roughly, the former may be said to be a white man’s country and the latter a black man’s.” Suddenly, in other words, the entirety of the former Eastern Province of the Uganda Protectorate had gone from “black” to “white man’s country” as it had been shifted from one protectorate to the other.

To some extent, the decision itself appears to have been influenced by Sir Harry Johnston’s own reveries in this regard. As he had written in *The Uganda Protectorate*, quite wistfully:

“We have [...] in the Eastern Province of the Uganda Protectorate a remarkable area of absolutely healthy country [...] wherein I have fancifully sketched out a *territory as large as Belgium*, and almost without existing human inhabitants, which should become a future White Man’s Colony [...]. The whole Rift Valley, from Naivasha on the south to near Lake Baringo on the north, is almost equally healthy [...] Why should not, one asks – and no effective negative reply can be given – a central Government for all British East Africa be founded at some suitable spot on the railway [...] with an absolutely healthy European climate?” (Johnston 1902a: 270, emphasis added).

Johnston, in other words, saw the Eastern Province as the potential seat for a government of a *unified* rather than a divided British East Africa, founded around the principle of white settler colonization wherever possible. As he continues: “The Eastern Province of the Uganda Protectorate might become the home province of this great East African territory, in the heart of

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<sup>74</sup> See, *inter alia*, BL/WO/1075 – ‘Uganda and Adjoining Territories, 1895’; BL/WO/1205 – ‘Limits of the East Africa Protectorate’; UKNA/CO/1047/142 – ‘Plan Shewing Revised Boundary between Uganda Protectorate and ‘Kenya Colony, 1924’.

which would reside the Governor-General or High Commissioner. [...] Here also might sit a Supreme Court for East Africa” (Johnston 1902a: 270-271). Undoubtedly, the quite substantial indeed populations of this region “as large of Belgium” would not have shared his vision for this settler-colonial future, nor the related *terra nullius* fantasy of un-owned lands that had apparently given rise to it (see also Cavanagh and Himmelfarb 2015, see also Wolfe 2006; Veracini 2010, 2015; Geisler 2012). Indeed, as Fields and Fields (2012: 18) suggest with their concept of *racecraft*, such fantasies of racialized territory certainly refer “to mental terrain and pervasive belief”; one that “exists objectively” in some historical conjunctures, but that – unlike “physical terrain” – originates not in nature but in human action and imagination; it can exist in no other way.” The phantasmagorical reveries of men like Johnston and Eliot surely entailed “imaginative geographies” (Said 1978), yet those geographies were nonetheless territorialized in ways that affected the lives of millions, and dispossessed a significant proportion of the East African population in the process.

Although his plan was not adopted by the Foreign Office – which remained in control of both the Uganda Protectorate and the East Africa Protectorate prior to 1905 – Johnston’s proposal and that of others for the white settler colonization of the former Eastern Province and elsewhere in the highlands was indeed pursued following its transfer to the latter territory in 1902. Yet it was initially not the legislative frameworks of Britain’s other “white colonies” *per se* that had been drawn upon to facilitate the process of land alienation and its distribution to settlers. Such frameworks were available: indeed, only British – much less Dutch – settlement of the Western Cape and elsewhere in southern Africa had by that time been ongoing for nearly a century (e.g. Grove 1987, 1989; Comaroff and Comaroff 1991; Lester 2005). Initially, however, the legal basis for imperial land expropriations in East Africa was the extension of the *Indian Land Acquisition Act* of 1894 (see Government of India 1894). This was a piece of legislation developed for use in a colony so apparently unsuitable for ‘white settlement’, and so complex that its governance had been the subject of heated administrative debates for nearly a century as well (e.g. Mill 1815; Maine 1875; Phear 1880). Yet in some ways this represented the culmination rather than the beginning of British East African institutional borrowing from India, which had notably begun with the importation of the Indian Penal Code to Zanzibar in 1867, and

the adoption of further Indian legislation on judicial procedure and structure nearly two decades later in 1884 (Metcalf 2008: 24).

Notably, the application of the latter would be lamented by some of the East Africa Protectorate's first settlers as well. As one Lord Hindlip (1905: 60) wrote:

“At present the Indian Penal Code is in force amplified by various ordinances and regulations which are continually being repealed, changed, or reenacted, to such an extent that, as there is no means of discovering what law is really in force except through wading through columns of print and innumerable issues of the Official Gazette, in many cases it is almost an impossibility to discover what rule is for the time being law. The Indian Penal Code may work excellently in India, but it is inapplicable in an uncivilised country, while it is out of place in a young colony.”

If Hindlip found it such a struggle to access the letter of the law, one wonders how difficult this must have been for the average resident of the East Africa Protectorate. Despite these apparent inconveniences, the Indian Land Acquisition Act was extended first to Zanzibar in 1896, and again to the interior of the newly declared East Africa Protectorate<sup>75</sup> along with a whole host of other originally Indian legislation via the Land Regulations of 1897 and a series of other orders (e.g. East Africa Protectorate 1897, 1901, 1902). Crucially, the Act allowed for the imperial acquisition of “waste” or otherwise “unoccupied” territory, a clause ostensibly intended merely for use in procuring lands for “public purposes” such as the development of a railway into the interior (Dunning 1968; Ghai and McAuslan 1970). These provisions mirrored the substance of those also within the treaties and agreements being “negotiated” by Sir Harry Johnston and others with various kingdoms in what is now Uganda.<sup>76</sup> Here, the transfer of waste and “unoccupied” territory was in many ways simply a euphemism for the imperial enclosure of the commons (Wily 2012; Cavanagh and Himmelfarb 2015).

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<sup>75</sup> Kenya Colony and Protectorate only after 1920. The East Africa Protectorate's capital was initially Mombasa, relocated to Nairobi in 1905.

<sup>76</sup> See UKNA/FO/881/7735 – ‘Agreement with the Kabaka and chiefs of Toru, dated June 26, 1900’.

Though the legitimacy of the 1894 Land Acquisition Act's application to territories across the Indian Ocean was much debated by both the Foreign and Colonial Offices at the time, this was in some ways more controversial in relation to Zanzibar than it was to the East African mainland (Okoth-Ogendo 1991: 10-19, see also Eliot 1905: 22-25). The underlying basis for this extension of Indian legislation to East Africa was ultimately the more general precedent of Britain's Foreign Jurisdiction Act of 1890, which provided for the almost automatic over-rule of residents of British territories who were "not subject to any government from whom Her Majesty the Queen might obtain jurisdiction" (United Kingdom of Great Britain and Ireland [UK] 1890: §2). Unlike the context of the Sultanate of Zanzibar – and distinct as well from the political *milieux* of various kingdoms and relatively-well established indigenous states in parts of both contemporary Uganda, northern Nigeria, Sudan, and southern Africa (e.g. Ranger 1967; Watts 1983; Low 2009) – the interior of the East Africa Protectorate seemed to host few polities that would qualify as being "subject to any government" as understood by the Foreign Jurisdiction Act (Ogot 1968). Rather, in the absence of such recognition, many of its populations were legally assumed to be merely "resorting to that country" in the absence of such a government. Indeed, in the presumed absence of "other jurisdictions" with which to negotiate, this was accomplished quite expediently: first, via the East African (Lands) Order-in-Council of 1901 (East Africa Protectorate 1901), and, more famously, by the Crown Lands Ordinances of 1902 and later 1915 (East Africa Protectorate 1902, 1915).

These ordinances amount to what we might term an idiosyncratically British form of colonial "lawfare" in early twentieth-century East Africa (e.g. Comaroff 2001). Indeed, by order of King Edward VII on 08 August 1901, the East African (Lands) Order-in-Council of 1901 declared the entirety of the protectorate's surface area to be Crown Land, or land owned by the colonial state on behalf of the metropole, to allegedly be held "in trust" for future generations (East Africa Protectorate 1901, see also Peluso and Lund 2011; Wily 2012).<sup>77</sup> Moreover, it did so specifically

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<sup>77</sup> With the exception of a ten-mile strip of the Indian Ocean coast leased from the Sultan of Zanzibar, with private rights to land granted only to those of Arab descent, thereby abolishing the customary ownership rights held by African inhabitants such as the Mijikenda (see Kanyinga 2000).

by virtue of any “[t]reaty, grant, usage, sufferance, and other lawful means” by which “His Majesty the King has power and jurisdiction within the limits of the East Africa Protectorate” (*ibid*). Further, the order enabled the protectorate’s administration to alienate land for virtually any purposes that it saw fit, and on the basis of leases of no defined maximum duration (*ibid*). This was later reaffirmed by the Crown Lands Ordinances of 1902 and 1915, though in ways that would circumscribe the maximum duration of leases available to settlers or other enterprises at 99 years and 999 years in rural areas, respectively (see also Kiamba 1989). These ordinances would also prohibit the alienation of land “in the actual occupation of natives”, a clause that some in the settler community thought to be insufferably liberal, and antithetical to the rapid (capitalist) development of the colony (e.g. Ogot 1968, see also Shadle 2010, 2012). Nonetheless, the ‘letter of the law’ in these ordinances ultimately amounts to a codified version of broader *terra nullius* or *res nullius* doctrines that perceived the entirety of Kenya’s surface area to either be unowned, or to be merely inhabited by Africans in ways that did not confer rights of ownership so understood (McAuslan 2007; Cavanagh and Himmelfarb 2015). An examination of the political geographies and ecologies of these *terra nullius* doctrines is essential, as it perhaps enables us to gain a fuller understanding of the “dispossession” entailed by diverse forms of colonialism on the African continent. Particularly amongst historians of *settler* colonialism, the claim that Kenya’s colonization entailed a degree of “mass disinheritance” – perhaps, of the sort referenced by the contemporary Republic of Kenya’s (2009a: §37) National Land Policy of 2009 – might cause a certain number of eyebrows to rise. Although the administration of Kenya Colony facilitated white settlement to a considerable degree, both the number of settlers and the extent of lands alienated for their use was, in the last analysis, comparatively small. In South Africa, for example, Europeans constituted nearly a fifth of the population in 1938, and the state would eventually alienate 87 percent of the country’s surface area for both their use and that of related enterprises (Lützelshwab 2013: 151, see also Mamdani 2015).<sup>78</sup> In Kenya, by contrast, settlers accounted for only about 0.6 percent of the population in 1938, and would ultimately appropriate approximately 6 percent of surface area for

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<sup>78</sup> Via the Natives Land Act of 1913, which not only alienated 87 percent of surface area from the African population, but alienated it specifically for use by “whites”.



their activities at the height of colonial rule (see, *inter alia*, Morgan 1963; East Africa Statistical Department 1964; Jones 1965).

Of course, this figure amounts to a vast swathe of alienated land in its own right. Ultimately, however, it was not one that would qualify the extent of dispossession for white settlement in Kenya on the same extreme scale of South Africa, or even that of Southern Rhodesia (now Zimbabwe) and French Algeria, where approximately 50 percent and 34 percent of surface area had been alienated, respectively (e.g. Lützelshwab 2013: 144). Much less again, the extent of Kenya's 'settlement' was miniscule relative to that of the settler colonialisms that took root in Canada, the United States, Australia, and New Zealand more than a century prior, and which by 1900 were so deeply 'naturalized' that they were often incomprehensible even to their own settler-citizens as such (e.g. Mamdani 2015, see also Elkins and Pedersen 2005). Beyond the comparative volume and scale of these processes, moreover, the applicable land laws in Kenya were also much noted and debated at the time – perhaps counter-intuitively – for their apparently over-reaching *liberalism*, given that they expressly prohibited the alienation of land deemed to be, famously, “in the actual occupation of natives” (see East Africa Protectorate 1902a, 1902b, 1915).<sup>79</sup> To a certain stratum of white settler society in the early twentieth century, such a provision would doubtlessly have seemed a form of “bureaucratic sabotage” (to pervert McAuslan's [2003] argument), perhaps one intended to stifle the rapid emergence or economic development of a white supremacist, white self-ruling polity of the sort that already seemed to be emerging in both South Africa and Southern Rhodesia (see, especially, Ogot 1968).

Yet the crucial point is this: though these Crown Lands Ordinances nominally protected lands deemed to be in the “actual occupation of natives” from alienation to some extent, this did nothing to affect the *underlying* dispossession of pre-existing ownership and governance rights. Under the doctrine of trusteeship, the ostensibly 'customary' lands of Africans had to be protected via the transfer of ownership rights to the colonial state (see also Colson 1971). Prevailing administrative theories within the British Empire at the time construed the colonial state as a disinterested arbiter between capital, settlers, other immigrants (such as Kenya's Indian

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<sup>79</sup> See also discussions within UKNA/CO/533/499 – ‘Alienation of Crown Land outside townships’.

community), and different segments of the indigenous population (Lonsdale and Berman 1979; Berman 1984a, see also Lester and Dussart 2014). In this context, the state's alleged paternalism and benevolence was further demonstrated by ordinances distinguishing "Trust Land" (or land within native reserves) from "Crown Land", which declared the former to confer "beneficial occupational title in land to the natives within their respective reserves forever."<sup>80</sup>

This was, however, essentially a form of paternalistic conceit: crucially, such "beneficial title" was merely *occupational*. Despite usufruct or use rights in the reserves, in other words, Africans ultimately resided in these as "tenants-at-will of the Crown" (East Africa Protectorate 1915), which continued to hold the underlying property rights to land (Okoth-Ogendo 1991, 2003). After independence, and following the abandonment of the system of land governance via "native reserves", these lands would nonetheless continue to be formally owned by the state (see also Berry 2002; Peters 2009, 2013a, 2013b; Boone 2014). As hindsight now demonstrates, this was a legal precedent that subsequently enabled the private misappropriation of "Trust Lands", as well as their instrumental distribution as patronage, on a vast scale in Kenya after 1963 (e.g. Klopp 2000; Ndung'u Commission 2004; Boone 2012; Manji 2012, 2015).<sup>81</sup> Differently put, the most pressing aspect of Kenya's 'land question' from 1895 to date is in many ways *not* that of the alienation of land to white settlers, state enterprises, or private firms and the redistribution of such lands after independence. Rather, the deeper land question – affecting virtually the entirety of Kenya's African population – was the status of the institutions of ownership and tenure that were in place prior to colonization, and the lingering effects of their transformation and subordination to colonial legal constructs from 1895 onward (Okoth-Ogendo 1991, 2003; Odote 2013, see also Wily 2011a, 2012). In precisely this sense, Kenya's colonization entailed a form of "mass disinheritance" indeed (Republic of Kenya 2009a: §178).

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<sup>80</sup> As formulated within the Native Trust Lands Ordinance, No. 9 of 1930 (see Colony and Protectorate of Kenya 1930).

<sup>81</sup> Unfortunately, the genealogy of this legal foundation would appear to often elude full excavation by a subsequent generation of seemingly well-intentioned activists, civil society professionals, and intergovernmental bureaucrats attempting to "name and shame" post-independence states for the alleged misappropriation of public land and resources.

Moreover, this was the case both in relation to the state's assertion of radical title to land generally, as well as its assertion of more specific ownership rights to discrete portions of surface area, which were vested in the local state administration (Okoth-Ogendo 1991, 2003). Although the Crown Lands Ordinance of 1915 had expressly prohibited the transfer or sale of privately European-owned lands to Africans, the subsequent Registration of Titles Ordinance (East Africa Protectorate 1919) would explicitly prohibit the granting or registration of freehold title to Africans generally.<sup>82</sup> Consequently, even where rights of use were conferred, the underlying *ownership* rights remained vested in the relevant component of the local state, namely the Native Land Trust Board. Oddly enough, many of these boards appear to have been initially composed primarily of Europeans (Ojienda and Okoth 2011: 162) – a somewhat curious pedigree for an institution ultimately intended to exercise purportedly “customary” jurisdiction over the use of Trust Lands.

Further, even Trust Lands within the reserves could be alienated when the exigencies of government appeared to demand it. Two examples that continue to inflame popular tensions in Kenya are the alienation of portions of the Nandi reserve to British veterans of the First World War (Hornsby 2012: 31), as well as similar displacements within the contemporary county of Kakamega to facilitate the mining of gold discovered in the 1930s (e.g. Shilaro 2002). Differently put, though the issue of lands alienated to European settlers and other enterprises remain an emotive concern in Kenya, the number of individuals and communities affected by such alienations is comparatively modest. Of course, for those directly affected by them, the consequences thereof were surely malign – particularly for pastoralists such as the Maasai, who lost more than half the territories they had amassed over the nineteenth century through a series of disingenuous treaties with the British (Waller 1976; Collett 1987; Peluso 1993). Again, the *true* land question was the lingering subordination of ‘customary’ rights and forms of land ownership to colonial legal constructs from 1895 onward, as well as how those systems were themselves transformed under colonial rule (Okoth-Ogendo 1991, 2003; Odote 2013, see also Wily 2011a, 2012).

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<sup>82</sup> Native Trust Lands Ordinance, No. 9 of 1930 (Colony and Protectorate of Kenya 1930).

## **‘Custom’, the dual mandate, and the racialized management of dispossession**

By the 1920s, prevailing forms of the production and racialization of state territory had meant that the process of “internal territorialisation” (Vandergeest and Peluso 1995) in Kenya had been somewhat unique in eastern Africa. In the neighbouring Uganda Protectorate, for instance, emerging models of colonial development envisioned the colony’s administration to primarily revolve economically around facilitating commodity exports of cash crops produced by peasant or small-scale farmers (e.g. Mamdani 1976; Bunker 1984; Cavanagh and Benjaminsen 2015; Cavanagh and Himmelfarb 2015). Moreover, although the German colonial state had pursued a policy of white settlement in German East Africa prior to 1914, this had largely been abandoned following the British inheritance of the Tanganyika Territory’s administration via a League of Nations mandate.<sup>83</sup> By 1921, Sir Charles Strachey was confident enough in such a stance to declare that Tanganyika should remain “primarily a Black man’s country” (in Iliffe 1979: 262). Similarly, recalling the logic of Johnston’s (1899) *The colonization of Africa by alien races* and its conception of “healthy” territories for Europeans, Sir Charles Lucas would write in 1922 that “it is in the interior that the native Africans hold the field most, and the climate suits them [...] in Uganda Europeans come to administer and to form plantations, but not to be permanent residents” (Lucas 1922: 168).

Such was not to be the fate of the East Africa Protectorate and Kenya Colony, however – at least from the perspective of the Colonial Office and its local administration. Very much in contrast to Tanganyika and the Uganda Protectorate, in other words, Kenya would see a resurgence rather than a recession of settler colonization following the First World War. As the Commission on Closer Union of the Dependencies in Eastern and Central Africa would explain such regional discrepancies in British East African colonial policy in 1929 (see also the figure below):

“there are some areas which can produce the best economic results from a system of cultivation by natives each working a small holding on his own account. In other areas the most effective system may be the ownership and

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<sup>83</sup> See the address delivered by King George V to the House of Commons on the 23 December 1920 following the receipt of similar mandates (in Craig 1975).

working by European settlers of comparatively large farms – say a few hundred to a few thousand acres [...] A good example of the first type is afforded by the development of cotton growing in Uganda. [...] An example of the second type, that is to say, of territory which can be most suitably developed in larger farms, may be found in the greater part of the highland areas of Kenya.”<sup>84</sup>

The ‘current’ of these processes of racialization, civilization, and “internal territorialisation” was, however, far from being somehow disembodied or inexorable. Even on the part of the colonial state, British administrations in Africa invested considerable financial and human resources to both manage and empirically monitor the forms of dispossession that their various conquests had wrought (see also Malinowski 1930; Evans-Pritchard and Firth 1949).<sup>85</sup> Especially after 1857 and prior to 1940,<sup>86</sup> various administrations did so overwhelmingly through the idiom of *custom* and its alleged protection under the “trusteeship” or “dual mandate” (Lugard 1922) of colonial rule, albeit in ways that would inevitably fluctuate over time, across space, and to some degree also in accordance with the whims of individual administrators or “men on the spot” (e.g. Berman 1990; Elkins 2005).

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<sup>84</sup> UKNA/CAB/24/201 – ‘Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa, 1929’, pp. 13-14.

<sup>85</sup> For inter-war examples in East Africa, see the Royal East Africa Commission of 1925, UKNA/CAB/24/173 – ‘Report of the East Africa Commission, Cmd. 2387 of 1925’, and the Kenya National Land Commission led by one Sir Morris Carter, UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’.

<sup>86</sup> In 1857, Queen Victoria proclaimed the ‘Doctrine of Non-Interference’, declaring that from there on the British Empire would seek to govern *around* – and, as Mamdani (2012) has recently pointed out – to some extent also *through* custom. With this precedent, Britain’s Colonial Development and Welfare Act of 1940 would mark an important ideological shift from the ‘protection’ of custom to the transformation or modernization of it under colonial administration. The Act was, in this sense, an early harbinger of the ‘development’ and ‘modernization’ ethos that would emerge in the aftermath of the Second World War and in the subsequent multilateral order. In Kenya, the post-1940 shift of administrative policy and approach that this entailed was such that Lonsdale and Low (1976) would famously characterize it as marking a “second colonial occupation” in East Africa.

The concept of trusteeship itself was in this context both a wide-ranging and implicitly quite virulently racist one, however, and perhaps to a more extreme degree than is today commonly appreciated. Indeed, as the Commission on Closer Union of the Dependencies in Eastern and Central Africa would explain in its report of 1929:

“The whole system of government in Eastern Africa, as in the greater part of the rest of the continent, is based on the assumption that the African races are in the position of minors, and must consequently be treated as wards. But the wards will in the course of time grow up, and it is already necessary to guard against proceeding blindly without taking any account of this possibility.”<sup>87</sup>

Retrospectively – and without consulting these discourses – it would be easy for one to simply assume that the concept of trusteeship in twentieth-century British African colonies was a relatively benign one; perhaps benign in ways that distinguished British administrations from their French or – especially – Belgian and German counterparts. Such an argument was in fact routinely expounded in defence of British imperialism at the time, and advanced as a justification for why Britain should seek to accumulate as many African ‘possessions’ as possible relative to the other European powers (e.g. Lucas 1922). Our understanding of this concept remains impoverished, however, if we do not appreciate how deeply intertwined – though often implicitly – this notion of trusteeship was with prevailing forms of racial science, racial theory, and forms of racism practiced in the late nineteenth and early twentieth centuries (e.g. Campbell 2007).

With regard to the governance of land, the key technology of both trusteeship and the management of dispossession was known as the “native reserve” in settler colonies (e.g. Murray Li 2010: 319), and more generally as an ethnic or tribal “homeland” in other iterations of British colonial rule in Africa (see also Mamdani 1996a, 2012; Moore 2005; Lentz 2006; Boone 2014). As Lord Hailey (1938: 8) put it in his somewhat epic overview of the state of ‘administration’ in Britain’s African colonies, entitled *An African Survey*, the “pursuance of a policy of European

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<sup>87</sup> UKNA/CAB/24/201 – ‘Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa, 1929’, pp. 196.

settlement in the Union of South Africa, Southern Rhodesia, and Kenya has attached particular importance to a cadastral survey.” In other words, key to the design and implementation of these reserves or homelands in African settler colonies was an array of “experts” – anthropologists, geographers, cartographers, lawyers, and other administrators – whose task it was not simply to demarcate these territories, but also to collect ‘evidence’ about and subsequently identify the ‘customs’ practiced within them in conjunction with ‘native’ interlocutors (Hobley 1895; Malinowski 1930; Evans-Pritchard and Firth 1949). Occasionally, this also included diverse efforts to ‘formalize’ custom via its transcription and translation in ways legible to the colonial state (e.g. Peters 2009: 1317).

In the field of African studies, debates about the nature of the ‘customs’ that emerged or were identified in this context have been ongoing for decades, and continue to date (e.g. Ranger 1983, 1993; Berman 1998; Spear 2003; Mamdani 1996a, 2012). Yet many of these debates are ultimately about the *provenance* of these customs; that is to say, about the extent to which or in precisely what sense they were “invented” (Ranger 1983), “constructed” (Lentz 1995; Berman 1998), “fabricated” (Moore 1986), or “imagined” (Ranger 1993); their boundaries “defined” (Mamdani 2012); and within what limits or under what constraints (Spear 2003, see also Hamilton 1998). For some, the forms of custom that emerged in such reserves and homelands under colonial rule were largely “instruments of colonial land policies” (Chanock 1991: 62) configured or reshaped to meet the political and economic needs of various agencies or states. This was perhaps most blatantly the case in relation to the imposition of “Chiefs” or “Native Authorities” that may have had little basis in local historical experience (Berry 1992: 332; Mamdani 1996a: 52-61). Others have emphasized ‘native’ agency, and the incentives for certain strata within indigenous society, elites, or leaders to engage in diverse forms of “collaboration” (Robinson 1972) with the colonial state, perhaps also with implications for the specification or “joint creation” (Colson 1971) of ‘custom’ in this regard. Still others have stressed the dangers of overstating the capacity of diverse colonial administrations to simply impose their will on local leaders and reformulate their ‘customary’ systems of governance. This is perhaps especially so under prevailing conditions of financial or material constraint (e.g. Berman 1997) – a degree of constraint that was in some contexts so substantial that it may have amounted to administration “on a shoestring” (Berry 1992).

Yet, in terms of the management of dispossession, the provenance of these customs is to some degree beside the point. At least, beside the point so long as custom can in fact be specified in relatively stable form and deployed via what Donald Moore (2005: 153) terms the “ethnic spatial fix” of reserves and homelands. Differently put, the converse dimension of the protection of ‘custom’, here, is *containment*. Whether that containment is ultimately achieved via the jurisdiction of timeless, “ancient law” of that sort that occupied Sir Henry Maine (1908 [1861]), or an instrumentally reconstructed version of it is perhaps a secondary administrative concern. For example, otherwise somewhat dry, the “terms of reference” of Kenya’s National Land Commission of 1932-1933 are deeply fascinating reading if approached from this perspective. Appointed in 1932 to report upon “certain land problems in the Colony of Kenya”, the Commission was mandated, *inter alia*:

“To consider the needs of the native population, present and prospective, with respect to land, whether to be held on tribal or on individual tenure; To consider the desirability and practicability of setting aside further areas of land for the present or future occupancy of— (a) communities, bodies or individual natives of recognized tribes [...] To determine the nature and extent of claims asserted by natives over land alienated to non-natives and to make recommendations for the adequate settlement of such claims whether by legislation or otherwise [...] To define the area, generally known as the Highlands, within which persons of European descent are to have privileged position in accordance with the White Paper 1923; To review the working of the Native Lands Trust Ordinance, 1930, and to consider how any *administrative difficulties* that may already have arisen can best [be dealt with] whether by supplemental legislation or otherwise without involving any departure from the principles of this Ordinance.”<sup>88</sup>

To the casual reader, such a passage might seem – to the extent that it is intelligible at all without a certain degree of familiarity with Kenyan history – to be surprisingly benevolent.

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<sup>88</sup> See UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 1 (emphasis added).



Perhaps, even, benevolent in ways that seem fundamentally undeserving of the kinds of invective and vehement language often used by radical scholars to describe practices of colonial rule and their effects. In turn, the terms of reference would seem to indicate the following: genuine concern for the welfare and livelihoods of Kenya's African population; a willingness to consider land-related grievances, as well as the possibility of providing additional lands for African use, perhaps even to be held under presumably customary "tribal" tenure; readiness to address the claims that African communities might have even when these are directed against European settlers; and, in the last instance, a fundamental respect for the rule of law, especially law pertaining to the "protection" of African land rights held "in trust" by the state. What fault, in the last analysis, might a critical scholar possibly hope to find in all that?

Indeed, these terms of reference are in some ways a perfect encapsulation of the multiple, complex, imperfectly understood, and always potentially contradictory imperatives with which colonial states were often faced.<sup>89</sup> These imperatives were inevitably grappled with by imperfectly human administrators, with imperfect knowledge, and with limited financial and material resources. Ultimately, the beliefs and values held by these administrators were shaped in the time and context in which they found themselves, but some nonetheless would have sincerely believed that as individuals they were acting in good faith. Both individually and collectively, their exact responses to the vagaries of colonial rule at a variety of scales and in assorted contexts were also highly debated and contested amongst individual administrators; by the settler community and diverse African populations; within different branches of the colonial state; within the Colonial Office, and by the British public itself.<sup>90</sup>

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<sup>89</sup> See, especially, Lonsdale and Berman (1979), Berman and Lonsdale (1980), Berman (1984a, 1990, 1997), and Comaroff (1998).

<sup>90</sup> Wylie (1977) provides a useful overview of comparatively 'liberal' and 'conservative' debates about administrative policy and practice in Kenya Colony in the twentieth century. Amongst the most well-known of the 'liberal' critics of colonial policy were administrators such as Norman Leys and William McGregor Ross (e.g. Leys 1924, 1931, 1941; Ross 1927), as well as missionary philanthropists such as Eileen Fletcher (e.g. Fletcher 1956, *The truth about Kenya*). Beyond Kenya, Owen (1999) and Claeys (2010) provide a useful accounts of "anti-imperialist" sentiment and discourses in Britain itself and elsewhere throughout the empire during this period.

But it also remains the case that many of these “multiple and contradictory” imperatives share a common root: dispossession, almost *constitutive* in nature, and on a mass scale. To facilitate capital accumulation and fill its own coffers, the administration had expropriated a considerable amount of Kenya’s surface area for white settlement;<sup>91</sup> yet, those alienations had given rise to considerable grievance and contestation, which could not simply be ignored. To apparently ‘protect’ the African population from these processes, reserves had been created on the basis of ‘tribe’; but here, too, the specification and demarcation of those reserves had prompted a fraught politics of boundaries, identity, and belonging in its own right. Similarly, growing awareness that white settlement alone would likely not provide sufficient grounds for the state’s “fiscal self-sufficiency” (Berman 1984b) had placed growing demands on an extremely wide range of diverse African communities in diverse socio-ecological and livelihood contexts for land, cash crops, livestock, and labour. This too had precipitated certain fomenting contradictions within the reserves, prompting uncertainties about how ‘custom’ might be maintained or adapted in the context of mounting commercialization, marketization, and socioeconomic differentiation (e.g. Lonsdale 1992c, 1992d; Branch 2009).

Further still, the promulgation of laws to protect ‘native’ land rights in the aftermath of dispossession had produced its own controversies, particularly following the discovery of mineral resources within native reserves, or when it became particularly expedient in political terms to alienate even “reserve lands” to settlers in certain cases.<sup>92</sup> Hence, although Tania Murray Li (2010: 391-392, 2014c), for instance, perceives native-reserved lands as a paternalistic means of protecting ostensibly “customary” production systems from dispossession via market forces in African colonies, such an analysis only holds so long as we conflate the two

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<sup>91</sup> Whether or to what degree this was actually the result of European settlement, and at which points in the colonial period, has been the focus of quite some debate in the Kenyan historiography (e.g. Anderson 1984, 2000; Anderson and Throup 1985; Overton 1986).

<sup>92</sup> For mineral resources controversies, see the case of Kakamega in Shilaro (2002), as well as UKNA/CAB/23/75/5 – ‘Kenya: Gold Discovery in Native Reserves – The Recent Ordinance’; UKNA/CAB/23/75/9 – ‘Kenya: Gold Mining in Native Reserves’; for controversies related to the alienation of reserve lands for white settlement, see the case of the Nandi and the post-World War One ‘Soldier Resettlement Scheme’ (Ellis 1976).

concepts of collective tenancy and collective ownership. Indeed, one might argue that – rather than a means of “managing” the dispossession of ownership rights themselves – the exercise of trusteeship via the demarcation of ‘reserve’ lands was the only practicable means of *enacting* such dispossession on the scale that was ultimately desired, whilst managing its *secondary* effects.

## Conclusion

In this context of the broader racialization and territorialisation of space in Kenya Colony – and from the perspective of the administration – the precise content of the ‘customs’ that had to be managed and ‘protected’ in the reserves was perhaps not a foremost priority. More pressing, firstly, was that those customs might believably be construed as formulated within, rather than imposed upon, ‘native’ tribes; and secondly, that they would remain to some extent adaptable – which is not to say open to straightforward manipulation – in relation to the frequently shifting political and economic imperatives of the state and its various branches and levels of administration throughout the colony.

Custom, after all, was not a kind of ‘supreme law’ tailored to each of the reserves; these too, were subject to the ordinances passed by the administration. Here, one might point to the various Native Authorities Ordinances (e.g. East Africa Protectorate 1912), Masters and Servants Ordinances (e.g. East Africa Protectorate 1910; Colony and Protectorate 1925), Chiefs Ordinances (e.g. Colony and Protectorate of Kenya 1937) and related policies and decrees that would *shape* – but not determine – the structure and functioning of ‘native’ systems of governance in the reserves (see also Peters 2009). In this sense, it was perhaps unnecessary to instrumentally *define* custom, so long as it was possible to define *the customary* as a domain in itself, and to insure that its content would remain open to attempts to shape and mould it via other means (à la Mamdani 2012).

As we will see, this theme of dispossession, the containment of its effects within the realm of ‘custom’, and the molding of local agency in response to it is one that bears considerable significance for the machinations of one of the state bodies that most squarely engaged these

issues in Kenya during the 1930s: the Kenya Land Commission led by one Sir Morris Carter, to a discussion of which I turn in the chapter that follows.

## 10. Entanglements of rule: Sir Morris Carter, dying races, and the Dorobo

“[A]nyway the Dorobo were undesirable characters, not wanted on a respectable farm”.  
– Elspeth Huxley, *On the edge of the Rift: memories of Kenya* (1962: 328).

### Introduction: categories, the Dorobo, and the desecration of categories

In Kenya Colony of the 1930s, unrest and contestations associated with processes of “internal territorialisation”, land alienation, and the facilitation of European settlement was such that it could no longer be ignored even by the Colonial Office and its presiding Conservative Party-affiliated Secretary of State for the Colonies, Sir Philip Cunliffe-Lister. The result was that one Sir Morris Carter had been appointed to lead a commission of inquiry into “certain land problems in the colony of Kenya”, and to recommend measures to equitably provide for the current and future land needs of Kenya’s diverse European, African, and other populations.<sup>93</sup> As we have seen in the previous chapter, these ‘land problems’ certainly arose from state practices of the differential production and racialization of space. Here, however, I argue that space in colonial Kenya was not only racialized for the inhabitation of produced *races of colour*. Indeed, space was also racialized in more tacit ways that were thought to correspond with other biopolitical “caesuras” (Foucault 2003: 254-255) of the population – as suggested by the racial-territorial maps drawn by administrators such as C.W. Hobley (1902) – as well as in ways that allowed for occupation by a dualistically-conceived ‘nature’. The entanglements and contradictions between these differential productions of race, nature, territory, and space become especially palpable if we trace them by following the experiences of a group of people that came to be categorized as “the Dorobo” in Kenya Colony, a group that Sir Harry Johnston (1902a: 473-475) had once placed at the absolute bottom of his invented racial hierarchy of East African populations and societies.

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<sup>93</sup> From the Commission’s terms of reference. See UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 1.

The word ‘Dorobo’ is an English corruption of the Maasai term *il-torobo*, which the latter still occasionally and pejoratively use in reference to the sinful, the poor – and hence – the cattle-less (Chang 1982). Amongst a society in which both wealth and status are principally measured in livestock, an absolute shortage of the latter denotes both abject poverty and perhaps also a kind of moral vice not unlike that implied by the doctrine of Protestant industriousness. Somewhat unsurprisingly, then, the term gained traction with British colonial administrations in eastern Africa, becoming the dominant exogenous label for primarily “hunting and gathering”<sup>94</sup> communities residing in forests throughout the region, whether in the Maasai (*il-torobo*) or corrupted English (*dorobo*) version.<sup>95</sup>

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<sup>94</sup> The use of the term ‘hunter-gatherer’ also needs some qualification. Firstly – and particularly in Kenya – it is debatable whether ‘hunter-gatherers’ have in fact existed in the region in such an empirically ‘pure’ form as the term itself suggests. Nonetheless, I utilize the word, as it appears in colonial documents both as such and in related iterations. The manner in which the term often arises in these documents reflects the influence of late nineteenth century forms of racial theorizing, which often posited a ‘triad scheme’ of African livelihoods consisting of largely mutually-exclusive categories of farmers, herders, and hunter-gatherers or foragers (e.g. Johnston 1899, 1902; Cunningham 1905; Roscoe 1915). Simply in the interest of readability, I often do not place the term in “scare quotes”, although this should not be taken to mean that I somehow uncritically accept the validity of the concept as such either historically or in the present. Indeed, over the last hundred years, most of the groups once associated with this term, such as the Ogiek, Aweer, Yaaku, and Sengwer, have diversified – or been forced to diversify – their livelihoods into even more complex and often individually variable portfolios of mixed agro-pastoralism, small business management, and numerous other livelihood practices combined with certain aspects of their ‘traditional’ livelihoods practiced within and prior to the nineteenth century (see also Kimaiyo 2004; Blackburn 1996; Hitchcock et al. 2015).

<sup>95</sup> Other iterations in colonial records include Andorobo, Wandorobo, Wanderobo, Ndorobo, Torobo, and Toroboni. However, these Anglophone corruptions were often used in ways that are divorced by the grammatical or plural form implied by the Bantu or Nilotic words upon which they were based. The term ‘Dorobo’ was also sometimes used interchangeably with terms such as ‘Pygmy’, ‘Dwarf’, ‘ape-like Prognathon’ (Johnston 1902a), or simply ‘hunter’. See KNA/ADM/15/1/1/I – Administration/General/Wandorobo; KNA/ADM/15/1/1/III – Administration/General/Wandorobo; KNA/ADM/25/5/IV – Ndorobo Mokogodo; KNA/DC/NKU/2/1/31 – Settlement of Wandorobo (1946-1947).

These communities were subject to some of the most strident racial, ‘civilizational’, and other invective and condescensions of the British colonial period. As Johnston (1902a: 1) puts it on the very first page of his *Uganda Protectorate*, at once conflating the tropes of both the “ecologically noble savage” and the “ecologically destructive savage” (e.g. Woodburn 1997) – the Dorobo apparently:

“reproduce in a most striking manner the life which we may suppose to have been led by our far-away ancestors or predecessors in the earliest Stone Ages [...] Though they commit considerable devastations among the game of the [in this case, Eastern] province, they are a picturesque feature when encountered, and a striking illustration, handed down through the ages, of the life of primitive man not long after he had attained the status of humanity and had acquired a knowledge of the simplest weapons.”

Likewise, some would speculate that the Dorobo were not simply a ‘tribe’, or a category of persons defined by a prevailing suite of livelihood practices, but a *race* in their own right. Sir Charles Eliot (1905: 108), for instance, would add the Dorobo as a “class” at the bottom of his own hierarchy of “races” in the East Africa Protectorate that he had recently governed:

“one should add as a fifth class the hunting tribes known as Anderobo, Wanderobo, Dorobo or Torobo, found on the Mau and Settima and in the Rift Valley. [...] They all agree in living by hunting and in standing in some vague servile or dependent relation to a superior tribe, the Masai or Somali. Also they are sometimes, but by no means always, of dwarfish stature, and they may be allied to the pygmies of the Congo forest, and represent a hybrid between early unknown invaders and an aboriginal dwarf race. But at the present day even the Wanderobo do not represent one physical type, and it seems doubtful if they have one distinct language. The absence of such a language, however, would by no means be an argument against their relationship with the pygmies, as these latter also are said to have no language of their own, but to speak corrupt forms of the surrounding dialects.”

The Dorobo were problematic for men like Johnston and Eliot, in other words, because they appeared to *desecrate* various categories that were otherwise thought straightforwardly possible to separate and administratively police. These categories include, not least, those between African races and races of colour; between categorically distinct livelihood portfolios; between language families, languages, and dialects; between nature and society; between intimately and proximately spatialized conceptions of ‘civilization’ and ‘savagery’; and between the spatially racialized native and nature reserves. “The Dorobo” crossed them all regularly, and with seeming impunity and impertinence – or more correctly, perhaps, simply disinterest in the fact that these categories were said to exist at all, and scepticism that their borders could actually be policed. By following the experience of the Dorobo, therefore, we gain insight not only into their experience of marginalization and dispossession at the hands of the colonial state, which is itself important to document – but also into how certain produced categories of identity, race, tribe, nature, and territory were abruptly drawn around them from the early twentieth century onward – including the category of ‘Dorobo’ itself.

Exploring Sir Morris Carter and colleagues’ treatment of these communities during the early 1930s in Kenya Colony, the chapter proceeds as follows: firstly, I examine the context of the Land Commission itself, and the politics of its composition. Secondly, I outline and contextualize archival findings on the grievances and testimonies submitted by two alleged “Dorobo” communities in the western Kenyan highlands that contested their dispossession from customary lands and forests before Carter et al.<sup>96</sup> In turn, these are the Sengwer community of western Kenya’s contemporary Elgeyo-Marakwet County, and the Ogiek community of Mount Elgon in the contemporary Bungoma County, both of which once resided in the former Eastern Province of the Uganda Protectorate, and were by the 1930s encompassed within the Nzoia Province of Kenya Colony.<sup>97</sup> Considering each case consecutively, I begin by presenting

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<sup>96</sup> These communities continue to contest enduring forms of such dispossession dating to this period of rule in the Kenya Colony and Protectorate, and pertaining to the events that I describe in this chapter.

<sup>97</sup> I utilize the terms “Ogiek” and “Sengwer”, here, because these are the most frequently – but not exclusively – self-assumed and least derogatory ethnonyms in use amongst the relevant communities at present. Testimony before the Carter Land Commission also suggests that the term Sengwer or “Sengwer” may have also been preferred by the latter in the 1930s. Otherwise, colonial records variously refer to the former as “El Gonyi”, “Kony”,



testimonies submitted by each of these groups,<sup>98</sup> and follow by juxtaposing these against testimonies offered by European settlers and a variety of colonial officials. Finally, I examine the Carter Land Commission's conclusions in response.

As we will see, the dispossession of 'Dorobo' communities throughout this process in some ways brings into focus the full stakes of colonial state formation and "internal territorialisation" (Vanderveest and Peluso 1995) in the region. Indeed, at issue for these communities was not simply "stolen lands" (e.g. Atieno-Odhiambo 2002: 235), but also the dispossession of particular forms of culture, identity, socio-economic organization, and governance that the habitation of forests and highland glades – which, by the 1920s in Kenya, had been increasingly territorialized as forest reserves – had enabled. Further, these testimonies highlight the often vociferous *debates* between and amongst administrators, settlers, African communities, and other officials that surrounded and infused the commission's machinations, but which are reflected highly unevenly in both its conclusions and the Kenya administration's implementation of these. Likewise troubling, however, are the ways in which – as I will discuss in conclusion – these debates often evince the racist logics and categorizations that characterized arguments *for* the ostensible 'protection' of Dorobo communities in the early twentieth century, as well as those which advocated for their dispossession.

### **Rule by induction: land commissions and East Africa's "administrative challenges"**

Though ostensibly meant to ensure the fulfilment of the present and future land needs of both settlers and Kenya's African population, Sir Morris Carter's Land Commission made little attempt to involve Africans in the interpretation of received evidence. As Githeru (2005: 87) notes, the Commission consisted of only three members, none of whom were African.

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or "Elgon Maasai", the latter as "Cherangani", and both as more-or-less loosely affiliated with a broader tribe or "race" of Dorobo that was thought to be disseminated throughout the colony in then-apparently perplexing ways. In Kenya Colony of the early 1930s, both of these groups resided within what was then the 'Nzoia Province'.

<sup>98</sup> I do not make this inference of 'ancestry' independently or arbitrarily – only on the basis of engagements, fieldwork interactions, and both oral and written histories received from contemporary members of these communities.

Specifically, these were Sir Morris Carter, Rupert W. Hemsted, and Frank O'Brien Wilson; a judge, an administrator, and a settler in Kenya Colony. The composition of the commission had been contested even in Britain's House of Lords – not exactly a radical outfit – and at least in Wilson's case. As one Lord Sanderson had put it to the rest of "their lordships":

"Had the Commission consisted entirely of men in the position of ex-officials who could not be supposed to be taking the point of view of either the white settlers or the African population, I doubt whether I should have raised this question in your Lordships' House. But Captain F. O'B. Wilson is in quite a different category. He is a white settler and a landowner. It may be, for all I know, that he is actually occupying land which the African population, rightly or wrongly, regard as stolen from them and alienated by the Crown. He has been, I believe, rather closely identified with a section of the settlers who have advocated the alienation of more or of all land by the Crown. [...] Captain Wilson will be regarded both by the white population and the black as representing the views of the 20,000 white people in Kenya. [...] I think it would be looked upon as an act of simple justice that some one should be appointed who should represent the point of view of the 2,500,000 African people."<sup>99</sup>

Yet, Britain's Secretary of State for the Colonies Sir Philip Cunliffe-Lister did not see fit to make any changes to the composition of the commission. In particular, Carter would have known what he would be faced with, having chaired a similar land commission in another of Britain's African settler colonies – Southern Rhodesia (now Zimbabwe) – in 1925, which had been the site of land alienations to white settlers on a scale that was much more substantial even than what had transpired in Kenya, amounting to more than half of terrestrial surface area of the colony at its peak (Colonial Office 1925a, see also Lützelshwab 2013). Perhaps as a result, Carter in fact wrote to the Colonial Office in 1932 requesting an increase in salary for the services he would shortly render to the Kenyan administration.<sup>100</sup> Even in only the western Kenyan highlands, the

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<sup>99</sup> UK Hansard, Lords Sitting, 04 May 1932. Kenya Land Commission. Vol. 84: cc305-20.

<sup>100</sup> See UKNA/CO/533/424/5 – 'Sir Morris Carter, Chairman: request for increase in salary'.

dynamics identified above meant that the task with which the Land Commission was faced was decidedly somewhat daunting. Indeed, their mandate had effectively arisen from the Commission on Closer Union of the Dependencies in Eastern and Central Africa's own recognizance in 1929 that it had been unable to satisfactorily treat Kenya's land-related problems within its own terms of reference. It had observed in conclusion – with characteristically bureaucratic euphemism – that “the natives in Kenya are at the moment particularly sensitive and suspicious as to the security of their tenure”.<sup>101</sup>

The commission's task was difficult, but it was neither unique nor unprecedented. In the first few decades of the twentieth century, Britain's African colonies and protectorates were subject to an almost ceaseless parade of Commissions of Inquiry and other administrative exercises in governmental appraisal. With regard to the governance of land, the underlying motivation for these initiatives was often the identification of ways in which processes of mass dispossession for European settlement, other land alienations, and their consequences might best be managed and administered.<sup>102</sup> To be clear: in broad terms, the goal of these inquiries was largely not the minimization or avoidance of dispossession, *per se*, but rather the *calibration* of its extent, its affordances, and its material consequences.

In East Africa and elsewhere, such management was often thought necessary to avoid what was frequently described – in what is perhaps the most glaring euphemism within an imperial archive phrased almost entirely in euphemism, understatement, the passive voice, and innuendo – as the

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<sup>101</sup> UKNA/CAB/24/201 – ‘Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa, 1929’, pp. 350.

<sup>102</sup> For examples from only East and Southern Africa, see, *inter alia*, UKNA/CAB/24/173/54 – ‘Report of the East Africa Commission, 1925’; UKNA/CAB/24/201 – ‘Report of the Commission on Closer Union of the Dependencies in Eastern and Central Africa’; UKNA/CAB/24/187 – ‘Committee on Policy in East Africa’; UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’; UKNA/CAB/129/52/13 – ‘East Africa: Appointment of Royal Commission to Study Land and Population Problems, 1952’; UKNA/CAB/129/98/24 – ‘Nyasaland Commission of Enquiry’; Colonial Office (1917), *Papers relating to the Southern Rhodesia native reserves commission, 1915*; Colonial Office (1925), *Report of the Southern Rhodesia Land Commission, 1925*.

“administrative challenges” that might follow.<sup>103</sup> After all, when the dust of what Marx (1995 [1867]: 501) once termed the “blood and fire” of primitive accumulation settles, the dispossessed, too, must still be governed. If not well-handled, such disenfranchisement may lead to a degree of strife that costs “much in blood and treasure” (Lonsdale 2005: 48) to suppress, even if deemed unlikely to pose an existential threat to colonial rule itself. As Lugard (1922: 18) had put it, it was indeed the case that “[t]he problem of the methods of acquisition was followed by the problem of the methods of exercising control.”

In western Kenya Colony, the “problem of the methods of exercising control” was primarily related to managing the effects of dispossession for the simultaneous creation of settler, native, and nature reserves around the western reaches of the colony’s so-called “White Highlands” (Morgan 1963) in the Nzoia, Nyanza, and Rift Valley Provinces. Here, significant numbers of new settlers would be introduced under the auspices of what became known as the “Ex-Solider Resettlement Scheme” after 1919, in which a select few of those who had served the British Empire during the First World War would be rewarded with estates in the Kenyan highlands (Duder 1993), and often at the expense of the colony’s indigenous population (see figure below).<sup>104</sup>

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<sup>103</sup> For a seminal account of these and related considerations specifically in Kenya, see Berman (1990) on what he calls “the dialectic of domination.” For efforts to “manage dispossession” in the broader context of British colonialism, see Murray Li (2010); for “optimizing” dispossession within contemporary forms of ‘international development’, see Murray Li (2007) and – though in a different idiom – Mitchell (2002).

<sup>104</sup> UKNA/CO/1047/119 – ‘East Africa Protectorate Land Settlement Scheme for Ex-Service Men and Women’; UKNA/CAB/24/248, ‘The Kenya Land Commission Report, 1934’, pp. 273-275.

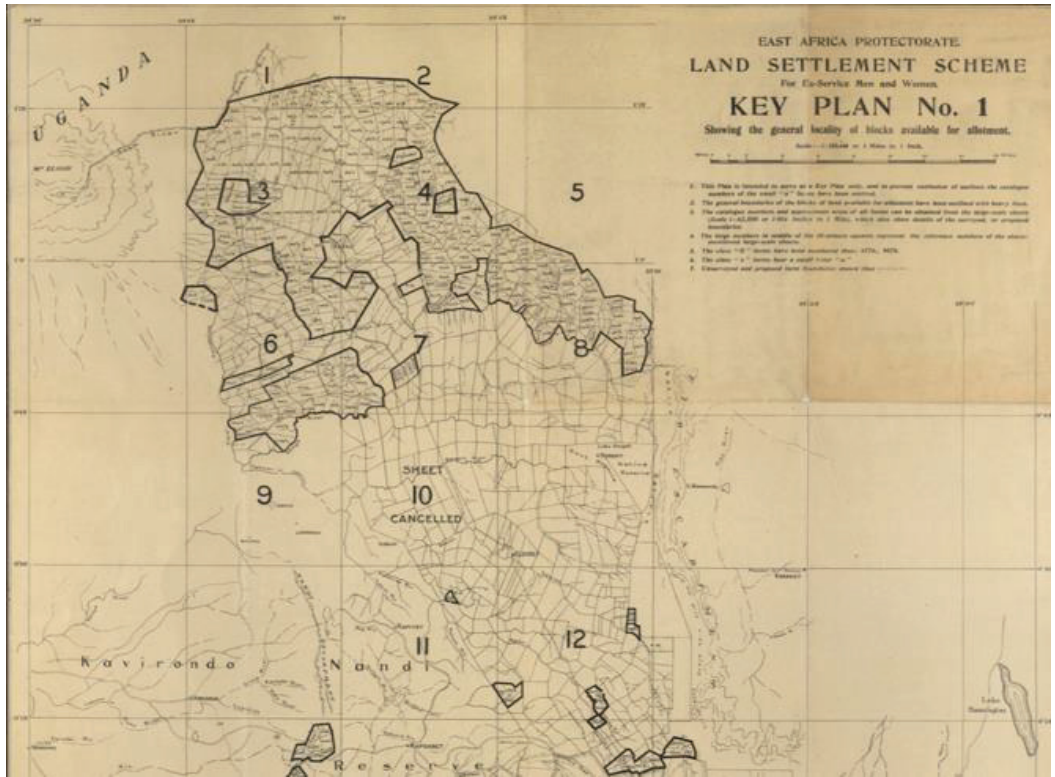


Figure 5 – Lands Allocated in former Eastern Province of the Uganda Protectorate for European settlement under the ‘Land settlement scheme for ex-service men and women’, 1919. Source: UKNA/CO/1047/119 – ‘East Africa Protectorate Land Settlement Scheme for Ex-Service Men and Women’.

Prior to 1919, the scale of settler colonization in what was then the East Africa Protectorate had already been substantial, even if it was not truly comparable to the scale of European immigration into Southern Rhodesia (now Zimbabwe), much less South Africa. For instance, the annual report of the Kenya Colony and Protectorate for 1929 highlights that the European population of the colony was 9,651 in 1921, and 12,529 in 1926, an increase of 30 percent over five years.<sup>105</sup> Within this population, J.H. Oldham (1929: 230) would estimate that only roughly 2000 European families from his allegedly “immensely powerful alien civilization” had in fact

<sup>105</sup> Colony and Protectorate of Kenya (1930), *Report for 1929*. London: HM Stationery Office., pp. 24.

claimed farms and estates – albeit, often, quite large ones relative to prevailing forms of agriculture in East Africa – throughout the White Highlands. Moreover, although the lands that they occupied were less expansive than those occupied by settlers in South Africa and Southern Rhodesia, this would still amount to some 43,420 square kilometres at the time of the Carter Land Commission’s activities in 1932-1933 (Maxon and Ofcansky 2000: 122).

Still, the consequences of settler colonialism for the territorialisation of both private and public forms of property, territory, and space in Kenya should not be underestimated. As Lord Hailey (1938: 745) writes in an overview of early Kenyan land policy in his *An African Survey*:

“To quote an expression subsequently used, the alienation process rapidly ‘got out of hand’. A local committee appointed in 1904 recommended that in view of the difficulties arising from the dispossession of natives, areas should be reserved for them, and added that the fixing of such reserves should precede the further extension of European settlement.”

It was not until 1926, however, that most of these reserves were demarcated,<sup>106</sup> and often in ways that had prompted their own forms of contestation over these new boundaries and the corresponding politics of belonging and exclusion that they inaugurated. In some instances, moreover, the retrenchment of settler colonialism in the western Kenyan highlands after 1919 would entail the alienation of land within native reserves to white settlers – a flashpoint of conflict in its own right – as it seemed to betray the flimsiness of the ‘protection’ that the native reserves in fact conferred (Shilaro 2002; Ojienda and Okoth 2011). In other cases, it would entail the extension of the “White Highlands” into apparently “un-alienated” Crown Land, which was nonetheless often likewise subject to land claims by nearby African communities, and was similarly resented as such (Ellis 1976).

Alongside these processes, the demarcation of both Crown Forest Reserves and Native Forest Reserves had also instigated a variety of disputes around the use, habitation, and exploitation of both forests and highland grazing areas (see also Lonsdale 1977; Anderson 1987, 2002b). The

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<sup>106</sup> See Government Notice No. 394 of 1926 (Colony and Protectorate of Kenya 1926).

result was a number of protracted conflicts between a largely understaffed Forest Department and a range of indigenous communities that often rejected both its legitimacy and authority, or that at least remained sceptical of its ability to actually police the new forest reserve boundaries (e.g. Hutchins 1909; Troup 1922, see also Ofcansky 1984; Anderson 1987). Here, one should note that – just as the dispossession of land for the creation of the ‘White Highlands’ was inherently racialized – so too was the process of forest reservation conceived in similarly racial terms. As the East Africa Royal Commission would later reflect upon the prevailing administrative stance on forestry in Kenya during the 1920s and 1930s, first quoting a pre-existing resolution:

“‘We regard all forest reserves which are completely surrounded by European Highlands as being included in the Highlands, and potentially subject to European privilege’ [...] The result is that any areas which are for any reason excised from these forests come automatically under the control of the Highlands Board, and are made available only for European settlement”  
(Colonial Office 1955: 61).

Depending on whether they primarily lay within the White Highlands or within native reserves, therefore, ‘forest reserves’ were at this juncture thus also ‘white’ or ‘African’ in the sense of conferring differential rights of access and use to distinctly ‘racial’ segments of the population (see figure below).

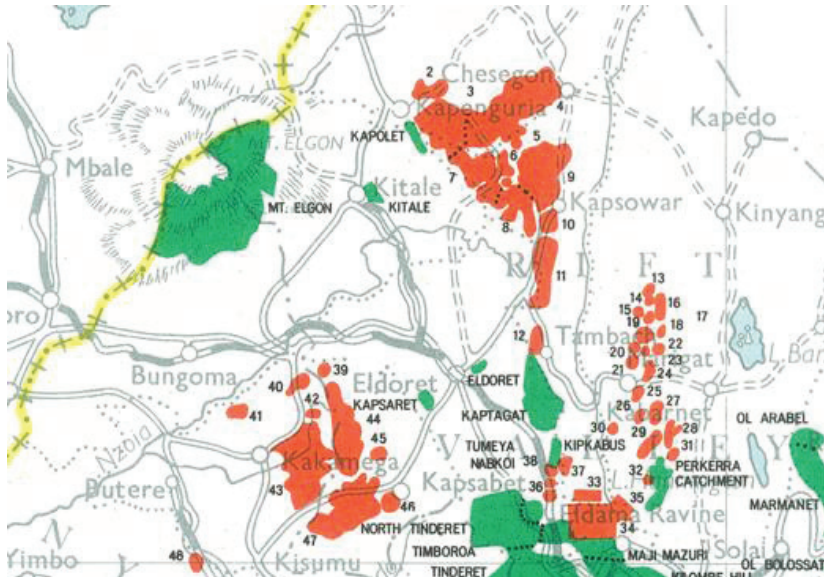


Figure 6 – Map showing ‘Crown Forests’ and ‘African Forests’ in western Kenya Colony, ca. 1960. From the 1920s, Crown forests were distinguished from African forests in many cases by their relative proximity – or encompassment within – either the White Highlands or the native reserves. By 1960, their classification and administration had slowly become less overtly racialized, though the underlying dualism is still palpable in the above. Source: Kenya Colony and Protectorate Forest Department. Copyright expired.

Particularly badly off as a result were various groups of forest-dwelling ‘Dorobo’ in central and western Kenya, who often found themselves inhabiting not only ‘forest reserves’, but in some instances also ‘European forest reserves’ under the broader remit of the White Highlands, or “Crown Forests” under the central Forest Department rather than the reserves and their corresponding Native Authorities. Consequently, many of these groups suddenly found themselves dispossessed outright by the simultaneous process of territorialisation or “making space” (Harris 2011) for what were effectively ‘white reserves’ for European farmers; ‘forest reserves’ for the preservation of a largely alien category of nonhuman, unadulterated ‘nature’; and ‘native reserves’ earmarked for other African communities. In aggregate, the effects of each of these processes had, by the 1930s, provoked considerable unrest and grievance amongst the African communities who found themselves ‘bordering’ the White Highlands, newly demarcated forest reserves, or both. Importantly, this would inevitably have been due not only to the material



effects of those dispossessions, but also to well-founded *anxieties* about exactly how much further the colonial state would allow these processes to intensify, at what scale, and at precisely whose expense.

In the western highlands as elsewhere in Kenya Colony, both wage labour and ‘improved’ commercial agricultural practices emerged as two of the foremost ways in which the paternalism of the dual mandate could be exercised over a “native” population that both administrators and settlers initially believed to be recalcitrantly inclined toward subsistence livelihoods (Berman and Lonsdale 1980: 63, see also Anderson 1984; Anderson and Throup 1987). As Sir Charles Eliot (1905: 92) put it, immediately following his tenure as Commissioner of the East Africa Protectorate:

“The African does not care to be rich, or at any rate will not take the trouble to become so [...] The African is greedy and covetous enough, but he is too indolent in his ways, and too disconnected in his ideas, to make any attempt to better himself, or to undertake any labour which does not produce a speedy and visible result. His mind is far nearer to the animal world than is that of the European or Asiatic, and exhibits something of the animal's placidity and want of desire to rise beyond the state he has reached.”<sup>107</sup>

It should be noted that this was not simply empty rhetoric from an isolated racist in the colonial administration. Indeed, two decades later, Frederick Lugard (1922: 70) – in *The Dual Mandate in British Tropical Africa* – would pronounce that Eliot's “description of the African” in precisely this passage was – no less – “the best I have read”. Moreover, he would insist that, under British administration, “[t]he primitive African is called upon to cope with ideas a thousand years in advance of his mental and social equipment” (Lugard 1922: 217). Ultimately, the frustration that underpins Eliot's comments above – as well as Lugard's perception of their enduring relevance almost twenty years later – is likely symptomatic of the ways in which the day-to-day realities of colonial governance frequently necessitated the intermingling of ostensible paternalistic ‘benevolence’ with largely naked violence and coercion (e.g. Berman 1976).

Moreover, following the Devonshire White Paper of 1923, in which the Colonial Office declared its trusteeship over native interests – rather than its support for white settlers or Indians – to be "paramount" in Kenyan affairs, settlers found themselves under increasing pressure to justify their *de facto* economic supremacy as contributing to the trusteeship of an overwhelmingly African majority population (Ogot 1968).<sup>108</sup> In this regard, prevailing forms of racial science had by the 1920s proved useful in framing state support for settler accumulation as a kind of tutelage over a supposedly naturally less economically apt African population (Campbell 2007; Mahone 2007). Consequently, the question of "amentia" or alleged mental deficiency had become one of the dominant foci of racial science in Kenya by the 1930s, especially insofar as it pertained to the African population's alleged lack of propensity for civilization via capitalist economic development (e.g. Gordon 1934; Vint 1934, see also Campbell 2007: 49-50).

Indeed, although the alienation of land for white settler agriculture had certainly entailed what Marx (1990: 873-5) had already – some several decades earlier – termed a form of "primitive accumulation" or the separation of producers from the means of production, this disproportionately occurred at the expense of Kenya's pastoralist and forest-dwelling populations, rather than its comparatively sedentary agriculturalists. In the first instance, this was due to the provisions of the 1902 Crown Lands Ordinance to prohibit the alienation of land "in the actual occupation" of natives, which was usually interpreted as sedentary habitation rather than customary territory more broadly in its various East African incarnations (Morgan 1963: 140).<sup>109</sup> Nonetheless, production for subsistence and related strategies of tax evasion continued

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<sup>108</sup> See also UKNA/CAB/24/114/59 – 'Grievances of Indians in Kenya'; UKNA/CAB/24/161/34 – 'Indians in Kenya'; and UKNA/CAB/24/173/54 – 'Report of the East Africa Commission, 1925' for discussions of Indian dissatisfaction with proposals for *both* settler and, alternatively, native paramouncy in Kenya Colony.

<sup>109</sup> See also UKNA/CAB/24/173 – 'Report of the East Africa Commission 1925', and UKNA/CAB/24/187 – 'Future Policy in Regard to Eastern Africa' – for the official perspective on reconciling alienations of land for white settlement with the doctrine of native paramouncy, as well as the virtues of both sedentarization and wage labour for advancing the civilizing process. These specific provisions of the Crown Lands Ordinances are also outlined in UKNA/CAB/24/248 – 'Report of the Kenya National Land Commission, 1934', Appendix II: Extracts from the Crown Lands Ordinances, 1902 and 1915, pp. 558.

to provide an appealing “exit option” (Hyden 1980) for certain segments of the rural population, and particularly for Kenya’s stalwartly or relatively non-agriculturalist groups of pastoralists and pastoralist-hunter-foragers. Hence, the identification and territorialisation of native reserves – the first of which were fully demarcated in 1926 – usefully supported this process by reducing the scope for tax evasion, sedentarizing pastoralists or semi-nomadic bands of pastoralist-foragers, and facilitating the capture of native labour for service on settler estates and other government enterprises (Njonjo Commission 2002: 25-26).<sup>110</sup>

In many cases, larger groups – such as the Maasai and Kikuyu – were able to secure native reserves of their own, albeit usually not on amenable terms (e.g. Ogot 1968; Waller 1976; Overton 1988; Kiamba 1989). The colonial state’s approach to forest-dwelling communities was much less favorable in this regard, however, threatening not just their livelihoods, but also what we might call their ‘cultural survival’ (e.g. Hitchcock et al. 2015). In short, Dorobo communities were frequently deemed to be right-less in relation to their territorial claims, and largely because their prevailing modes of livelihood did not entail settled cultivation nor other forms of the ‘improvement’ of the landscape. As the Crown Counsel to the Attorney General, one A. Phillips, put it in a letter to the Conservator of Forests in 1937:

“In my opinion natives occupying land in ‘demarcated forests’ (even through their occupation may have existed continuously since before the date of proclamation) do not possess any enforceable rights [...] Natives occupying such forest lands are, subject to any special agreements such as squatter contracts, in the position of *tenants at the will of the Crown*.”<sup>111</sup>

S.H. La Fontaine, then Commissioner of Central Province, agreed. As he would later put it in a letter to the Chief Secretary of Kenya Colony:

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<sup>110</sup> See, in particular, KNA/AG/39/131 – ‘Wandorobo Rates of Tax For’ and KNA/PC/COAST/1/6/178 – ‘Hut Tax Of Wandorobo’ – on difficulties of both calculating and collecting tax from Dorobo households.

<sup>111</sup> A. Phillips, Crown Counsel for Attorney General, Nairobi, to Conservator of Forests, Nairobi, 28<sup>th</sup> February 1937. KNA/PC/CP/8/2/2 – ‘General Correspondence: Wandorobo’, emphasis added.

“The Dorobo were never in the position of rightsholders, and merely roamed the forest as hunters. They did not cultivate until recently; and, as far as honey is concerned, it is probable that they depended solely on wild honey, and have only used honey-barrels in recent times.”<sup>112</sup>

It is precisely in relation to such asymmetries in the allocation of rights amongst different communities and modes of livelihood, therefore, that one can perceive important dimensions the biopolitics of tribal ossification under British rule. Rather than simply identifying and cataloguing pre-existing ‘tribal’ units, the process of *tribalization* also quite frequently entailed a normative vision for the kinds of ‘native life’ that were desirable for inclusion in the colonial state, and a forcible assimilation to imposed categories of that which lay beyond it. In what follows, I turn to a discussion of how such processes unfolded in relation to the Sengwer and Mount Elgon Ogiek communities, respectively.

### **We are not Marakwet, but Sengwer”: dispossessions of land and identity in the Cherangani Hills**

In relation to these broader processes of making space for settlers, natives, and nature across the extent of Kenya Colony, the land claims of the contemporary “minority” community known as the Sengwer were decidedly not an especially pressing concern for either the Carter Land Commission or the Kenya administration more broadly. Indeed, the report of the Commission itself makes no mention of the term “Sengwer” – utilizing instead and largely in passing the exogenous, externally-ascribed, and derogatory term “Cherangani”. The commission articulates its understanding of this community thusly:

“The Cherangani are the northern section of the Marakwet. They claim an area of surveyed farms, some alienated and some still unalienated, in the area of the Kaption salt-lick. [...] The evidence is that at one time the Cherangani were forest dwellers who did not own stock, and cultivated only on a small scale.

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<sup>112</sup> S.H. La Fontaine, Commissioner of Central Province, Nyeri, to Chief Secretary, Nairobi, 26 April 1940, KNA/PC/CP/8/2/2 – ‘General Correspondence: Wandorobo’.

When government became established, administrative officers did their utmost to persuade them to forsake their forests and take to stock-owning and cultivating. When they acquired stock, they were allowed to live on alienated farms”.<sup>113</sup>

As a result, the commission generally subsumes the claims of this community within wider boundary issues between the Marakwet Native Reserve that had been demarcated in 1926, and the surrounding lands alienated either for use by white settlers or as forest reserves.<sup>114</sup> In this sense, the preoccupation seems to have been oriented toward forging the terms of what we might call a ‘sustainable *Pax Britannica*’ in this regard, given that – despite the colonial state’s overarching support for both past and future processes of settler colonization in Kenya – settlers and natives would nonetheless continue to live in close proximity to one another, and under political-economic circumstances that would require the former to draw upon a reliable supply of the latter’s labour and agricultural commodities (e.g. Berman and Lonsdale 1980; Anderson 2000). A detailed examination of the “evidence and memoranda” appended to the commission’s report, however, paints a somewhat more complex and contested series of debates between representatives of the Sengwer community itself, nearby European settlers, and colonial administrators.

Firstly, it is important to consider the testimony of two Sengwer representatives, namely those identified in the surviving record only as “Arap Kamusein” and “Kipsagas Arap Kabelion”. During a field expedition of the Land Commission to the farm of one Mr. Hoey on 02 October 1932, these two representatives arrived to provide testimony before the commission. Mr. Hoey’s estate had been selected for this purpose both because he was one of the earliest European settlers in the region, and because the rights to portions of his own property were being disputed by the Sengwer community in particular.

As Kamusein states his position at the outset of his testimony:

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<sup>113</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 268.

<sup>114</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 264-269.

“We wish to receive our land as far west as the Moiben River. The Masai were on the other side of the Moiben River. They never came over the river. This was the land of the Sengwerr.”<sup>115</sup>

Moreover, Kamusein quite explicitly articulates the ways in which his community had been forced to vacate the lands within this claim in accordance with the dictates of the colonial state, and its facilitation of dispossession for white settlement. Pressed by Sir Morris Carter on the reasons for the community’s then-present concentration within the region’s highland forests, rather than across the extent of lands being claimed, Kamusein responds as follows:

“Mr. Hoey was the first European here; that was ever so long ago [...] When Mr. Hoey first came, the country from here towards the Moiben was empty. The people were on the hill side of this farm. We went into the forest because there were so many enemies out in the open [...] When Mr. Hoey was down at Hoey’s Bridge, he asked us to come and harvest his maize, and we went to Koroosis to Hoey’s Bridge. We had our cattle at Koroosis. [...] We were removed from Koroosis by Government declaring it farm land [for Europeans]. We had about 20 huts there.”<sup>116</sup>

At this juncture, Kamusein departs from his narrative of these processes of dispossession to insist upon a related but distinct point, one that concerns the identity of his community, and its relationship to the Marakwet. As he puts it, rather directly:

“We are not Marakwet, but Sengwerr. We were robbed of our cattle by the Karamojong, and then the Masai laughed at us because we had no cattle, and called us Cherangani.”<sup>117</sup>

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<sup>115</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1992.

<sup>116</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1992-1993.

<sup>117</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1993.

Such insistence was perhaps in acknowledgment – following the demarcation of the Marakwet Native Reserve and others in 1926 – that the ‘Cherangani’ or Sengwer would likely be slated for subsumption and assimilation within either the latter reserve, or perhaps its equivalent within the West Suk (now Pokot) District. Parenthetically, the commission would annotate the above testimony as follows: “(Koroosis is west of Mount Kaibos. It is now [settler farm] No. 5784. [...] The Chairman [Carter] informed them that there was no question of the Europeans’ land being handed back to them)”.<sup>118</sup>

Unfortunately, it does not appear that Kamusein was allowed to elaborate, as his testimony seems to have been circumscribed at this juncture of the proceedings. Invited to offer a few remarks as well, Kipsagas Arap Kabelion would change tack – perhaps intuiting the unsympathetic ears upon which his colleague’s preceding testimony had fallen – to highlight the ways in which both the Sengwer and the Marakwet had apparently been marginalized by the demarcation of new district boundaries in 1926,<sup>119</sup> as well as the identification of boundaries for native reserves and the properties of white settlers. As he put it:

“Some time ago, Mr. Hosking, the District Commissioner at Marakwet, and the District Commissioner, Kacheliba, met on this boundary [between Marakwet and Pokot] and made an arrangement by which we were deprived of a block of land. We did not get a fair deal. Mr. Hosking said, ‘Let us give the Suk [Pokot] some grass to help them, but the country will remain yours’. We agreed to that, and now we have lost the land. [...] Mr. Emley went up on to the boundary and told us that a surveyor would come along and put the boundary right.”<sup>120</sup>

The cadastral transaction that Kabelion refers to, here, constitutes but one moment in a longer process of the specification of boundaries for native reserves and administrative districts in the region. This process would eventually see the Sengwer community included within the northern section of the Marakwet Native Reserve, and substantial amounts of land previously

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<sup>118</sup> *Ibid.*

<sup>119</sup> Via Government Notice No. 394 of 1926 (see Colony and Protectorate of Kenya 1926).

<sup>120</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1993.

claimed by the community transferred to white settlers, the Suk (later ‘Pokot’) Native Reserve, and to the colonial state as Crown Land within the broader ‘West Suk District’. Unfortunately, the protestations and grievances of these two men appear to be the only surviving record of testimony from Sengwer community members collected by the Land Commission. Nonetheless, they point to the ways in which the symbolic dispossession of claims to a certain identity also appear in some cases to have been intimately connected to the material dispossession of lands and resources (see also West 2016). This also evinces imperative to ‘simplify’ difference in ways that were legible to the colonial state, as well as a tendency to transmute and reify pre-colonial relational differences of community, culture, and even simply personal or interpersonal inclination as rigid differences of race and tribe (e.g. Geschiere 2007, see also Ranger 1983, 1993; Berman 1998; Scott 1998; Spear 2003).

Although the Land Commission would ultimately disregard the above assertions of a distinctly “Sengwer” identity, a certain amount of caution in this regard was in fact encouraged by the host of the commissioners themselves on this occasion: Mr. Hoey himself. It was Hoey’s opinion, for instance, that this community’s history and livelihood practices were substantially distinct from nearby populations of Marakwet, even if their supposedly “cultural” differences were not particularly great. As Hoey put it to Sir Morris Carter the following day, on 03 October 1932:

“With regard to the actual condition of this country when I came into it after the Nandi War of 1906: I had been trying to get permission to come up here to shoot, and permission was withheld until after the Nandi War, when I got permission from Mr. [C.W.] Hobley.<sup>121</sup> [...] The Cherangani had been driven right back into the mountain here, and a few of them were living on the corner of my farm [...] They simply lived there with no stock of any sort; they lived

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<sup>121</sup> C.W. Hobley was perhaps one of the most influential “ethnologists” of the Uganda Protectorate and what would become Kenya Colony, having served first with the Imperial British East Africa Company and later in various administrative capacities. He also wrote prolifically over the course of several decades about the apparently “racial” and “tribal” makeup of the region, certain “native problems”, and their implications for colonial statecraft (see, *inter alia*, Hobley 1894, 1902, 1923a, 1923b).



there entirely as Dorobo, with just a little *wimbi* [cassava] here and there. That was really the condition of the country when I came into it [...] that must have been about 1908.”<sup>122</sup>

Apparently somewhat sceptical, Sir Morris Carter elects to press Hoey on this comment, asking: “Would you say they [the Sengwer/Cherangani] were in the process of being absorbed by the Elgeyo or Marakwet? [...] Would you say they are closely allied to the Dorobo?”<sup>123</sup> Perhaps sensing the broader implications of these queries, Hoey resists this direction of questioning, responding as follows: “No, I would not actually say that [they are being absorbed]. I don’t think they have reached that position yet. I noticed yesterday how emphatic they were on the Sengwerr [...] I think undoubtedly they are [related to the Dorobo].”<sup>124</sup>

Such a position would be corroborated by the testimony of another European settler in the region – one H.C. Kirk – who described the prevailing situation thusly as of 1912:

“We used to go over to Cherangani shooting and the only people with whom we came in contact along the Cherangani Hills were the Cherangani Dorobo, a small tribe of Dorobo. The position as I saw it at that time was that both in the Uasin Gishu and the Trans Nzoia there were no natives at all.”<sup>125</sup>

The Commissioner for Elgeyo District, J.G. Hamilton-Ross, would also reinforce Kirk’s narrative. As he put it:

“In the Cherangani area, the people were very largely of Dorobo descent with an admixture of Elgeyo and possibly Masai and perhaps Kony [Mount Elgon Ogiek], with whom they maintained contact. [...] They shared the same salt-

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<sup>122</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1994.

<sup>123</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1995.

<sup>124</sup> *Ibid.*

<sup>125</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2081.

licks along the foothills of the Cherangani Hills and indeed it would have been bad policy for stock owners such as the Masai to fall out with the ‘little people of the hills.’ [...] The same process went on along the Cherangani boundary with the same result, i.e. that though [sic] shyness and a complete incomprehension of the intentions of the white man natives were driven firmly but inexorably [...] from lands which they had occupied for several generations.”<sup>126</sup>

Moreover, to support his argument, Hamilton-Ross would recite a “legend amongst the Cherangani” that was apparently known to him. It is important to note that this is Hamilton-Ross’ own perception or recollection of such a legend, and that it is not otherwise corroborated or confirmed in the commission’s record by members of the community whose views he claims to represent. Nonetheless, as Hamilton-Ross recounts it:

“[o]nce the Cherangani were a powerful race called the Sengwerr. [...] About ten circumcision ages ago they were holding a marriage dance in the daytime. A hooded crow (Chepgurak) alighted on a tree nearby and spoke in the voice of a man. He warned the Sengwerr to move at once from that place or a great disaster would happen to them [...] Of the Sengwerr that heeded the warning some took to the forest and are called in contempt ‘the Cherangani’ and some went through the forest and descended the Escarpment and became the Kimala or Endo or, as some call them, the Chebleng (poor folk).”<sup>127</sup>

Here, the testimonies of both Kirk and Hamilton-Ross were simultaneously both convenient and inconvenient for the commission. Convenient, because they – beyond the smaller-scale ‘case’ of Sengwer or Cherangani land claims – appeared to reproduce the *terra nullius* doctrine of unoccupied or unowned land that the state believed to support the legitimacy or rightful nature of the land alienations made to European settlers. Yet they were inconvenient,

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<sup>126</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1952, 1954.

<sup>127</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1955.

as well, because these testimonies appeared to support the notion of a history of prior residence and relative autonomy of a “Cherangani” or “Dorobo” community in the region, which might therefore press awkwardly reasonable claims to lands and resources on this basis, and which might resist assimilation on these grounds.

Clearly somewhat reluctant to entertain the prospect of demarcating a discrete territory in addition to those already gazetted under the auspices of the Marakwet Native Reserve, however, Sir Morris Carter pressed Hoey in particular about whether the Sengwer could really any longer be considered to maintain livelihoods distinct from more sedentary agro-pastoralist communities nearby. Again, however, Hoey would reply somewhat defensively, pointing instead to the livelihood changes brought about by the colonial state itself. As he put it:

“I should like to make it quite clear, Sir, that in giving my support to this area going into the reserve [for use by the “Cherangani”], it is given on the grounds that the Cherangani when I first came into the country had no stock whatsoever. In this Kaption Valley there was not a hoof of stock, but the Administration Officers did their utmost to persuade the Cherangani to adopt an entirely different mode of life and become stockowners, and to cultivate a good deal more than they had done in the past [...] I think they were [at first] living on the edge of the forest, growing their small patches of *wimbi*, and living practically by hunting; honey-pots, shooting monkeys, and that sort of thing. They paid no taxes in those days; in fact, they had a very good life.”<sup>128</sup>

Moreover, Hoey would continue in ways that made the subtext of his testimony much more explicit, and which would support the claims of the Sengwer community on both political and *ecological* grounds. As he insists, more bluntly than earlier in his testimony:

“I feel very strongly on this question of regulating the grazing. If there is any idea, which I understand there is, of amalgamating the Elgeyo and the

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<sup>128</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1995-1996.

Marakwet and the Cherangani into one tribe [...] I am terribly concerned lest what is very fine country to-day should be laid to waste some years ahead.”<sup>129</sup>

The reasons for Hoey’s testimony in this regard, however, were perhaps unintuitive. Queried by Carter about whether he felt that overstocking of cattle and grazing within forests would be the primary cause of this degradation, Hoey dissented quite strongly:

“No, Sir; on the contrary, I think that in this country there is a lot of grazing available in the forest glades that should be used to-day. I maintain that the forest would benefit, because it would mean that instead of having the forest devastated by these enormous grass fires, the grass would be grazed down.”<sup>130</sup>

Interestingly, therefore, Hoey’s position on this issue appears to be quite sophisticated. Firstly, he is reluctant to elide differences of identity and livelihood claimed by certain Sengwer and other African communities before the commission. Secondly, however, he notes the potential *ecological* implications of simultaneously both assimilating the Sengwer/Cherangani into the Marakwet Native Reserve and dispossessing them of their customary territories in the highland forests and glades. Here, Hoey’s prediction is that – in combination with the exclusion of these communities both from newly-demarcated forest reserves and from surrounding lands slated for European settlement – that the subsequent pressure on land and resources would precipitate substantial environmental degradation.

With the above remarks, then, Hoey in fact offers – in effect – a non-Malthusian explanation for environmental change in the region. Indeed, his view is one that challenges or complicates then-prevailing colonial narratives of African ‘ignorance’ and environmental unsustainability with the effects of the political-economic imperatives and activities pursued by the colonial state itself (see also Anderson 1984, 2002b; Mackenzie 2000). For instance, and very much in contrast, it was then the official position of an Agricultural Officer for the Nzoia Province – one Colin Maher – that:

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<sup>129</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1997.

<sup>130</sup> *Ibid.*

“The Elgeyo-Marakwet Reserve from being a land of primitive poverty and semi-starvation might well become a country of plenty and comparative wealth. The natives themselves are at present the stumbling-block and their education, especially in agricultural matters, and their improvement in general health must be considered the first stage in developing the resources of the reserve. The reports of the Medical Officers will doubtlessly include recommendations as to the means of making these tribes into more virile races. [...] the Elgeyo-Marakwet Reserve is a district of considerable economic possibilities if the lethargic and primitive nature of the inhabitants can be changed sufficiently by education”.<sup>131</sup>

Conceived in such ‘racial’ terms, in other words, consolidation within a native reserve and subsequent education offered, for Maher, a possible means of ‘revitalizing’ what might otherwise constitute a “primitive” and perhaps even “dying” tribe or race. Very much in contrast, Hoey’s own position points to a sceptical counter-argument, which would highlight the ways in which the integration of these reserves into the colonial political economy had in fact produced many of the economic and ecological problems that Maher would like to solve through ostensible “education”. As we will see, such concerns and justifications for dispossession would also arise in relation to the case of the Ogiek community of Mount Elgon, as explored below.

### **A dying tribe of untrue Dorobo: racialization, tribalization, and the political ecology of colonial Mount Elgon**

In contrast to the predicament of the Sengwer, Sir Morris Carter and colleagues appear to have given somewhat more sustained consideration to the claims of the contemporary Ogiek community on Mount Elgon, which the commission refers to primarily with the terms “El Gonyi” or “Konyi”. As its final report articulates the commission’s understanding of the context:

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<sup>131</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1974.

“the Elgoni or Konyi appears to be of Dorobo stock and in the opinion of the District Commissioner, is descended from the original Serikwa.<sup>132</sup> [...] As the result of wars and raids, many of the El Gonyi fled into Malakisi, Kitosh in the North Kavirono District, and others remained on the Elgon Mountain. In Mr. Cardale Luck's opinion the El Gonyi are *a dying race*.”<sup>133</sup>

Despite such assertions of the El Gonyi or Ogiek's collectively impending morbidity, their migratory and livelihood practices appear to have nonetheless aroused the ire of certain officials and administrators. As the Commission's report continues, somewhat in exasperation:

“Part of the area they originally occupied is now comprised within the North Kavirono District; a part has been alienated for European settlement; another part is now forest reserve, and the remainder is in the Uganda Protectorate. Colonel Watkins states in evidence that the El Gonyi move about in these and do as their headman, Arap Kasisi, does. Colonel Watkins says Arap Kasisi sometimes goes up the mountain, sometimes to Uganda, sometimes squats on a European farm, and wherever he goes he claims is the home of his ancestors. The El Gonyi desire a country of their own, but it is hardly possible to consider these claims to a vast area of country for the exclusive use of a small and possibly dying *tribe*.”<sup>134</sup>

As discussed in Chapter 8 – and although its usage appears in the above formulations as somewhat casual or offhand – the terms “dying race” and “dying tribe” also retained more widespread administrative connotations within nineteenth and early twentieth-century British colonies. Though largely intimated or understated, the above conclusions suggest that we also can perceive a certain degree of influence of these discourses on the machinations of the Carter Land Commission in Kenya Colony as late as the 1930s. That is, in ways that were

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<sup>132</sup> The ‘Serikwa’ or Sirikwa are the subject of ongoing debates amongst archaeologists in East Africa. A number of scholars have hypothesized that this group is perhaps responsible for the construction of certain stone cattle pens in the Rift Valley highlands that appear to have been abandoned as much as two centuries before the advent of British colonial rule (e.g. Sutton 1965, 1966; Kyule 1997).

<sup>133</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 281, emphasis added.

<sup>134</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 283, emphasis added.

apparently prepared to pursue economic and other forms of assimilation well in advance of any indication of the material ‘death’ or disappearance of a specific community, whether at the hands of the colonial state directly or via a more indirect sort of “letting die” (Foucault 2003: 254-255).

As one can imagine, both the contemporary Ogiek community on Mount Elgon and their apparent ancestors in the early twentieth century were and are very much opposed to both prospects. As Arap Kasisi recounts the forcible relocation that his community suffered at the hands of the colonial state to Sir Morris Carter on 08 October 1932:

“Mr. Hopley was the first European that we saw. [...] We were living along there [on Mount Elgon] when the European surveyors came with their pegs, and we were returned into the Kitosh country. Part of the tribe under Arap Sangura have always lived up on the higher slopes of the mountain above the forest. They had no stock in the old days but they have some now. They are part of our tribe – we are all Dorobo.”<sup>135</sup>

At this juncture, however, Kasisi’s strategy appears to depart somewhat from that pursued by Arap Kamusein and the Sengwer. Indeed – if his perspective is in fact faithfully reconstructed within the archival record – Kasisi appears to have accepted the inevitability of resettlement, and sought to rework the process to his community’s advantage. As he continues:

“The top of Elgon is not sufficient land for us. We do not like the cold. It is our country. You are in a position to grant us land. We want a country where we can make our *shambas* and grow our food. This country is very small.”<sup>136</sup>

Perhaps sensing the need for further justification or support for this position, the Land Commission’s own record follows the end of Kasisi’s testimony by parenthetically noting,

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<sup>135</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2080.

<sup>136</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2080.

simply, that “(The other seven natives present here said that they agreed with what Arap Kasisi had said.)”<sup>137</sup>

Similar to the context of the Sengwer community in the Cherangani Hills, the commission’s inquiries into the Mount Elgon Ogiek’s predicament also elicited discussions and debates about the history of this community, the extent to which they might be perceived as a group of “true Dorobo”, and the ecological implications of their continued habitation of forests. The Assistant Conservator of Forests, R.V.H. Porter, would express a somewhat complex position in this regard in relation to forest reserves on Mount Elgon and elsewhere in western Kenya. As he puts it:

“From the point of view of true Dorobo, living in the forest, they do practically no harm. They live mainly on honey and herbs, and seeing that they obtain their living from the forest, they appear anxious to preserve it. They appear to quarter up the forest, and confine their activities to their own particular area. It is in their interest therefore to prevent fires and drive out intruders.”<sup>138</sup>

Here, Porter neglects the topic of hunting in addition to the forms of ‘gathering’ that he identifies above – both of which had been outlawed by ordinances of Kenya Colony and the East Africa Protectorate for decades – as well as the relationship between the criminalization of hunting and the accumulation of livestock amongst ‘Dorobo’ communities. An ex-Forest Officer turned district administrator, J.W. Newton, would thus express a simultaneously both contrary and more administratively common position:

“Then you come to the question of the native. If you allow natives in the glades in the forest, it is not long before they have set alight to the long grass, which naturally does harm to the forest by causing forest fires. [...] twenty years ago, it was very difficult to get the Dorobo to come out at all. [...] I think it is quite impossible to use them for anything in the way of forestry because

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<sup>137</sup> *Ibid.*

<sup>138</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 1981.



they pick the bark off cedar trees to make their hives, and in other ways damage the forest, e.g. burning old trees for honey. It was never considered seriously when I was in the [Forest] Department [...] since then I understand the Dorobo have collected a number of stock.”<sup>139</sup>

In the juxtaposition of such statements, we can thus perceive two diametrically opposed views on the relationship of the Dorobo to forest fires, in particular, both of which purport to be factually correct and supported by empirical observations. Indeed, whereas Porter – like Hoey in his testimony on the Sengwer case – perceives these communities to have an inherent interest in preventing such fires, Newton’s view is that the very presence of such groups within forest reserves – in combination with their presumed ‘ignorance’ – would itself present avoidable risks in this regard.

Perhaps as a result of these conflicting testimonies, the Land Commission would subsequently seek the advice of what was then possibly the leading British academic on ‘the Dorobo question’: G.W.B. Huntingford (e.g. Huntingford 1929, 1931, 1951, 1954, 1955). Presented to the commission as a “Local Correspondent for Kenya of the Royal Anthropological Institute”,<sup>140</sup> Huntingford would deliver one of the longest and most detailed combinations of testimony and memoranda considered by the commission in both the Nzoia and Rift Valley Provinces, regardless of topical theme or orientation. Firstly, Huntingford’s overall view of the ‘Dorobo’ themselves was as follows:

“The Dorobo are a very primitive hunting people [...] They live by hunting, and eat honey and wild products, as well as meat. They keep no cattle, do not cultivate the soil, and have no arts and crafts except basket-making [...] we have historical evidence of the antiquity of the hunting tribes, and confirmation

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<sup>139</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2027, 2029.

<sup>140</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2029.

of the Nandi and Masai view that the Dorobo are the autochthonous inhabitants of Eastern Africa.”<sup>141</sup>

Unlike many other testimonies made before the commission, however, Huntingford was also passionately opposed to the assimilation of these Dorobo communities, and would attempt to make the case against the resettlement of these groups within the native reserves associated with their larger and more populous neighbours.

For instance, drawing on a number of recent publications (Huntingford 1929, 1931), Huntingford presented his view of a group of ‘Okiek’ that he had recently engaged with as follows:

“They were sponging on the outside natives, because they were not allowed to hunt. In 1927 they were not allowed in the forest. The forest *askaris* [guards] had orders to round them up and clear them out, and the only way that they could stay was to sign on as squatters of the Forest Department. The reason they were not allowed to stay was because they were supposed to be destroying the trees and herding stolen cattle, neither of which I think was true. Certainly they did not destroy the trees [...] in any case people who live in the trees do not destroy them entirely because they are essentially forest dwellers”.<sup>142</sup>

Pressed by Sir Morris Carter about the likely ‘provenance’ of the Okiek, or whether they might really be considered ‘true Dorobo’ or otherwise distinct from their neighbours, Huntingford again responded quite confidently. As he replies:

“I think they have lived there for a good many hundred years. They were here before the Nandi and the Masai. Now some of them live secretly in the depths of the forest. [...] I understand from the paper last week that they asked if they could be allowed to stay where they were and live a forest life. I do think that

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<sup>141</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2086.

<sup>142</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2082.

they should be given a chance, and allowed to live in their own part, and that efforts should be made to educate them without mixing them with another tribe, where they will simply be swamped.”<sup>143</sup>

The reasons for Huntingford’s opposition to assimilation, however, were not simply that he opposed prevailing forms of speculation about the acceptability of “racial death” in relation to the most allegedly “primitive” inhabitants of Kenya Colony. In addition, he also seemed to reject the theory of intra-African inequality and social evolution that was so common amongst colonial administrators at the time (e.g. Johnston 1902a; Hobley 1902; Eliot 1905), albeit in ways that reinforced ostensibly ‘racial’ forms of difference between the Dorobo and other African communities.

As Huntingford continues, rejecting the notion that nearby agro-pastoralists were more ‘civilized’ or ‘advanced’ than the Dorobo:

“I don’t think it is a good thing for them to mix, because there is not anybody in the next stage for them to mix with. The Nandi is not any more advanced than the Dorobo. I admit the difference is small, but they are undoubtedly a different race, and as so far the only treatment they have received from the British is to ‘chivvy’ them for hut tax, I think they should be given a chance.”<sup>144</sup>

Apparently somewhat exasperated by this line of testimony, Sir Morris Carter would reply by challenging Huntingford on the feasibility of such a way forward, especially in light of prevailing trends of economic development and change in Kenya Colony at the time. Huntingford would insist, however, sharpening the pointedness of his own response in turn:

“First of all, treat them as human beings. I would suggest that they were told that they could go back to their forest, and have that land as their own, and that

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<sup>143</sup> *Ibid.*

<sup>144</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2083.

somebody should be sent to organize them in a suitable way [...] I advocate concentrating them in their own country where they will be at home.”<sup>145</sup>

In practical terms, therefore, Huntingford’s proposed solution to this predicament was the creation of a “Dorobo Reserve” for those communities not already assimilated into native reserves associated with larger “tribes”.

In a corresponding memorandum submitted to the Land Commission, Huntingford would firstly justify the need for such a reserve as follows:

“The Dorobo are the nearest approach to aboriginal inhabitants to be found in East Africa; and though their language and many of their customs are Nandi, they are not akin to them, and should be given a reserve of their own, lest they die out.”

Moreover, he would underscore the urgency of this proposal on the grounds that – as of 1932 – many ‘Dorobo’ communities had already been resettled or assimilated into existing native reserves. Referring to the ostensible “habitat” of the Dorobo in Kenya Colony as a whole:

“There are nine groups of true Dorobo in Kenya Colony, and a tenth, called Il-Mukogodo, who do not appear to be true Dorobo. [...] Of these groups, all but Nos. I, II, IV and V (Western) are now situated in native or Government reserves. [...] These [other] four groups [...] are essentially a forest-dwelling people in all their habits and characteristics. But as a great part of these areas is now Government Forest Reserve their right to live therein is disputed, and they are being turned out of the forest”.<sup>146</sup>

Importantly, however, Huntingford’s reasons for such advocacy were not simply humanitarian – they also reflect his perception of the Dorobo as a “primitive” yet nonetheless

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<sup>145</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2083-2084.

<sup>146</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2040.

distinct “race”, one that should apparently be preserved for “ethnographic” or “scientific” reasons as well. Notably, he also viewed a failure to do so as an abrogation of the colonial doctrine of trusteeship as it pertained to the protection of African custom:

“The only suitable means of preserving the race, and of keeping them useful to the community in general, and well-behaved citizens, is to given [sic] back some, at least, if not all, of their own land. This is only what, as subjects of His Majesty, and under our present pledges to the African, they are entitled to; and from them alone, of all the tribes in Kenya, have these rights been utterly withheld. [...] Their customs, beliefs and traditions have as yet been hardly recorded; there is still time for that to be done; but if they are left in their present plight, it will soon be too late, for the Dorobo will vanish”<sup>147</sup>

Such was the full implication and stakes of Huntingford’s advocacy – in many ways, he viewed himself not only as an advocate for Dorobo welfare in general terms, but also as an exponent of both their apparently ‘racial’ uniqueness, and pressed quite strongly for their ‘protection’ under the doctrine of trusteeship in this regard.

### **Conclusion and transition: Dorobo questions, imperious answers**

By examining the debates and discussions that underpinned the machinations of Sir Morris Carter’s Land Commission of 1932-1933 in Kenya Colony, we gain insight into the ways in which produced categories and territories for settlers, races, natives, and nature were both enduringly problematic, but also enforced in increasingly rigid ways. Amidst these attempts to impose and territorialize produced categories over and upon an immutable political-ecological web of people, communities, livestock, flora, commodities, and the ecosystems that connect them, the position of the likewise produced category of ‘the Dorobo’ brings some of these contradictions and tensions to the forefront. For Sir Morris Carter and many other administrators, the Dorobo were problematic precisely because they refused to consecrate all of the categories

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<sup>147</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2041, 2044.

that were still in the process of being produced and territorialized – not least between nature and society; settler and native; civilized and savage; and mutually-exclusive or rigidly bounded tribes. Even when residing ‘illegally’ *within* forest reserves, they also inconveniently highlighted the fact that those ‘forest reserves’ *were not only forests* – they also comprised diverse ecologies and physical geographies of non-arboreal highland pasture, glades, and moorlands that were of interest to ‘Dorobo’ communities as places of residence for precisely this reason. The preceding discussion also illuminates how many of western Kenya Colony’s diverse administrators, settlers, African leaders, and many others took a range of often conflicting positions on these phenomena. Yet Sir Morris Carter’s mandate was not only to collect data and report on its contents, but also to *decide* or to offer authoritative recommendations for the colonial state’s way forward.

For the Sengwer or Cherangani, the commission’s decision was to first dismiss the claim to a distinct “Sengwer” identity, simply decreeing that “the Cherangani are the northern section of the Marakwet.”<sup>148</sup> Thus established, the question was not *whether* to dispossess the Sengwer of their current territories and assimilate them into the Marakwet Native Reserve, but rather simply how much extra land might be required for addition to the reserve itself for this purpose. As Carter et al. conclude:

“Having heard the evidence of Mr. A.C. Hoey [...] and having visited ourselves the land in question we have formed the opinion, with which the Provincial Commissioner agrees, that *neither on grounds of right nor economic grounds* are the natives entitled to quite so large addition of territory [to the reserve] [...] We recommend that the lands [...] comprising approximately 12 square miles be added to the reserve as Class B1”.<sup>149</sup>

Hence, with “the stroke of a pen” (e.g. Peluso and Lund 2013; Wily 2012), the Sengwer community had been dispossessed of both their identity and their complex political-ecological system of upland forest and moorland governance (see also Blackburn 1982, 1996). These are, I

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<sup>148</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 268.

<sup>149</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 268.

might add, dispossessions of both identities and territories that have been upheld by the Kenyan state throughout the colonial period and into the present, notwithstanding the daily resistance of contemporary members of these communities and the often effective nature of these practices on the ground (e.g. Cavanagh 2017b, see also Tiampati 2015).

For the Mount Elgon Ogiek community, the commission's 'interpretation' of its findings and subsequent conclusion was similarly dispossessory, though in a somewhat more convoluted way. On one hand, by the 1930s the connections between the logic of Carter's decision and the more explicit theorizations of intra-African racial and civilizational inequality were already becoming slightly more nebulous and "euphemized" (à la Césaire 1972 [1955]). At least, they were becoming euphemized relative to the frankness with which they were expressed in the writings of men like Pritchard (1839a), Grey (1841), and Johnston (1902a). On the other hand, the commission still appears to have been influenced by prevailing iterations of "dying race" theory at the time (see also Lester 2016). As Carter et al. put it:

"We are informed by the Conservator of Forests that families of the El Gonyi are living on the moorlands above the forest belt on Mount Elgon, apparently in the position of forest squatters. This area is understood to include no forest and is not desired or possible for afforestation, but the Conservator of Forests considers it necessary that his Department should have control over it in order to preserve the surrounding forest [...] The El Gonyi are only permitted to reside and keep stock in the area with the authority of the Forest Department, and the cattle are required to be branded".<sup>150</sup>

The decision was a complex one. Firstly, because the Mount Elgon Ogiek were perceived to be a "dying tribe", certain *protective* measures were employed to allow them to continue residing in the Mount Elgon moorlands, high above the tree-line on the mountain, yet nonetheless still a "forest reserve" at the time. Yet, the commission did not conclude that they were in fact "true *Dorobo*." Huntingford, for example, had provided testimony that had categorically excluded

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<sup>150</sup> UKNA/CAB/24/248 – 'The Kenya Land Commission Report, 1934', pp. 284.

them from his list of remaining “true Dorobo” in Kenya Colony,<sup>151</sup> despite prevailing debates and discussions that this community might in fact come from “Dorobo stock”. As Carter et al. reasoned:

“It must be admitted that the El Gonyi have a strong claim to the mountain on historical grounds, but in view of their Dorobo origin, the use they had of it cannot have been very great, and it was probably used mainly for hunting and the collection of honey. But, unlike most of the Dorobo clans, they appear to have originally owned cattle which, however, they held very precariously owing to the raiding proclivities of their more powerful neighbours. [...] The El Gonyi desire a country of their own, but it is hardly possible to consider these claims [...] for the exclusive use of a small and possibly dying tribe. [...] The policy of the administration is to move the El Gonyi off the farms [on which they were ‘squatting’], where they are an embarrassment to the European settlers and to Government, and where it is clearly not in their own interests that they should be permitted to remain. [...] The District Commissioner has already persuaded a large number of them to move with their stock into Uganda, but doubts Uganda Government is willing to take any more.<sup>152</sup>

Hence, the final recommendation was this:

“Our recommendations are as follows: (1) That the policy of the administration of moving the El Gonyi from the alienated farms should be continued unless they become squatters under the usual agreement, but that the question of compensation be considered; [...] (2) That the Uganda Government be approached on the question of accommodating more of the El Gonyi in its territory and, if they can be accepted, that those who are moved off the farms be given the option of going there or into the North Kavirondo District, or, if

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<sup>151</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2040.

<sup>152</sup> Ibid.



there is room for them, on to the moorlands of Mount Elgon. [...] (3) That the moorland area, some 40,000 acres in Kenya above the forest belt on Mount Elgon be reserved for the use and occupation of the El Gonyi, and that the whole area be included in the Kavirondo Reserve as Class A land.”<sup>153</sup>

At first glance, it would appear that the Mount Elgon Ogiek had received a settlement from Carter et al. that was more favourable than those that were meted out to others. In some respects, it was to a degree, especially insofar as provisions were made to reclassify lands *above* the forest but still inside the *forest reserve* on Mount Elgon as a *native reserve* rather than a *forest reserve*. Yet the logic of the decision bears further examination. The “El Gonyi” were apparently worthy of protection both because of their claims of historical right to Mount Elgon, and to their status as a “possibly dying tribe”. But the commission does *not* conclude that these communities were “true Dorobo”. Therefore, they were simply a dying *tribe*, rather than a dying *race*. Indeed, the latter might have suggested that they should be amalgamated or “absorbed” – as Carter had put it to Mr. Hoey – into the surrounding communities.

In the chapter that follows, I more fully investigate the Carter commission’s conclusions about the treatment of apparently ‘Dorobo communities’ across Kenya Colony as a whole. In doing so, we will see the ways in which – whilst some communities may have succeeded in gaining ‘protection’ as tribes – others were slated for assimilation as representing either in whole or in part, variously, a dying ‘race’ or a dying tribe. Even here, however, prevailing racial theories did not simply determine the commission’s recommendations: issues of political economy and “administrative convenience” (Lynch 2006a) certainly came to the fore as well.

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<sup>153</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 284-286.

## 11. Civilizing violence, scientific forestry, and the ‘Dorobo question’

“The ascent of man to a higher plane of intelligence, self-control, and responsibility is a process  
not unattended by pain.”

– F.D. Lugard, *The dual mandate in British tropical Africa* (1922: 91).

“First of all, treat them as human beings”.

– G.W.B. Huntingford, ‘Memorandum on the Dorobo’, 1932.<sup>154</sup>

### Introduction: civilizing violence

The young Winston Churchill (1909: 41) did not hold “wood-squirrels” in particularly high regard. This much is obvious from his writings during an early twentieth-century journey through the ostensible ‘protectorate’ of British East Africa. Yet the squirrels to which he referred were not some African version of the common English rodent, but to scattered groups of people – initially thought by certain Europeans, variously, to be dubiously, partially, or prototypically human – that were collectively known as ‘the Dorobo’. Thus, in his account of a journey throughout East Africa that was almost identical to Churchill’s, it was possible for Theodore Roosevelt (1910: 246), for example, to simply conclude that the Dorobo were “wild hunter-savages of the wilderness, who are more primitive than any other tribes of this region.”

Churchill and Roosevelt’s ruminations on the East African forest communities that they encountered decidedly tell us precious little of enduring value about the region’s indigenous politics, resource management systems, or cultural mosaic. Conversely, however, these and similar accounts do grant us significant insight into the relationship between forest ecosystems, their inhabitants, and what we might call “the colonial mind” in the late nineteenth and early

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<sup>154</sup> In UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, Evidence and Memoranda (Vol. II), pp. 2033.

twentieth century.<sup>155</sup> Accordingly, the focus of this chapter is not so much on the ‘impacts’ of British colonialism on forest-dwellers in what is now Kenya. Rather, its focus is on what the colonial state’s policies toward these communities tell us about the ‘culture’ of colonial state administrators, their peculiar biopolitics, and their corresponding technologies of government.

In engaging these foci, not least, we gain insight into the colonial state’s attempts to grapple with difference across its own imposed hierarchies of different ‘races’, classes, tribes, and radically alternative livelihoods, as well as an understanding of the ways in which the afterlives of these dimensions of colonial governance might still resonate into the present. This is especially so in relation to enduring conflicts over – as well as recurring bouts of eviction from – territories historically claimed by communities in Kenya that have been – though sometimes in uneven and variegated ways – categorized as ‘Dorobo’. These include the Ogiek of Mount Elgon and the Mau forest complex (e.g. Kimaiyo 2004), the Sengwer in Kenya’s Cherangani Hills (e.g. Tiampati 2015), and the Aweer of the coastal forests in Lamu County (Browne 2015). Beyond Kenya, evictions of ‘Dorobo’ communities often constitute an enduring feature of both eastern African and sub-Saharan African political ecologies more generally (see also Hitchcock et al. 2015), as evidenced by the experience of the Hadzabe in northern Tanzania (McCrummen 2007, see also Kaare 1995), the Benet of Ugandan Mount Elgon (Himmelfarb 2012), and the Batwa or Twa of the Uganda, Rwanda, and Democratic Republic of Congo borderlands (Lewis 2000). By implication, then, these cases perhaps also illuminate a novel dimension of the ways in which contemporary forms of “green grabbing” (Fairhead et al. 2012: 237) or “the appropriation of land and resources for environmental ends” compound upon legacies of colonial racializations and tribalizations in ominous yet frequently still unacknowledged ways (see also Cavanagh and Himmelfarb 2015).

Rather than simply consolidating imperial power, however, such efforts to categorize and classify subject East African populations in fact gave rise to practices and policies that were fraught with uncertainty and subject to continuous re-examination. In particular, I examine a locus of uncertainties related to the governance of forest-dwellers that resulted in a problematic

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<sup>155</sup> Notwithstanding, of course, considerable internal variation within the latter (see Adams 2003; Neumann 2013).

known as the ‘Dorobo question’ in the British East Africa Protectorate and Kenya Colony. In short, the Dorobo question encompassed both the biopolitical status of these communities – that is, the question of whether they should be conceptualized as equal in status to the other African subjects of the colonial state – as well as the resultant problem of precisely how they should be governed. As one can imagine, the answer to the latter depended substantially on that provided for the former: if the Dorobo were not deemed to be properly or ‘fully’ human, in other words, they could potentially be treated with even greater violence than that reserved for the other African subjects of British imperial rule.

I argue that these halting attempts to govern forest communities in eastern Africa illuminate certain historically and geographically specific dimensions of the violence entailed within what became known as Britain’s apparently liberal ‘civilizing mission’. Contrary to what some critical scholars might assume, however, the dominant answer to the Dorobo question in Kenya Colony – at least in *de jure* terms – was generally *not* that these people comprised some sort of fundamentally sub-human or otherwise ‘bare’ life, which would thus be utterly exposed to the violence of colonial state formation. Of course, much more virulently racist sentiments certainly did exist amongst individual administrators and elements of the European settler population (see, for example, Elkins 2005; Hitchcock et al. 2015; Shadle 2010, 2012). This is also not to say that the British administration did not *generally* conceive of Africans as inherently both racially and civilizationally inferior, and thus eligible for a much more limited range of privileges, rights, and protections than their European counterparts (see, *inter alia*, Campbell 2007; Cavanagh and Himmelfarb 2015; Mbembe 2003; Mamdani 1996a).

As we will see, the Dorobo in Kenya Colony came to occupy a much more ambiguous biopolitical status; that is, as a *dying race* (see also Lester 2016: 507), or population apparently in need of especially rapid and intensive civilization.<sup>156</sup> Ironically, however, this status denotes that they were particularly exposed to a very peculiar kind of violence – what I will call a form of ‘civilizing violence’ – by which they could be subject to dispossession, forced assimilation, and

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<sup>156</sup> See, *inter alia*, UK National Archives [UKNA]/CAB/24/248, ‘Report of the Kenya National Land Commission, 1934’, pp. 281, 283.

the very material consequences for lives and livelihoods that this inevitably entails. In other words, violence was here deployed and justified as a means of securing the ostensibly liminal humanity of forest-dwelling populations; or perhaps, in Walter Mignolo's (2011: 82-83) terms, of converting an uncivilized, forest-dwelling *anthropos* into candidates for future membership in the apparently civilized, rights-bearing community of *humanitas* by whatever means necessary. Admittedly, the violences of colonial trusteeship and apparently 'liberal' forms of paternalism have been well-examined elsewhere (see, for example, Lester and Dussart 2014; Mehta 1999; Shadle 2012). However, the case of the Dorobo question perhaps reveals novel dimensions of how the civilizing mission was ultimately predicated on certain empirically-specific "logics of elimination" (Wolfe 2006) in eastern Africa – not of people, necessarily, but of livelihoods, land uses, and underlying ontologies frequently perceived as useless or "fiscally barren" (Scott 1998: 23) to the colonial state, European settlers, and metropolitan capital alike.

Following Stoler's (2002) call for critical scholars to examine archival sources ethnographically – that is, as sites of "knowledge production" rather than mere "knowledge retrieval" – my analysis is particularly attuned towards identifying the *formation* or ossification of racial, 'tribal', and other biopolitical taxonomies rather than simply on deploring the deleterious effects of their application *per se*. That is to say, I consult the relevant archive with an eye towards identifying the perceptions, reactions, and responses of local administrators – or, to use the vernacular of the period, of colonial "men on the spot" (e.g. Elkins 2005: 21) – to the ways in which the idiosyncrasies of East African political geographies and ecologies apparently posed novel challenges for colonial administration. Rather than the machinations of some sort of imperial master plan for the racialization and tribalization of eastern African populations, therefore, such an approach usefully draws our attention to the often fraught, contingent ways in which such taxonomies can be formed via iterative engagements between prevailing 'scientific' theories and the desire to pursue 'administrative convenience' within the day-to-day realities of colonial governance (see also Lynch 2006a; Tilley 2011).

The findings of this approach will be presented in three sections. First, I revisit crucial aspects of the imbrication of early colonial studies of East African forest-dwelling communities with prevailing forms of 'racial science' in twentieth-century East Africa, which evince something of

a European obsession with the biopolitical status of forest-dwelling communities in both eastern Africa and elsewhere. Second, I draw upon the conclusions of Sir Morris Carter's Land Commission of 1932-3, as well as a range of other archival sources to investigate the effects of these and similar discourses in Kenya Colony, which involved the dispossession of Dorobo communities amidst an overarching stratification and territorialisation of land and ecosystems into spaces for settlers, natives, and nature. Finally, I conclude with a discussion of how the contemporary afterlives of these phenomena may constitute not only a form of environmentally-justified accumulation by dispossession, nor simply a contemporary extension of "internal territorialisation" processes, but also perhaps the apotheosis of a century of the racialization, tribalization, and forced assimilation of forest dwelling communities in the region.

### **The wretched of the forest**

Early twentieth-century writings on 'the Dorobo' are marked by a tendency for early colonial researcher-administrators to either implicitly or explicitly interpret their findings in relation to prevailing theories of 'racial science' at the time. Indeed, it is here that we see the ways in which the deployment of racial science in eastern Africa did not only concern the relationship between Europeans and other "races" in aggregate; crucially, it also addressed the question of difference within colonized populations and attempted to establish status hierarchies amongst them. Especially in the early twentieth century, for example, hunting and gathering societies in Africa were thought to provide a glimpse into early human evolutionary history, in contrast with their ostensibly more advanced agriculturalist and pastoralist counterparts (Ballard 2006; Woodburn 1997).<sup>3</sup> As the East Africa Royal Commission put it as late as 1955, for instance:

"The most generally accepted theory is that the African people of East Africa, in common with those of Central and South Africa, have derived over a period of many thousands of years from three main stocks, the aboriginal, the negroid and the hamitic. The yellow-skinned aboriginal people, who lived by hunting and gathering of natural foods, have now almost ceased to exist in any form in East Africa, although they are perhaps represented by the 'click-speaking'

Sandawe and Kindiga of north-central Tanganyika, by the Dorobo of Kenya and by the Twa of Uganda on the edge of the Congo forest.”<sup>157</sup>

In its treatment of ‘Dorobo’ communities as a remnant or hybridized descendent of a pre-existing ‘aboriginal’ population was common throughout the late nineteenth and early twentieth century. Indeed, the above position was not remarkably different from that advanced by Sir Harry Johnston – one of the Uganda Protectorate’s first Commissioners – in a preface to J.F. Cunningham’s (1905) *Uganda and its Peoples* a half-century earlier:

“The Nilotic Negroes [...] offer evident traces of having absorbed a preceding Pygmy race. Mixed people of this kind are known as the Andorobo, and are often dwarfish in stature. [...] The Pygmy Negro races represented to-day in such types as the Congo Pygmy or the dwarfish specimens of Andorobo and Doko, and, far to the south, by the Bushman and Hottentot, are the descendants probably of two different branches – Pygmy and Bushman – of an ancient Negro stock, perhaps the first type of Negro to enter the African Continent” (Johnston 1905: xiii).

Here, we see the ways in which ‘the Dorobo’ were not only tribal-ized – they were also *racialized* via the racial taxonomies of Johnston (1902a, 1905) and others. This is a sometimes neglected point even in the contemporary literature. Cronk (2002: 32), for instance, writes:

“Maa-speakers apply the term *il-torrobo* to all hunters and gatherers, not as a tribal label so much as a class designation. British colonialists, however, mistook the term for an ethnic label and lumped all hunting and gathering peoples in the Kenyan highlands under the name ‘Dorobo’ [...] The British view of Dorobo as a single tribe reflects a widespread belief in colonial Africa in the reality and fixity of various tribes”.

Yet, particularly in early-twentieth manifestations of administrator-scholar writings, the notion was not so much a tribal one as it was a produced or socially constructed *racial* one, comprising

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<sup>157</sup> See Colonial Office (1955: 11) and UKNA/CAB/129/52/13 – ‘East Africa: Appointment of Royal Commission to Study Land and Population Problems’.

one – or a sub-set of one, variously – of Johnston’s (1902a: 472-475) “racial stocks”, and the least ‘civilized’ or ‘evolved’ one at that. These “stocks” would, in turn, also be divided into tribes, and often in ways that were likewise thought to exist in hierarchical relations with each other (e.g. Johnston 1902a; Hobley 1902; Cunningham 1905; Eliot 1905).

Of course, such a stage-based conception of human development within and beyond the African continent conveniently implied that Europeans were more advanced and hence inherently superior to the African subjects of their colonies (Campbell 2007; Mahone 2007). But it implied, as well, that African societies were in turn differentiated by their demonstrated capacities for the development of various technologies, complex forms of hierarchical government, and systems for the accumulation of surplus wealth. By each of these measures, communities ascribed with the term ‘Dorobo’ fared poorly in the colonial mind. Both administrators and settlers typically viewed them through recurring tropes of either “the infantile, the primordial, and the bestial” (Ballard 2006: 133), or variously as either environmentally noble or environmentally destructive savages (see also Woodburn 1997). In contrast with precolonial agrarian states such as the Buganda, Toro, or Ankole kingdoms in contemporary Uganda, their political organization was relatively egalitarian in nature, in many cases eschewing even the appointment of chiefs in favour of councils of elders, as was the case for many relatively acephalous groups in western Kenya and eastern Uganda at the time (e.g. Sutton 1976). Neither did they appear to pursue the substantial accumulation of surplus wealth in either crops or cattle – much to the disdain of their pastoralist neighbours such as the Maasai – preferring instead the collection of symbolically-important honey (Blackburn 1974, 1982).<sup>158</sup>

These supposed shortcomings of Dorobo or ‘forest-dwelling’ communities became the focus for some of the most infamous ‘ethnographic’ writings of the late nineteenth and early twentieth

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<sup>158</sup> At least initially, though there is evidence of differential livelihood adaptations between various ‘Dorobo’ groups over time. Oral histories recorded from Ogiek elders on Mount Elgon and Sengwer elders in the Cherangani Hills indicate a transition from primarily hunting, gathering, and pastoralism to mixed gathering and more intensive highland pastoralism from the late nineteenth century onward, facilitated by the moorlands and high-altitude grasslands available to these groups in particular (Focus group discussion, Chepkitala, Mount Elgon, August 2016; Focus group discussion, Tangul, Elgeyo-Marakwet County, May 2015).



centuries in East Africa. This was especially so insofar as these ‘ethnographies’ solicited discussions about which combination of lifestyles and livelihoods might be said to mark certain communities as constitutive of a “dying race” or “dying tribe”, which would be unlikely to survive the colonial experience without undergoing some form of combined assimilation and civilization (see also Lester and Dussart 2014; Lester 2016).

Given that they were perceived as having “absorbed a Pygmy [or ‘Dwarf’, or other] race” (Johnston 1905: xiii), Dorobo communities were sometimes perceived – in turn – as being candidates for assimilation with ostensibly more “advanced communities” (Lugard 1922: 200) in their own right. In the East African context, for instance, Sir Harry Johnston (1902a) devotes a chapter of his two-volume *The Uganda Protectorate* – published after his tenure as Commissioner of the eponymous colony – to the subject of “Pygmies and Forest Negroes”. “Summing up the experiences of many African travellers, together with my own observations,” Johnston writes (1902: 510):

“I should venture to say that there is a prognathous beetling-browed, short-legged, long-armed – ‘ape like’ – type of Negro dwelling in pariah tribes or cropping up as reversionary individuals in a better-looking people, to be met with all down Central Africa.”

For Johnston (1902: 511-512), the unifying characteristic of these allegedly ape-like or “simian” groups was a state of being:

“destitute of any arts or human accomplishments, living to a great extent on the raw flesh of such creatures as they shot with arrows or trapped in the forest, and also subsisting partially on wild honey and bee-grubs.”

In other words, in addition to their allegedly poor ‘racial’ pedigree, it was the livelihoods of Dorobo communities – as well as their underlying socio-ecological relations – that allegedly evidenced their civilizational inferiority in relation to their pastoralist and agriculturalist neighbors.

Although Johnston had already been knighted for his interrelated efforts in both colonial government and ‘scholarship’, especially following his publication of *A History of the Colonisation of Africa by Alien Races* (Johnston 1899) – with Cambridge University Press, no less – he still sought to make an enduring contribution to racial science with his inquiries amongst various East African peoples. Whilst he acknowledged the challenges of founding a theory of such inequality directly on evolutionary biology, conceding the difficulty of making a direct link between primates and hunter-gatherers that were allegedly “ape-like” (see the figure below) or “simian” (Johnston 1902: 511) in appearance, Johnston was still interested in establishing a ‘scientific’ basis for a status hierarchy amongst various East African peoples.<sup>159</sup> Indeed, as we saw in Chapter 7, Johnston’s text goes to great lengths to substantiate his view of such inequalities, filling two volumes with tables of phrenological and other physiological measurements.

Even here, however, no African population in what is now the contemporary states of Uganda and western Kenya was totally spared Johnston’s condescension. Indeed, as he put it in relation to the Baganda, ostensibly the most ‘advanced’ of the colony’s societies: “[i]f the Baganda are to be saved from dying out as a race – and I cannot but believe and hope they will – it will be entirely through the introduction of Christianity and the teaching of the missionaries, both Roman and Anglican” (Johnston 1902: 642). In Johnston’s mind, the Baganda needed to be ‘civilized’, to be sure – but he also believed they would be suitable agents to in turn administer such civilization to still more ‘primitive’ inhabitants of the colony (see also Roscoe 1915). For these undertakings in ‘exploration’ and contributions to ‘scholarship’, I remind us that Johnston would in fact be awarded the Livingstone Gold Medal of the Royal Scottish Geographical Society in 1901, and Founder’s Medal of the Royal Geographical Society in 1904.

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<sup>159</sup> It might be argued that the inclusion of this figure in the text, disturbing as it is, further perpetuates the violence of Johnston’s racial theorizing. Upon reflection, I have elected to include it despite these dangers, as it forces us to confront the witheringly myopic gaze of the colonial administrator-scholar. In other words, by presenting a photo of this unnamed man, Johnston implicitly highlights the ways in which the colonial gaze erases much more than it reveals, perceiving this man merely in terms of the imperatives for his ‘civilization’, rather than all those dimensions of social and economic life that both he and his broader community doubtlessly considered to be rich and meaningful.

Though he is today perhaps not one of the most remembered of the late colonial British administrators, Johnston's 'findings' from Uganda would reverberate within British administrative policy and practice both in East Africa and far beyond. This was the case in the works of both his bureaucratic subordinates and in the more widely read writings of his better-known colleagues in the Foreign or Consular and Colonial Services. Aside from Johnston's subordinates like J.F. Cunningham and C.W. Hobley, Sir Charles Eliot (1905: 238) would also describe the relation between "the Wadorobo" and their "superiors" thusly:

"Certain backward tribes, such as the Wadorobo, Waboni, and Wasanya, are often spoken of as helots, and as standing in some kind of servile relation to a stronger tribe such as the Masai. It is, I think, a total misrepresentation to regard their position as really analogous to slavery. The backward tribe is, as a rule, obviously inferior and wilder than the superior race, and the relation between the two, though not exactly analogous to anything now existing in Europe, is feudal rather than servile. The inferior tribe secures immunity, and is perhaps protected by the superior, and in return renders certain services, such as manufacturing weapons. Another singular custom which has been described as slavery, though really not analogous to it, is that among some tribes a convicted murderer, and perhaps his family, is obliged to serve the family of the murdered man for a term of years."

In statements such as Johnston's and Eliot's above, we see that such intra-African inequalities were also frequently asserted and ostensibly 'documented' within and between East African communities, whether defined in terms of race, tribe, or livelihood portfolio. Moreover, the logic of "Dorobo" communities existing in a relation of inferiority with "stronger" neighbors would also persist throughout the twentieth century in different permutations, such as G.W.B. Huntingford's (1931) study of "serf-tribes and submerged classes" in eastern Africa.



**Figure 6 – A photograph from Sir Harry Johnston’s *The Uganda Protectorate*, allegedly depicting an “ape-like negro.”**  
**Source: Johnston (1902: 514). Copyright expired.**

Much more recently, it would seem that a more “euphemized” (à la Césaire 1972 [1955]) version of these arguments about the Dorobo are far from dead. Kratz (1980: 355), for instance, laments as recently as 1980 that the “predominant way to see hunters has been by looking towards the past. In this basically evolutionary framework, hunter-gatherers are usually placed at one end of the developmental scale, and contemporary hunters are seen as a crucial clue to the history of man.” Moreover, though in a vastly different idiom and theoretical framework to Huntingford (1931) above, Smith’s (1998) account of the production of hierarchical relations between pastoralist and “hunter-gatherer” communities also borders

on flirtation with some of these arguments. As Kenny (1981: 477) reminds us, however, it remains the case that “[m]uch is known of [the Dorobo] through the constructs of their neighbours”. Indeed, as Cronk and Dickson (2001) point out in their critique of Smith (1998), one must also account for how different parties in that relationship might articulate the nature of it in different fora. This is perhaps especially so in relation to the “hidden transcripts” circulated amongst ‘Dorobo’ communities themselves, as well as the diverse ways in which they understand these relationships more broadly (*ibid*).

In the following section, however, I turn to a closer examination of the ways in which these processes of racialization and civilization would unfold in relation to alleged Dorobo communities in the context of hybrid settler colonialism in Kenya Colony. In doing so, I draw upon the 1934 report of Sir Morris Carter’s Land Commission in particular – and its several thousand pages of recorded evidence and memoranda<sup>160</sup> – as well as related archival sources. As we will see, these accounts grant insight into the machinations of civilizing violence within colonial administrative practices, and in ways that would entail deleterious effects for both ‘Dorobo’ communities as well as so very many others.

### **Scientific forestry, “administrative convenience”, and the Dorobo question**

In Kenya Colony, the political and economic exigencies of imperial rule – often euphemistically referred to in the archival record with the terms ‘administrative convenience’ or ‘administrative challenges’ – entailed substantial implications for the ways in which prevailing theories of intra-African inequality would be reworked and implemented in practice (see also Breen 1976; Lynch 2006a). This was particularly the case in relation to how “tribal” identities would be delimited and territorialized by the colonial state. This process of tribal ossification was particularly complex in western Kenya, given that few communities are autochthons in the literal sense of the word, having immigrated from elsewhere albeit as part of different historical migrations and processes. As Ehret (1976: 16) puts it, “[o]n the whole, western Kenya and the adjoining fringe

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<sup>160</sup> See UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’.

of Uganda between 500 and 1800 [CE] was a region which drew immigrants, and because the immigrant groups came from a variety of origins, it became and remained a region of ethnic and cultural multiplicity and thus a context for wide-ranging social change.” In turn, the relations between subsets of these groups over the last several hundred years in particular have been especially complex, involving processes of conflict, accommodation, fragmentation, and assimilation, as well as significant degrees of political and economic symbiosis in many cases (e.g. Sutton 1976; Blackburn 1982, 1996, see also Kopytoff 1989).

As a result, there is also significant cultural, linguistic, and socioeconomic diversity among the region’s forest-dwelling communities. This resulted in significant confusion in early interactions between Europeans and these populations, wherein forest dwellers were often assumed to simply constitute a pastoralist underclass that had resorted to a subsistence-based mode of livelihood in the forest (e.g. Huntingford 1931, see also van Zwanenberg 1976). As the former colonial military officer Guy Yeoman (1993: 31) puts it, in this context the Dorobo appeared, from the perspective of the British administration, as “an elusive, apparently (but not truly) nomadic, uncountable people lacking a recognizable hierarchical structure and resistant to tidy organization.” But perhaps more seriously, to a state embroiled in recurring financial and political crises (Lonsdale and Berman 1979; Berman and Lonsdale 1980), their livelihoods appeared to be “fiscally barren” (Scott 1998: 23); in other words, unlikely to contribute either labour or taxes and other revenues to state coffers. Worse still, they were perhaps even capable of impeding new streams of such revenues, such as those from exotic softwood plantations and logging concessions established in and around the customary territories of forest communities (e.g. Anderson 1987, 2002b). Further to this, a related concern was that of the sustainability of water supplies to settler agriculture in the ‘White Highlands’, which substantially depended on the catchment functions of forests occupied by Dorobo communities (e.g. Hutchins 1909; Troup 1922; Ofcansky 1984; Cavanagh, forthcoming 2017b).

Hence, it was these interrelated issues of both the allegedly uncivilized and fiscally barren nature of Dorobo livelihoods – as well as the perceived incommensurability of human habitation of forests with the principles of scientific forest management – that gave rise to what became known as the “Dorobo question” by the 1920s (Kimaiyo 2004: 5). At the time, various

constituencies within the naturalist or preservationist movement in Europe were openly debating the precise biopolitical status of forest-dwelling communities, to the extent that there were disagreements about whether such groups should be removed from forests or allowed to remain with the other flora and fauna as a kind of “natural people” (Sysling 2015: 382). In Kenya, these and similar debates led to the formation of the Committee on the Dorobo Question, which submitted an otherwise unpublished report to the Kenya Colony administration in 1931. The former Chief Native Commissioner O.F. Watkins (1934: 213), for example, summarizes the dominant administrative position on the Dorobo question thusly:

“The word Dorobo is one of wide application. It connotes any native who is neither agricultural nor pastoral, ancient primitive stock reinforced by outlaws or rebels from the later Bantu and Nilotic invasions, who live by the produce of the chase and on honey barrels in the forest, formerly often in caves or in stone-lined roofed-in pits of prehistoric type. These people under the *Pax Britannica* have come out of their fastness, and either tried to become pastoral, or to attach themselves to agricultural or pastoral tribes. This is the right future for them. They cannot exist in the modern world as forest dwellers without danger to forest and so to water, already a scarcening commodity in Eastern Africa.”

Indeed, established in 1932 as part of a broader initiative to address the tumult brought about by both colonial state formation, the emergence of capitalist socio-economic relations, and the alienation of substantial swathes of land for white settlement, the Carter Land Commission would reach a conclusion very similar to the above. As we will see, however, the Commission’s machinations illuminate how Watkins’ paternalistic account of Dorobo “trying to become” pastoralists and agriculturalists elides the ways in which they would effectively be forced to do so.

For its part, the Commission framed its predicament regarding the Dorobo question as follows:

“The passing of the game and forest laws interfered with the primitive mode of life led by the Dorobo, and efforts have been made by the Administration with varying success to induce them to become useful members of native society.

They have been encouraged to acquire stock and to cultivate, but unfortunately no land has been reserved for their use. They live, for the most part, in forest reserves, but exception is taken by the Conservator of Forests to the presence of native-owned stock in areas under his control [...] Thus they present a definite problem. Government, having encouraged them to abandon their primitive pursuits, should make specific provision for their land requirements."<sup>161</sup>

Despite such a predicament, the Land Commission nonetheless identified an apparently cost-effective way forward for both “civilizing” the Dorobo and removing their obstacles to the profitable management of the forest estate. As the Commission continued:

“The evidence and memoranda which have been submitted to us, and the various official documents to which we have had access show that a considerable number of the Dorobo are considered related, in a greater or less degree, with various tribes in the vicinity which have native reserves allotted to their use, and the recommendation of the Dorobo committee is that they should be moved to the reserves of the tribes to which they are affiliated [...] We agree with the committee that the Dorobo are most likely to progress and become useful citizens if they live side by side with communities who have already advanced some along the road of orderly progress.”<sup>162</sup>

In other words, though the Dorobo were to be subjected to a civilizing process, this would not be carried out directly by the British administration *per se*. Instead, it was to be accomplished through a process of forced assimilation into groups that the colonial state perceived as being more fiscally productive, willing to provide labour, and otherwise generally amenable to both centralized administration and the civilizing process. Ostensible ‘civilization’ did not only flow from the British, in this sense, but also *through* their instrumentally chosen intermediaries.

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<sup>161</sup> UKNA/CAB/24/248, pp. 259.

<sup>162</sup> UKNA/CAB/24/248, pp. 260.



In particular, wage labour emerged as a particularly efficient strategy of civilization. As discussed in relation to the removal of Dorobo communities from a proposed Game Reserve near Mount Marsabit:

“The Game Warden points out, we think rightly, that the natives will be better off in these respects than if no Game Park is declared [...] The Game Warden further points out that such Dorobo that inhabit this land will never advance from their primitive condition until they are brought into contact with the white man. We agree with him to the extent of believing that congenial work in connection with the park could possibly be found for some of these Dorobo, and that they would be likely to derive benefit from such a project and undertaking.”<sup>163</sup>

Though the Commission mostly stressed this civilizing imperative as a justification for the removal of the Dorobo, a third incentive for their assimilation emerged from pressures to reduce the cost of identifying and territorializing native reserves throughout the country. As the Commission put it in relation to the Dorobo in Kikuyu areas:

“These Dorobo, as has been stated in evidence, have been ‘driven like chaff before a wind of progression’, and it might be expected that we should now recommend a definite reserve for them. But they are too small a community to be treated in isolation and we are satisfied that it is a better solution to combine them in one area.”<sup>164</sup>

Moreover, despite the fact that the Dorobo’s removal was ostensibly “for their own benefit”, the commission also notably considered it to be “governed largely by dictates of *administrative convenience*.”<sup>165</sup> Such convenience refers, in the first instance, to incentives for reducing the overall number of native reserves for gazettelement, demarcation, and subsequent governance by the colonial state (Lynch 2006a). Secondly, however, it perhaps also suggests a desire to ensure a certain degree of population of the reserves, so that at least portions of this would be compelled

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<sup>163</sup> UKNA/CAB/24/248, pp. 225.

<sup>164</sup> UKNA/CAB/24/248, pp. 223.

<sup>165</sup> UKNA/CAB/24/248, pp. 260, emphasis added.

into wage labour rather than smallholder agriculture (see also Berman and Lonsdale 1980; Anderson 2000: 468).

Yet – particularly in Kikuyu-dominated areas within the Central Province – the Dorobo were also ‘convenient’ for other reasons. So much so, that ‘the Dorobo’ also made an appearance in Britain’s House of Commons, raised by one Mr. John Stonehouse during the Mau Mau crisis of the 1950s:

“The history of the White Highlands is thoroughly ignoble. The first white settlers to arrive in Kenya took the best land that they could find for their farms, and some years later they laid claim to the whole area in the Highlands which was suitable for European occupation. It is sometimes claimed that few non-Europeans, if any, were displaced by this process. [HON. MEMBERS: "Hear, hear."] I see that that argument is even shared by some Hon. Members opposite who should be better informed. It does not stand up to the facts because the Kikuyu themselves had substantial tribal holdings in the Highlands which they took over from the Dorobo tribe, and even as late as 1939 some 4,000 Kikuyu had to be displaced from their land and resettled elsewhere, for which they received the princely compensation of 30s. each.”<sup>166</sup>

For the critics of settler colonialism in Kenya, the preceding “takeover” of the Central Province from the apparently pre-existing Dorobo was an indication of the region’s prior inhabitation, and thus evidence of African dispossession via European settlement. For others, however – such as Sir Morris Carter et al. – the Dorobo in Central Province were convenient for precisely the opposite reason. That is, convenient because they seemed to establish a precedent of *dispossession* in the region, which relativized British conquest and land alienation (e.g. Coray 1978; Cronk 2002, see also Lonsdale 2008). As Kenny (1981) has pointed out, the Dorobo have indeed quite often been socially constructed in pursuit of diverse ends.

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<sup>166</sup> UK Hansard, Commons Sitting. Kenya (White Highlands), 30 October 1958, Vol 594 cc463-74.

More instrumentally, however, the Carter et al.'s conclusions on the 'Dorobo question' also simply indicate their inability – or, more likely, unwillingness – to accommodate the Dorobo system of land and resource governance by demarcating a kind of 'forested native reserve' for them either *in* or *ex situ*, especially in relation to a growing conservation establishment that was in large part programmatically opposed to the human habitation of forests. In some cases, accommodations were indeed made, such as in relation to the Chepkitale moorlands on Mount Elgon; however, such arrangements were made *because* the relevant communities were not perceived to be "true Dorobo".<sup>167</sup> In aggregate, therefore, this approach to the Dorobo question necessarily entailed an implicit condemnation of Dorobo lifeways – especially insofar as the Dorobo were conceived as the remnants of a dying *race* rather than merely a tribe – denoting the state's acceptance that interrelated forms of Dorobo culture and livelihoods could be "let die" (e.g. Foucault 2003: 254-5) even if the Dorobo themselves could not.

Indeed, the Land Commission's recommendations regarding forced assimilation were somewhat paradoxically combined with a continuously reiterated concern for the physical welfare of relocated Dorobo communities. For instance, acknowledging the economic disarticulation that would likely ensue from the forcible eviction of Dorobo from forests in Kikuyu-dominated areas, the Commission concludes that some form of compensation is necessary:

"We do not think it practicable to recommend that the Forest Department should be required to permit them to continue indefinitely to live in the forest and we conclude that a small extension of the [Kikuyu] reserve is advisable [...] we recommend a further addition of 2,000 acres which should be regarded as comprehensive compensation for disturbance and loss of amenities occasioned by the alienations [...] We also recommend a monetary

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<sup>167</sup> Cronk (2002: 33-34) takes a slightly different approach in this regard, asserting that the prevailing administrative approach was a "protective" one toward the Mukogodo community that was the subject of his study. However, I also note prevailing opinions and testimonies that the Mukogodo were not perceived to be "true Dorobo" by Huntingford and others. Further, it appears that the Mukogodo were nonetheless slated for resettlement in a nearby native reserve, albeit in a section intended specifically for their use. Effectively, I would argue, this amounts to the same outcome.

compensation of £2,000 to be paid through the Native Councils to natives who are still living on alienated land as of right.”<sup>168</sup>

Likewise, in relation to Dorobo in the Rift Valley Province, the Land Commission similarly concluded that extra provisions would have to be made for the adverse livelihood impacts of the forced evictions.

“We wish to lay particular stress on the necessity for arranging that the Dorobo are fed, until such time that they can make new arrangements. They might further be granted one year’s exemption from the hut and poll tax. Another matter which will require careful consideration is the fact that Chepalungu [reserve] is an East Coast Fever area, and the Dorobo-owned stock removed from a ‘clean’ area will in all probability die on reaching their destination. Government should make arrangements to obviate this, and we suggest that the Dorobo cattle might be exchanged, through Government, for immune animals.”<sup>169</sup>

Conversely, however, the effluence with which such paternalism was expressed arguably elides a certain degree of anxiety about the resistance with which these recommendations would doubtlessly be met among the ‘Dorobo’ themselves. Indeed, the probability of resistance goes almost entirely unacknowledged in the pages of the Land Commission’s voluminous report. Although Carter and his colleagues acknowledged that a section of the Mau forest Dorobo in particular was “strongly opposed to moving”, having “resided in or near the south-eastern Mau Forest for a great many years”, the Commission was nonetheless:

“satisfied that it is in their own interests they should be moved. They are at present confined to a limited area, which cannot be extended and which will surely be quite inadequate for themselves and their stock and, in view of what

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<sup>168</sup> UKNA/CAB/24/248, pp. 114.

<sup>169</sup> UKNA/CAB/24/248, pp. 260. See also KNA/CS/1/2/15 – ‘Famine relief’, KNA/DC/NKU/1/7/1 – ‘Olenguruone Settlement’, KNA/DC/NKU/2/26 – ‘Wandorobo In S/W Mau Forest Reserve: Tinderet’, and KNA/PC/6/8/3 – ‘Mukogodo Area’ for evidence of famine assistance being provided to evicted ‘Dorobo’ communities.

we may term their insular position, they cannot receive their fair share of the social services provided by Government.”<sup>170</sup>

As such, despite the loss of land, natural resource access, and place-based dimensions of culture and governance systems, the colonial state was able to conclude that the Land Commission's recommendations were not only acceptable, but arguably also necessary for the transformation of the Dorobo into model colonial subjects. This is largely unsurprising in the context of the administration's broader approach to the civilizing mission at the time, which, as Berman (1976: 156) once put it, was “to guide the African along the road to a higher civilization”, albeit in ways characterized by “a blend of moral exhortation and didactic tutelage, backed up by threats of punishment and coercion.”

As I have sought to demonstrate in relation to the administration's response to the Dorobo question, however, not all of Kenya's populations felt the effects of this approach equally. For all, the process of colonial state formation surely entailed varying degrees of social, economic, and political marginalization. But for some, such as groups of so-called Dorobo, this very same process also entailed an attempt to foreclose upon their collective futures. This was surely a “logic of elimination”, albeit not precisely the genocidal one outlined in Patrick Wolfe's (2006) account of settler colonialism. This was a removal of people from forest territories, an attempted erasure of certain cultures and their underlying socio-ecological relations, but one intended to utterly and forcibly transform a community rather than to extinguish it (see also Lester 2016). As I discuss in this chapter's concluding section, the colonial state's response to the Dorobo question thus stands as perhaps one of the clearest examples of both the violence and the implicit biopolitics of Britain's civilizing mission, albeit one that resonates within a contemporary transition to ostensibly ‘green’ forms of capitalist development as well.

## **Conclusion**

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<sup>170</sup> UKNA/CAB/24/248, pp. 260-261.

In the years following the publication of the Land Commission's report, various provincial and district-level administrations began implementing its recommendations on the Dorobo question across Kenya Colony's forest estate.<sup>171</sup> Understandably, these actions were met with earnest protest and resistance from forest-dwelling communities in many parts of the country, and were in some cases applied in contrarian or alternative ways by diverse local administrators or "men on the spot" (see also Berman 1990).<sup>172</sup> To conclude with one example of such resistance, however, this was notably the case for a group living in forests close to Kijabe – near the present-day Gatamaiyo Forest Reserve – who were slated for forcible eviction and assimilation into a Kikuyu native reserve nearly 100 miles away. With the exception of the elderly and the infirm, their mode of transport to this new location, together with their livestock, was to be a forced march. Hence, as a group of elders – led by one Turuthi wa Githera – eloquently put it in a scathingly critical letter to the Governor of Kenya Colony himself in 1940, just prior to their community's eviction, they were:

“under the fond belief that pending the duration of the War in which the British Empire is now engaged there would be no execution of the programme of removal of African people from their ancestral homes. [...] We little thought that when we are writing this letter that the Nazis were likely to follow so slavishly in the footsteps of the Imperial Government. But we did appreciate the chorus of disgust with which the people of the civilized world expressed their condemnation of the policy of the wholesale compulsory transfer of Semitic (and other) Germans from their homes which they occupied for countless generations. We on our part find it hard to see any difference in

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<sup>171</sup> See, variously, KNA/DC/NKU/1/7/1 – ‘Olenguruone Settlement’, KNA/DC/NKU/2/26 – ‘Wandorobo In S/W Mau Forest Reserve: Tinderet’, and KNA/PC/6/8/3 – ‘Mukogodo Area’, KNA/DC/KSM/1/19/121 – ‘Movement Of Natives’, KNA/PC/NZA/2/1/107 – ‘Movements Of Natives: Dorobo’.

<sup>172</sup> Berman (1990) has famously developed an account of the “relatively autonomous” colonial administrator in Kenya Colony. I simply note, however, that such autonomy had been *legally* enshrined from the earliest days of the East Africa Protectorate. Indeed, as the East Africa Order-in-Council of 1902 notes, “Where this Order or any Ordinance confers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires” (East Africa Protectorate 1902b: §3[1]).

principle between the Nazi policy of compulsory transfer of people and the Imperial policy in Kenya of removing compulsorily the aboriginal inhabitants of the soil from their ancestral homes [...] perhaps what makes the policy so heinous in Europe is that Europeans are being treated in such a way, and what makes the policy so fair in Africa is that is only Africans.”<sup>173</sup>

In April of 1940, and from the perspective of rural Kenya, it may have been too early in the war to expect widespread awareness of the fate awaiting those who were “compulsorily transferred” by the Third Reich. Nonetheless, it is somewhat chilling that Turuthi wa Githera and his colleagues appear to draw the same critical analogy between Nazism and the violence that underpins apparently ‘liberal’ forms of European rule – colonial or otherwise – that continues to enthrall scholars of imperialism and biopolitics, from the late Hannah Arendt (1951) and Michel Foucault (2003: 254-255), to contemporary thinkers such as Giorgio Agamben (1998: 95-96) and Achille Mbembe (2003: 12-13).

Though it received no direct response from the Governor, both the local district-level and provincial administrations appeared to be somewhat taken aback by this letter. For the handling District Officer, one P. Wyn Harris, the letter was simply “insolent”, deserving only of a “short and sharp reply.”<sup>174</sup> S.H. La Fontaine, then Commissioner of Central Province, agreed. For him, the comparison between Imperial Britain and Nazi Germany was “both malicious and disloyal [...] and for that reason it can be disregarded.”<sup>175</sup> But nonetheless, Turuthi wa Githera and his colleagues were indeed sent a response from the colonial state. In many ways, this response would foreshadow not only the late colonial administration’s approach to the Dorobo question in Kenya Colony, but in many ways also the post-independence state’s ongoing treatment of forest-dwelling communities. As La Fontaine replied – rather sardonically – on the 13<sup>th</sup> of April 1940, and only ten days after receiving the above-quoted letter:

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<sup>173</sup> Turuthi wa Githera et al., Kijabe, to Governor of Kenya, Nairobi, 03 April 1940, KNA/PC/CP/8/2/2 – ‘General Correspondence–Wandorobo’.

<sup>174</sup> KNA/PC/CP/8/2/2 – ‘General Correspondence–Wandorobo’.

<sup>175</sup> *Ibid*

“With reference to your [letter] addressed to His Excellency the Governor [...] I am directed by His Excellency to state that, after full consideration, he has decided that the Dorobo, of whom you are the leader, shall be required to move from the Crown Forest area, which they at present inhabit to the area which has been set aside for their use. I am also desired to state that His Excellency is not prepared to grant the petitioners an interview”.<sup>176</sup>

Here, it is admittedly tempting to extend Giorgio Agamben’s (1998) thesis on the figure of *homo sacer* to the administration’s response to the ‘Dorobo question’ in this regard, simply perceiving communities of so-called Dorobo as a form of rightless ‘bare life’ that could in principle be remoulded at whim by the colonial state. This chapter has sought to document a more idiosyncratic mode of biopolitics at work during what was perhaps the ‘height’ of colonial rule in 1930s Kenya, however, or at least an administratively mature version of that rule.

Indeed, attempts to govern the “Dorobo question” in Kenya Colony evince the decidedly peculiar biopolitics of tribal ossification under a purportedly ‘liberal’ or ‘humane’ form of British colonial governance (see also Lester 2016; Lester and Dussart 2014). Here, certain interrelated livelihoods, cultures, and socio-ecological relations were selected for incorporation into the colonial state – albeit perhaps not on their own terms – whereas others were slated for forcible assimilation. Throughout, I have argued that the latter dynamic entails a form of ‘civilizing violence’, under which the dispossession of lands, resources, and place-based dimensions of culture were justified as necessary for the dual mandate and the civilizing mission to effectively proceed. In turn, this asymmetrically impacted the colony’s ostensibly ‘hunting and gathering’ or foraging communities, whose habitation of forests was seen as unacceptable both from the perspective of a conservation establishment preoccupied with the principles of scientific forestry, and from a broader colonial administration whose approach to the civilizing mission was informed by prevailing theories of racial science in the early twentieth century. As suggested by archival material on the Kenya administration’s response to the ‘Dorobo question’, however, the deployment of such violence was largely oriented towards converting an ostensibly backward “dying race” or dying tribe into a kind of citizenry-in-becoming or candidate for eventual

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<sup>176</sup> *Ibid*, PC Central Province S.H. La Fontaine, Nyeri, to Turuthi wa Githera, Kijabe, 13 April 1940.



inclusion into the liberal, rights-bearing community of citizens (see also Mignolo 2011: 82-83) – even if doing so would entail, essentially, a form of “cultural genocide” (Lester 2016: 507, see also Mamdani 2001).

Yet it must be said that the Dorobo question was never definitely answered in the colonial period. Attempts to conclusively remove forest-dwelling groups were stymied both by these communities' own resistances to and evasions of forcible eviction, as well as to the shifting priorities of the colonial administration during the Second World War (1939-1945) and the Mau Mau insurgency (1952-1960) in central Kenya. At the time of independence in 1963, the result was that Kenya inherited a forest estate that was neatly gazetted and demarcated within state documentation, but unevenly territorialized on the ground. Consequently, subsequent efforts to (re)territorialize and in some cases expand the national protected area estate – with significant volumes of multilateral, bilateral, and NGO support – have led to the frequently violent eviction of remaining “Dorobo” communities, such as the Sengwer in the Cherangani Hills (e.g. Tiampati 2015) and the Ogiek of Mount Elgon (Kimaiyo 2004) in recent years. Moreover, in the context of new financial incentives for forest conservation – such as national readiness activities for Reducing Emissions for Deforestation and Forest Degradation (REDD+) programme – as well as official strategies for rolling out a ‘green economy’ and ‘low carbon, climate-resilient development pathway’ in the country (e.g. Government of Kenya 2015), there is arguably now more impetus than ever before for the conclusive removal of forest communities from their customary territories (see also Cavanagh and Benjaminsen 2014; Cavanagh et al. 2015).

In turn, an analysis of the afterlives of such civilizing violence perhaps sheds new light on contemporary debates concerning “green grabbing” (Fairhead et al 2012: 237) or “the appropriation of land and resources for environmental ends.” This is perhaps especially so in cases where the fate of displaced communities seems poised once again to entail both uneven “spatialities of displacement” (Lunstrum 2015) and forcible cultural or economic assimilation. Here, contemporary evictions and displacements for conservation not only parallel similar phenomena in the colonial era, but are in many ways enabled or sanctioned by the complex institutional, political, and ideological legacies of the latter (see also Wily 2008, 2011a; Cavanagh and Himmelfarb 2015). In this sense, the process of colonial state formation remains,

in Wolfe's (2006) terms, a continuously-evolving and mutating "structure" with enduring consequences rather than simply an isolated "event" whose relevance gradually dissipates over time. As Geisler (2012) argues, in particular, colonial discourses of *terra nullius* – unowned or under-utilized lands – continue to authorize or animate 'investments' oriented towards the large-scale acquisition of such lands and resources in sub-Saharan Africa for the purposes of both conservation and commercial exploitation (see also Murray Li 2014b).

As I have sought to illuminate in this chapter, however, such discourses of under-utilized lands remain tied in many instances to discourses concerning under-productive, ecologically threatening, or otherwise 'uncivilized' *people* who inhabit these spaces. Though certainly couched in the jargon of 'sustainable development' and 'modernization' rather than colonization and the civilizing mission, the underlying argumentation is ominously familiar to contemporary 'forest communities' in particular. Today, we are told that apparently 'customary' livelihoods and resource management systems threaten to impede, rather than stimulate, 'green' economic development and growth; that forest habitation is a backward mode of subsistence, threatening both health and access to government services; and that forest communities are growing in number and will increasingly be unable to conserve their own forest environment via traditional means – all reminiscent of the conclusions of Sir Morris Carter's National Land Commission in 1934. Once again, violence is justified not as a means of eradicating specific communities, *per se*, but to enact a forcible transformation in modes of livelihood and socio-ecological relations thought to be characteristic of 'modern' citizens.

Such intersections of contemporary land and resource acquisitions with complex legacies of the ostensible European 'civilization' of much of the contemporary 'Global South' suggests the need for further inquiries into the geographies and political ecologies of civilizing violence. Indeed, this is specifically so in relation to the ways in which intertwined attempts at forcible assimilation and related dispossession now increasingly operate within logics of apparently 'ecological' modernization and 'green' development. By examining these and related questions, not least, both historical and contemporary studies of civilizing violence may contribute to our understanding of the ways in which diverse civilizing missions and impulses have attempted to foreclose upon alternative sustainabilities, ontologies, and political ecologies – many of which are now being reinvigorated and reanimated in the context of recurring crises of both capital and

contemporary forms of imperialism (Cavanagh and Benjaminsen 2017; Sullivan 2017). Very much toward this end, the ensuing chapter – this study’s epilogue – addresses precisely some of those lingering effects.

## 12. Epilogue: bureaucracies and afterlives of empire

Now I know what a ghost is [...] unfinished business, that's what.

-- Salman Rushdie, *The Satanic Verses* (2000: 566)

The best place to view Los Angeles [...] is from the ruins of its alternative future.

-- Mike Davis, *City of Quartz* (1990: 1)

In the spirit of Mike Davis' quip above, the best place to read Kenya's bold new development plan – christened *Vision 2030* – is possibly within one of the country's highland forest reserves. Here, we arguably find the ruins of the nation's radically alternative present, though decidedly not of its radically alternative future. It was in these forests and their surrounding highlands that British security forces ultimately suppressed the broadly anti-colonial movements of both *Dini ya Msambwa*<sup>1</sup> in the Nzoia and Rift Valley Provinces, as well as the Mau Mau rebellion that was waged most intensely both in the latter and in Central Province.<sup>2</sup> By 1956, large numbers of each group's membership – as well as tens of thousands of rural people unlucky enough to be caught up in the administration's counter-insurgency sweep – found themselves in concentration camps or incarcerated in “secure villages” throughout the country (e.g. Kariuki 1963, see also Elkins 2005; Bennett 2013).<sup>3</sup>

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<sup>1</sup> ‘Religion of the Ancestral Customs’ in de Wolf's (1983: 265) translation. Often referred to simply as ‘DYM’ in administrative records, e.g. Kenya National Archives (KNA)/PC/NZA/1/46 – ‘North Nyanza DC's Report’. Led by one Elijah Masinde, DYM was active primarily amongst Bukusu near Mount Elgon, but also succeeded in founding branches amongst other “tribes”, and as far north as contemporary West Pokot.

<sup>2</sup> This is not to suggest that one or both movements were necessarily motivated by nationalist or vanguardist impulses, *per se* – indeed, rich historical literatures on each suggest a considerable degree of ambiguity in this regard (e.g. Wipper 1977; de Wolf 1983; Buijtenhuijs 1985; Atieno-Odhiambo and Lonsdale 2003; Branch 2009). But nonetheless, there were widespread administrative suspicions that the two movements were related, e.g. UKNA/FCO/141/5877 – ‘Links between Mau Mau and Dini ya Msambwa’.

<sup>3</sup> See UKNA/CAB/129/97/10 – ‘Kenya: Rehabilitation Policy and the use of Forced Labour’; UKNA/CAB/129/65/50 – ‘Kenya: Detention of Supporters of Mau Mau’; UKNA/CAB/195/18/25 – ‘Kenya: Hola Detention Camp’

But it was here, as well, that colonial administrators encountered and grappled with ostensibly alien modes of livelihood, territoriality, and sustainability practiced by people who were pastoralists, foragers, hunters, and shifting agriculturalists, but also so very many, many other things. The fate of these latter communities – often known to administrators as ‘Dorobo’<sup>4</sup> – would be the source of ongoing uncertainty and debate. Nonetheless, an administratively dominant position emerged that such groups, too, should often to be slated for a form of suppression: assimilated into native reserves associated with more settled and apparently ‘advanced’ communities of farmers or agro-pastoralists, and by force if necessary (Hitchcock et al. 2015). In some ways not unlike Mau Mau itself, the Dorobo appeared to the administration as somewhat “atavistic” (à la Berman 1991: 182). To some, they were allegedly the last remnants of a “dying race”; their values and livelihoods evidently incommensurable with progress toward Kenya’s intertwined civilization and sustainable economic development (Johnston 1902a; Eliot 1905).

In Kenya Colony of the 1950s, the collapse of both Mau Mau and other “protest movements” (Wipper 1977) effectively cleared the way for relative moderates such as Jomo Kenyatta, whose own long imprisonment – in the remote towns of, first, Kapenguria, and later, Lodwar – had left him amenable to a collaborative politics of liberal transition. In the space of only a few years, Kenyatta was transformed from a falsely convicted “mastermind” of the Mau Mau revolt, to being perceived by Kenya Colony’s last governor, Malcom MacDonald, as “the best protector of British interests” for the post-independence era.<sup>5</sup> Under Kenyatta, Kenya would have its *uhuru* (‘independence’), surely, but perhaps – some would later argue – at the price of its emancipation.<sup>6</sup>

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<sup>4</sup> An English corruption of the largely derogatory Maasai term *il torobo*, used in reference to those “too poor to own cattle” (Chang 1982; Blackburn 1982, 1996).

<sup>5</sup> Cited in Branch (2011: 4). For frank administrative discussions of Kenyatta’s political utility or lack thereof for the colonial state, see then-‘secret’ memoranda in UK National Archives (UKNA)/CAB/128/32/86 – ‘Kenya: Kenyatta Trial’ and UKNA/CAB/128/35/61 – ‘Kenya: Jomo Kenyatta’.

<sup>6</sup> Whether or not the concept of *uhuru* in fact corresponds with formal decolonization in 1963 is a recurring theme in both Kenyan public debate and academic discourse. For a classic examples, see Tom Mboya (1963), *Freedom and*

Throughout its counter-insurgency campaign in the 1950s, the Kenya administration had invoked its emergency powers to designate many of these highland forests as shoot-on-sight zones. In the administrative jargon of the time, such spaces were known as “PAs” – prohibited areas – or zones within which the usual rules of engagement and certain protections within the colonial and international laws of war did not apply (e.g. Bennett 2013: 129-131). Albeit for what are – on the face of it, at least – very different reasons, these forests today remain the recurring site of extra-legal or quasi-legal violence deployed by Kenyan security forces. They also remain PAs – protected areas – and are reserved for inhabitation exclusively by an ideological category of nonhuman nature (see also Neumann 2004). At the time of writing, some of the most recent casualties, officially, were three alleged ‘poachers’ killed by local police in a section of the Aberdares forest in Nyeri County (Njung’eh 2016). Particularly in the Rift Valley – though also elsewhere in Kenya, East Africa, and far beyond – these forests have seen recurring evictions and the razing of whole communities, and often once again on the grounds that their livelihoods are ‘backward’ or environmentally unsustainable (see Cavanagh and Benjaminsen 2014; Cavanagh et al. 2015; Cavanagh 2017b; Cavanagh forthcoming 2017a).

These displacements are often in the context of overlapping, unclear, or otherwise contested rights to land and property, and have frequently been carried out “with a force that recall[s] early-colonial punitive expeditions” (Lonsdale 2003: 48).<sup>7</sup> Though no official statistics have been kept about the scale of these evictions in recent decades, the Kenyan Centre on Housing Rights and Evictions (COHRE) notably estimates that – between 2004 and 2006 alone – evictions from only eight of Kenya’s approximately 300 gazetted forests may have affected

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after, Jaramogi Oginga Odinga (1967), *Not yet uhuru*, and the Kenya People’s Union, *Wananchi* (‘Citizens’) Declaration of 1968. For more recent invocations, see Atieno-Odhiambo (2003), ‘*Matunda ya uhuru*, fruits of independence’, Odote (2013), ‘The dawn of *uhuru*?’, and, with reference to Tanzania, Issa Shivji (2009), *Where is uhuru?*

<sup>7</sup> Lonsdale’s (2003: 48) comment alludes to the actions taken by the Moi regime to “overturn Kikuyu privilege” in land or otherwise attained under Kenyatta’s presidency. Many of Kenya’s more recent forest evictions have also been caught up in precisely this see-saw of the provision and retraction of patronage-in-land and forests (e.g. Boone 2012, Boone 2014; Klopp 2012).

approximately 100,000 people (COHRE 2006, see also Masinde and Karanja 2011). Most seriously, however, these forests, their environs, and other reserves throughout the country remain the preferred dumping grounds for an inexplicably large number of bodies – many of whom appear to have been tortured and executed – and which are widely thought to include victims of extra-judicial killings by state security forces (see, *inter alia*, Kenya National Commission on Human Rights [KNCHR] 2008; Kenya Truth, Justice, and Reconciliation Commission [KTJRC] 2013; Human Rights Watch [HRW] 2016).<sup>8</sup>

As Kenya’s recent TJRC (2013: 28) report concludes, “throughout the mandate period [1895 to 2010] there was a common trend pattern of state-sanctioned killings and disappearances. Indeed, the use of excessive and disproportionate force [...] has been a common theme running through Kenya’s history.” More than fifty years after independence, in other words, concerns regarding the relation between the state, its citizens, and other subjects; the bases and legitimacy of the former’s authority; as well as its fundamental respect or lack thereof for law and basic rights, perhaps remain as pressing as they did at any point during British colonial rule. As the historian Jon Lonsdale (1992a: 15) once observed, in an especially pregnant remark on the initial colonization of what is now Kenya and eastern Uganda, it perhaps remains the case even today that “[t]he violence of conquest was [...] never quite complete.” Reviewing recent Kenyan Commissions of Inquiry, in particular (e.g. Njonjo Commission 2002; Ndung’u Commission 2004; Krieglner Commission 2008; Waki Commission 2008; KTJRC 2013), one indeed finds considerable anxieties about the possibility of both a present and future that remain indelibly haunted by the past – a past thought to be marked by a kind of violence that lingers (Mbembe 2002a), and whose proposed means of redress continue to precipitate so much debate both in Kenya and throughout sub-Saharan Africa (e.g. Mbembe 2015; Kros 2015).

Such ostensible marginalia of Kenyan history, both colonial and republican, might only be of ‘merely academic’ significance – if such a thing is even possible – if it were not for recent

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<sup>8</sup> As was tragically also the case for J.M. Kariuki, found within the Ngong Forest in 1975. See Republic of Kenya (1975), *Report of the select committee on the disappearance and murder of the late Member for Nyandarua North, the Hon. J.M. Kariuki, M.P.*

institutional and political developments in the country. In the aftermath of Kenya's contested election in 2007, for example, more than 1100 people were killed and more than 300,000 internally displaced (Human Rights Watch 2011). Given the precedent discussed within this dissertation, the widespread violence that followed the 2007 elections struck many analysts as predictable, if not preventable indeed (e.g. Anderson and Lochery 2008; Kanyinga 2009). Under indirect rule in Kenya, the "ethnic spatial fix" (Moore 2005) of native reserves had certainly resulted in the ossification of certain forms of identity and territoriality, as well as the fragmentation of grievances about "stolen lands" and other injustices at ever-more proximate and intimate scales (Mamdani 1996a). Perhaps even more contentious than the initial alienation of these lands and ecosystems under colonial rule, however, was the manner in which they were to be redistributed after independence (Jones 1965). Such grievances certainly fuelled the violence to some degree in 2007-8, as well as in previous rounds of such violence around elections in 1992 and 1997 (Kanyinga 2009; Boone 2012).

Yet the crisis was laudably followed by a substantial reinvigoration of the reform processes that had begun in earnest with the end of President Daniel arap Moi's reign from 1978 to 2002.<sup>9</sup> The result was a referendum on a new constitution in August 2010, in which approximately two-thirds of voters opted for its acceptance.<sup>10</sup> To some, this would have come as a surprise: following substantial resistance from within Kenya's political elite, another draft constitution had been solidly rejected by referendum in 2005 (Cottrell and Ghai 2007; Berman et al. 2005; Kanyinga and Long 2012). This time, however, it seemed that a new sense of urgency and purpose had gripped the country. Following Paul Zeleza (2014: 17), one might agree, in fact, that

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<sup>9</sup> These include a number of state-mandated commissions of inquiry, many of which produced quite damning findings. See, especially, the Njonjo Commission's (2002) *Report of the Commission of Inquiry into the Land Law Systems of Kenya*, the Ndung'u Commission's (2004) *Report of the Commission of Inquiry into the Illegal/Irregular Acquisition of Public Land*, the Bosire Commission's (2005) *Report of the Judicial Commission of Inquiry into the Goldenberg Affair*, and the Waki Commission's (2008) *Report of the Commission of Inquiry into the Post-Election Violence following the December 2007 General Election*.

<sup>10</sup> This referendum was in accordance with the National Accord and Reconciliation Act of 2008 (see Republic of Kenya 2008b), which emphasized the necessity of constitutional reform following the post-election violence of 2007-8.



“the crisis begat the constitution.” By 2008, it had become clear to many – certain politicians and *wananchi* (‘citizens’) alike – that without a substantive attempt to address longstanding grievances and injustices underpinning the post-election crisis, the very “future stability as well as the democratic quality of the Kenyan state” itself may have been at stake (Harbeson 2012: 29).

In other words, this was in some ways not simply a struggle over a new constitution and its accompanying legislation. To many, what was in the balance was nothing less than the prospect of a transition to what some have called a “Second Republic” in Kenya (e.g. Githongo 2008; Zeleza 2014), one in which the aspirations of *uhuru* that had been deferred so long for so many were hoped to finally materialize. Yet, within and beyond these reform processes, Kenyans were and are also deeply engaged in debating, reformulating, and reimagining what ‘independence’ or ‘freedom’ might actually mean in this tumultuous context. Just as there were “many nationalisms” (Atieno-Odhiambo 2003: 44) in the struggle for Kenya’s decolonization, so too are there a vast plurality of voices and aspirations evident in discussions of what the Second Republic might, or might not, deliver. Rather than a straightforward reincarnation or continuation of the ethos that marked diverse anti-colonial efforts, then, mobilizations for the latter perhaps suggest the pursuit of what some have called a “second *uhuru*” (e.g. Murunga et al. 2014: viii). That is, one reimagined in ways that suit the vagaries and complexities of the present, rather than one that simply mimics older struggles’ ostensibly unrealized goals and aims.

### **Of constitutions, constitutionalism, and constitutive political ecologies**

“There is no need to fear or hope, but only to look for new weapons.”

– Gilles Deleuze, ‘Postscript to the societies of control’ (1992: 4).

The promulgation of a new constitution in Kenya is, in itself, an almost entirely unremarkable fact. Since 1990, at least 24 of Africa’s 54 states have adopted new or substantially reformed constitutions (Gathii 2008; Wily 2015a, see also Boone 2007; Premph 2007). It almost goes without saying that these reforms have rarely been met with even slight alterations of the

prevailing economic and political *status quo*. Across the continent, the everyday realities of poverty and hunger continue to pair with a burning sense of disenfranchisement and multifaceted grievance across a broad swathe of its citizenries. And here again, Kenya is no exception. Despite achieving “middle-income” status according to the World Bank’s macroeconomic categorization in 2014, Kenya remains one of the most unequal countries in Africa – indeed, in the world (World Bank 2008, 2014). Similarly, the country continues to struggle with what civil society organizations euphemistically term “governance challenges”, currently ranking at 139<sup>th</sup> place out of 167 entries in Transparency International’s latest *Corruption Perceptions Index* (see Transparency International 2016). It is not a coincidence, moreover, that both the growth of such inequalities and the entrenchment of such corruption have been paralleled by the resurgence of old and the invention of new forms of militancy, insurgency, political violence, and organized crime (e.g. Anderson 2002a). From gangs such as Mungiki and ‘the Taliban’, to increasingly heavily armed clans of pastoralists, to militias organized around reclaiming allegedly ‘stolen’ lands, there is currently no shortage of those in Kenya willing to pursue the alleviation of their own poverty by force if necessary.

Nonetheless, there are grounds for careful optimism. As the former leader of the Constitution of Kenya Review Commission (CKRC) – Yash Pal Ghai (2014: 119) – observes, the 2010 Constitution in many ways represents “a radical departure” from its predecessor. This is both in terms of the substance of its provisions and the forms of governance that it could, that it still *might*, enable. Differently put, Kenya’s independence constitution of 1963 was hardly a progressive document. As was the case for certain other British African colonies as well, both the constitution and the broader transition to independence had been negotiated through a series of conferences at Lancaster House in London rather than through any sort of deliberative process in Kenya (Maxon 2009).<sup>11</sup> Unsurprisingly, therefore, security of tenure for European settlers and other measures to stabilize the forms of governance and political economy imposed under

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<sup>11</sup> See UKNA/CAB/128/36/20 – ‘Kenya: Constitutional Conference’; UKNA/CAB/128/35/61 – ‘Kenya: Jomo Kenyatta’; and UKNA/CAB/129/115/18 – ‘The Future of European Farming Land in Kenya’ for metropolitan concerns about whether the legitimacy of this process would in fact be accepted by Kenyans at home, under what conditions, and with what effects for the newly independent state’s remaining European settlers in particular.

colonial rule were clearly reflected in its pages (Okoth-Ogendo 1972). Private property rights, in particular, were sacrosanct. If Kenyans wanted to reclaim the approximately six percent of their country's surface area alienated to settlers and state enterprises by force and legal sleight-of-hand, they would have to buy it back at predetermined rates. Luckily, the British government and World Bank volunteered a mixture of grants and loans for this purpose at a reasonable rate of interest, undoubtedly to simply incentivize the industriousness of future generations of Kenyan taxpayers (e.g. Hornsby 2012: 74-75). One might quip that the civilizing mission decidedly works in mysterious ways.

Yet in some respects, it is the spirit rather than the letter of the Constitution and its associated reforms that is most broadly promising. In both the former and associated institutions, we find what often amounts to a broadly “decolonial” ethos (à la Ndlovu-Gatseni 2015), one attentive to addressing the violent legacies and other injustices of both Kenya's colonial and early republican histories. As the National Land Policy itself frames the pressing need for substantive institutional reform, in a statement that would not look *entirely* out of place in the pages of a radical academic journal:

“Historical land injustices are grievances which stretch back to colonial land administration practices and laws that resulted in mass disinheritance of communities of their land, and which grievances have not been sufficiently resolved to date. Sources of these grievances include land adjudication and registration laws and processes, and treaties and agreements between local communities and the British. The grievances remain unresolved because successive post-independence Governments have failed to address them in a holistic manner” (Republic of Kenya 2009a: §178).

Here, the term “mass disinheritance” is not a mere overstatement. As we saw in Chapter 9, the East African (Lands) Order-in-Council of 1901 had declared the entirety of Kenya's surface area to be Crown Land, or land owned by the colonial state on behalf of the metropole, to allegedly be

held “in trust” for future generations (see East Africa Protectorate 1901).<sup>12</sup> Moreover, although Crown Lands might be “reserved” for African communities, land within native reserves would ultimately remain the property of the state, albeit as “Trust Land”. This essentially had the effect of first universally nullifying pre-colonial systems of property and ownership, and subsequently granting only rights of land “occupancy” or “tenancy” to Africans, whilst vesting the underlying ownership rights in the state (Okoth-Ogendo 1991, 2003; Wily 2011a, 2012; Peters 213). In this sense, although they are now more than a century old, these ordinances have left an inedible mark on conflicts over land and natural resources in Kenya to date. They are in many ways *constitutive* or integrally related – albeit of course not at all determining – to many of the political ecologies that have emerged in the interim.

It is here that we encounter perhaps both one of the most promising and most debated aspects of the 2009 National Land Policy, 2010 Constitution, and subsequent legislation (e.g. Musembi and Kameri-Mbote 2013; Odote 2013). Following the recommendations of the latter, the constitution provides for a category of tenure that it terms “Community Land”, or land that somewhat ambiguously “shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest” (Republic of Kenya 2010: §63(1)). Further, Community Land is specified as land that is:

“(i) lawfully held, managed or used by specific communities as community forests, grazing areas or shrines; (ii) ancestral lands and lands traditionally occupied by hunter-gatherer communities; or (iii) lawfully held as trust land by the county governments.”

Despite this ambiguity, it is important to note that these provisions of the constitution effectively elevate collective forms of land ownership to the same legal status of their private and public counterparts – an objective both explicitly stated and legislatively substantiated by the Land Act of 2012 and the Community Land Act of 2016 (see Republic of Kenya [RoK] 2012b, 2016a).

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<sup>12</sup> With the exception of a ten-mile strip of the Indian Ocean coast leased from the Sultan of Zanzibar, with private rights to land granted only to those of Arab descent, thereby abolishing the customary ownership rights held by African inhabitants such as the Mijikenda (see Kanyinga 2000).

Crucially, Community Land is owned *by* a collective directly, and in freehold if so desired, rather than by the state on its behalf.<sup>13</sup> Effectively, this is the first time such equivalence has been achieved – at least in principle – since the promulgation of the East African (Lands) Order-in-Council of 1901, and perhaps even beforehand if one considers the extension of the Indian Land Acquisition Act to the newly-formed East Africa Protectorate in 1897.

In this context, it is laudable, as well, that the 2010 Constitution has mandated the creation of a National Land Commission tasked with the duty to “initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress” (Republic of Kenya 2010: §67[e]). This led to the formation of a Taskforce on Historical Land Injustices, whose mandate was to “formulate a bill to provide for investigation and adjudication of claims arising out of historical [...] injustices” (Republic of Kenya 2012a: §14).<sup>14</sup> Unsurprisingly for some, the subsequently produced bill has since been quashed in parliament (Manji 2014, 2015). Regardless, both the above land reforms and these broader efforts towards achieving a degree of transitional justice relative to Kenya’s colonial and early republican histories make the topic of both colonial and republican-era dispossessions and land alienations more salient to national politics than perhaps at any time since independence.

Despite the promise of these and other reform processes, it must be said that their translation into law, policy, and administrative practice to date has been met with a growing chorus of discontent within both academia and civil society. For Manji (2014: 126), there has been “a disjuncture between a decade-long struggle to achieve equitable land policies and the resulting land laws”, not least due to what appears to be a degree of “bureaucratic sabotage” (McAuslan 2003) from

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<sup>13</sup> With the exception (in RoK 2010: §63(2)(d)(iii) above) of those areas that have not yet been subject to specific attempts at registration.

<sup>14</sup> See National Land Commission (2014).

within the Kenyan executive branch. The spirit of the Constitution, as Ghai (2014: 127) points out, will in this sense doubtlessly “have to compete with larger social forces, the most powerful of which may have little commitment to its values.” More broadly, as Boone (2012) notes, the “historical injustices” that Kenya’s new framework for land governance seeks to investigate do not simply involve straightforward instances of local ‘victims’ (farmers, pastoralists, forest-dwellers, etc.) and nefarious perpetrators (e.g. the state or private capital, whether colonial or republican). Rather, as she writes, reflecting on the history of the early Kenyan republic in particular, it has often been the case that such “[i]njustices overlap and double back on themselves in ways that the law itself may not be able to untangle” (Boone 2012: 95).

Throughout the country, rights to land in numerous areas continue to be claimed by several communities at once; by several communities and the state; by communities and private individuals or firms, and other possible constellations thereof. Colonial-era instances of dispossession predicated on a presumption of African racial or civilizational inferiority have thus been compounded, after independence, by contemporary iterations of an informal mode of indirect rule, one that has entailed dispossessions on the basis of ethnicity, entitlement to patronage, or simply by outright plunder. Distinguishing victim from villain in any given instance is therefore more difficult than one might imagine. Indeed, the former can easily transmute into the latter in pursuit of rectifying real or imagined historical wrongs, particularly when violence presents itself all-too-seductively as an apparent means of exorcising past injustices (à la Mamdani 2001).

As Zeleza (2014: 37) reminds us, however, some of Sub-Saharan Africa’s most promising constitutions and constitutional moments, such as South Africa’s in 1996, are simultaneously those most fraught by the problem of “justiciability,” or barriers to translation into law and administrative practice. In this sense, he is quite right to point out that arguments concerning the impracticability of certain rights – such as socioeconomic rights as constitutional obligations in the case of South Africa, or the prospect of ‘Community Land’ rights in Kenya – are all-too-easily seized upon by proponents of the *status quo ante* to justify inaction. As Kenya’s former Chief Justice, Willy Mutunga, recently put it to a reporter for the *Daily Nation* newspaper, “[t]he vision for change and what the new Kenya should be is there. But there are forces that are

making it difficult to implement the Constitution [...] They will always be there, and they are not going to disappear” (in Mukangu 2016). The promulgation of the 2010 Constitution, it might be said, simply marks a new stage in the struggle for decolonization and against our contemporary iteration of the “new imperialism” (Hobson 1902; Harvey 2003). Its adoption was a substantial victory in battle – one that few critics would have foreseen as recently as 2009<sup>15</sup> – yet the ‘war’ for its realization inevitably rages on.

### **Inequality, ‘green growth’, and the political ecologies of conservation**

“Kenya has become a nation of 10 millionaires and 10 million beggars.”  
– Josiah Mwangi (‘J.M.’) Kariuki (in Githinji 2000).

Of course, it remains that the above initiatives toward constitutional and other reforms sit awkwardly alongside the political economy and political ecology of prevailing development policy in Kenya. Indeed, just prior to the disputed presidential election of 2007, President Mwai Kibaki’s government had outlined a bold new development strategy, christened *Vision 2030*. Here, the explicit objective is to develop Kenya into a “newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment” (Republic of Kenya 2007: 1). In short, the strategy aims to holistically address the “pillars” of economic development, social protection, and environmental management via the realization of high economic growth rates of at least 10 percent per annum (Republic of Kenya 2007). As of 2014, the goal of Kenya achieving “middle-income” status under the World Bank’s macroeconomic classification had already been attained (see World Bank 2014).

Insofar as *Vision 2030* aims to improve the welfare of the Kenyan population, such efforts are, in principle, urgently necessary. Today, even the above quote by J.M. Kariuki – delivered prior to

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<sup>15</sup> See, especially, a veritable wave of somewhat pessimistic literature that emerged in the immediate aftermath of both the 2005 constitutional referendum and the post-election violence of 2007-8, e.g., *inter alia*, Kagwanja and Southall (2009), ‘Kenya – a democracy in retreat?’, Murunga and Nasong’o (2006), ‘Bent on self-destruction’, Berman et al. (2009), ‘Patrons, clients, and constitutions’.

his torture and assassination in 1975, and meant to serve as an epitaph of sorts for the “socialist” ethos that marked Kenya’s early republican era<sup>16</sup> – increasingly reads as a somewhat quaint statement from a period that had yet to witness the full force of global capital’s differentiating effects. At the time of writing, for instance, Credit Suisse’s own data now suggest that only *eight* individuals own as much wealth as the poorest half of the human population of the *Earth* (see Credit Suisse 2016 and analysis by Oxfam 2017). In short, this is a trend that is also being replicated at the regional and national level. Other analyses of the same data now report, for instance, that in South Africa – apparently one of the continent’s most “dynamic” economies (McKinsey & Company 2015) – a total of three billionaires own as much wealth as the poorest half of the nation’s population (Omarjee 2017). This is a degree of wealth inequality not achieved even under the South African iteration of apartheid, a form of government explicitly conceived and enacted as a means of maintaining and exacerbating racially-defined inequalities of both income and assets in land or otherwise (e.g. Dlodla 2017).

In Kenya, where approximately 46 percent of the population currently lives below the official poverty line (World Bank 2017), similar figures have yet to emerge. Their production is also somewhat beside the point, given clear methodological challenges and the ease, for instance, of distributing assets throughout large and geographically diverse networks of family members and accomplices. This is suggested, for instance, by now-public “forensic accounting” reports on the global dissemination of assets acquired by Daniel arap Moi during his presidency, which allege these were channeled and laundered through a huge range of investments by a vast network of associates in a minimum of 28 countries (Kroll 2004, see also Githongo 2008, Wrong 2009). Nonetheless, the processes that underlie the production of these and similar figures are surely a testament to the ways in which the contemporary prevalence of both absolute and relative poverty perhaps threaten national stability itself in various contexts. Such a possibility has recently been foregrounded even by the World Economic Forum (2012: 10) – hardly a Marxist outfit – which warns us of no less than the inequality-related “seeds of dystopia” within the seventh edition of its *Global Risks Report*. Should the reader require a more precise definition of the “seeds of dystopia,” the report’s authors specifically had in mind a generalized situation in

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<sup>16</sup> See, for example, Republic of Kenya (1965), *African socialism and its application to planning in Kenya*.



which “a constellation of fiscal, demographic and societal risks [are] signaling a dystopian future for much of humanity” (see also Wilson and Swyngedouw 2014). In this sense, if the *Vision 2030*'s rhetoric is somewhat overly grand, perhaps this is because the state itself recognizes that such overstatement has political – or, as Wilson and Swyngedouw (2014) would doubtlessly prefer it – “post-political” affordances.

If successful in the pursuit of its stated environmental, infrastructural, and economic objectives, *Vision 2030* effectively promises nothing less than the wholesale transformation of Kenya itself and perhaps even that of the broader eastern African region, making possible new forms and volumes of trade, resource extraction, and capital accumulation. For many scholars of development in East Africa, neither the title nor the underlying approach of *Vision 2030* comes as a surprise: Uganda now has its *Vision 2040*, Rwanda its *Vision 2020*, and Tanzania its *Vision 2025*. Common to all of these strategies is apparently a greater or lesser degree of “expertise” and “technical assistance” provided by consultants from the South African branch of McKinsey & Company (Mosley and Watson 2016: 458). Yet common as well to each is a doubling-down of political investment in a development pathway that eulogizes the effects of ever-higher rates of compounding economic growth. For instance, rather than the *cause* of environmental degradation and deleterious environmental change, the pursuit of higher economic growth rates is increasingly now presented as the only feasible solution to it. Within this line of reasoning, the problem is not the indefinite pursuit of compounding economic growth as such (see Harvey 2014 for a critique), but rather that such growth has not been sufficiently “green” or “decoupled” from its material economic throughput to date (e.g. OECD 2011). Likewise, the extraordinary degree of inequality that has emerged both in East Africa and globally over the course of the last several decades is ostensibly not an inherent consequence of such a development trajectory, *per se*, but rather an indication that the pursuit of growth has often not been sufficiently “inclusive.” Hence, as the World Bank (2012) encapsulates its proposed solution, the proper response to this predicament is allegedly not a fundamental or even a moderate rethinking of our development models and systems of economic production as such, but rather the pursuit of “inclusive green growth.”

Such logic is certainly visible within Kenyan environment and development policy, and particularly so with regard to state investment in forest conservation, forest carbon sequestration, and anti-deforestation activities. At present, many of these initiatives are subsumed under a related *Vision 2030* ‘environment’ flagship project, namely the Water Catchment Management Initiative (Republic of Kenya 2007: 19). Here, the focus is on the enhanced conservation and expansion of forest stocks in in areas known as the country’s “water towers” – the largest of which are Mount Kenya, the Aberdares range, the Mau forest complex, the Cherangani Hills, and Mount Elgon. In addition, these efforts are complemented by a broader commitment to increase tree cover to ten percent of terrestrial surface area, conceived as a means of displacing consumptive pressure on these forested water catchments and other indigenous forests (e.g. Republic of Kenya 2010: §69).

Here, we see the influence of modernization theory on the formulation of a “green growth” development pathway as well. Indeed, not unlike the forms of infrastructure being installed under the LAPSSET corridor and related projects (Mosley and Watson 2016), Kenyan environment and development policy now explicitly regards forests and other elements of the biophysical environment as a form of “critical ecosystem infrastructure” (see Cavanagh forthcoming 2017a). As the most recent ‘status report’ from the Kenya Water Towers Agency<sup>17</sup> (KWTA, 2015: 1, emphasis added) – the state organization responsible for forested water catchments areas – puts it, rather strikingly:

“The term ‘Water Towers of Kenya’ refers to montane forests – the mountainous regions that are sources of water. Through their watershed function, Kenya’s Water Towers supply Kenya’s drinking water, its energy, water for irrigation, industry, water for food and other purposes. But all this is threatened by a combination of factors, including human encroachment, climate change, environmental degradation, and unplanned dams and irrigation

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<sup>17</sup> The KWTA itself a state agency that has been recently created in accordance with the 2010 Constitution and associated administrative reforms.

projects that have a devastating effect on the *ecological infrastructure*. The outcome is a real threat to Kenya's water security, stability and surfeit.”

Even here, however, these “water towers” surely constitute a form of socio-ecological infrastructure rather than simply an ‘ecological’ one (see also Li 2007a). Differently put, although East Africa’s highland forest ecosystems obviously pre-date the colonial and republican states that have emerged in the region, their current form and extent owes much to an intertwined legal, institutional, and economic apparatus intended to prevent conversion to alternative land uses. This apparatus – consisting of laws, policies, gazetted and demarcated forest blocks, funding modalities, and of course the day-to-day operations of state conservationists and other civil servants – must function effectively in order for the critical benefits of these ecosystems to be sustained.

Accordingly, while Kenya’s ‘water towers’ certainly constitute public goods in this regard, the stakes of (re)asserting state control and property rights for the ostensible protection of these areas are increasingly high. In some cases, this has begun to resemble the protection and maintenance of more conventional forms of infrastructure related to transportation, communication, electricity generation, and so forth. Not least, such efforts are illuminated by recent deployments of military and paramilitary forces to carry out the violent eviction of both traditionally forest-dwelling groups and communities at the forest margins, who are frequently now construed as threats to protected forest stocks and water security (e.g. Kenyan Centre on Housing Rights and Evictions [COHRE] 2006; Kenya Forest Service [KFS] 2007, see also Masinde and Karanja 2011; Cavanagh et al. 2015, Cavanagh 2017b). Conversely, however, given the undeniable significance of the water and other ecosystem services provided by these forests to both commercial and subsistence economies, the question is not so much *whether* but rather *how* these ecosystems might be conserved in ways that are both socially and environmentally just.

Here again, the 2009 National Land Policy, 2010 Constitution, and subsequent legislation (in the form of the Forest Conservation and Management Act of 2016, see Republic of Kenya 2016b) point to certain ways in which such a goal might be pursued. For instance, as noted above, the constitution’s definition of community land includes “land lawfully held, managed, or used by

specific communities as community forests, grazing areas or shrines” (RoK 2010: §63). As a result, the Forest Conservation and Management Act now includes a category of ‘Community Forest’ that parallels the constitution’s definition of ‘Community Land’, encompassing:

“(a) forests on land lawfully registered in the name of group representatives; (b) forests on land lawfully transferred to a specific community; (c) forests on any other land declared to be community land by an Act of Parliament; (d) forests on land that is lawfully held, managed or used by specific communities as community forests; (e) forests on ancestral lands and lands traditionally occupied by hunter-gatherer communities; and (f) forests lawfully held as trustland by the county governments” (RoK 2016b: §30).

This is a commendable development, given that the Act now allows for the collective *ownership* of forests, rather than mere community *access* to state-owned forests on terms defined by conservation agencies.

Moreover, it is notable as well that the Constitution also seeks to protect “ancestral lands and lands traditionally occupied by hunter-gatherer communities” (RoK 2010: §63[d]). This provision arises from the recommendations of the 2009 National Land Policy, which makes specific reference to the ways in which “hunter-gatherer communities” were marginalized when “the colonial Government alienated their lands through forest preservation policies, which effectively rendered them landless as they were denied the right to live in the forests” (RoK 2009a: §199). Yet, like the concept of community itself, the constitution does not define what a ‘hunter-gatherer’ community is, nor does it specify who we might regard as Kenya’s hunter-gatherer communities by known ethnonyms, such as those specified in the national census of 2009. Likewise, no further clarification on this issue is provided by the Forest Conservation and Management Act of 2016.

In this regard, the constitution effectively establishes a legal category of persons known as “hunter-gatherers”, both via the provisions on community land, and via its targeted protections for historically “marginalized communities.” The legal definition of the latter is now framed to encompass any “indigenous community that has retained and maintained a traditional lifestyle

and livelihood based on a hunter or gatherer economy” (Republic of Kenya 2010: §260). Likewise, the newly expanded Kenyan Bill of Rights includes explicit provisions specifically for these “marginalized communities”, including the right to “develop their cultural values, languages and practices” (*ibid*: §56[d]). It would thus seem, at first glance, that this new institutional context might entail significant promise for both forest-dependent groups and communities of current or former populations of forest-dwellers, who are presently struggling to maintain access to customary lands that now lie within forested protected areas. Such groups include the Sengwer of the Cherangani Hills, the Ogiek of Mount Elgon and the Mau forest complex, as well as the Aweer of Boni forest in Lamu County, all of whom have been subject to recurring bouts of eviction from customary forests both over the past several decades, as well as – as we have seen – in some cases throughout the colonial period (Kitelo 2014).

These clauses and provisions are admittedly unwieldy and difficult to operationalize, however, given that virtually all of Kenya’s forest reserves hold great value for nearby communities for both economic and cultural reasons (e.g. Mwangi 1998). Whether or not the promise of such institutional reforms will be realized in practice is thus still very much uncertain. State agencies such as the Kenya Forest Service will likely continue to face substantial incentives to capture ‘green rents’ provided for the centralized management of protected areas, whether from a future Reducing Emissions from Deforestation and Forest Degradation (REDD+) programme or more conventional forms of donor support for conservation governance (Cavanagh et al. 2015; Cavanagh 2017b). Likewise, the state’s executive branch will encounter substantial pressure from county governments to maintain their *de jure* ownership of formerly ‘trust’ land and forest, possibly with a view towards the formal or informal use of such lands under contemporary forms of indirect rule, even if the most blatant strategies for doing so are no longer viable. Further still, communities of current and former forest-dwellers themselves have undergone complex processes of livelihoods change over the last several decades, their systems for customary forest management gradually eroded by *de facto* tenure insecurity and the state-facilitated plunder of forest resources. Consequently, if Kenyans are to accept the implementation of such novel forms of community-led and owned – rather than community “based” – forms of forest conservation, they must be assured that this will be implemented in ways that do not merely amount to an

idiosyncratic form of community-driven land and forest “grabbing” (e.g. Astuti and MacGregor 2016).

Regardless, this is precisely the full complexity and scope of the political ecologies of conservation that have emerged in the context of both Kenya’s *Vision 2030* and the 2010 Constitution, rather than a set of reasons that these measures to attain a degree of social and environmental justice are doomed to ostensible “failure”. As Gramsci once put it, an effective struggle is one that complements the “pessimism of the intellect” with “the optimism of the will” (see also Harvey 2000: 16-17). East Africans understand all too clearly the problems with which they are faced, where they have come from, and where they would like to go, evidently much more clearly than the average journalist or development practitioner. It is admittedly also the case that events in the country sometimes suggest that history is repeating itself, to the extent that the tragedy of state plunder often graces the pages of the newspapers more as a farce that elicits a dark sort of public bemusement. Yet many citizens simply refuse to accept that it must inevitably be so, even if they might disagree fundamentally with each other about how things should be instead. Yet that “optimism of the will” remains, precisely despite or *in spite of* a very much well-developed pessimism of the collective intellect in Kenya. Pessimism is a luxury for those comfortable enough to wallow in it – everyone else must hustle to survive, and entertain the prospect that they might in fact be successful in doing so (see also Radcliffe 2015).

### **A conclusion that wasn’t**

“What after all are these churches now if they are not the tombs and sepulchers of God?”  
Friedrich Nietzsche, *The Gay Science* (1974 [1882]: 182)

This dissertation has explored histories and genealogies of the stratification, racialization, and territorialisation of space for the produced categories of settlers, natives, and nature under indirect rule colonialism. With regard to what is now Uganda and Kenya, Part II of the dissertation unequivocally supports Mahmood Mamdani’s (1996a: 8) assertion that “apartheid, usually considered unique to South Africa, is actually the generic form of the colonial state in Africa”. However, Part III of the dissertation has noted that the institutions of nature conservation in East Africa are also bound up in this very same genealogy of indirect rule

colonialism. Viewed through the prism of an historiographical political ecology, this suggests that we might productively view contemporary protected areas as after-effects or afterlives of indirect rule colonialism and its ‘more-than-social’ territorialities. Consequently, the study concludes that the most pressing imperative facing biodiversity and forest conservation today is its own far-reaching decolonization (see also Adams 2003), and ideally in ways that conclusively disavow the territorialisation of an unscientific and ideologically dualist conception of nature. Given the severity of our contemporary ecological problematic, we cannot afford for the decolonization of conservation to be any further postponed. The ideologically dualist concept of ‘nature’ must go the same way as the concept of allegedly ‘scientific race’.

As the substance of this chapter suggests, however, the actualization of such an objective is undeniably ‘fraught’ – not least because a version of indirect rule itself continues to exist in East Africa, albeit on a much more informal basis than what was practiced by the British colonial state. The processes of institutional reform and policy formulation discussed in this chapter, for instance, are necessarily interconnected yet contradictory. Without a substantive attempt to address the grievances chronicled by constitutional reform processes to resolve certain “historical injustices”, for example, many expect the implementation of the latter development plans and strategies to be marked by now-familiar tensions, misappropriations, and conflicts. Conversely, many of the development activities pursued under the aegis of *Vision 2030* seem poised to inflame many of these same conflicts. As recent events in Kenya suggest, the latter are certainly ‘overdetermined’ by complex intersections of “ethnicity”, class, vested interests, socioeconomic inequalities, and the other inheritances of colonial indirect rule. As is well known, precisely these and related frictions have manifested in the highly mediatized violence associated with the 2007-8 post-election violence, but have also contributed to uprisings such as that by the Saboat Land Defence Forces (SLDF) at Mount Elgon, as well as the ongoing militancy of groups such as the Mombasa Republican Council (MRC), whose activities have been less well covered in the international media (e.g. Kanyinga 2000; Anderson 2002a; Lynch 2011b). Moreover, across the country, recent events suggest that certain “cartels”, “militias”, and “gangs” are already mobilizing to secure land and resources for themselves and their clients precisely in the guise of claiming or contesting rights to “Community Land”, and in ways that appear to already involve a considerable degree of violence.

Struggles over environment and development in what is now Kenya have, however, quite simply always found themselves at the crux of such turbulent political ecologies, with all of the conflicts, blunders, prejudices, malices, and mutually exclusive interests that such turbulence entails. But this is not to say that a more benign choreography of such interests cannot emerge, perhaps even one that ameliorates rather than exacerbates long histories of injustice for some of East Africa's minority communities in particular, many of whom have seen little in the way of the *matunda ya uhuru* or fruits of independence to date. A transition to an unprecedented model of 'community' land and forest governance in the ostensible benefit of such groups is undoubtedly also riddled with potential for various kinds of challenges, contradictions, and crises (see also Murray Li 2010, 2014c). Yet the state-centric alternative effectively proposes the continuation of a model that has often threatened to result in a largely unmitigated disaster from the perspective of both socioeconomic inequality and the contemporary "dual mandate" (Lugard 1922) – that is, 'sustainable development' – more broadly.

In a gesture toward that end, Kenya's laudably expanded Bill of Rights has ushered in new "consociational" (e.g. McGarry and O'Leary 2015) or group rights for certain "minorities and marginalised groups" (Republic of Kenya 2010: §56, see also Odour 2011). For their proponents, such collective rights possibly retain the potential to rectify long histories of injustice meted out upon certain groups in ways that individual rights would likely not address, as well as to avoid the kinds of disorder that can emerge from the ongoing reproduction of the injustices and dispossessions that they have often suffered.<sup>18</sup> For others, they risk the arbitrary reinforcement of difference produced under British indirect rule colonialism. They may possibly even exacerbate antagonisms along the lines of certain collective identities, which are themselves often alleged to be "socially constructed" with varying degrees of intentionality and instrumentality (e.g. Lynch 2006a, 2011a, see also Coulthard 2014). Rudy Andeweg (2000: 509), for instance, encapsulates this position when he notes that the kinds of tension 'group rights' purport to address "raises the

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<sup>18</sup> See Yash Pal Ghai's (2000) *Autonomy and ethnicity: negotiating competing claims in multi-ethnic states* for an overview of these and related debates in Kenya and elsewhere.



question of whether the very logic of consociationalism should lead to a prescription of more adversarial politics”.

Regardless of outcome, however, Mahmood Mamdani (2012: 2) reminds us that “the management of difference” via these and similar reforms nonetheless remains “the holy cow of the modern study of society, just as it is central to modern statecraft”. Not least, such a predicament arises from the lingering histories of past forms of statecraft and governmentality conceived as the production, management, and manipulation of difference along the imposed hierarchical axes of race, tribe, and class – in Kenya as well as far beyond (see also Mudimbe 1991; Pierre 2012; Povinelli 2002, 2011; Coulthard 2014). As such, contemporary forms of consociational rights inevitably articulate with fraught colonial histories that arguably pursued a version of this very objective, albeit perhaps in more explicitly racist, authoritarian, or violent ways (e.g. Mamdani 1996a, 2012, 2015; Boone 2007, 2014).

Amongst others, Kenya’s new Bill of Rights has effectively created a new legal category of persons known as “hunter-gatherers”, which is more specifically understood to include any “indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy” (Republic of Kenya 2010: §260). This category of persons features in the National Land Policy of 2009 (Republic of Kenya 2009a: §194, §199), the 2010 Constitution’s Bill of Rights and provisions on a new category of collectively-owned “Community Land” (Republic of Kenya 2010: §63, §260), as well as in correspondingly-passed legislation on “community forest” management (Republic of Kenya 2016b: §30).<sup>19</sup> These reforms have thus produced what we might call “political ecologies of anticipation” or expectation (à la Greiner 2016; Mosley and Watson 2016; Dressler 2017) in the sense that certain communities across the country are now reinvigorating much older struggles to self-identify as hunter-gatherers in this sense, and to press claims to collectively-owned lands and forests on this basis.

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<sup>19</sup> See Republic of Kenya (2016b), *Forest Conservation and Management Act*.

Notwithstanding the new possibilities for struggle and mobilization that these institutions present, one cannot help but wonder if such legal inscriptions of consociality might in some ways risk reproducing the ethos – and perhaps also the violence – of previous categories emerging from the labours of colonial administrators and ‘racial scientists’ under indirect rule (e.g. Hopley 1902; Johnston 1902a, see also Pels 1997; Campbell 2007), albeit in inevitably idiosyncratic ways. Arguably, these colonial processes of racialization, tribalization, and racial “knowledge production” (Stoler 2002) in fact bequeathed to us the concept of a hunter-gatherer as it still regularly appears in both academic and public discourse, as well as some of its lingering normative connotations (see also Kratz 1980; Kenny 1981; Woodburn 1997).

Yet such contemporary reforms and institutions also pose the question of whether these categories, too, might be decolonized or *recast* both through the law – and, more importantly – by the people who have historically found themselves within them. Even when resented policies and categories are imposed on one’s life and community, both the imperative of and possibilities for resisting, repurposing, or evading those policies and categories always remain open-ended. As Achille Mbembe (2017: 234) reminds us, “[w]e are condemned to live, not only with what we will produce but also with that which we have inherited.”

One venue in which these claims have been and continue to be aired is via Kenya’s National Land Commission and its Taskforce on Historical Land Injustices, both of which are likewise associated with the broader process of constitutional reform. Several communities have now made submissions to this taskforce and latterly to the National Land Commission – both independently and in association with each other – in order to assert “hunter-gatherer” rights in this regard. Yet, it would in some ways be incorrect to casually suggest that these claims constitute a recent “invention of tradition” (Ranger 1983), or an instance of certain communities only recently or instrumentally “becoming” hunter-gatherers. At least, this would not be correct in the same sense that East Africanist scholars have recently suggested some groups have initiated a process of only recently “becoming indigenous” in response to new opportunities presented by the international indigenous peoples’ movement and associated organizations, legal frameworks, conventions, and institutions from the *1990s* onward (e.g. Igoe 2006; Lynch 2011a, 2012; Hodgson 2011).

Despite long and independent histories of forest and moorland habitation, hunting, foraging, shifting cultivation, pastoralism, and very many other livelihood activities, many of these communities were subject to a much older and decidedly violent process of “becoming” hunter-gatherers – or “Dorobo” in Kenya Colony’s administrative parlance – and as a result of the labours of colonial administrators and ‘scientists’ influenced by prevailing forms of racial theory in the early twentieth century (e.g. Hopley 1902, 1905; Johnston 1902a; Huntingford 1931). Certainly, the communities ascribed with these terms by the colonial state – just as those ascribed with the word ‘slave’ under still older forms of British rule – would “remain active subjects” (Mbembe 2017: 2-3), and engage them in ways that sought to infuse the concept of “Dorobo” and its variations with more virtuous understandings of their own livelihoods and modes of governance.

Rural East African populations have often sought to rework these imposed ‘racial’ or other categories in response and from within in much the same way that newly-fashioned and territorialized “tribes” would be reimagined and renegotiated from within by their members (e.g. Iliffe 1979; Ranger 1993; Mamdani 1996a: 184). As John Iliffe (1979: 324) once famously put it in relation to neighbouring colonial Tanganyika: “Europeans believed Africans belonged to tribes; Africans built tribes to belong to.” Nonetheless, the work of engaging, reimagining, and recasting imposed ‘scientific’, ‘racial’, or biopolitical categories bears a much older genealogy – and, I would suggest, a more troubling one – than more recent debates about the “social construction” of indigeneity or other identities sometimes insinuate (e.g. Lynch 2006a).

Indeed, as we saw in Chapters 10 and 11, many of these same “hunter-gatherer” communities have previously made submissions to another much-debated National Land Commission in Kenya, namely that led by Sir Morris Carter in 1932-4. This fact is very much well known to these contemporary groups, as well, as their present-day grievances filed with the Kenyan state frequently include extensive quotations, citations, and analyses of the submissions made by individuals – often perceived to be the ‘ancestors’ of contemporary claimants – to Carter and colleagues in the 1930s, as well as analyses of other colonial documents. Though of course

vastly different in terms of its form and historical context, it bears mentioning that Carter was also mandated to explore ‘historical injustices’ of a certain kind, or at least to examine the land-related “claims asserted by natives” in the early years of British rule between 1895 and 1930.<sup>20</sup> Consequently, it must be said that Carter’s inquiries were also accompanied by certain “economies of anticipation” of their own, particularly as elements of Kenya’s assorted European, Indian, and diverse African populations mobilized in an attempt to engage this process in ways that would produce results hoped to be – if more desirable outcomes proved elusive – at least to their respectively “minimum disadvantage” (Hobsbawm 1973: 13).

This process of claiming and adjudicating specifically “hunter-gatherer” rights brings into especially clear focus the contemporary state’s *de facto* perpetuation of the colonial dispossession and marginalization of these groups. Yet it also highlights the ways in which such marginalizations and dispossessions have *always* occurred within the context of both quite strident and enduring *debates* amongst state administrators, ‘experts’ of various kinds, politicians, African intellectuals and leaders, civil society organizations, and everyday citizens or colonial subjects. Such debates often highlight an occasionally surprising amount of opposition to these kinds of dispossessory outcomes by individual administrators and various civil society groups. Conversely, however, they also illuminate the ways in which these relatively benign perspectives have frequently been overruled or excluded from influencing official policies, laws, and administrative practices. Moreover, they also highlight the enduringly problematic *reasons* or motivations – particularly those conceived in terms of ‘race’ and ‘civilization’ – for why certain ‘protective’ forms of advocacy have been offered, and especially when offered to certain “dying races” or “dying tribes”, in the first place. In Kenya’s Second Republic, the endurance of an idiosyncratic version of these same debates perhaps suggests that the condescensions and racial “fantasies” (e.g. Yegenoglu 1998; Mbembe 2017) or ideologies which often underpinned the latter forms of advocacy are just as important to exercise as certain lingering political-economic influences upon the state’s administrative practices.

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<sup>20</sup> UKNA/CAB/24/248 – ‘The Kenya Land Commission Report, 1934’, pp. 2.

Very much in contrast to the sentiment that once characterized the advocacy of G.W.B Huntingford and others in the 1930s, contemporary “hunter-gatherer” communities are very much engaged in the reimagining or *recasting* of new forms of property, territoriality, and ecological stewardship, rather than the preservation or re-creation of a somehow ‘primordial’ and idealized past. These efforts are not “traditional” (e.g. Ranger 1983), necessarily, but neither do they seek a warrant or justification from tradition *per se*. As has always been the case in East Africa, the only warrant or justification ultimately needed is that which arises from the collective debates, discourses, disputes, and theorizations of these communities themselves about the past; about how the past should or should not impinge upon the present; and about how desirable futures might be pursued (see also Feierman 1990). Those discourses continue to yield shifting and often diverging perceptions of how one should inhabit the world as an individual; in relations with others; in relations with – but not reproductions of – the past; and in relations with various ‘other’ communities and entities. These debates are not utopian by any stretch of the imagination, but they do, importantly, seek ways of living in the world and with others that are perceived to be both as desirable and as virtuous as the tumultuous present can realistically allow (see also Lonsdale 1992c, 1992d). Surely, those aspirations face lingering constraints, not least due to the phenomena explored throughout this dissertation.

From the long struggle against indirect rule colonialism, white supremacy, autocracy, and state criminality, the contemporary citizens of what is now Uganda and Kenya know all-too-intimately that injustice must be fought in order to be overcome. Yet – and perhaps more to the point – it is also widely recognized that failure to consolidate today’s half-victories might sow the seeds of tomorrow’s defeats. Recent institutional reforms offer us a glimmer of hope for more socially and environmentally just futures in East Africa, both in the region’s forested watersheds and beyond. Whether or not that vision will be realized, how or how not, to whose benefit and to whose detriment, will inevitably be the stuff of political ecologies to come. It is nonetheless the case that “the future” – to borrow a remark from the late Neil Smith (2015) – was, is, and will always remain “radically open”.

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For clarity and guided reference, the bibliography has been organized in the following categories: I. Primary archival sources cited and consulted in the United Kingdom and Kenya; II. Constitutions, orders, regulations, ordinances, and legislation; III. Other primary sources; and IV. Secondary literature. In particular, the third category has been distinguished from the fourth in order to highlight that its contents have been authored largely by current or former administrators, officials, military operatives, ‘explorers’, consultants, and government employees. It might thus be seen as a useful complement to the primary archival records, ordinances, and other legislation below, which have in some cases been authored, drafted, or otherwise influenced by the same persons and their bureaucratic subordinates.

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KNAK/BHC/3/2 – Forest Boundary and Surveys

*Kenya National Archives – Nakuru (KNAN), for the former Rift Valley Province*

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