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# ‘Joy rides for juveniles’: vagrant youth and colonial control in Nairobi, Kenya, 1901–52\*

In 1901, the Sub-Commissioner of Nairobi, J. D. Ainsworth, rounded-up twenty juvenile vagrants whom he ‘found wandering about Nairobi [...] without parents or any proper home’.<sup>1</sup> In a perverse way, it was a matriculation of sorts for Nairobi at the time barely boasting 8000 residents.<sup>2</sup> The burgeoning town rather prematurely joined urban centres such as Paris, Amsterdam and London, each with their own mechanisms for managing their domestic vagrants. The British, on which the majority of vagrancy literature has been written, repatriated vagrants to the countryside as well as institutionalizing them in workhouses, prisons and, for younger offenders, industrial schools.<sup>3</sup> The French, too, were concerned with the idleness of vagrants. In 1816, the Treasurer Secretary of the Bureau of Charity in Paris argued that vagrants purposefully eluded authority and their idleness and vice always required punishment.<sup>4</sup> By the late 1800s, French authorities had arrested over 400,000

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<sup>1</sup>Kenya National Archive PC/COAST/1/1/81, John Dawson Ainsworth to Acting Sub-Commissioner, Mombasa, 18 May 1901.

<sup>2</sup>Andrew Hake, *African Metropolis: Nairobi’s Self-Help City* (London, 1977), 22, 31.

<sup>3</sup>The literature on vagrancy in England, Scotland and Wales is extensive. For the most widely cited texts, see: A. L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560–1640* (London,

1985); W. Booth, *The Vagrant and the ‘Unemployable’* (London, 1904); W. H. Dawson, *The Vagrancy Problem: The Case for Measures of Restraint for Tramps, Loafers, and Unemployables: With a Study of Continental Detention Colonies and Labour Houses* (London, 1910); Robert Humphries, *No Fixed Abode: A History of Responses to the Roofless and the Rootless in Britain* (Basingstoke, 1999); John Pound, *Poverty and Vagrancy in Tudor England* (London, 1971); C. J. Ribton-Turner, *A History of Vagrants and Vagrancy and Beggars and Begging* (London, 1887); Lionel Rose, *‘Rogues and Vagabonds’: Vagrant Underworld in Britain, 1815 to 1985* (London, 1989); and Sidney and Beatrice Webb, *English Local Government: English Poor Law History*, parts 1 and 2 (London, 1927, 1929).

<sup>4</sup>L. P. A. H., Treasurer Secretary of the Bureau of Charity, Tenth Department of Paris, *Des Avantages de la Mendicité bien Réglée dan l’Economie Sociale* (Paris, 1816), 17–18.

vagabonds.<sup>5</sup> At the same time, the Dutch and Prussians developed labour colonies as a means of putting their underemployed to work.<sup>6</sup> Ultimately, through the vehicle of colonialism, vagrancy policies were deployed in the Americas, India and throughout Africa where the politics of race, economic exploitation and administrative capacity altered the nature of vagrancy.<sup>7</sup> Although cities, states and empires enjoy their own historic peculiarities, vagrancy and the laws developed to deter it are part of a shared global experience. Historians have elegantly demonstrated the role of capitalism, wage labour and urbanization in the creation of a marginalized population and the use of vagrancy, by the state, to control it. In this way, vagrancy has been shown to be an epicentre at which the management of labour crises and control of social and urban order converge.<sup>8</sup>

The moment Sub-Commissioner Ainsworth rounded up twenty juvenile vagrants in Nairobi he participated in a process with deep historic roots taking place around the globe. This article explores the subsequent development and enforcement of colonial policy towards young people, i.e. those under the age of sixteen. Specifically, it focuses on juveniles accused of vagrancy, in Nairobi, from the turn of the twentieth century until 1952. At one level, the article posits vagrancy in colonial Nairobi as part and parcel of a shared global history. It argues that the origins of an underemployed class in Nairobi can be traced to rural disenfranchisement and poverty as well as urban inadequacies such as housing shortages, higher costs of living and a lack of permanent employment. It also illustrates that the colonial government sought to maintain control over the movements of would-be labourers as well as over the urban space. At another level, the article focuses on vagrancy policy specific to the colonial African setting, providing new insights into how vagrancy arose within the contexts of Kenya and the British

<sup>5</sup>Timothy B. Smith, 'Assistance and repression: rural exodus, vagabondage and social crisis in France, 1880-1914', *Journal of Social History* (Summer 1999), 824.

<sup>6</sup>John L. Gillin, 'Vagrancy and begging', *American Journal of Sociology*, xxxv, 3 (November 1929), 430-1.

<sup>7</sup>Scholarship on vagrancy in the colonial world has grown in recent years. See Ravi Ahuja, 'The origins of colonial labour policy in late eighteenth-century Madras,' *International Review of Social History*, 44 (1999), 159-93; Clayton A. Hartjen and S. Priyadarsini, *Delinquency in India. A Comparative Analysis* (New Brunswick, 1984); Martha K. Huggins, *From Slavery to Vagrancy. Crime and Social Control in the Third World* (New Brunswick, 1985); Philip A. Warren, *Vagrants and Citizens. Politics and the Masses in Mexico City from Colony to Republic* (Wilmington, 2001). For work on vagrancy in Africa, see the following: Richard Allen, 'Indian immigrants and the legacy of marronage: illegal absence, desertion and vagrancy in Mauritius, 1835-1900', *Itinerario*, xxi, 1 (1997), 98-110; Andrew Burton, 'Urchins, loafers, and the cult of the cowboy: urbanization and delinquency in Dar es Salaam, 1919-1961', *Journal of African History*, xlii (2001), 199-218; Robert J. Gordon,

'Vagrancy, law and "shadow knowledge": internal pacification, 1915-1939' in Patricia Hayes *et al.* (eds), *Namibia under South African Rule: Mobility and Containment, 1915-46* (Oxford, 1998); B. H. Kinkead-Weekes, *A History of Vagrancy in Cape Town* (Cape Town, 1984); and Jeremy Martens, 'Polygamy, sexual danger and the creation of vagrancy legislation in colonial Natal', *Journal of Imperial and Commonwealth History*, xxxi, 3 (2003), 24-45.

<sup>8</sup>Two criminologists have heatedly debated the nature of vagrancy law. William Chambliss argues that vagrancy is an attempt by Weberian status groups to control the movement of labourers and more generally the labour market itself. See William J. Chambliss, 'A sociological analysis of the law of vagrancy', *Social Problems*, xii (1965), 69. In response, Jeffrey Adler proposes that vagrancy law is an attempt to manage threats to social stability. See Jeffrey S. Adler, 'A historical analysis of the law of vagrancy', *Criminology*, xxvii, 2 (1989), 215. This article contends that both arguments need not be mutually exclusive and when studying vagrancy at varying time periods and in different places each position provides a useful framework.

Empire. Furthermore, the administrative discourse entwined with the construction of juvenile vagrancy provides a glimpse into the changing relationship between the colonial state and African young people. Finally, a detailed examination of administrative methods used to control Africans labelled 'vagrant' highlights the state's negotiation of financial and logistical shortcomings and its struggle for authority. Vagrancy regulations in colonial Nairobi proved myopic strategies, chosen over more substantive practices, facilitating the intense disorder of the late 1950s and leaving the issue of underemployed African young people unresolved at independence.

#### NAIROBI'S YOUTH: VAGRANCY AS LABOUR CONTROL, 1901–20

When Sub-Commissioner Ainsworth placed those twenty 'wandering' young people into state custody he quickly transferred them to the Church Missionary Society in Mombasa. At the time, the decision was consistent with the management of outcast youth in London. Attitudes toward juvenile vagrancy in England had changed in the late nineteenth century as British authorities began to favour institutionalizing underemployed youth. Over 3059 young people were admitted to English industrial schools in 1884.<sup>9</sup> Less than two decades later, organizations such as the National Society for the Prevention of Cruelty to Children stressed that preventing future generations of vagrants and criminals required extracting the young from the influences of the street. It was believed that young people required positive outlets through which they could release their adolescent energies.<sup>10</sup> In Nairobi, more settlement than burgeoning metropolis, the Church Missionary Society provided the Sub-Commissioner with such an arrangement. Missions had long taken African juveniles into their care as a means of educating them while extracting their labour.<sup>11</sup> In addition, it provided them with the rigid discipline of mission life and instilled in them the virtues of a 'Christian work ethic'. Yet placing underemployed youths in the custody of the mission was an unsustainable solution. Facing a growing number of Africans seeking labour, the colonial government developed a series of regulations – of which vagrancy was one of the first – to retain and manipulate the movement of Africans. Ainsworth required a strategy to rid Nairobi of its undesirable elements. This came in the form of the Vagrancy Act. Yet the history of Nairobi's outcast young people does not begin in Nairobi and with Ainsworth's deployment of the Vagrancy Act in 1902; rather, its origins lay in the countryside where living conditions and economic and political processes compelled those under the age of sixteen to seek their fortunes far from home.

<sup>9</sup>Ribton-Turner, *op. cit.*, 290; the institutionalization of children in London began long before the founding of industrial schools. In the sixteenth and seventeenth centuries institutions like Christ's Hospital and the infamous Bridewell were established to care for orphans and re-educate child vagrants and delinquents. See Barry M. Coldrey, "[...] a place to which idle vagrants may be sent". The first phase of child migration during the seventeenth and eighteenth centuries', *Children and Society*, XIII (1999), 33; and Robert C.

Johnson, 'The transportation of vagrant children from London to Virginia, 1618–1622' in Howard S. Reinmuth, Jr (ed.), *Early Stuart Studies* (Minneapolis, 1970), 138.

<sup>10</sup>Andrew Lees, *Cities Perceived: Urban Society in European and American Thought, 1820–1940* (Manchester, 1985), 168.

<sup>11</sup>KNA PC/COAST/1/10/81, Secretariat Circular, 16 April 1914; and Robert L. Tignor, *The Colonial Transformation of Kenya: Kamba, Kikuyu and Masai from 1900 to 1939* (Newark, 1976), 128–32.

From the turn of the century until the end of the First World War the region which became known as Central Province underwent dramatic change, as did the labour practices of young Africans in the region. By 1905 well over 500 European settlers, many from South Africa, had arrived in Kenya to pursue agricultural enterprises.<sup>12</sup> In 1906 the colonial regime allocated approximately 60,000 acres of land to these settlers, consequently alienating 11,000 Kikuyu people in Kiambu and Limuru from their farms.<sup>13</sup> Having established themselves on vast tracks of Kenyan soil, primarily in Central and Rift Valley Provinces, white farmers required a source of labour, or at least the ability to attract it.<sup>14</sup> At the time most African young people made few moves to exchange their labour for wages, for they still lacked the incentive to abandon the promise of their own agricultural or pastoral livelihoods. Railway officers in Nairobi often complained that African labour came irregularly and was therefore of little value.<sup>15</sup> Colonial officials and European farmers thus set out to compel Africans to exchange their labour for wages on a more permanent basis.

This was accomplished in a variety of ways, from the introduction of the Poll and Hut tax to the use of chiefs and professional recruiters to coerce or entice African young men to take up work on European estates.<sup>16</sup> Discomforts at home, such as increased brideprice as well as the overcrowding on, and degradation of, the African reserves were also responsible for the gradual emergence of Africans into the labour market. Initially young Africans resisted the enticements of urban and estate labour, but their numbers gradually swelled on European farms and in the African areas of Nairobi.<sup>17</sup> With increasing numbers of Africans leaving their areas to find work, their movement threatened the economic order of colonial Kenya. The migration of African labour, particularly away from the agricultural estates and toward the urban centres of Kenya, disrupted taxation, undermined the authority of local Africans and made colonial officials and European settlers dependent on a permanent, stable agricultural labour force. In response, the state sought out mechanisms to control African movement within the countryside, as well as to redirect urban migration back to the rural reserves. A vagrancy law was not the sole piece of legislation developed to control African labour movements. The Native Porters and Labour Regulations of 1902, Master and Servants Ordinance of 1906 and Native Registration Ordinance of 1915 sought to shift African labour back to the rural areas as well as to manipulate the movement and behaviour of African

<sup>12</sup>Anthony Clayton and Donald C. Savage, *Government and Labour in Kenya, 1895-1963* (London, 1974), 21.

<sup>13</sup>M. P. K. Sorrenson, *Land Reform in the Kikuyu Country* (London, 1967), 18.

<sup>14</sup>KNA PC/NZA/3/20/17/1, Senior Commissioner of Nyanza to District Commissioner of Central Kavirondo, 5 January 1925.

<sup>15</sup>Sharon Stichter, *Migrant Labour in Kenya: Capitalism and African Response* (Harlow, 1982), 17, 30.

<sup>16</sup>The Poll and Hut taxes required every 'able-bodied' male over the age of sixteen to pay a fee to the colonial administration. As age was often determined by looking under the arm for hair, it was likely that numerous youths under the age of

sixteen were required to pay the tax. See R. M. A. Van Zwanenberg, *An Economic History of Kenya and Uganda, 1800-1970* (London, 1975), 4-5.

<sup>17</sup>It is important to note that African entrance into the wage market and migrant labour system occurred piecemeal throughout the colonial period. Severe land alienation, placement of Africans on reserves, concentration of European-run agricultural estates and proximity to Nairobi made African groups in Central Province, such as the Kikuyu, seek entrance into the labour market in the early decades of the twentieth century. Other groups, such as the Kisii and Kamba, became more active in the market at a much later date. For more detail see Stichter, *op. cit.*, 46-7.

employees.<sup>18</sup> In the early years of colonial rule these policies, and the Vagrancy Act, outlined the procedures for managing such urban migration.

The origins of Nairobi vagrants were not solely rooted in the difficulties of rural life; the urban environment, too, played a role in the creation of Nairobi vagrants. Life in Nairobi promised employment in government work and domestic service with higher wages, education enabling social mobility and shanty neighbourhoods providing escape from rural authority and taxation. The African population of Nairobi rose to 12,000 by 1920, and in ten years the population doubled to 28,000, although it was still but a humble town.<sup>19</sup> Among these thousands, young Africans, some no older than twelve, made their way to Nairobi. Juveniles found employment as domestic servants in European and Asian households, while others worked for the government as 'sweepers' and 'scavengers'.<sup>20</sup> However, Africans quickly discovered that their hopes for employment were dashed.

Housing units developed for Africans by the state could not accommodate those already residing in Nairobi, let alone the new arrivals. Some housing was constructed for African railway workers and municipal employees but, for the majority, housing was a self-help enterprise. This failure to develop housing for the general African population resulted in uncontrolled and overcrowded settlement along the township's periphery as early as 1900. Beginning in 1900, and until the 1920s, the administration set about demolishing African areas.<sup>21</sup> The destruction of African homes did little to discourage migration and aggravated the housing crisis. In addition to housing problems, a lack of education facilities also worsened the prospects of African young people. Hopes for education in these early years of Nairobi's development were non-existent. Even in 1931 government schools educated 1 per cent of Africans and with only six schools in Nairobi servicing 1770 students, opportunities for young urban migrants to gain education were limited.<sup>22</sup> In short, the economic and social pressures of early colonial rule in both the countryside and the settlement of Nairobi frustrated potential juvenile labourers, leaving many underemployed, homeless and idle. The colonial state passed the Vagrancy Act as an instrument to redirect migrant labour, deflecting it from Nairobi and the Colony's other urbanizing centres and back toward the reserves.

The Act gazetted in Nairobi in 1902 was a trimmed-down version of those operating in Britain and India.<sup>23</sup> According to the Act, a police officer could arrest, without warrant, anyone 'asking for alms or wandering about without any employment or visible means of

<sup>18</sup>David M. Anderson, 'Master and servant in colonial Kenya', *Journal of African History*, xli (2000), 462-5; and Clayton and Savage, *op. cit.*, 30.

<sup>19</sup>Mary Parker, *Political and Social Aspects of the Development of Municipal Government in Kenya with Special Reference to Nairobi* (London, 1947), Appendix I.

<sup>20</sup>KNA ABK/14/140, Deputy Registrar of Domestic Servants to District Commissioner, Nairobi, 2 July 1931.

<sup>21</sup>Hake, *op. cit.*, 36.

<sup>22</sup>Herbert Werlin, *Governing an African City* (London, 1974), 45, 51.

<sup>23</sup>In Britain, vagrancy regulation had undergone centuries of revision and, as a result, the term 'vagrant' became associated with a plethora of

categorizations and connotations. In the 1500s, a whole host of individuals was listed in the vagrancy law from jugglers and counterfeiters to those feigning knowledge of the 'absurd sciences': see Chambliss, *op. cit.*, 73. The law of vagrancy became a catch-all for Britain's undesirable population, granting a wide sphere of influence to magistrates. Vagrancy also became more closely associated with criminal activity. The Act of 1530 described the 'vacabundes' as 'the mother and roote of all thefts, robberyes and all evill actes and other mischiefs [...]'. In 1834, the notion of vagrancy was altered to include sets of behavioural traits such as the 'wilfully' underemployed and the incorrigibly lazy: see Ribton-Turner, *op. cit.*, 90, 236.

subsistence'.<sup>24</sup> The lack of specificity gave latitude to administrators to define and prosecute vagrants. It placed a great deal of discretionary power in the hands of the Nairobi Sub-Commissioner to rid the area of the underemployed. Vagrants were not immediately removed from Nairobi. Rather, according to the Act, once a magistrate determined the 'character and circumstances' of the vagrant, the individual was jailed for no more than three months, during which time officials at the jail sought employment for the vagrant. Once the vagrant was put to work, he earned eight annas a day until he could afford transport back home.<sup>25</sup> Transport home was known as repatriation and had been an integral aspect of English vagrancy law for centuries.<sup>26</sup> However, the financial and logistical constraints on early colonial authority in Nairobi were such that it could not afford to repatriate every African turning up in the fledgling town.

The 1902 Vagrancy Act provided Nairobi with a labour pool from which labour could be extracted at little cost and closely resembled vagrancy legislation that had been deployed throughout the world, in different historical periods. From their early origins in English history, vagrancy laws became a means of controlling the rising value of labour. English landowners in 1349 sought to control the increasing worth of labour due to a shortage produced by the Black Death.<sup>27</sup> Years later, in 1388, the Act was expanded to include juveniles over the age of twelve.<sup>28</sup> Conversely, vagrancy was manipulated to soften the impact of labour shortages, primarily in rural economies such as those in colonial Latin America. The 1890 Criminal Code of Brazil, coinciding with an intense labour shortage, defined vagrants as those 'not dedicated' to finding work. Under the code, juvenile vagrants were sentenced to the Escola Industrial Frei Caneca, where they processed sugar cane.<sup>29</sup> But the Kenya of 1902 had not yet experienced intense fluctuations in labour supply, nor had its administration any firm control over the movement and behaviour of its subjects. More likely than not, young African vagrants were detained for three months in Nairobi and put to work on government projects or left to finish their sentences until work was found. Repatriation on the English model was also impossible during the formative years of colonial rule in Kenya. There was no rural tax base and, while rural communities might have possessed the social and economic infrastructure to receive and reintegrate vagrants, the colonial state did not. Thus, removals from Nairobi involved little more than repatriating Africans to their villages with the naïve hope they would remain there. To complicate matters further, in the first decades of the twentieth century many

<sup>24</sup>East Africa Protectorate, *Ordinances and Regulations*, vol. II (Mombasa, 1900), Articles I, II.

<sup>25</sup>*ibid.*, Articles III, VI, VII.

<sup>26</sup>Punishments for vagrancy in England and colonial India often involved forced labour, for adults and juveniles alike. In 1500, English vagrancy law forced apprenticeships on juvenile and child vagrants as young as five years old: see Ribton-Turner, *op. cit.*, 108. Over three centuries later, vagrants in Madras were sentenced to three–six month terms of forced labour: see Ravi Ahuja, *op. cit.*, 184–5. By 1850, juvenile vagrants in colonial India were placed into apprenticeships if other employment could not be found: see Hartjen and Priyadarsini, *op. cit.*, 40. Yet not all punishments for vagrancy involved compulsory

employment; another strategy, was repatriation, uprooting and shifting labour surpluses. The continual removal and repatriation of would-be employees from region to region, often urban to rural, temporarily alleviated surplus or shortage crises. In seventeenth- and eighteenth-century England, Justices of the Peace spasmodically used privy searches to round up a cornucopia of individuals ranging from servants who had abandoned masters and drunkards to poachers and, frequently, persons with whom the justice had a particular grudge: S. and B. Webb, *op. cit.*, 367, 381.

<sup>27</sup>Chambliss, *op. cit.*, 69.

<sup>28</sup>Ribton-Turner, *op. cit.*, 108.

<sup>29</sup>Huggins, *op. cit.*, 72–5.

administrators were as yet uncertain of the direction that Nairobi would take. By the 1920s, the growing town challenged officials in new ways and, while labour control remained an integral part in the management of vagrants, other factors began to influence the policy.

#### VAGRANCY: A SOCIAL AND URBAN DISORDER, 1920–39

During the inter-war period, colonial officials began to concern themselves with more than removing would-be labourers from Nairobi. The ways in which vagrancy was employed reflected this policy change. The urban environment appeared, to many colonial officials, to erode the social and political fabric of African society, and this in turn had grave consequences for the maintenance of colonial social order. The Chief Native Commissioner in 1920 worried that Nairobi was no place for African children. However, he noted, he ‘would not object provided they are properly domiciled and supervised’.<sup>30</sup> Such concerns were rooted in Britain’s own experience with the metropolitan lifestyle. In late Victorian London, Social Darwinists such as Alfred Marshall believed that children on the streets of London suffered from stunted physical and mental capacities because of their urban way of living.<sup>31</sup> According to such writers the urban household was weakened, allowing the world beyond the front step to take hold of young people. The urban juvenile was unwilling to exercise restraint and became as unnatural and uncontrollable as his environment.<sup>32</sup>

Such fears disembarked alongside colonial officials taking up assignment in Kenya, but British notions of African social structures made the impact of urban life all the more discomfiting. To the colonial official, the African was an agriculturalist whose entire way of life depended on his relationship to land and kin. Colonial political structures were developed accordingly, and groups of people had tribal affiliations and chiefly authorities imposed upon them, even if they had lacked chiefs and tribal identities before the colonial period. To remove an African juvenile from farm and family, and place him in an urban environment, was to disrupt tribal authority at its foundation. These sentiments were given legal grounding from the outset of colonial contact with the people of Kenya. Under the Indian Penal Code, section 361, boys under the age of fourteen and girls under the age of sixteen enticed away from their families and homes without the consent of their parents and guardians were considered kidnapped. This legislation was enforced before and after the turn of the century to control the pawning of children among Kikuyu and Kamba peoples as well as to hinder missions from taking in children to be educated and put to work. Just years before the vagrancy controls, the colonial state had already sought to preserve what it believed were legitimate African familial structures.<sup>33</sup> Moreover, without legitimate, respected chiefs and subjects, colonial rule and the social order it created in rural East Africa could not function. Thus African juveniles, save those with permanent employment within Nairobi, belonged in the countryside.

<sup>30</sup>KNA PC/COAST/9/47, Chief Native Commissioner to Chief Secretary, 13 July 1920.

<sup>31</sup>As quoted in Gareth Stedman Jones, *Outcast London* (Oxford, 1971), 128.

<sup>32</sup>Charles Masterman, *The Heart of the Empire* (London, 1973), 125.

<sup>33</sup>KNA PC/COAST/1/10/181, Circular No. 34, 21 April 1914. Chief Secretary to the Government, ‘The Rights of Missions to Keep Minors Without the Consent of the Guardians’, and subsequent responses.



A 'detrribalized' African represented 'incompetence in dealing with the evils of his own society and the potential disruptive influence of Western civilization'.<sup>34</sup> As a result, administrators needed to approach him or her with 'a blend of moral exhortation and didactic tutelage, backed up by threats of punishment and coercion'.<sup>35</sup> As the population of the city swelled, the maintenance of urban order became of great concern for administrators. Aside from social order, urban order, too, became a concern among municipal authorities. This was deeply rooted in both the preservation of the economic prosperity of Nairobi and the physical and emotional well-being of its European citizenry. The presence of thousands of underemployed African youths scratching out an income through various formal and informal means of subsistence was an affront to non-African sensibilities and security.<sup>36</sup> While underemployed African juveniles may have led visible lives on the urban streets, it was their less visible, potentially criminal, dealings that struck so deeply at the colonial consciousness.

Throughout the 1920s, juvenile crime gradually rose within Kenya, with much of the crime committed in Nairobi (see Table 1). Despite the administration's best efforts to arrest juvenile

Table 1. *Number of juvenile offenders and punishment, 1925–39*

<i>Year</i>	<i>Prison sentence</i>	<i>Reformatory sentence</i>	<i>Corporal punishment</i>	<i>Total</i>
1925	33	24	129	186
1926	4	42	144	190
1927	6	28	183	217
1928	8	39	153	200
1929	41	54	150	245
1930	32	46	220	298
1931	20	28	268	316
1932	44	30	283	357
1933	5	15	248	268
1934	18	7	291	316
1935	6	22	201	229
1936	0	28	202	230
1937	0	30	259	289
1938	0	23	225	248
1939	23	0	282	305

Source: Colony and Protectorate of Kenya, Prisons Department, *Annual Reports, 1925–1938* (Nairobi, 1926–39).

<sup>34</sup>Bruce Berman and John Lonsdale, *Unhappy Valley* (London, 1992), 238.

<sup>35</sup>*ibid.*

<sup>36</sup>Robert Gordon in his work on vagrancy in Namibia focuses on the role of European settlers regarding government's preoccupation

with underemployed Africans. He argues that vagrancy policy and practice served as a 'massive local anaesthetic', effectively sedating the colonizer's worst psychological and economic insecurities: Gordon, *op. cit.*, 75.

criminals, the police force of Nairobi operated under constant strain until the 1920s. In 1907, the force was stretched to its limit due to demands for protection made by settlers living in the city.<sup>37</sup> The very size of the growing metropolis restricted the effectiveness of the Nairobi police force. African youth routinely escaped pass-law checks and arrest by blending into the African areas. Social networks among young thieves and kin often camouflaged the juvenile vagrant from the sights of the judicial system. Foran notes that, by the end of the 1920s, and as the Depression began to take its toll, petty and organized crimes were on the rise in Nairobi, and the ability of the administration to meet the demands of the policies they gazetted was severely hampered.<sup>38</sup> As a result, crime became more closely associated with migrating young people both in the realities of the Nairobi streets and in the perceptions of colonial officials.

By the 1920s the regime, more confident in its ability to assert authority, gazetted a range of new legislation. The ninth ordinance of the year was a repealed and replaced Vagrancy Act, which expanded the powers of the colonial regime. The criteria for vagrancy no longer simply involved a visible means of employment; rather, residence became a key feature of the legislation. Police now had the ability to arrest anyone wandering about or residing in a space such as a verandah, outhouse or vehicle without the owner's consent.<sup>39</sup> The additional wording reflected the growing housing shortage in the city and an attempt by the government to clean up both the idle and the homeless. Under the new Vagrancy Ordinance of 1920, separate penalties were introduced for adult and juvenile vagrants. Adult vagrants were imprisoned until employment could be found and, if none existed, they were immediately repatriated to the rural areas.<sup>40</sup> While adults were imprisoned and forced to work under the Vagrancy Ordinance of 1920, juveniles were immediately repatriated back home.<sup>41</sup> In addition, if a juvenile returned and was charged with recidivism, then he or she was to be caned.<sup>42</sup>

Strikingly, in 1928, only one juvenile was arrested and repatriated under the Vagrancy Ordinance. This does not suggest that vagrancy had been abandoned as an instrument of removal; rather, the charge of vagrancy against juveniles was used in other ways.<sup>43</sup> In 1931, the Chief Native Commissioner revealed that 'after the award of corporal punishment of a juvenile, the police further charge the offender with vagrancy, and the court orders him to be repatriated to his reserve'.<sup>44</sup> In that year 268 juveniles were caned. Caning and repatriation became a popular marriage of punishments as magistrates extracted the 'wanderlust' out of juveniles with violence and exclusion (see Figure 1). Thus, juveniles sentenced for minor offences requiring caning were subsequently labelled as vagrants and shipped back to their rural homes. By the 1930s vagrancy policy was being used to remove juvenile criminals from

<sup>37</sup>Robert W. Foran, *The Kenya Police, 1887-1960* (London, 1962), 32.

<sup>38</sup>*ibid.*, 66.

<sup>39</sup>Colony and Protectorate of Kenya, 'No. 9 Vagrancy Ordinance, 1920', *Ordinances and Regulations* (Nairobi, 1921), Section 2.

<sup>40</sup>*ibid.*, 'No. 9 Vagrancy Ordinance, 11 February 1920', *Ordinances and Regulations, 1920* (Nairobi, 1921), Sections 4, 6 and 9.

<sup>41</sup>*ibid.*, Section 14. However, magistrates across Kenya had difficulty determining the age of juveniles brought before them. This confusion

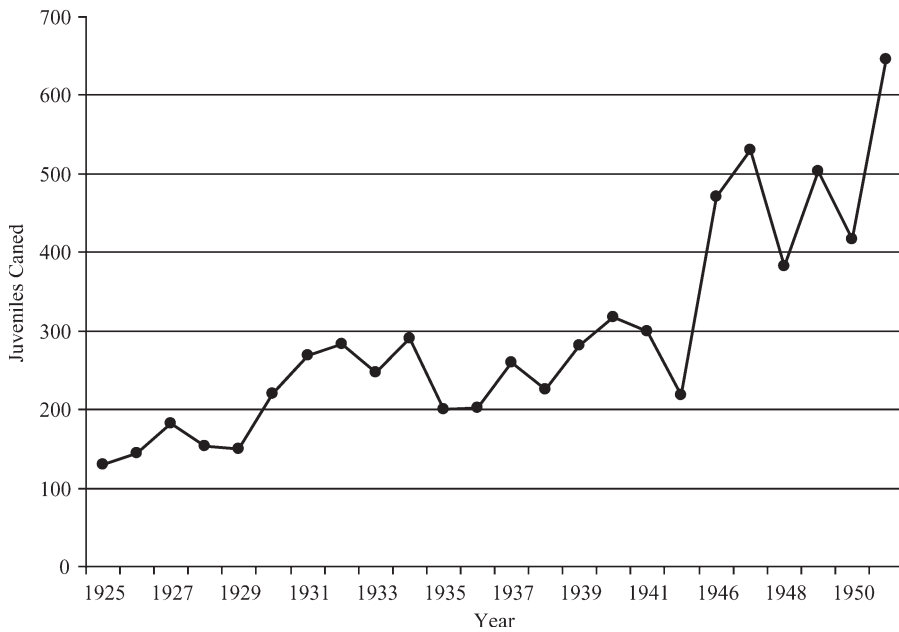
often resulted in their remand or imprisonment alongside adults, even for crimes such as vagrancy. KNA PC/NZA/3/17/15, W. B. Brook, Magistrate, Nyanza to Senior Commissioner of Nyanza, 17 July 1926.

<sup>42</sup>*ibid.*, Section 16.

<sup>43</sup>Colony and Protectorate of Kenya, *Native Affairs Department, Annual Report, 1928* (Nairobi, 1929), 74.

<sup>44</sup>*ibid.*, *Native Affairs Department, Annual Report, 1931* (Nairobi, 1932), 82.

Figure 1. Juvenile corporal punishment, 1925–52



Source: Colony and Protectorate of Kenya, *The Kenya Prisons Annual Report, 1925–1943* (Nairobi, 1926–44); KNA AP/1/1840, Acting Registrar, Supreme Court of Kenya, 3 May 1952.

Nairobi, not just the underemployed. Vagrancy policy had developed beyond a mechanism to control the labour market and the movement of labourers. It had become a response to Nairobi's increasing social and urban disorder.

As the Great Depression settled over Kenya, life in the rural areas grew more difficult. Labour cuts forced squatters off European agricultural estates and back to their reserves, where many had given up any rights to their land. Between 1929 and 1935 wages were reduced to 40 per cent and demand for labour on the railway and agricultural estates declined despite increased supply.<sup>45</sup> For Africans suffering from eviction and low wages on the European estates and in the urban centres of Kenya, the family networks back in the reserve were a final safety net. The Ministry of Health estimated that the number of African residents in Nairobi had declined after 1929. By 1933, 8824 Africans had vacated the city, though their numbers would begin to rise again the following year.<sup>46</sup> Despite the initial exodus out of Nairobi in the first half of the 1930s, officials worried about the rising number of vagrants, adult and juvenile alike, being removed from the city. The Chief Native Commissioner, P. de V. Allen noted that 1002 adult and juvenile vagrants had been rounded up in 1932, an increase over previous years. He blamed the rising figures on recidivism and the economic conditions on the European estates.<sup>47</sup> Indeed, during the Depression, despite falling African residency, the Nairobi

<sup>45</sup>Stichter, *op. cit.*, 95.

<sup>46</sup>Parker, *op. cit.*, Appendix I.

<sup>47</sup>Colony and Protectorate of Kenya, *Native Affairs Department Annual Report, 1920, 1932* (Nairobi 1931, 1933), 83 and 120 respectively.

administration came in closer contact with juveniles, particularly labourers, vagrants and delinquents due in part to changes in urban policing. Changes in the relationship between youth and the state in Great Britain often resulted in colonial interest in the lives of African juveniles. Growing concern for juvenile welfare within Great Britain and in the international community led to legislation such as the Children and Young Persons Acts of 1933 and 1935. This legislation ultimately spread throughout colonial Africa as a result of a general trend within the Colonial Office to align British legislation with that of the colonies. As a result, Kenya youth policy underwent dramatic expansion and change during the 1930s.<sup>48</sup>

In the 1930s the Nairobi police force became a more efficient machine under the leadership of Commissioner R. G. B. Spicer. Improved training and night patrols raised the number of arrests and prosecutions among vagrants, prostitutes and other criminals.<sup>49</sup> However, the Depression took its toll on the Nairobi police. During the 1930s expenditure for the police fell by £45,742 – a cut of 25 per cent. This effectively reduced the funding and manpower of the force while crime continued to grow.<sup>50</sup> Between 1928 and 1934, Kenya experienced an overall rise in the number of juvenile offenders committing criminal acts such as theft. The increase had much to do with the growing number of young people in Nairobi as it did the reforms made by Spicer. Yet financial constraints of the Depression economy on the judicial system dramatically lowered the overall number of juveniles committed. Faced with these statistics, administrators feared the judicial system was not adequately maintaining the semblance of urban order in Nairobi.

Public and administrative anxieties over rising rates of crime led to the establishment of the Crime Committee in 1932, a body made up of several branches of the colonial service including Police, Labour and Native Affairs officers. The committee took a closer look at the roots of crime in Kenya, seeking to provide the government with prescriptions to stem the tide of urban disorder. Committee members believed that of the three criminals the report concerned – ‘juveniles, recidivists and vagrants’ – the problems presented by juveniles were the most serious of the three.<sup>51</sup> Yet these categories were not mutually exclusive, and one is left to surmise how the committee members felt about recidivist juvenile vagrants. Urban juvenile crime, according to the report, was directly related to African migration brought on by the depression economy and a breakdown of ‘tribal authority’ in the rural environment. The committee estimated that there were 3446 juveniles in Nairobi, mainly between the ages of ten and fifteen; of those, one-third were without parental control and 2974 without permanent work.<sup>52</sup> Labour crisis and social order were thus intertwined. As for life in Nairobi, members admitted that educational facilities for Africans were inadequate, limited mainly to a Catholic Missions school, St Peter Claver’s School, a government school at Pumwani and other institutions collectively educating 578 boys and 149 girls.<sup>53</sup> Regarding housing, the committee argued that no matter how deplorable, the urban household was ‘not very different from those

<sup>48</sup>See Chloe Campbell, ‘Juvenile delinquency in colonial Kenya, 1900–1939’, *Historical Journal*, XLV, 1 (2002), 139.

<sup>49</sup>David M. Anderson, ‘Policing, prosecution and the law in colonial Kenya’ in David M. Anderson and David Killingray (eds), *Policing and Decolonisation: Politics, Nationalism and the Police, 1917–65* (Manchester, 1992), 192–3.

<sup>50</sup>Foran, *op. cit.*, 83.

<sup>51</sup>*ibid.*, 41.

<sup>52</sup>Colony and Protectorate of Kenya, *Crime Committee Report, May 1932* (Nairobi, 1932), 5, 7–8.

<sup>53</sup>*ibid.*, 14.

still largely obtained in the reserve'.<sup>54</sup> Emphasis continued to be placed on the removal of young Africans from Nairobi, rather than on prescriptive measures to facilitate life in urban Nairobi.

In the wake of the Crime Committee came a Juvenile Crime Committee, under the chairmanship of S. H. La Fontaine, and the Employment of Juveniles Committee of 1938. The investigations and recommendations of these committees concurred with the findings of the Crime Committee and provided catalysts for a series of legislation specifically designed to manage African young migrants. The sudden attention given to African juveniles took on a social flavour. To curb social disorder, municipal authorities believed that the juvenile population of Nairobi must be sheltered from criminal elements. Officials also recognized that, though Africans sought permanent employment, they either found nothing to occupy their time or worked in such atrocious conditions that they turned to crime. Thus, crime and labour were two sides of the same coin. District Commissioner Tisdall typified this reaction, arguing that a law was necessary to limit the age of young people allowed to work within the municipality. He believed that 'these children are responsible for much of the petty thieving which occurs in the town; and not being subject to the Native Registration Ordinance, it is impossible to know whether they are in employment'.<sup>55</sup> The colonial government sought to control juvenile labour and crime simultaneously, and to do this new tools were needed at the state's disposal.

For idle hands making mischief, the administration developed the Juveniles Ordinance of 1934 which augmented its control over law and order.<sup>56</sup> Of the new youth-oriented policies of the 1930s, the Juveniles Ordinance, coupled with several bylaws and the Vagrancy Ordinance, had the greatest effect on the everyday lives of underemployed juveniles in Nairobi. While the Ordinance did not grant officials new power to arrest juveniles, it did enhance the mechanisms of control and institutionalization already employed by the state. The separation of young criminals from their adult counterparts was the first major ruling of the new Ordinance.<sup>57</sup> In theory, once arrested, a juvenile was brought before a special court

<sup>54</sup>*ibid.*, 6.

<sup>55</sup>KNA ABK/14/140, District Commissioner, Nairobi to Town Clerk, 31 July 1931.

<sup>56</sup>Aside from the Juveniles Ordinance of 1934, two other pieces of legislation were gazetted with significant changes in the level of state authority over African juveniles. The Employment of Women, Young Persons and Children Ordinance of 1933 restricted the use of children under the age of twelve in work deemed 'industrial undertakings'. For more information, see Colony and Protectorate of Kenya, 'No. 14, Employment of Women, Young Persons and Children Ordinance, 1933', *Ordinances and Regulations* (Nairobi, 1934). In addition, the Employment of Servants Ordinance of 1937 took up the issue of recruitment, restricting the activities of the recruiters and requiring all juveniles to be brought before their District Officer, with parental or chiefly consent, before being allowed to work. See Colony and Protectorate of Kenya, 'No. 2 of 1938,

Employment of Servants, 1937', *Ordinances and Regulations* (Nairobi, 1938). The ordinance sought to protect the authority of African adults over their children in the rural areas. Yet neither ordinance was effective in the face of labour demands on juveniles and the resistance of recruiters, employers and African youth. In Nyanza, the recruitment regulations were all but abandoned, and in Nairobi labour inspectors frequently looked the other way when observing juveniles at work alongside machinery.

<sup>57</sup>Colonial concern that juveniles were being held alongside adults within the penal system was justified. Officer-in-Charge of Nairobi informed the Resident Magistrate in 1933 that no separate accommodation was available for juveniles and that juvenile prisoners on remand were being held in prison with convicted adults. KNA AP/1/1699, Resident Magistrate, Nairobi, 'Juvenile Offenders Ordinance', 17 June 1933.

exclusively handling cases involving young people, thereby relieving the strain from the rest of the judicial system. During and after the trial, juveniles were either released on recognizance or placed in a remand home. No young person under the age of sixteen could be remanded with adult prisoners, nor could young persons be sent to prison or detention if other means of punishment such as caning or institutionalization in an approved school were available.<sup>58</sup>

With prisons and detention camps no longer available for the young, magistrates relied on old forms of punishment such as caning and repatriation, but were also handed the new tool of institutionalization. Approved schools, which had been created under the 1910 Reformatory Ordinance, were to be used by magistrates for those over the age of ten who had committed theft, assault and recidivist vagrancy. These institutions provided an interesting point of convergence between control over African labourers and the maintenance of social and urban order. Once the Kabete Reformatory was transformed into an approved school, its mission was 'the inculcation of entirely new ideas into the minds of young African delinquents'.<sup>59</sup> Apparently, these 'new ideas' concerned productivity and hard work: in 1937 the 127 inmates at Kabete, whose average age was thirteen, produced 4 tonnes of beans, 13 tonnes of maize and 39 tonnes of sweet potatoes on the grounds of the school.<sup>60</sup> Employment was provided by the colonial penal system for those youths who could not find legitimate work on their own. For juveniles not sentenced to the Kabete Approved School, a Probation Office was provided for them under the new Ordinance. The office was to oversee the aftercare of juvenile offenders and ensure that they found employment and residence while remaining in Nairobi.<sup>61</sup> Each of these new regulations was sealed by granting the state the right of custody over children and young people.

The Juveniles Ordinance exemplified the changing and paradoxical relationship between the colonial state and African young people. Continued reliance on repatriation served to reattach young Africans to their chiefly and familial authorities. Yet it also transferred biological and parental responsibility to the state, asserting the regime's right to determine what was best for African children and young people. By the end of the 1930s the state had established regulations and institutions to instil the necessary discipline over juveniles that tribal life supposedly could not. From the 1930s onward colonial rhetoric would lament the failure of rural, 'traditional African authority' while extending its own influence over urban African juveniles. Despite new regulations and revelations, the realities of enforcement on the streets of Nairobi were another story altogether.

#### REALITIES OF THE STREET, 1939

On the eve of the Second World War, the provisions under the Juveniles Ordinance were no prescription for Nairobi's vagrant children. Nairobi Magistrate B. V. Shaw lamented the continued 'lack of machinery' for putting into effect the provisions of the Juveniles Ordinance

<sup>58</sup>Colony and Protectorate of Kenya, 'No. 22, Juveniles Ordinance, 1934', *Ordinances and Regulations* (Nairobi, 1935), Section 3-4, 12.

<sup>59</sup>Colony and Protectorate of Kenya, *Annual Report of Native Affairs, 1935* (Nairobi, 1936), 145.

<sup>60</sup>*ibid.*, *Annual Report of Native Affairs, 1937* (Nairobi, 1938), 173.

<sup>61</sup>*ibid.*, 'No. 22, Juveniles Ordinance, 1934', *Ordinances and Regulations* (Nairobi, 1935), 11.

as no juvenile court, court-appointed magistrate or prosecutor had been established.<sup>62</sup> In addition, there was no room to accommodate remanded juveniles separately from adults.<sup>63</sup> This was as much a reflection of the number of juveniles living in Nairobi as of the constraints plaguing the state apparatus. Even in 1944 there was still only a single remand home and detention camp to manage the arrested and detained population of Nairobi.<sup>64</sup> There was simply not enough space to incarcerate all those arrested for criminal offences. Vagrancy continued to serve as a means to alleviate these constraints on the penal system. For the majority of juveniles arrested for minor offences, the charge of vagrancy was added and they were removed back to the reserves. Repatriation had proven itself useful in ridding Nairobi of its economically outcast elements, but how exactly did it work?

A review of all juvenile cases in 1939 presents 753 cases of colonial control over young Africans (see Table 2). Throughout the 1920s and 1930s, numerous bylaws were used to control juveniles in Nairobi. Bylaw 557 was effectively a vagrancy regulation with a temporal twist in which any African and his family found without residence or remaining within the municipality for longer than thirty-six hours would be guilty of an offence.<sup>65</sup> Several other bylaws, such as loitering on traffic islands and the 'misuse' of bicycles, increased the number of offences for which Africans could be hauled into court.<sup>66</sup> In 1939, the majority of juveniles were arrested on suspicion of theft, but 242 juveniles, all male, were arrested for breaking one

Table 2. *Control of young urban migrants, 1939*

<i>Sentence</i>	<i>Vagrancy Act, 1920</i>	<i>Trespassing and curfew</i>	<i>Hawking and trading</i>
Acquittal or discharge	7	22	4
Withdrawn	3	3	
Cautioned	5	54	13
Remanded	3	1	
Detained	5	1	
Caned		4	
Fined and detained		11	0
Bail forfeited			1
Approved school	2		
Repatriated	77	25	
Total	102	122	18

Source: KNA AP/1/1699, 'Juvenile Offenders, 1933-1940'.

<sup>62</sup>KNA AP/1/1699, B. V. Shaw, Resident Magistrate, Nairobi to Registrar of the Supreme Court, Nairobi, 20 November 1933.

<sup>63</sup>KNA AP/1/1699, B. V. Shaw, Resident Magistrate, Nairobi, 17 June 1933.

<sup>64</sup>KNA RN/1/58, Municipal Native Affairs Officer, 28 March 1944.

<sup>65</sup>Colony and Protectorate of Kenya, *Crime Committee Report, May 1932* (Nairobi, 1932), 39.

<sup>66</sup>Specific bylaws used to this end include 187, 195 and 193 as well as law CAP 82 of 1931.

of the municipality's multiple laws and bylaws which controlled African movement, labour and residence.

There is a significant gendered element to vagrancy that must be explored briefly. Vagrancy was the crime of an idle male; very few women or girls arrested for vagrancy emerge from the colonial record. In 1920, of the 38 vagrants arrested in Kenya, only 5 were women.<sup>67</sup> Nine years later the gender divide had widened: among 81 vagrants, only 1 was female.<sup>68</sup> Among juvenile vagrants in a 1939 case list, not a single female under the age of sixteen was recorded.<sup>69</sup> In Kenya, the gender divide among visible vagrants was a consequence of both rural and urban lifestyles, but also of biases built into the colonial system. The lack of vagrant women cannot be argued exclusively because Kenyan women simply stayed home in the rural areas under the control of male colonial and tribal officials. Many young women, particularly those under the age of sixteen, left for Nairobi where they found work as domestic servants, prostitutes, beer-brewers and urban wives. In the 1920s some young women were arrested along Nairobi's River Road for prostitution and vagrancy, but as the male population on the street increased, arrests of prostitutes dwindled.<sup>70</sup> An urban girl on the street proved more productive and less dangerous to urban order than her male counterpart. Through the eyes of colonial officials, young men represented a threat to the urban order of Nairobi and the wider stability of colonial rule.

The arrest and prosecution of underemployed young men was accomplished by mass round-up. Case numbers such as 37-46, 264-277 and 405-434 represent approximately ten of the round-ups identifiable in the 1939 record. In each case the police force made sweeps of African locations, arresting anywhere from 6 to 30 juvenile boys and bringing them before magistrates who would punish them under the same charge.<sup>71</sup> The punishments varied according to the violation. For vagrancy, most youths were repatriated to their reserves, while recidivist vagrants were caned, repatriated or placed in an approved school. As for minor vagrancy-related bylaw infractions, most juveniles were simply acquitted, discharged or cautioned. While nearly a quarter of the bylaw offenders were repatriated, magistrates did not repatriate in all cases. The Ministry of Native Affairs Officer in 1944 noted that the courts had neither the time nor the resources to deal with juvenile cases.<sup>72</sup> Police officers were seeing the 'visible' signs of idle and young vagrants and arresting them, but the courts were unable to handle all the cases. The nature of the round-up required the state to have, at the ready, accommodation for between 6 and 30 juveniles at a time. This was unlikely and, therefore, magistrates were compelled simply to caution and release offenders. Another factor was the actual cost of the system. In 1941, when Ministry of Native Affairs Officer T. C. Carlisle decided another round-up of underemployed youths was necessary, he received a rather curt

<sup>67</sup>Colony and Protectorate of Kenya, *Native Affairs Department Annual Report, 1928* (Nairobi, 1929), 74.

<sup>68</sup>*Native Affairs Department Annual Report, 1929* (Nairobi, 1930), 71.

<sup>69</sup>KNA AP/1/1699, 'Juvenile Offenders, 1933-1940'.

<sup>70</sup>Louise White, *The Comforts of Home: Prostitution in Colonial Nairobi* (Chicago, 1990), 158; Also

see Bodil Frederiksen, 'African women and their colonization of Nairobi: representation and realities' in Andrew Burton (ed.), *The Urban Experience in East Africa, c. 1750-2000* (Nairobi, 2002).

<sup>71</sup>KNA ABK/12/68, T. C. Carlisle, Native Affairs Officer to Labour Commissioner, Nairobi, 4 June 1941.

<sup>72</sup>KNA RN/1/58, Municipal Native Affairs Officer, 28 March 1944.



message from then Labour Commissioner P. de V. Allen: 'I must point out, however, that I do not agree to just a round-up and then giving them a free ride home. I have no money in my repatriation vote for joy rides for juveniles'.<sup>73</sup> Even the state's most tried and true policy, repatriation, was coming under severe strain. Paying for juveniles to take the train or lorry back to their home reserves, while cheaper than incarceration, began to drain away already low Labour Office coffers. Officials were realizing that repatriation was proving no sustainable solution and only resulted in continued vagrancy as juveniles removed from the city at the administration's expense often returned by foot for free.<sup>74</sup>

Although many officials recognized such inadequacies there was a remarkable silence concerning the failure of repatriation, consistent acquittal and cautioning of Nairobi's street children, and overcrowding in the Kenya penal system. The use of mass round-ups to clear Nairobi's streets of juveniles and the repatriation or release of the majority of those picked up revealed that vagrancy and youth policy in Nairobi did not need to be wholly effective. As long as the streets seemed clear and those cleared returned home or had their activities disrupted, a smooth veneer was bonded over the issues of urban order and labour crisis. The category of vagrant provided the state with the ability to circumvent its own constraints. Vagrancy policy was a myopic, short-term strategy to relieve the state of responsibility without alleviating underemployment, overcrowding and crime. The economic crisis of the 1930s and the post-war influx of Africans into Nairobi began to wear away this façade.

#### NAIROBI'S ADOLESCENCE: THE FUTILITY OF VAGRANCY POLICY, 1939–52

Regulating juveniles in the rural and urban areas of Kenya was relaxed during the Second World War because the colonial economy of Kenya required juvenile labour.<sup>75</sup> Both on the sisal and pyrethrum farms of the European estates and in the industries of Nairobi, greater numbers of juveniles were needed to meet increased production and labour shortages. On the Kenya Tea Estates during the final year of the war 6500 juveniles under the age of sixteen were employed to pick and process tea leaves.<sup>76</sup> While European farmers clamoured for greater assistance from the state to ease their demand for labour, Nairobi began to experience its most intense period of rural-to-urban migration. A correspondence between Registrar of Natives G. Wedderburn and Labour Commissioner A. H. Kneller in 1940 reveals that both men were concerned with the number of underemployed juveniles in the city. Yet neither could do more than complain. Kneller's Labour Officer in Nairobi warned that while young people were being arrested for a variety of offences they were frequently discovered to have employment, often in a semi-domestic capacity. Wedderburn replied that while he was aware that Africans under the age of fourteen were forbidden to work within the municipality, a lack of sufficient manpower hindered any enforcement of the regulations.<sup>77</sup> The legislative focus on youth in the 1930s had failed. More specifically, the state had failed to fulfil its own initiatives. As officials returned to their posts after the war, they found their control over African juveniles diminishing.

<sup>73</sup>KNA ABK/12/68, P. de V. Allen, Labour Commissioner to Native Affairs Officer, 5 June 1941.

<sup>74</sup>KNA AP/1/1700, D. C. Cameron, Superintendent of Approved Schools to Chief Inspector of Approved Schools, 27 October 1945.

<sup>75</sup>KNA ABK/14/140, Secretariat, 17 July 1940.

<sup>76</sup>KNA ABK/12/68, Labour Superintendent, Tea Estates Labour Department Memorandum, 31 January 1943.

<sup>77</sup>KNA ABK/14/140, Secretariat, 17 July 1940.

Africans continued to eke out an existence in their reserves or as squatters living and working on the European estates. Rural wages remained lower than those in the urban areas and restrictions were placed on the amount of land and livestock African squatters could maintain on European estates.<sup>78</sup> Economic constraints placed on rural labourers inevitably forced them to seek work elsewhere, namely in Kenya's urban centres. While urban life imposed its own set of difficulties, Africans were travelling to cities such as Nairobi and Mombasa in greater numbers. Although Nairobi in the 1920s had experienced some rural-to-urban migration, during and after the Second World War its African population soared. After 1945, Nairobi experienced its greatest period of population growth, with the number of Africans rising to 77,000. They lived in a city with housing available for only 54,000.<sup>79</sup> The overall population of African children living in the city had reached 19,009.

New arrivals and the urban-born further strained an already overcrowded environment. The housing situation in Nairobi continued to collapse as African settlements in and around Nairobi developed in Dagoretti, Nagat Rongai and Quarry. The situation was at its worst in Pumwani, where the settlement housed at least 28 per cent more people than it was meant to contain.<sup>80</sup> Attempts to control the underemployed and overcrowded population were hampered by Africans adept at evading arrest and a budget deficit swollen to £2,634,260.<sup>81</sup> The population pressures of Nairobi were not the only issue that concerned officials. From the mid-1940s until 1952 Nairobi experienced intense, organized criminal activity, some of which was perpetrated by juveniles (see Table 3). African Affairs Officer, Tom Askwith, complained that 'lawlessness' was the work of underemployed Africans who might have been 'genuinely searching for work' but had become criminal after remaining in Nairobi for too long.<sup>82</sup> As in

Table 3. *Number of juvenile offenders, 1944–52*

<i>Year</i>	<i>Under 15 years old</i>	<i>15–20 years old</i>
1944	25	834
1945	2	935
1946	9	874
1947	22	1025
1948	34	1421
1949	13	1554
1950	32	1523
1951	11	1521
1952	16	2220

Source: KNA BZ/8/7/8, 'The Problem and Treatment of Juvenile Offenders in Kenya', 6 June 1956.

<sup>78</sup>Tabitha Kanogo, *Squatters and the Roots of Mau Mau* (London, 1987), 99–100, 102.

<sup>79</sup>Parker, *op. cit.*, Appendix 1; Colony and Protectorate of Kenya, *African Affairs Department Annual Report, 1952* (Nairobi 1954), Appendix A; and Andrew Burton, 'Introduction' in Burton (ed.), *op. cit.*, 19–20.

<sup>80</sup>David Throup, *Economic and Social Origins of Mau Mau, 1945–1953* (London, 1987), 178–9.

<sup>81</sup>*ibid.*, 183.

<sup>82</sup>KNA MAA/8/22, T. S. Askwith, African Affairs Officer to Superintendent, 29 October 1947; and KNA MAA/2/5/223, Crime Committee, 19 June, 26 June and 15 August 1947.

the 1930s, the crime levels in post-war Nairobi coupled with the growing inability of the state to control urbanization provoked the administration into action. A further provocation was the fear and outrage among the European and Asian populations, which mobilized the municipality to tend to Nairobi's underemployed and criminal elements.<sup>83</sup>

In response to these forces, the colonial state's methods of dealing with the 'idle' of Nairobi became improvised and immediate throughout the late 1940s. In 1948, after two decades in operation, the 1920 Vagrancy Ordinance underwent a significant face-lift. The amendment still required all adult vagrants to remain in detention until work was found for them; however, the process was limited to three months. Afterwards, if the detention supervisor was unsuccessful in his bid to find work for his inmates, he immediately repatriated the inmate to his or her home area.<sup>84</sup> Any repeat offence of vagrancy would be swiftly met with a six-month prison term, for adults and juveniles alike.<sup>85</sup> The additions injected a sense of immediacy into the voice of the state. With so few facilities, the system needed a faster turn-around time to accommodate those rounded up by the police. Two years prior to the Vagrancy Ordinance amendment, the Removal of Undesirable Natives Ordinance was gazetted as a temporary measure allowing for the removal of any African who had been previously sentenced to imprisonment, or living in Nairobi without employment or a 'settled home'. Intriguingly, the law defined a 'settled home' as a place in which one's parents or spouse had lived for three consecutive years.<sup>86</sup> Such legislation was an attempt to remove the most recent juvenile and adult arrivals who, officials believed, represented the most desperate criminal elements.

Drawing on these new temporary powers, a round-up was undertaken in November 1947 which resulted in lower numbers of unemployed and 'undesirable Africans'. In the following year, officials believed that their numbers had grown larger than before.<sup>87</sup> Yet from 1947 until 1949, 847 juvenile vagrants were rounded up and repatriated to their reserves, only a slight increase from the statistics in 1939.<sup>88</sup> Amid the post-war population growth of Nairobi and the increasing poverty and crime found in the city, mass round-up and repatriation continued to be the mechanism for managing the city's underemployed population. By this time, many officials were certain that repatriation was a long-term failure resulting in 'continued vagrancy'. However, they could see no alternative strategy that could operate in lieu of administrative, logistical and financial constraints.<sup>89</sup> While some administrators believed there were more important issues than juvenile discipline, others sought longer-term means of eliminating juvenile delinquency and vagabondage in the colony.

In Britain, during the war, notions of citizenship were raised with respect to young people, fuelled in part by concerns about loyalty in wartime. Organizations such as the Empire Youth Movement promoted an idea of young people as disciplined and productive members of the

<sup>83</sup>For a detailed example of European settler preoccupation with crime in Nairobi, and Kenya as a whole, see Colony and Protectorate of Kenya, *Debate of Crime in Kenya* (Nairobi, 1945).

<sup>84</sup>Colony and Protectorate of Kenya, 'Amendment, CAP 59, Vagrancy, 11 February 1948', *The Laws of Kenya, 1948*, vol. 1 (Nairobi, 1962), Section 9.

<sup>85</sup>*ibid.*, Sections 12, 13.

<sup>86</sup>*ibid.*, 'No. 22, Removal of Undesirable Natives (Temporary) Ordinance, 1946', *Ordinances and Regulations*, Section 5.

<sup>87</sup>KNA MAA/2/5/223, T. G. Askwith, African Affairs Officer, Nairobi African Advisory Council, substituted para. 11, 1 and 2 March 1948.

<sup>88</sup>KNA AP/1/1700, Ministry of African Affairs Officer to Registrar of Supreme Court, Nairobi, 10 November 1949; Registrar of Supreme Court of Nairobi, 'Regarding Questionnaire on the Treatment of Juvenile Delinquents', 12 June 1950.

<sup>89</sup>KNA AP/1/1700, D. C. Cameron, Superintendent of Approved Schools to Chief Inspector of Approved Schools, 27 October 1945.

British Empire who could defend it against fascism and communism.<sup>90</sup> Similar concerns were being raised in Africa. Drawing on such developments in Britain, two Kenyan settlers, Patrick Williams and Olga Watkins, planned to develop youth clubs in each of the colony's districts. These clubs would provide African youths with instruction in agriculture, manufacturing and 'character training'.<sup>91</sup> Eliud Mathu, one of the most prominent African politicians at the time, viewed the youth clubs with suspicion. He believed that young Africans forced into intensive work without pay would come to view the scheme as conscripted labour rather than a character- and skill-building exercise. Despite his reservations, following an article about the scheme in *Baraza*, two former African soldiers wrote to the newspaper praising the idea, as it would provide their children with an education they would not receive otherwise.<sup>92</sup> Although notions of African youth were clearly changing, Williams' and Watkins' plans broke down in the face of an administration wary of the scheme's cost.<sup>93</sup> Settlers and administrators were beginning to believe that they alone could provide the moral and technical instruction that tribal affiliations had failed to foster among urban and semi-urban juveniles.

The one site where all of this could be accomplished was the classroom. At the end of the 1940s officials were arguing that improvements in African education were necessary, and a ten-year plan was drafted in 1948, recommending that the number of teachers and students be doubled and that financing for urban schools should be found.<sup>94</sup> The committees researching the deficiencies in African education did not stop at calling for more staff and facilities; rather, they looked to alter the nature of education itself. The Beecher Report argued that:

Civic responsibilities in relation to an old tribal discipline have largely gone, and it is for the parent in the home and for the teacher in the school to replace them by their appropriate counterparts in the modern way of life. And because few parents are yet aware of their responsibility in this direction, a larger responsibility rests on the teacher.<sup>95</sup>

Education, like the transfer of the African family from the farm to the city, provided another set of disciplinary tools to keep young Africans off the streets. Yet these aims were not as simple as forging a class of disciplined, docile citizens reattached to their 'tribal' responsibilities.

<sup>90</sup>Indeed, similar youth movements could be found in Soviet Russia, many of which developed immediately following the Civil War. Discipline, education and moral instruction were the jurisdiction of the state – not biological parents. As a result of the Civil War and the Famine of 1921, juvenile urban migration to, and vagrancy in, Moscow grew to unparalleled proportions. In the 1920s, the Soviet solution involved forced conscription into the Red Army and collective farms, capital punishment (although rare), and institutionalization. Yet, the state's ability to construct and manage these facilities fell short of the law. There was a clear divergence between the responsibilities the state provided itself and its capacity to carry out those duties. See Vladimir Zenzinov, *Deserted: The*

*Story of the Children Abandoned in Soviet Russia*, trans. Agnes Platt (Westport, 1975).

<sup>91</sup>Joanna Lewis, *Empire State-Building: War and Welfare in Kenya, 1925–1952* (Oxford, 2000), 174–6.

<sup>92</sup>Letter from Okaku Onyango, *Baraza*, 18 April 1946; and letter from 'Why Not?', *Baraza*, 29 April 1946.

<sup>93</sup>Confidential letter from *East African Standard* to Mrs Olga Watkins, 4 May 1946. The letter can be found in Mrs Olga Watkins's personal papers, in the possession of June Knowles. Contact author for further information.

<sup>94</sup>Colony and Protectorate of Kenya, *A Ten-Year Plan or the Development of African Education* (Nairobi, 1948).

<sup>95</sup>*ibid.*, *African Education in Kenya* (Nairobi, 1949), 34.

In the report on *Education for Citizenship in Africa*, officials revealed their anxieties over urbanizing young people. The report argued that the spread of western ideas was not solely in the hands of educators, but came ‘flooding in’ through the cinema, radio and the press as well as from the growing frequency of contact among colonial workers, European employers and Africans.<sup>96</sup> This inundation of western culture allowed Africans to process what they saw, heard and read, and this, the committee believed, could undo colonial authority. However, the conveyance of western ideas was not the problem; instead, concern lay in how Africans responded to them. The state concluded that it needed to filter communication between colonial culture and Africans, introducing western civilization to the colonies on its own terms. To do this, the notion of citizenship training was put forward and investigated. The proposed aim was no longer on reconnecting youth to their ‘traditional values’ but ‘enabl[ing] them to help themselves in the unfamiliar tasks imposed on them by modern life’.<sup>97</sup>

However, talk of citizenship training to discipline and manage outcast juveniles was just that, a series of recommendations falling on ears deafened by colonial constraints and the demographic and economic forces of Nairobi’s continued disorder. While the perceptions of some within the administration had changed regarding juveniles in the post-war period, little or no alterations were made to juvenile penal or educational systems. Two years before the declaration of the Emergency, officials were still decrying vagrancy as ‘a major social evil’<sup>98</sup> – an issue that was still managed with round-ups and repatriations, perpetuating a cycle of juvenile migration. The Emergency of 1952 would alter the state’s relationship with African youths, but it remained bound to the practice of juvenile vagrancy policy. Infused with funding, manpower and other resources, the state was able to expand its control over juveniles. In 1953, after two decades lost to the legislative books, a Juvenile Court was gazetted and handled its first 558 cases, of which 303 were for vagrancy.<sup>99</sup> Citizenship training, called for in the late 1940s, became a vital aspect of the rehabilitation and detention of suspected young Mau Mau. Finally, the British response to Mau Mau relied heavily on the same core measures of vagrancy policy: round-ups, detention orders and repatriations – this time on a massive scale.

## CONCLUSION

Vagrancy in Kenya’s capital originated from the convergence of rural labour crises with the underdeveloped nature of early colonial urbanism. Juveniles who left the poverty of the African rural reserves in search of work discovered that town life possessed its own set of inadequacies. These young people formed a pool of casual, cheap labour living frugally in the slums of the colonial town. Their continued presence nurtured the fears of ‘respectable’ classes, who worried that the growing mass of underemployed juveniles all too easily slipped into the realm of serious crime. In response, colonial legislation criminalized these youthful vagrants, relying on repatriation to the countryside to deflect and deter the urban influx and monitor

<sup>96</sup>*ibid.*, *Education for Citizenship in Africa* (Nairobi, 1949), 5.

<sup>97</sup>*ibid.*, 12.

<sup>98</sup>*ibid.*, *Annual Report of the Community Development Organization*, 1950 (Nairobi, 1951), 21.

<sup>99</sup>*ibid.*, *Community Development Organization, Annual Report, 1953* (Nairobi, 1954), 21.

labour recruitment. It was a short-term solution, but failed to prevent juveniles from establishing and maintaining ties to the urban economy and its social network.

The inadequacies of early colonial administration accelerated the number of vagrants found within Nairobi. The colonial state lacked the resources to enforce firmer social control or enhance social provisions. Instead, it vacillated between sentences of imprisonment, corporal punishment, repatriation or discharge. From the 1920s, the charge of vagrancy was used to avert the 'detrribalization' of African young people and augment the 'traditional' authority of elders and parents. By the end of the 1930s, colonial officials came to view 'traditional' authority as having failed in its task to instil, in their people, the values of modernity. To solve juvenile delinquency and vagabondage, state-sponsored discipline and tutelage were necessary, and came in the form of approved schools, youth training camps and movements such as the Boy Scouts and the YMCA.

Colonial good intentions inevitably and invariably confronted the parsimony of government expenditure. Ordinances, legislative debates and committee deliberations expressed concern and determination to tackle the problem of urban youth, but the colonial state lacked the necessary capacity to act effectively. Round-ups and repatriation were less costly than social programmes and urban reform. Despite the lofty designs of colonial legislation, vagrancy law was merely a myopic strategy providing a semblance of order to quell the fears of European and Asian urbanites. Indeed, the vagrant was not alone when trapped between the economic and political inadequacies of the rural and the urban. The state, too, was ensnared by similar forces, incapable of managing the complexities it had wrought.

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