

RICE UNIVERSITY

**The Making of Mau Mau: The Power of the Oath**

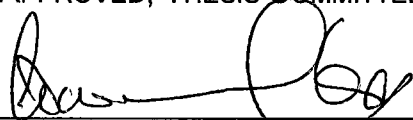
By

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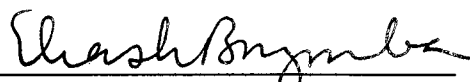
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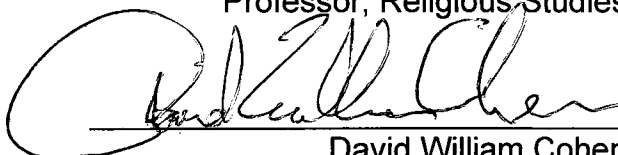
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## **ABSTRACT**

### **The Making of Mau Mau: The Power of the Oath**

**By**

**Mickie Hudson-Koster**

From the unique perspective of the oath, this study investigates the entanglements of change in Kenya during the Mau Mau period, 1952-1960. Specifically, it challenges the prevailing Mau Mau narrative, revealing the oath as a complex, adaptive, and rational process ordered around symbols, gestures, and statements with long standing meaning and power. All Mau Mau initiates were required to take a secret oath of unity in order to join the struggle. Breaking the oath invoked an unstoppable curse on oathers and their families. As a result, the oath became a powerful mechanism in the formation of Mau Mau and served as a precursor to Kenyan Independence in 1963.

Contrary to the long standing discourse of savagery, the Mau Mau oath was actually an elaborate, dynamic, and sophisticated ceremony based on ancient oathing traditions, symbolism, and beliefs. It was reconstituted from its former state to one that was much more offensive, secretive, dangerous, and inclusive of other groups such as women who were previously excluded. The oath was a product of the economic, political, cultural, and social unrest of the time. In addition to tracing historical developments and modeling the oath experience, this study explores the radicalization of the oath during the Mau Mau

period forming new relationships to gender, crime, and purification that did not exist prior to the 1950s.

This study centers the oath as the object for historical analysis through the investigation and documentation of African rituals, beliefs, and memories. The past is reconstructed from oral tradition, personal narratives, ceremonial re-enactments, survey data, archived documents, ethnography, and myths. The sources reveal that Mau Mau oathers had their own imaginations, dreams, and objectives associated with the restoration of their stolen land and freedom. These varied perspectives demonstrate colonial contradictions juxtaposed with African oral accounts and memory. This study offers a fresh way to look at the contested Mau Mau past through the lens of the often misunderstood and misinterpreted oath. It intervenes with a new African Mau Mau story of reinvention, renewal, and power.

## ACKNOWLEDGEMENTS

My interest to remember and reflect on Kenya's past was made possible by the assistance, support, and generosity of others. This project is a part of a much larger and important effort to understand, restore, reclaim, share, and memorize African history and culture. For years now, I have listened to the discussions, debates, and controversies surrounding Mau Mau; it is the hope that with this study we can move the conversation to a different level.

I was especially challenged in completing this research after the loss of my advisor, Dr. Atieno Odhiambo, in 2009. Though I am saddened that he was not able to be here at the end of the study, I am very thankful for my time to work directly with one of the best scholars known. Dr. Odhiambo taught me how to think and question the contradictory African past. I am forever thankful for the time he took to share his complicated version of African history with me. For years he introduced me to the different voices and conversations that swirled around and about Africa. As his only doctoral student at the time, I had the opportunity to have many devoted sessions and discussions about the historiography of Africa that I will forever treasure. When I read and write, especially about topics dear to him like Mau Mau, his spirit is present almost as if he is continuing to guide and teach. I am also grateful to Mrs. Odhiambo for her encouragement and always opening her home to my family and me for visits.

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would be able to provide me with the necessary support that would enable me to navigate key phases of the graduate process. Dr. Cox offered a great deal to this study by helping me consider broader connections and comparisons. He also provided me with a plan that helped me enjoy the writing process. And I cannot thank Dr. Cox enough for his patience with my writing, especially with those early drafts.

I am thankful that Dr. William Cohen from the University of Michigan agreed to serve on my committee and generously provide his expertise in Kenyan history and anthropology. He understood the relevance of what I was attempting to study and the historiographical intervention. Dr. Cohen pointed out gaps in my research and helped me connect many dots. I am also appreciative of his early interventions that helped me avoid writing traps. It was an honor to work with him.

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Finally, I would like to express my gratitude to Dr. Elias Bongmba for all of his encouragement and understanding. He equipped me with the initial ritual theories, framework, and analysis needed to conceptualize aspects of this study. I am especially thankful for his time and support. Dr. Bongmba always reminded

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including Dr. TinaMonique James and family members who gave their time in Kenya to make the field experience positive. The Emerald Initiative Association also provided ongoing valuable support in my Kenya-United States endeavors. And my research was greatly enriched by informants, performers, and participants who shared their perspectives and interpretations. We are just beginning to uncover their varied accounts of Kenyan history.

I would like to thank other invaluable supporters. I extend a special thank you to Dr. Gregory Conerly for various levels of advice, encouragement, and help keeping the bigger picture in mind and to Dr. Tabitha Kanogo for posing important research questions and for her willingness to assist with the project. Thank you to Dr. Shasta Jones for all of her editorial efforts and support. I also appreciate the encouragement of so many others like Ms. Sherri Nash, Ms. Laura Robertson, Ms. Kelly Kouyate, Dr. Bayyinah Jeffries, Ms. Juone Cox, Ms. Eci Diouf, Ms. Mary Fleming-Bey, Ms. Barbara Boykins, Ms. Casey Hilliard, Ms. Debra Jones, Ms. Faith Howard, Dr. Velvet Weems, and Dr. Kairn Klieman. My research was greatly enhanced as the result of Kiswahili training in 2006 and 2008 through the Summer Cooperative African Language Institute. I give many thanks to the sponsors, instructors, and staff of the Institute for their support and assistance.

And finally, I am indebted to my family for their understanding and support of this effort. Everyone played an important role in making this project possible. I especially appreciate the encouragement of my mother who always centered me as the object of analysis. In doing so, she helped me stay focused. I also want

to thank my husband, Mr. Daniel Mwanzia for his understanding, time, and support. He graciously assisted in some parts of the fieldwork in Kenya. As an insider who understands first hand the culture and language (Kikamba and Kiswahili), we were able to quickly reframe questions for clarity to secure a wealth of quality testimonies and data. This journey was a family project and family reunion engaging members in Kenya who took time out to remember “what they used to do” and the “old ways”. I also want to thank my three children Kanini, Amani, and Nadiya for their patience and understanding. I hope this and future works will help them recall and remember their diverse heritages. Finally, I want to thank my ancestors, Gran and Arisa, for their continued guidance and love in all of my efforts!

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# Chapter 1 Introduction

*"There is no easy walk to freedom anywhere, and many of us will have to pass through the valley of the shadow of death again and again before we reach the mountaintop of our desires."*<sup>1</sup>

*Nelson Mandela*

## Introduction

Oathing remains a cultural, social, political, and religious phenomenon in Kenya. In many societies, oathing is a civic act with legal implications. To oath appears simple, temporal, static, and basic in its structure and objectives. However, in Kenya oathing is actually a convoluted, dynamic, and responsive system that straddles between the past and present. Oathing is sophisticated. It invokes traditions; it addresses modern needs; and most importantly it conforms to the reality of the particular historical moment, place, time, circumstance, and condition.

Written records document that long before colonialism in Kenya oathing was woven into the fabric of the laws and used to resolve major judiciary matters.<sup>2</sup> Oaths during this time were administered by elders and were given in order to reveal guilt or innocence of parties involved in questionable legal disputes. Colonialism in Kenya created a different society with new issues and problems. During the 1950s in Kenya, oathing was radicalized. It was the cornerstone for Mau Mau membership, unity, and allegiance in the fight for

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<sup>1</sup> Clayton Moore, Nelson Mandela Quote, "In His Own Words," [http://contemporarylit.about.com/od/memoir/fr/inHisOwnWords\\_2.htm](http://contemporarylit.about.com/od/memoir/fr/inHisOwnWords_2.htm).

<sup>2</sup> Charles Dundas, "History of Kitui," *Journal of the Royal Anthropological Institute of Great Britain and Ireland* 43 (July-December 1913): 510-514.

independence from the British. During this period, oathing also became the target of British imposed criminality and attacks on the Mau Mau movement. Oathing was interpreted by various parties as either a despicable and evil act or a heroic practice fostering unity that eventually led to Kenyan independence depending on one's interpretation. Today in Kenya, there has been a resurgence of former oathing practices by the Mungiki politico-religious movement to fight economic disparity.<sup>3</sup> In an article in the *Nairobi Chronicle* on April 26, 2009, the roots of Mungiki are explained as "complex and stretch back a hundred years. It has to do with colonialism, Mau Mau, poverty, oppression, and globalization...it is the product of a failed state under the leadership of a cruel elite."<sup>4</sup> In many instances, oathing is met with governmental resistance and associated with criminal acts. However, for those who oath, the practice is viewed as a source of agency for justice.

Although oathing is a practice that has long been embedded in the fabric of Kenyan society, it remains a topic of ambiguity, mystery, ignorance, and distortion. Oathing, since the 1950s, has been successful in creating organization, unity, secrecy, and resistance threatening and alarming post-colonial governmental regimes. Oathing in Kenya like witchcraft or any other alternative form of power that challenges mainstream political structure, has been deliberately criminalized and suppressed as a form of control. As a result, detailed oathing reports have been silenced, leaving the oathing acts, practices,

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<sup>3</sup> See Paul Harris, "Mau Mau returns to Kenya," *Sydney Morning Herald*, January 17, 2000, <http://www.hartford-hwp.com/archives/36/260.html>. Muthui Mwai, "What Makes Mungiki Tick," *The Nation (Nairobi)*, October 23, 2000, <http://www.hartford-hwp.com/archives/36/248.html>.

<sup>4</sup> Article on the Mungiki, "Mungiki: Truth and Fiction," *The Nairobi Chronicle*, April 26, 2009, <http://nairobiChronicle.wordpress.com/2009/04/26/mungiki-truth-and-fiction/>.

and meaning open to the imaginations of outsiders who are often trapped in their own worldview. All of these factors have made serious and sustained scholarship on the topic difficult. The irony is that although oathing is not discussed openly, it remains highly revered and engrained in Kenyan society. For those that believe in the principles of the oath, it is viewed by informants like K. Musinga as having the ability to reconstitute justice because it knows truth.<sup>5</sup> The oath represents a source of African subaltern power, something that purposely stays secretive, vague, obscure, and feared.

One of the best ways to understand the relevance and continuity of the topic is to consider how oathing is still being applied and reconstructed to accommodate modern issues in Kenya. During a breakfast conversation in Nairobi in February 2009, the subject of oathing capriciously found its way into a discussion.<sup>6</sup> The oath story was told by an elderly sixty-year old Akamba man, Mr. Kioko Musinga. Although he did not join Mau Mau, he was old enough to remember it and what it meant to Kenyan people. However, this particular conversation was on oathing, showing how it resurfaces to respond to modern problems. Mr. Kioko Musinga explained his ordeal with his neighbor, Mr. Mutsya. The two had been engaged in a long standing dispute that was heard on several occasions by the local courts in Kibwezi. The problem started when Mr. Kioko Musinga sold land to Mr. Mutsya. Over time, his neighbor requested more and more land which Mr. Kioko Musinga refused. At some point during the back and forth conflict, Mr. Kioko Musinga stated that Mr. Mutsya falsely accused him of

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<sup>5</sup> Personal Communication, K. Musinga, February 2009, Nairobi, Kenya.

<sup>6</sup> Personal Communication, K. Musinga, February 2009, Nairobi, Kenya.

abuse and reported being beaten to the local police. The accusations resulted in Kioko's month long imprisonment. Mr. Mutsya won contestations because he was able to pay bribes. Mr. Kioko Musinga's solution was the possible application of the *Kithitu* oath<sup>7</sup> which he felt would restore justice. Mr. Kioko Musinga stated that the oath was not influenced by bribe but only responds to truth.<sup>8</sup> Despite the conversation and his frustration, Mr. Kioko Musinga ultimately decided not to invoke oathing as the solution. The reasons were not completely clear. Perhaps he felt the measure was too extreme even though he felt he was being treated unjust. Based on follow up inquiries, the two neighbors continue to contest land boundaries.

This is an example of the continuation of oathing in modern Kenya. Although this conversation occurred over breakfast, it was a discussion treated delicately. Generally, it is not a topic openly discussed as it is currently viewed as an act of criminality.<sup>9</sup> Although there have been strong maneuvers to suppress oathing rites, it remains meaningful to those that believe in the power of the oath. It is an activity that was once vital to judicial matters but now forced underground and heard only in whispers. Oathing is feared and considered extremely dangerous because it is believed that the guilty die. The power of the oath is achieved through cultural constructs, memory, and beliefs about the practice. It can be used to control, change, and shape unjust situations to bring forth justice. This breakfast conversation in Nairobi was the beginning of my

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<sup>7</sup> Personal Communication, K. Musinga, February 2009, Nairobi, Kenya

<sup>8</sup> K. Musinga stated "the Kithitu do not know bribe" as his justification. February 2009, Nairobi, Kenya.

<sup>9</sup> Interview, R.Simiyu, Emerald Initiative Kenyan Association, January 2010, Texas, United States.

focused journey to understand the twists, turns, legacy, and continuity of the power of oathing in Kenya.

This dissertation argues that oathing experienced its greatest transformation during the Mau Mau period. Therefore, this study analyzes oathing from 1952 to 1960. This time period offers an opportunity to study Kenyan Mau Mau history from a rare perspective, the oath, which shows traditional versus modern entanglements and tensions and the forging of African subaltern power. However, in order to understand the dynamics of the oath during this period, it is important to first understand the complexity of defining Mau Mau and its historiography.

## **The Definition of Mau Mau**

*“Mau Mau: war/rebellion/civil war/revolution? Each choice of epithet both absolves and accuses the users irrespective of whether they claim expertise of professional or guild historians or partake in the popular debate of the various interested parties. The point is that there are layers of spoken knowledge, but also of critical silences, that inform one’s choice of each word both within the academy and in the larger society. This is because there are, in fact, various Mau Mau pasts calling for their own historians.”<sup>10</sup>*

Atieno Odhiambo

Mau Mau is complex, and does not fit into a neat category, label, or type. As a result, it is difficult to define Mau Mau because there were numerous interpretations; it meant different things to people depending on their involvement or lack of involvement or historical perspective. Marshall Clough in his study, *Mau Mau Memoirs*, states that “Mau Mau has been described as a nationalist

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<sup>10</sup> Atieno Odhiambo, “The Production of History in Kenya: The Mau Mau Debate,” *Canadian Journal of African Studies* 25.2 (1991): 300-307.



revolt, an anti-colonial war, a resistance movement, a class struggle, a peasant uprising, and movement of cultural renewal, an ethnic revolt, and a civil war.”<sup>11</sup> However, at the very end of this list of descriptions, Clough powerfully adds that “the memoirs indicate that [Mau Mau] was all of these things.”<sup>12</sup> Although there is no single definition of Mau Mau, for the purpose of this dissertation, the definition of Mau Mau follows both Clough’s and Odhiambo’s definition acknowledging that it was *many things all together*. Therefore, Mau Mau can be defined as a movement, a war, a revolt, a revolution, a rebellion, a freedom struggle, a liberation movement, and a nationalist struggle and much more.

### **The Problem of Mau Mau Historiography**

The discussions surrounding Mau Mau are far from over. From the very beginning of the war in October 1952, details and facts have been blurred and polarized with tales of African savagery spreading among British populations in the colony and in Britain. According to colonial perspectives, the oath and related activities are shaped in the shadows of savagery and barbarism. F.D. Corfield’s 1960 Colonial Office study, *Historical Survey of the Origins and Growth of Mau Mau*, claims that “Mau Mau was a violent and wholly evil manifestation.”<sup>13</sup> The discussion has been widely shaped by the perceptions created by the first writings and images invented by the colonial administration.

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<sup>11</sup> Marshall Clough, *Mau Mau Memoirs, History Memory & Politics* (Boulder, CO.: Lynne Rienner Publishers, 1998), 241.

<sup>12</sup> Clough, *Mau Mau Memoirs*, 241.

<sup>13</sup> Frank D. Corfield, *Historical Survey of the Origins and Growth of Mau Mau* (London: H.M. Stationary Office, 1960), 5.

As a result, colonial officials interpreted Mau Mau and oathing as radical, irrational, barbaric, and uncivilized. The oathing Mau Mau fighters were labeled as gangsters, thugs, and criminals from the start of the movement, making it virtually impossible for the African grievances of land and freedom to receive attention. The early colonial descriptions were dominated by these perspectives, which hid the realities of the war, preferring to showcase only the atrocities of Mau Mau fighters. Colonial archive reports and testimonies formed a picture of Mau Mau that was evil and unjustifiable; this concurred with existing Eurocentric views of African people as a group lacking civilization, despite their long history of development. As a result, false and distorted depictions were easily supported by many with African grievances. The initial writings, reports, and images long shaped the conversation, impression, memory, and history of Kenya.

Recent scholarship questions these perceptions about the Mau Mau past. For example, Carolyn Elkins' study of the Mau Mau war, *Imperial Reckoning*, provides an intervention by revealing and analyzing files associated with the horrors and murders at the detention camps. According to Elkins, over the span of the war there may have been "tens of thousands, perhaps hundreds of thousands" of African deaths compared to fewer than one hundred European deaths.<sup>14</sup> The war also involved the detention of 1.5 million Africans by British officials. And many, including Elkins, question whether this was a British attempt to erase an entire ethnic population.<sup>15</sup> The major problems now in understanding

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<sup>14</sup> Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* (New York: Henry Holt and Company, LLC, 2005), xvi.

<sup>15</sup> See Elkins, *Imperial Reckoning*, xi-xvi.

the history of Mau Mau are the lingering impressions of the war, polarized views, and the destruction of Mau Mau war documents.

In this study, Elkins also provides a background and an overview of oathing. For example, Elkins raises important aspects of oathing by mentioning the variety of oaths used to express commitment levels. She views oathing as a process where initiates move from one state to another and are eventually reborn as Mau Mau adherents. *There is much more to know on this topic; as the author mentions, she “only scratched the surface of this history and meaning.”*<sup>16</sup> However, because so many truly believe in the power of the oath, it is often difficult to extract detailed reports from the participants who know the secrets of the oath.<sup>17</sup> This silence provides space for others to imagine or create their own version of oathing ceremonies.

Unfortunately, the problem of silence is embedded in a broader African historiography of invention. In examining the historiography of Kenya, there are questions about who is and should be the authority and why. It is important to comprehend the magnitude and scope of individuals to make and remake the history of “others.” This interrogation permits us to begin to understand how African knowledge, identity, and history have been produced and re-produced, revealing the limitations, issues, and opportunities related to written sources. Kenyan identity, culture, history, and society are portrayed, contested, sealed, and forged through the power of print.

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<sup>16</sup> Elkins, *Imperial Reckoning*, 25-27.

<sup>17</sup> This is the case because participants fear repercussions for breaking the secrecy of the oath.

By the 1960s academic and intellectual scholarship produced writings that were in many cases responses to the nationalist movements that profoundly impacted the field.<sup>18</sup> For African scholars writing on Mau Mau such as Josiah Kariuki, Karari Njama, and Waruhiu Itote, written texts, usually in English, showcased the strengths and values of Africa against the perceived and often superior civilizing constructs of Europe. The writings were aimed at recreating a “new historical view” rooted in unique African qualities, achievements, and glory.<sup>19</sup> This period represents an awakening in African consciousness and a desire to reaffirm African writings mostly by restoring the African voice to the narrative. The historiography during this period is consistent with the re-writing of history and restoring the lost African voices. The writings, therefore, echo a fervor and passion that was a product of the nationalist years. However, the concurrent and persistent Eurocentric view was still prevalent, and even African scholars found themselves bound by the categories, language, and structures created by the British.

What is most significant about the writings of the 1960s is that scholars clearly understood the major debates and themes in the field, and the pioneers of this period created a new energy that was hard to match in the subsequent decades. As a result, we know much more than ever before about Kenyan knowledge production, and we are positioned through fresh perspectives to use existing literature to learn and ask even more about the past.

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<sup>18</sup> Abolade Adeniji, “Universal History and the Challenge of Globalization to African Historiography,” *Radical History Review* 91 (Winter 2005): 98-103. Citation based on p. 100.

<sup>19</sup> Adeniji, “Universal History,” 100.

The initial writings, usually from ethnographers like Charles Dundas and Gerhard Lindblom, on Kenyan history provided the foundations of how the past would be conceptualized, classified, and defined for many years. We can only wonder if we are trapped by existing structures, worldviews, and categories for analysis. V. Y. Mudimbe calls attention to this problem in his book, *The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge*, where he states:

“Western interpreters as well as African analysts have been using categories and conceptual systems which depend on a Western epistemological order...My own claim is that thus far the ways in which they have been evaluated and the means used to explain them relate to theories and methods whose constraints, rules, and systems of operation suppose a non-African epistemological locus.”<sup>20</sup>

J.D. Fage reminds us that “the writing on African history is as old as history itself.”<sup>21</sup> Moreover, African people have had a long history as one of the oldest civilizations on record. Over time, African scholars from inside and outside of Africa attempted to shift and reset the conversation by providing their interpretations of historical accounts. Often these scholars challenging the Eurocentric views found themselves caught between “correcting” African history and showing how African accomplishments measured up against Western structures. The varied viewpoints represent a disconnect that dominates the current historiography on Mau Mau.

Despite obstacles, there are many opportunities to create a narrative rooted in a new level of understanding of Kenyan civilization, especially as it relates to the historically significant Mau Mau war. In 2003, the Kibaki

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<sup>20</sup> V.Y. Mudimbe, *The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge*, (Indiana: Indiana University Press, 1988), x.

<sup>21</sup> J.D. Fage, “The Development of African Historiography,” in *Methodology and African Prehistory*, vol. 1 of *UNESCO General History of Africa*, ed. Joseph Ki-Zerbo (Berkeley: University of California Press, 1981), 38.

government lifted the ban on Mau Mau, allowing for the first time in over fifty years a new dialogue on the topic - this time from silenced Mau Mau veterans.<sup>22</sup> These elderly participants can finally present their version of the Mau Mau story.

Mau Mau veterans are not only voicing their experiences in interviews and documents, they are also seeking retribution. On June 23, 2009, five very elderly Mau Mau ex-soldiers filed into the courtroom in London seeking justice and openly stated their cases.<sup>23</sup> They wanted justice for Mau Mau atrocities committed against them by the British government. Their testimonies and remembrances show that it is impossible to erase the lingering Mau Mau war emotions, destruction, hardship, turmoil, and memories associated with a war of that size, magnitude, and violence.

### **The Argument & Placement**

This study offers another perspective to understand the making of Mau Mau through the lens of the Mau Mau oath. In Kenya, the oath has shaped the interpretations of history, culture, and society for the last six decades, and there have been few studies of its relationship to power. Although the oath draws its power and meaning from traditional structures, it is also open to being adapted by modern conditions. Over time, the oath has been reconstituted from its former location to one in which Africans reshape their relationship to the world. This work seeks to investigate and document the actual voices, beliefs, imaginations, and memories of Kenyans by centering oathing as the object of historical

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<sup>22</sup> Carina Ray, "The Empire's Ghost Returns," *New African* (August/September 2009): 18-22.

<sup>23</sup> Ray, "The Empire's Ghost Returns," 18-22.

analysis. This dissertation argues that contrary to the colonial and early anthropological notions of colonial barbarism and savagery, the Mau Mau oath was a sophisticated, elaborate, and structured phenomenon that was ordered around symbols, gestures, rituals, meanings, and words.

This study is an intervention and an opportunity to understand the meaning and structure of oathing during the Mau Mau period. It aims to complement the existing literature such as David Anderson's *Histories of the Hanged* and Elkins' *Imperial Reckoning* that question Mau Mau savagery and the British efforts, motives, and interests in Kenya during the war. This dissertation is focused on the oathing experiences of Mau Mau participants as a means to better understand this often distorted past. An important aspect in understanding the Mau Mau oath requires an engagement and exploration of pre-colonial histories of African societies to examine core oathing principles, themes, structures, and meaning during the pre-European, pre-Western, and pre-Christian periods. The assumption is that an understanding of oathing in the past will lead to insight on modern oathing.

In terms of foundational pieces on pre-colonial Kenyan society, this study engages the primary documents and manuscripts of Charles W. Hobley, Charles Dundas, and Gerhard Lindblom.<sup>24</sup> All three men were important early writers on Kenya. Hobley wrote *Ethnology of Akamba and Other East African Tribes* in

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<sup>24</sup> Charles W. Hobley, *Ethnology of Akamba and Other East African Tribes* (Cambridge: Cambridge University Press, 1910); Charles Dundas, *History of Kitui* Journal of the Royal Anthropological Institute of Great Britain and Ireland. 43 (July-December, 1913): 480-549; and Gerhard Lindblom, *The Akamba in British East Africa An Ethnological Monograph* Uppsala: Appelbergs Boktryckeri Aktiebolag, 1920, for example, and have been instrumental in providing the foundation for understanding early Kenyan civilization.

1910. This was followed by *History of Kitui* by Dundas in 1913 and *The Akamba in British East Africa An Ethnological Monograph* by Lindblom in 1920. These early writers explored the social, cultural, political, and economic order that existed in Kenya before the arrival of Europeans and their doctrines. Although the early writings were primarily static ethnological monographs and accounts of the Kenyan people, they provided subsequent scholars with the text, language, and categories from which to build new interpretations. The writings additionally offer a wealth of information that was never fully treated from the perspective of the power of the oath. These early authors provide a snapshot of pre-colonial culture, practices, beliefs, history, and cosmology. In other words, the descriptions and detailed African practices documented offer insight into how the society operated prior to colonial rule. Oathing practices were embedded into the societal order.

Although all of these early writers provide varied accounts, perspectives, and dimensions of the Kenyan past, one work stands out and was invaluable to this dissertation. Lindblom's *The Akamba in British East Africa An Ethnological Monograph* offers detailed descriptions of many pre-colonial practices in a manner that could be recreated and re-imagined for this study. His work is by far one of the most comprehensive and detailed studies of the Akamba during the early 20<sup>th</sup> century because it is a synthesis of all of the work on the society from 1837 to 1915. In this work, Lindblom makes several key conclusions, one of which suggests a tendency for many Africans to adhere to their rituals and culture, which is consistent with the beliefs of many Africans today. However,



this is not exclusive to Africans.<sup>25</sup> In times of turmoil, societies may turn inward to practices and beliefs that are rooted in their culture; and this affinity to “own” practices and beliefs while mixing in other desirable elements (foreign or simply contemporary changes) will be important in understanding how Africans react to colonial change in this research.

The documents of Hopley, Dundas, and Lindblom are the products of European research on ethnic groups in Africa that dominated the early 20<sup>th</sup> century to facilitate and justify the political, social, religious, and economic changes that would impact the African “landscape”. These early works are priceless because of the descriptive detail they provide as a repository for modern questions about the Kenyan past.<sup>26</sup> Old sources still carry messages, stories, and truths about the past.

## **Research Questions**

The following questions frame this dissertation study: What was the role and importance of the oath in the making of Mau Mau? How was oathing a source of African power? How has the Mau Mau story been shaped as a result of the different perspectives? Why is the history of the Mau Mau oath so contested? What was the relationship between oathing and the nature of the Mau Mau movement? How was oathing understood across time and space? What was the

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<sup>25</sup>See Appendix Table 2 on the survey result. Field research also confirms that respondents report that 100% of survey participants hold that “culture is important” 95.8 % attest that “rituals are important”; and 91.7% state that “knowledge of old ways are important”.

<sup>26</sup> “Landscape” as defined by E. S. Atieno Odhiambo and David William Cohen in *Siaya the Historical Anthropology of an African Landscape* (Nairobi: Heinemann Kenya, 1989) landscape is defined as “the physical land, the people on it, and the culture through which people work out of the possibilities of the land,” 9.

Mau Mau oath? How did new relationships to crime, women, and purification modernize the Mau Mau oath? How does this study of the oath help better understand the Mau Mau war? Was the Mau Mau oath haphazard, irrational, and barbaric? And finally, why has it been so difficult to move past this impression of the oath?

### **Dissertation Organization & Overview**

In order to understand the complexity of the Mau Mau oath, this dissertation is divided into six main chapters. The first three chapters provide the detailed context and background on oathing by showing how oathing has been treated to date and by providing an approach to understanding oathing. The remaining chapters focus on selected oathing relationships created during Mau Mau which includes new ties with crime, gender, and purification. The following paragraphs provide an overview of the chapters, including the argument, intervention, approach, and the application of sources.

Chapter two traces the various Mau Mau oath perspectives over time. The chapter argues that although the oath has been a part of the Mau Mau conversation from the beginning of the emergency, scholars have not examined the complexity of the Mau Mau oath. The historiography shows that the oath has been forced into unnecessary and narrow categories. In some cases scholars have shaped the Mau Mau oath narrative to often fit into their specific arguments without considering the oath framework, structure, and meaning on its own

terms. This analysis of the historiography is important because it shows the challenges of making history.

The chapter captures the oath definitions, debates, and issues of writers over time. It provides the foundation of the argument and framework for this dissertation. The writings show the shortcomings of understanding, interpreting, and communicating the complexity of the Mau Mau oath. The evidence used to support this chapter comes from records written during the Mau Mau period and secondary material. In terms of contributions to the historiography, this chapter shows the value of looking at translators and interpreters of the Mau Mau oath. I argue that there was no single Mau Mau oath but instead varied interpretations, varied descriptions, and varied meanings.

Chapter three first elucidates the broad application of oathing by first outlining contours of the practice across time and geographical boundaries to show the challenges confronted by scholars in their attempts to understand and define oathing. The second half of the discussion traces oathing in Kenya from the pre-colonial period to the independence period showing how oathing was used traditionally to support judicial order and how it evolved during the Mau Mau period. I argue that although oathing is a practice that has existed throughout time and space, scholars have still failed to truly understand the complexity of the oath experience including its cultural, social, and historical implications. The chapter is based on evidence from Kenyan field research; survey field data on specific ritual use and application; the primary papers of Lindblom, Dundas, and Holey; files from the Kenyan National Archives; along with additional secondary

sources to provide context. The problems with studying the oath to date are highlighted and a new historical treatment of the oath in Kenya from the pre-colonial to colonial period is presented. The ensuing discussion shows the need for a new approach to understanding oathing by looking at the interior structure and meaning of the oath.

Chapter four provides a detailed study of the Mau Mau oathing model as a solution and approach to understanding the dynamics of the oath. It explores the oath as an object grounded in beliefs of the past but renewed and customized to fit present situations. The argument is that the Mau Mau oath is an evolved, sophisticated, elaborate, and modern system of relationships and structures. The chapter shows that the oath reveals both the national and international African awakening and consciousness. Evidence for this treatment comes from a combination of oral field interviews, field surveys, archival data, court files, ethnographical accounts, and secondary literature.

Historiographically, this chapter traces an integrated development of the *kithitu* oath over time as a rare space to capture the inner meaning of oaths, symbolism, and group ideologies to question what we really know about African cultural continuity and power. The chapter is organized around the Mau Mau oath model as a means to uniquely identify an instance of an oath event; the design shows the complexity of the oath and offers scholars a new approach to examine the past.

Chapter five explores power from the perspective of the colonial administration that sought to detain and hang Kenyans suspected and accused

of participating in Mau Mau oath taking activities. In a matter of a few years, Kenya was transformed from a country without jails and criminals to a society with insufficient jails and overflowing with criminals.<sup>27</sup> This chapter considers the pre-colonial systems of Akamba law against the colonial judicial structures and the problems with this foreign structure. And finally, it examines criminal court cases centered on the criminalization of oath taking and oath administration.

The chapter argues that the British criminalization of oathing practices was evidence of the power of oathing during the Mau Mau period; it also shows how the oath was forced to adapt to judicial persecution, which was non-existent prior to the war period. In addition, the chapter argues that the colonial judicial system, established for administering justice, became a dominant force in suppressing oath traditions while fighting and archiving the Mau Mau movement one case at a time in the courts. The vast and expansive court documents on Mau Mau cases served as colonial evidence and proof that the Mau Mau movement and oathing was barbaric, irrational, violent, deplorable, and criminal. These characteristics and descriptions in the archives could be used to justify inhumane behavior, response, and treatment towards the rebellion by colonial officials. Oath criminalization also permitted the colonial administrators to focus on the ills of the Mau Mau participants instead of questioning how their own acts of violence, abuse, and degradation may have shaped the political developments. The evidence used here comes from archival customary laws, Supreme Court criminal files, field survey results, and interview testimonies. This work adds to the historiography by exploring the new oath-to-crime relationship created during

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<sup>27</sup> Elkins, *Imperial Reckoning*, xv.

Mau Mau. Prior to the period, oathing was not a criminal act but one that worked in conjunction with the judicial system.

Chapter six interrogates how the intermingling of gender, oathing, and the Mau Mau emergency impacted ethnicity and consciousness. It also offers insight into the broader notions of ethnic identity as a product of changing political, social, and cultural developments. Similar to the discussion of criminalization, this chapter explores the new gender relationship created as a result of Mau Mau. Pre-colonial oathing was the sphere and business of men, especially in rural societies. The Mau Mau rebellion was an event that created a redirection and recasting of traditional gender roles to respond to an urgent colonial situation.

This chapter argues that changed gender roles during Mau Mau, as demonstrated in the oathing ceremonies, forged a new consciousness and unity that crossed gender lines. This position is supported by archival evidence prior to and during the Mau Mau war, oral interviews of mostly elders, survey results, and secondary literature that show gender role transformations used to combat political, economic, and social inequalities (from women forming new associations, registering for classes, and engaging in colonial criminalized activities, to joining the Mau Mau movement to fight). Complex relationships are revealed between the varied dreams, imaginations, freedom, and justice that crossed gender and ethnic lines. This study contributes to existing historiography by treating the complexity of Mau Mau, gender, and the oath as an example of the sophisticated and modernized nature of oathing during the Mau Mau period.

Finally, chapter seven examines another modernized aspect of the oath by analyzing the new oath-to-purification relationship created during the Mau Mau period which did not exist in pre-colonial oathing practices. The persistent application of purification rituals is explored in Kenya with emphasis on how rites were reinvented during the Mau Mau period to cleanse fighters returning home. It also seeks to contextualize oath cleansing within a larger system of purification and environmental management. This study weaves in old rainmaking myths with present day purification ceremonies showing cultural continuities, breaks and legacies. It is a story of Kenyan resilience displaying a keen understanding of their fragile relationship to the environment. It shows that there is and will always be a dance between Africans and the environment, as Africans consistently seek ways to control and work within the boundaries of their environment through the application of old ritual practices and beliefs.

The chapter examines the rationale for purification, the historical application of purification rituals based on specific life stages and committed offenses, and the Mau Mau oathing purification ritual process. This study argues that Mau Mau oathing was elaborate and modern, combining itself with purification rituals designed to neutralize the danger of oathing participants to the village. The evidence for this chapter comes from fieldwork based on an actual and observed purification ceremony performed to address the recent drought in Ukambani, purification and cleansing reenactments, survey results, archival criminal cases, and the primary files of ethnographers (Lindblom and Dundas) on

pre-colonial purification. It shows the delicate entanglements between oathing, environment, water, and cleansing in Kenya.

## **Research Methodology & Approach**

This section explores the methodology and approaches used in this dissertation in two parts. The first is the method of analysis, and the second part examines the approaches associated with field and archival work.

### *Method of Analysis: Object Analysis*

Mau Mau is analyzed by focusing on the oath as the object of analysis. This method provides an opportunity to view Mau Mau from a different perspective and allows for the exploration of the structures and relationships associated with oathing which can be examined over time. Due to the complexity of the oath as a system that changes over time, this work uses design software that will visually depict how these items worked together around the oath. This method of analysis allows a unique interpretation of oathing during Mau Mau and how it evolved from oaths of the past. As an object of analysis, oathing is treated and analyzed as a dynamic and complex system of processes, relationships, and structures. This approach shifts the dialogue from the controversy that historically occurred between the British and Kenyans to the activity of the oath.

Similarly, in chapter seven an oath model is presented in order to explain the complexity of the purification-oath relationship. In this case, the analysis shows the entanglements between various systems of oathing and purification,



while revealing the nature of modern Kenya. In both cases, the models provide a snapshot of the object and dynamic structures surrounding it that provide a method for communicating structures and relationships that would have been missed or difficult to explain. In all object methodologies, the visual representation is important in revealing the complexity of dynamic objects like oathing. The approach allows much more flexibility in representing, presenting, and understanding processes that are changing.

*Method of Approach: Fieldwork*

Although my early research questions about rituals were asked in 2003, this research formally began in late 2008 and ended in the spring of 2009. My fieldwork consists primarily of interviews and survey questionnaires. Through the help of several research assistants and my husband's Kenyan family members, nearly thirty interviews were formally conducted and twenty-four detailed surveys were completed that spanned the district and areas of Nairobi, Machakos, Kitui, Makueni, and Kangundo. Most of the Mau Mau participant interviews followed a similar format that allowed me to compare responses. The objective of the interviews was to understand an individual's personal history, meaning, testimony, and memories associated with the Mau Mau movement and oathing. In addition, I collected special interviews that involved ritual specialists who shared their personal perspectives on their use of rituals as a source and form of power that proved very useful in understanding the inner meaning and working of their belief system.

The fieldwork also involved observation of an actual purification and rainmaking ceremony in the Kangundo district along with two field reenactments from Wendo wa Kavete in the Kibwezi District and from A.N.M. Matingo in the Machakos district. A major part of the fieldwork process was observation, which was greatly enhanced by videotaping and recording field participants, especially in re-enacted and actual rituals.

*Method of Approach: Archival Work* -

This study also incorporates archives that provides detailed accounts, names, places, and reactions to specific events mostly associated with Mau Mau. The bulk of the archival work came from the following: Kenya National Archives Nairobi (KNA), Kenya National Archives McMillan Memorial Library Collection, Kenya National Archives Syracuse University Library Collection, National Archives in London including the Colonial Office (CO) Files, and the School of Oriental and African Studies (SOAS). These archives are invaluable in providing Mau Mau oathing details, criminal court cases involving Mau Mau, reports, and colonial correspondence that, when combined with the oral fieldwork, offer a more complete picture of Kenya's history.

The general approach to this study has been to use and engage a wide variety of primary and secondary sources to go beyond the current understanding of the Mau Mau war. My approach has not been limited strictly to historical interrogations, but instead holds that truly understanding the war requires a cross disciplinary approach. This historical study straddles

anthropology, ecology, and theology to understand the complexity of the oath in Kenya.

### **Definition of Key Terms**

This research has essentially been conducted to understand the definition of oathing and argues that its complexity has been not been realized or has been minimized in previous interpretations. Oathing is viewed here as a continuous system. All systems are vibrant, continuous, and dynamic. Oathing is a system and in some cases referred to as a ceremony layered with structure, meaning, symbolism, and relationships at a minimum. Each oath experience is unique because of the individual meaning, time, location, oathing statements, symbolic artifacts, participants, and a host of other changing variables.

*Kithitu* oathing is an old oath that was formerly used by, and along with elders, to determine the innocence or guilt of disputing participants. It was essentially a judicial ritual that Kenyan elders invoked when necessary. This particular oath, as described in the earlier accounts on contemporary oathing, is also a continuous process that is often reconstituted to accommodate current community needs. Presently and historically, it is often referred to as “*beating the kithitu*” or “*eating the Kithitu*.”<sup>28</sup> This form of oathing is based on ancient oathing traditions of beating an object represented as a *kithitu* in order to invoke the power of the oath. “Eating the *Kithitu*” represents the power associated with

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<sup>28</sup>Interviewees often described the oathing process as one in which the “Kithitu” was beaten or eaten; both statements involved the invoking of the power of the oath and eating the oathing statements. Interview, K. Mutunga, June 2009, Kitui, Kenya; Interview, K. Nthuva, June 2009, Kitui, Kenya. Interview, K. Kitavi, June 2009, Kitui, Kenya. Also author Hitoshi Ueda in “Kithitu among the Kamba of Kenya, The Case Study of Kilonzo’s Kithitu” (1977) describes this process as “*kuya kithitu*” (to eat the kithitu).

taking the oathing vowels, statements, and words, which if broken, violates the principles and agreements of the oath resulting in death.

Lindblom refers to the technical name for swearing over the “*kipitu*” as “*kuna kipitu*” (to strike the *kipitu*) or “*Kuia kipitu*” (to eat *kipitu*), which is the process of binding the oathing men. These differences represent the various perspectives and names attached to this type of oathing.<sup>29</sup> There are different interpretations of *Kithitu* oathing that will be explored in chapter three under the pre-colonial Kenyan oathing sections. However, the important aspect of oathing for this particular study is that *Kithitu* oathing is a traditional oath that has been reconstituted over time to accommodate the modern needs of Kenyans.

Power is the ability of a group or individuals to change their reality and impress this reality on others. It is an often unseen force that, when applied, shapes the outcome of a variety of events. In *Discipline and Punish*, Michel Foucault states that “power is diffuse” and “power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.”<sup>30</sup>

## **Conclusion**

The study of oathing during the Mau Mau period provides an opportunity to understand the cultural, social, political, and religious values of Kenyans during a very critical moment in history. By understanding the history, meaning,

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<sup>29</sup> See Lindblom, *The Akamba in British East Africa*, 168 and Ueda in the article, “Kithitu among the Kamba” describes this process as “*kuya kithitu*” (to eat the *kithitu*).

<sup>30</sup> Michel Foucault, *Discipline and Punish*, (New York: Vintage Books, 1995), 27.

structures, symbolism, and power of oathing, we are able to discover a different version of the Mau Mau war: one that united and empowered Africans across ethnic lines, gender, religion, and age. The ultimate aim of this dissertation is to remember and restore the depth and complexity of the Kenyan past. Unfortunately, this is a challenging effort. There is a tendency to dance around details and concepts that fail to support our own worldview and understanding.<sup>31</sup> However, it is essential to the progress of the field to acknowledge and analyze the value of their past traditions, knowledge, and beliefs even if it is uncomfortable and complicated.<sup>32</sup>

Although the writings on Mau Mau have been historically a space for political agendas and controlling knowledge, the truth about the past always finds the present. The oath in Kenya continues to resurface over time and remains a living phenomenon. The challenge for scholars is to become more comfortable weaving in varied sources and interdisciplinary approaches to understand the true complexity of the past. Oathing can begin to offer insight into the uniting relationship between local, national, and international liberation struggles. However, this study is situated in a very political, polarized, and convoluted historiography. As David Anderson states on the topic of Mau Mau, "It is an uncomfortable history, but it is a history that needs to be told."<sup>33</sup> Therefore, it is

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<sup>31</sup> In many ways, this study presented itself because of my previous cultural exposures. For over 15 years, I have had the opportunity to experience and learn some of the most intricate African ceremonies through my study of dance, and from this exposure I have been much more sensitive to understanding the power of ritual spaces.

<sup>32</sup> Johannes Fabian, *Remembering the Present, Painting and Popular History in Zaire* (Berkeley: University of California Press, 1996), 17. Fabian reminds us that "Our ancestors knew how to dress, they knew how to converse, they knew how to have children, they knew how to govern themselves."

<sup>33</sup> David Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. (London: Weidenfeld and Nelson, 2005), 2.

important to first understand the discussion by examining varied oathing and non-oathing interpretations, appropriations, and written power dynamics that have shaped the historiography of Mau Mau.

## Chapter 2 Mau Mau Oath Conversations: Perspectives, Interpretations and Challenges

### Introduction

The Mau Mau oath remains a point of fascination, myth, and controversy. From the beginning of the war onward, people writing about Mau Mau have struggled with understanding, defining, and conceptualizing the Mau Mau oath. The literature on the topic reflects a wide range of perspectives, interpretations, and meaning that have made study of the oath interesting but challenging. This chapter explores the literature on Mau Mau oathing to understand how it has been explained and imagined by various interpreters over the last fifty years. The different perspectives on the topic provide a window into the political and social moment as these conversations changed over time. But the text generated has had a lasting impact. Through the different accounts, we are able to see the problems with interpreting a past with many windows. Although narrowly defined views created knowledge from a specific space, a larger Mau Mau oath picture remains unclear. This chapter argues that despite the vast scholarship on oathing, the Mau Mau oath has not been treated in its own complex terms as a central object of historical analysis. Scholars have often limited their conversations to the descriptions of ceremonies, origins, and types without taking a broader look at the oath architecture and structure.

## The Mau Mau Oath Literature: 1950s and early 1960s

The primary accounts during the 1950s and early 1960s provided the initial approaches, language, and structures for understanding the Mau Mau oath. The dominant early writing on the Mau Mau oath came largely from European perspectives. These early writers on the topic were attempting to explain the Mau Mau rebellion by analyzing the organization's secrecy and growing enrollment through oath-taking. However, many of these writers were responsible for some of the early negative connotations of oath-taking as a means to justify British violence. Their narrow descriptions of the rebellion are still etched in the memory of many who reflect on the topic. The text and corresponding images of Mau Mau left portrayals of savagery, random violence, and barbarism that continue to resonate.

In order to better understand these early writers, consider how the Mau Mau war shattered the happy valley of Kenya. David Anderson states,

“Before the Mau Mau, Kenya was the land of sunshine, gin slings, and smiling, obedient servants, where the industrious white colonizer could enjoy a temperate life of peace and plenty in a tropical land. This was the white man's country; with its rolling, fertile highlands...They brought order and prosperity. And they held a paternal view of the Africans whose land they had appropriated, and whose labour they depended upon...Mau Mau shattered this patronizing pretence in the most poignant, disturbing manner, as trusted servants turned on their masters and slaughtered them.”<sup>1</sup>

From the 1950s and 1960s, European accounts of Mau Mau dominated published communication on the topic. And they were the major disseminators of the messages conveyed internationally on the revolt. As a result, the literature produced was based primarily on pro-British political agendas.

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<sup>1</sup> David Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*, (London: Weidenfeld and Nelson, 2005), 2.



### *Perspectives of Frank Derek Corfield*

A classic perspective on the Mau Mau oath comes from the official report, *Historical Survey of the Origins and Growth of Mau Mau*, by Frank Derek Corfield. He presented the report to the British Parliament in 1960.<sup>2</sup> In this work, Corfield traces the development of oathing in chapter six, "The Evolution of the Oath." Here, he attempts to trace how the oath transformed from a safe allegiance oath to the dangerous Mau Mau oath based on "magic and unheard of bestialities."<sup>3</sup> His account outlines ancient and other pre-Mau Mau Kikuyu oathing ceremonies such as *githathi*, *thenge*, and *guthi-urura*. In summary, Corfield suggests these oaths were acceptable. On this point, he states,

“...there was nothing bestial or particularly abhorrent about these early ceremonies. They only adapted or perverted recognized Kikuyu customs, and it is probable that the majority of those that took the oath were willing recipients. The oath itself was almost identical with the original K.C.A oath...”<sup>4</sup>

Corfield linked the oath with Kikuyu Central Association (K.C.A.) oathing which subsequent scholars also explored for additional continuities. Corfield's account then moves on to describe details of the Mau Mau oath - showcasing the oathing statements of killing, stealing, and facing the curse of the oath if statements were broken. Corfield is particularly descriptive in his accounts of one of the highest Mau Mau oathing forms called the *batuni* oath, often the fourth oath type which he defines as,

“a shocking oath by any standards. By the breaking of every tribal taboo...and by its insistence on the need to kill near relations...only those

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<sup>2</sup> Corfield, *Historical Survey*, i.

<sup>3</sup> Corfield, *Historical Survey*, 163.

<sup>4</sup> Corfield, *Historical Survey*, 165.

who have had to deal with the human results of this can realize fully the terrible effect it had on their minds.”<sup>5</sup>

Although Corfield begins with early accounts of oathing, he fails to fully trace how the oath has evolved, despite the name of the chapter. More specifically, he does not treat the cultural continuities of early forms of oathing and those leading to Mau Mau ceremonies. Corfield acknowledges the power of oathing because of its ritual meaning. However, throughout his report he focuses on the nature and extremities of the oath, sometimes displaying atrocities of Mau Mau oathing as something that had no real justification, rationalization, or basis in previous forms of oathing. Corfield’s language and words on the topic suggest Mau Mau oathing was horrendous and irrational. This treatment helped promote British political agendas associated with Mau Mau violence. For example, Corfield states,

“...the Mau Mau oath became increasingly more violent and bloodthirsty, it was not surprising therefore that there was a corresponding increase in bestiality in the ritual of the oath, thus forcing the initiate to reach the necessary pitch of blood lust and degradation to make it possible for him to pronounce the ghastly words of the oath itself. These ceremonies were repeated at intervals to spur the recipients onto greater excesses. It is not possible to give any detailed description of these terrible ceremonies.”<sup>6</sup>

This last statement in particular invited readers to imagine and invent their own stories of the oathing ceremonies creating additional layers of mystery. The Corfield report was one of many governmental accounts that shaped people’s understanding of the Mau Mau movement.

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<sup>5</sup> Corfield, *Historical Survey*, 169.

<sup>6</sup> Corfield, *Historical Survey*, 167.

However, this report is not in isolation. Dr. J.C. Carothers created another governmental account on the topic in *The Psychology of Mau Mau* in 1954.<sup>7</sup> This writing attempts to understand the Mau Mau oath as it relates to witchcraft, suggesting that a key component of oathing was the embedded fear of the oath.<sup>8</sup> Also, this work picks up on the local variations of oathing in stating, “Although the general lines are similar, the revolting details vary greatly and are clearly the inventions of each oath administrator.”<sup>9</sup> Even though Carothers noticed this important characteristic of oathing, he failed to provide a way to treat and analyze these differences to better interpret Mau Mau. Perspectives like Corfield and Carothers provided the initial Mau Mau oath language forever engraved into Mau Mau recorded accounts.

#### *Perspectives of Louis Leakey*

Another key interpretation of the Mau Mau oath was from Louis Leakey. Leakey was born in Kikuyuland in 1903. He grew up practicing limited Kikuyu rituals and was a part of the Mukanda age set. Based on Leakey’s upbringing in Kikuyuland and his knowledge of the Kikuyu language and culture, Leakey positioned himself as an authority on the Kikuyu. The Mau Mau oath interpretations by Leakey in his two works, *Mau Mau and the Kikuyu* written in 1952 and *Defeating Mau Mau* written in 1954, were held highly by the British and

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<sup>7</sup> J.C. Carothers, *The Psychology of Mau Mau*, (Nairobi: Government Printer, 1954), 4-20.

<sup>8</sup> Carothers, *The Psychology of Mau Mau*, 14.

<sup>9</sup> Carothers, *The Psychology of Mau Mau*, 16.

also those abroad because of Leakey's apparent intimate knowledge of the Kikuyu people, culture, and language.<sup>10</sup>

In *Mau Mau and the Kikuyu*, Leakey states, "The oath which was taken by members was very carefully thought out and so worded that once a person had taken it...there would be little risk of this reporting the facts to authorities."<sup>11</sup> Unlike Corfield's account, Leakey's work addressed the cultural nuances of oathing. Therefore, he studied oathing by analyzing aspects of the culture. Leakey describes in detail the pre-Mau Mau oathing-taking ceremonies by focusing on the symbolism of the number seven and the use of stones. His explanations provide meaning and interpretations of oath activities and speak to his understanding of the Kikuyu traditions. However, he does hold that the rules of oathing changed during Mau Mau.<sup>12</sup>

One interesting area in this book is the impact of oathing on Christians. Leakey states, "Mau Mau leaders...made the mistake of forcing genuine Christians to take the oath, these people went as fast as they could and reported the matter to the police."<sup>13</sup> He also noted the contestations between the elders and oath administrators that questioned if the oath was the oath of the past since it "violated all of the laws of oath-taking."<sup>14</sup> This theme of age remains an interesting aspect of the oath because it shows the internal Kikuyu contestations about oathing. In this dissertation, generational conflict comes up in the chapter

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<sup>10</sup> Louis Leakey, *Mau Mau and the Kikuyu*, (London: Methuen and Company, Ltd., 1954) & *Defeating Mau Mau*, (London: Methuen and Company, 1954), 1-20.

<sup>11</sup> Leakey, *Mau Mau and the Kikuyu*, ix.

<sup>12</sup> Leakey, *Mau Mau and the Kikuyu*, 55.

<sup>13</sup> Leakey, *Mau Mau and the Kikuyu*, 101.

<sup>14</sup> Leakey, *Mau Mau and the Kikuyu*, 101.

on oath criminalization. Leakey's account picks up on internal African struggles which show that oathing took on varied meanings.

In *Defeating Mau Mau*, Leakey devotes a chapter, "Mau Mau Oath Ceremonies," to describing some of the practices, statements, and other details associated with oathing. He records about eight different types of oaths with emphasis on the first oath type. He states, "...the first oath was so arranged as to include all those magical and ritual elements which were known to have the most binding effect upon the minds of members of the tribe."<sup>15</sup> Unlike many other colonial accounts of the time, Leakey did not feel that Mau Mau was an "atavistic reversion to traditional savagery, but rather a perversion of civilized Kikuyu tradition."<sup>16</sup> Even though many were not convinced of this civilized continuity point of view, both of Leakey's works were well received by Europeans attempting to understand the mindset of the Kikuyu as portrayed through the activities of Mau Mau.

Leakey offered rational explanations of the violence attributed to Africans who were, in recent history, docile and peaceful. However, Leakey was not completely praised by many Kikuyus and was not viewed as a representative or authority on Kikuyu culture, even though he positioned himself as a friend of the Kikuyu. Nevertheless, Leakey's contribution to the historiography on the Mau Mau oath can be primarily linked to his position as a European with an intimate African connection, which provided him with the ability to translate his African

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<sup>15</sup> Leaky, *Defeating Mau Mau*, 78.

<sup>16</sup> Bruce Berman and John Lonsdale, "Louis Leakey's Mau Mau: A Study in the Politics of Knowledge," *History and Anthropology* 5 (1991): 146.

knowledge (including his knowledge of the Kikuyu language) in ways that could be interpreted by Europeans.

We can see in these statements that at the beginning of the war there were different accounts, emphasis, and perspectives of the Mau Mau oath. At a basic level, there are two major viewpoints – one conservative and one liberal. The distinction between the two is that the conservatives saw Mau Mau as evidence that Africans were swayed by primitive aggression and savagery, compared to the view of a need to socially explain the African reaction.<sup>17</sup>

### **The Mau Mau Oath Literature: 1960s-1970s**

The mid-1960s and 1970s represented a time when new interpretations surfaced on the Mau Mau oath. New writers emerged who provided their accounts and beliefs. By the end of the war, similar to the various European ideologies, Africans in Kenya also provided their interpretations of the Mau Mau oath. There were probably even more splinters in the ideologies of Africans because of the wide range of experiences and multiplicity of the African population.

Although mostly European images of the Mau Mau oath dominated, during the 1960s and 1970s, several key works were published that began to challenge the existing historiography.<sup>18</sup> Some of these perspectives were from actual Mau Mau participants who gave an inside interpretation of Mau Mau and Mau Mau

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<sup>17</sup> Dane Kennedy, "Constructing the Colonial Myth of Mau Mau," *The International Journal of African Historical Studies* 25, no. 2 (1992): 251.

<sup>18</sup> However, it would take many decades of additional writings on the topic to counter the initial images and notions surrounding Mau Mau oathing and the Mau Mau movement because the initial impressions have had a long impact.

oathing. Although these points of view are not representative of the wide range of thinking about the Mau Mau oath, they do represent important aspects. In 1963 Josiah Kariuki initiated the Mau Mau oath dialogue from an insider perspective in his memoir, *Mau Mau Detainee*. Then in 1966 two important writings surfaced: Donald Barnett and Karari Njama's book, *Mau Mau from Within*, and Carl Rosberg and John Nottingham's study, *The Myth of "Mau Mau": Nationalism in Kenya*. Both presented new interpretations and angles on the topic. They were followed by Waruhiu Itote in *Mau Mau in Action*. In the 1970s the firsthand account of the Mau Mau fighter, Henry Kahinga Wachanga in *The Swords of Kirinyaga*, also offered insight into the inner workings of Mau Mau. These selected works collectively gave new details and depth to the discussion and some provided a much needed African narrative to understand the Mau Mau oath.

#### *Perspectives of Josiah Kariuki*

Josiah Kariuki gave his personal memoir of the meaning and significance of Mau Mau in his 1963 book, *Mau Mau Detainee*. In this work, the author argues that there was another real side of the Mau Mau story that needed to be revealed, one through the perspective of the detention camps. Kariuki's aim was to restore the voices of those that were locked inside of the prisons so that their struggles were not forgotten. In his view, the public needed to know the truth about the horrible treatment that Africans experienced in the camps. Kariuki holds in his book that Mau Mau was a "movement of unity and that the (members

of Mau Mau) were not terrorists, murderers, but the noblest fighters for freedom.”<sup>19</sup> Kariuki sought to change the language associated with Mau Mau participants from “thugs”, “gangsters”, and “terrorists” to “freedom fighters.”<sup>20</sup>

Kariuki shows that one of the most effective aspects of understanding Mau Mau is found in the actual oaths. He emphasizes the themes of unity and commitment to the movement. Thus, the oath is positioned to help his argument of challenging the grounds of Mau Mau which question the rationality and thoughtfulness of the rebellion. Kariuki also focuses on descriptive accounts of oath-taking ceremonies. From his perspective, the oath was purposeful and meaningful. Kariuki’s book was effective in shaping the historiography of the Mau Mau oath because he offered one of the first written accounts of the significance and role of the Mau Mau oath in the developments of Mau Mau from someone who actually took the oath.

### *Perspectives of Barnett and Njama*

Karari Njama wrote about his experience as a forest fighter in *Mau Mau From Within*, published in 1966 and co-authored with Donald Barnett. This book is also an intervention in the standing historiography about Mau Mau and counters the belief that the movement was irrational and based on savagery. It highlights the rationality, commitment, sacrifice, and creativity in the establishment of a unified military and political structure with the objective of restoring the stolen lands, driving out the European, and restoring the dignity of

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<sup>19</sup> Josiah Kariuki, *Mau Mau Detainee* (Nairobi and London: Oxford University Press, 1963), 215.

<sup>20</sup> Clough, *Mau Mau Memiors*, 3.



African people. As a result, the Mau Mau oath is presented as a way of providing secrecy and movement allegiance to members. Njama states, "...it demanded strict secrecy as well as total commitment and the oath was altered to meet these requirements."<sup>21</sup>

One aspect of this work is the detailed interpretation of the Mau Mau oath as an "Oath of Unity":

"...this Oath of Unity was an elaborate initiation ceremony, with the initiate becoming at one and the same time a member of the Movement and a full-fledged, and in a sense reborn, member of the tribe...The ceremony itself was a modern synthesis incorporating various and often modified features of the traditional initiation ceremony (e.g. passing under the arch, sipping a distasteful mixture of symbolic elements and uttering sacred vows) and customary oaths and curses...together with the element of Christian symbolism...and modern political objectives contained in the vows and instructions calling for a return of stolen lands and freedom, which were held to be achievable against a hostile white community only through an unbreakable African unity."<sup>22</sup>

In this account, the Mau Mau oath is portrayed differently from earlier accounts by showing it had meaning, purpose, and cultural connections. The words used as outlined above paint a different narrative of the oath. Njama and Barnett also pick up on the unity theme of the oath, defining the oath as a unifier that bound Africans together in their struggle for land and freedom. With these accounts, the Mau Mau oath is painted in a much different light and is not minimized to random acts of savagery and madness.

Njama and Barnett also explain the *Batuni* Oath – a type of oath which was referred to in the earlier periods as the worst form of the Mau Mau oath. However, Njama and Barnett treat this oath type by explaining the factors that

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<sup>21</sup> Donald L. Barnett, and Karari Njama, *Mau Mau From Within: Autobiography and Analysis of Kenya's Peasant Revolt* (London: MacGibbon and Kee. 1966), 55.

<sup>22</sup> Njama and Barnett, *Mau Mau From Within*, 59-60

lead up to this second oath that was given to warrior age men and the rationalization for it.<sup>23</sup> The oathing statements invoke God and the need to shed blood in the fight for land, along with cursing statements that pointed to virtue.

From a historiographical perspective, this work is significant because it offers a new perspective of Mau Mau – one from the inside. Readers are able to witness Mau Mau struggles and the peaks and valleys of the movement. As the historiography shifted to a desire to understand the Mau Mau oath from the voices of those that oathed, this memoir serves as a key source. It is also important because it represents the oath as a unifying agent rather than something that is despicable and irrational.

### *Perspectives of Rosberg and Nottingham*

Rosberg and Nottingham offer their interpretation of the Mau Mau oath in *The Myth of "Mau Mau": Nationalism in Kenya*. This work is important because it offers a post Mau Mau interpretation that challenges the European notion of Mau Mau. The authors write:

“In our view, the outbreak of open violence in Kenya in 1952 occurred primarily because of a European failure rather than an African one; it was not much a failure of the Kikuyu people to adapt to a modern instructional setting as it was a failure of the Kikuyu people to adapt to a modern institutional setting as it was a failure of the European policy makers to recognize the need for significant social and political reform. In suggesting that the European conception of “Mau Mau” constituted a myth, we maintain that “Mau Mau” was indeed an integral part of an ongoing, rationally conceived nationalist movement.”<sup>24</sup>

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<sup>23</sup> Njama and Barnett, *Mau Mau From Within*, 67.

<sup>24</sup> Carl Rosberg and John Nottingham, *The Myth of "Mau Mau": Nationalism in Kenya* (Frederick A. Praeger Publishers, 1966), xvii.

Although this book shifts the interpretation of Mau Mau from a European myth to a movement of purpose, the work spends very little time analyzing oath-taking ceremonies. Instead it focuses on oath unity and examining pre-Mau Mau resistance (i.e. Kenya African Union (KAU), Kikuyu Central Association (KCA), and Olenguruone location) origins of the oath showing the “growth of militant politics” in Kenya.<sup>25</sup> However, the dominant oath theme studied is unity as it relates to nationalism in Kenya.<sup>26</sup>

### *Perspectives of Waruhiu Itote*

Waruhiu Itote writes in his book, *Mau Mau General*, about his personal struggle to bring freedom to Kenya by going into the forest and fighting.<sup>27</sup> Itote traces the beginning of social unrest in Kenya to 1919 when the Kenyan colonial government passed an ordinance where Africans had to be taken to European farms by force and to pay taxes per household. Itote shows that after WWI, social and economic frustrations grew, and Africans began to form political associations as an outlet for these concerns. Jomo Kenyatta became the link between all of the different African associations with his leadership growing out of involvement in the KAU. Itote held that Kenyatta was the inspiration behind the fight for freedom.

However, African political involvement and concerns by the 1950s fell on deaf ears as the Kenyan government made no attempts to respond. Itote states it was at this moment when Africans believed there were no political options and

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<sup>25</sup> Rosberg and Nottingham, *The Myth of “Mau Mau”*, 248-261.

<sup>26</sup> Rosberg and Nottingham, *The Myth of “Mau Mau”*, 241.

<sup>27</sup> Waruhiu Itote, *Mau Mau General*, (Nairobi: East African Pub. House, 1967), 5.

that the “fight was then carried into the forest.”<sup>28</sup> However, he is clear to state the struggle was not in isolation since other groups also claim to have brought freedom to Kenya (i.e. KAU, and KCA). Itote states that all of the different voices that claimed they brought freedom to Kenya “speak the truth...the struggle for freedom was like a vehicle and a vehicle cannot go without a body, an engine and a driver.”<sup>29</sup> In many ways, this statement is a nice summary of the interdependent components of Mau Mau even though some often treat them as separate and distinct parts. They are all responses directed at the same desire - to restore freedom to Kenya.

Despite Itote’s perspective as an insider and his aim to show how freedom was achieved, there is only a limited discussion of the Mau Mau oath, largely an outline of oathing statements conducted in 1954.<sup>30</sup> He does not go into the same level of detail of the oath as other inside writers do.

Itote also spends time outlining the accounts of the oathing practices of the government under his section, “The Government Oath.” Under this heading, Itote explains how the government worked to establish a policy for cleansing the oaths and deterring future oathing. It was viewed as a “cleansing ceremony by the witch-doctor to wash away the Mau Mau oath.”<sup>31</sup> It is interesting that Itote prefers to discuss the Mau Mau oath from the perspective of the government response instead of from the angle of what the Mau Mau oath meant to the freedom fighters and the overall role it played in the movement.

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<sup>28</sup> Itote, *Mau Mau in Action*, 5.

<sup>29</sup> Itote, *Mau Mau in Action*, 1.

<sup>30</sup> Itote, *Mau Mau in Action*, 168-172.

<sup>31</sup> Itote, *Mau Mau in Action*, 72.

Although this book offers another much needed contribution to understanding Mau Mau from the insider perspective, the oath statements that are provided are given without much commentary. Itote mentions that the strength of Mau Mau was the conviction and belief that “whatever will be the outcome, or whatever will happen, the African people of Kenya would eventually be independent.”<sup>32</sup> However, the role of the Mau Mau oath is not central to his narrative.

### *Perspectives of Henry Kahinga Wachanga*

Henry Kahinga Wachanga also adds to the historiography with his book, *The Swords of Kirinyaga*, which is another treatment of the movement from the perspective of a key leader. This book focuses mostly on the activities of leaders from 1952 to 1957. Unlike Itote, Wachanga emphasizes the importance of the Mau Mau oath to the success and overall operation of the liberation struggle. As a result, Wachanga begins his narrative outlining not the grievances that led up to the war or the formation of political organizations, but instead begins with the Gikuyu oaths. He states,

“The importance of our traditional oaths must never be under-estimated. Taking an oath was our special way of binding the people together. Just as other nations of the world have their own peculiar oaths of allegiance, we had traditional oaths of the following types: witchcraft, paternity, theft, land and battle.”<sup>33</sup>

This account is rich as it shows his view of the oath heritage and praise. Wachanga does not go extensively into various oath ceremonies like some

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<sup>32</sup> Itote, *Mau Mau in Action*, 7.

<sup>33</sup> Wachanga, *The Swords of Kirinyaga* (Nairobi: Kenya Literature Bureau, 1975), 1.

narratives; however, he does provide a background of the oath by explaining how oathing was used in Olenguruone to cease government stealing.<sup>34</sup> Through the use of their traditional oath, the people found unity once again which was almost forgotten.<sup>35</sup> His narrative offers an interpretation that explains why oathing resurfaces over time as one of many cultural practices that was not completely abandoned.

Wachanga further adds to our understanding of the relationship between the Mau Mau oath as part of Mau Mau. He shows that although the movement had many leaders (including himself), there was only one that could unite and direct everyone – the oath. To this point, Wachanga states:

“Although Kimathi, Mathenge and Kaniu were our ‘big leaders’ in the forest, there were others in the movement not in the forest...There were leaders in prison, detention, and in the Reserves and towns. Thus no leader could reach all of the people in the movement. We had no one leader or commandant except the oath. The oath was our leader.”<sup>36</sup>

Wachanga centralizes the oath as a key master mind behind Mau Mau. His interpretation of the oath shows a great deal about the importance and value the oath played in the movement. His account is probably one of the few views that attempt to position the oath at the center. It is also interesting that he does not necessarily call it the Mau Mau oath, just “the oath,” perhaps suggesting that it is situational and continuous by nature. Wachanga’s view is an important contribution to the understanding of the Mau Mau oath.

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<sup>34</sup> Wachanga, *The Swords of Kirinyaga*, 4.

<sup>35</sup> Wachanga, *The Swords of Kirinyaga*, 4.

<sup>36</sup> Wachanga, *The Swords of Kirinyaga*, 32.

All of the writers on the Mau Mau oath during this period offer insights. Interestingly, those that wrote from an insider's perspective do not reveal the ceremonial details like those portrayed in the previous years. It is unclear if these details were purposely suppressed because of secrecy, shame, complexity, or the fear of the oath curse. However, because of their positions as oathers and oath administrators, many of these individuals intimately knew the Mau Mau oath.

### **The Mau Mau Oath Literature: 1980s, 1990s, & 2000s**

#### *Oath Perspectives of the 1980s*

In the 1980s oathing continued to find its way into Mau Mau conversations. During this period Mau Mau was being re-evaluated, with scholars making much more focused writings on different aspects of Mau Mau and also situating it within a historical and social framework. David Throup, in *Economics & Social Origins of Mau Mau 1945-1953*, approaches the study of Mau Mau from the perspective of the colonial office policy makers by focusing on the period before the outbreak of Mau Mau.

As the title suggests, this study analyzes the developments from the social and economic perspective. In terms of oathing, Throup traces the origins of the Mau Mau oath to extensive conflicts from 1941 to 1950 in the African settlement at Olenguruone which supports the oath origins of Wachanga in 1975.<sup>37</sup> According to Throup, these Kikuyu settlers from the White Highlands transformed

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<sup>37</sup>David Throup, *Economics and Social Origins of Mau Mau* (Athens: Ohio University Press, 1987), 120. David Throup, "Origins of Mau Mau," *African Affairs*, 84.33 (1985): 399-433.

the traditional oath in 1944 allowing for the oathing of women and children. This is referred to as “oath of unity.”<sup>38</sup> The relationship between the oaths in Olenguruone and Mau Mau are firmly stated in Throup’s comment, “This oath of unity, a development from the KCA oath, was the foundation of the early Mau Mau oaths.”<sup>39</sup> Outside of this oath origination, Throup offers little more on the topic of the Mau Mau oath.

Similarly, in her study, *Squatters and the Roots of Mau Mau*, Tabitha Kanogo addresses the Olenguruone origin of the Mau Mau oath. The book explores tensions between Europeans and Kikuyu showing how the grievances of squatters strengthen the rise of Mau Mau. Kanogo traces the application of the revived oath back to 1943 a year earlier than Throup’s account.<sup>40</sup> Although this work does not go into great detail on oathing, it does explain how it was used as a unifier to resist colonial injustice. Kanogo’s perspective is that the Mau Mau oath was a grassroots effort with the oath serving as a source of unification.<sup>41</sup>

Unlike Kanogo, Frank Furedi, in *The Mau Mau War in Perspective*, attributes the evolution of Mau Mau from the activities of the squatter elite and traders. Furedi also departs from Kanogo and Throup on the radicalization of the traditional Kikuyu oaths to form the Mau Mau oath.<sup>42</sup> Furedi reveals most about the Mau Mau oath literature in the following statement:

“The colonial administration can be excused [of] its obsession with rituals and oaths, but serious scholars should be expected to look beyond surface appearances and examine the forces beneath. The rituals and oaths used by the movement had similarities with past customs. This is only to be expected;

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<sup>38</sup> Throup “Origins of Mau Mau”: 399-433.

<sup>39</sup> Throup “Origins of Mau Mau”: 415.

<sup>40</sup> Tabitha Kanogo, *Squatters and the Roots of Mau Mau* (Athens: Ohio University Press, 1987), 116-117.

<sup>41</sup> Kanogo, *Squatters and the Roots of Mau Mau*, 130.

<sup>42</sup> Frank Furedi, *The Mau Mau War in Perspective* (Athens: Ohio University Press, 1989), 140-141.



established cultural idiom tends to become part of a system of communication and mobilization in most political movements. However, it is unlikely that an investigation of the cultural idiom can unravel the social relations that have come to shape political developments. Mau Mau cannot be seen as a more extensive or even more radical use of past oaths and rituals.”<sup>43</sup>

Furedi provides his perspective of how not to view the Mau Mau oath, but he does not offer a clear explanation to define the dynamics of the Mau Mau oath or to address the relationship between cultural idioms and politics. He later writes that “the significance of oathing lay not in the ritual but in the existence of a widespread social consensus.”<sup>44</sup> Unfortunately, his analysis of “social consensus” as the true force behind the movement is not fully treated or defined. This is confusing since social consensus is closely related to group unity. And from the very beginning of the writings on the Mau Mau oath, unity has been a clear theme and foundation of the oathing experience. Furedi offers a different interpretation of the Mau Mau oath holding that, “there appears to be an enduring fascination with rituals and oaths.”<sup>45</sup> He is much more critical about the value and importance of the Mau Mau oath and was clear to mention that the secret aspect of the movement was a given and should generally be expected. Furedi offers a very important view because in print he is contesting the significance of the oath. Naturally, this departs from the works of Wachanga and Barnett and Njama that focus on the centrality of the oath to Mau Mau developments.

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<sup>43</sup> Furedi, *The Mau Mau War in Perspective*, 140-141.

<sup>44</sup> Furedi, *The Mau Mau War in Perspective*, 141.

<sup>45</sup> Furedi, *The Mau Mau War in Perspective*, 8.

## *Oath Perspectives of the 1990s*

Wunyabari Maloba in *Mau Mau and Kenya* wrote in 1993 about the economic factors associated with Mau Mau through the perspective of peasant-based revolts. The bulk of his analysis on oathing occurs in chapter five, "Propaganda and the Oaths." In this chapter, Maloba focuses on the criminalization of the Mau Mau oath in particular and links this with the colonial government's propaganda campaigns. In his treatment of oathing, he identifies three stages (or types) of oathing: unity, *batuni*, and advanced. The first types were consistent with other scholars; however the "advanced" oath that surfaced after 1953 was something new which was viewed by him as an oath that went beyond the *batuni*.<sup>46</sup> Although the initial Mau Mau oath writers never discussed advanced oaths, Maloba alludes that these oaths were not mentioned because of the controversy surrounding the sexual symbolism in the oaths; he states through interrogation and confessions the details of these oaths were leaked out to the press.<sup>47</sup>

According to Maloba, the Mau Mau oath was eventually categorized by the press as the "foul oaths and barbarism of Mau Mau."<sup>48</sup> Maloba attempts to deal with the complexity of the oaths through his analysis of the varied oath types and through general ceremonial descriptions. For example, he provides an overview to an oath ceremony with the following statement:

"The ceremony itself was conducted under the cover of darkness in a hut by a designated oath administrator who was helped and protected by several

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<sup>46</sup> Wunyabari Maloba, *Mau Mau and Kenya, An Analysis of a Peasant Revolt* (Bloomington: Indiana University Press, 1993), 102.

<sup>47</sup> Maloba, *Mau Mau and Kenya*, 105.

<sup>48</sup> Maloba, *Mau Mau and Kenya*, 105.

armed men. If possible an arch of banana leaves was at the site of the ceremony, and all those to be initiated passed under it and passively responded to instructions from the oath administrator. These instructions generally started with the order to remove shoes, coins, watches, and other metal items. Each ceremony utilized meat and blood from a dead goat, and the initiate usually took the oath while holding 'a damp ball of soil against his stomach with his right hand...a symbol of the person's willingness to do everything in his power to assist the association in regaining and protecting the land belonging to the Kikuyu people.' By 1952, increasing tension and rapid expansion of the oath-taking activities had led to a modification of this oath to the extent that its details were not uniform throughout Kikuyuland."<sup>49</sup>

Maloba continues with additional descriptions of oathing ceremonies that correspond to the different oath stages referencing mostly literature already written from J.M Kariuki's 1963 study, *Mau Mau Detainee* and *Mau Mau from Within* by Barnett and Njama discussed above. Both works offer oathing details and ceremony accounts. Maloba wrestles with the generalities of the oathing practices by attempting to address what was uniform or standard about different oath stages. However, based on the substantial literature of earlier scholars providing their varied testimonies of oathing, it is clear that there was no standard oathing ceremony. Nevertheless, through his analysis of different stages, Maloba helps to outline the challenges with interpreting the Mau Mau oath because the oath ceremony was dynamic and a function of many variables working together. Another key contribution to this work is his treatment of the criminality of the oath and colonial government propaganda. The colonial criminalization of oathing during the Mau Mau period is an important dimension in understanding the nature of the oath and how it evolved over time.

Another valuable study during this period is Greet Kershaw's study, *Mau Mau from Below*. This study was based mostly on interviews to understand the

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<sup>49</sup> Maloba, *Mau Mau and Kenya*, 102.

motivations behind those that joined Mau Mau. The origins of Mau Mau oathing is treated generally in her chapter, "Resistance of the Elders until the Beginning of Mau Mau."<sup>50</sup> However, it is Kershaw's chapter on "Resistance of the Land Poor and Landless" that offers the most in terms of Mau Mau oath analysis.<sup>51</sup> In this section, Kershaw provides much needed statistics on the development of Mau Mau oaths during the peak movements of the Mau Mau war and on gender. This quantitative analysis from field research reveals the percentage of women or men oathing, the number of oaths taken, the percentage of the population given the oath, and rural applications of oathing; all yield useful information to help better interpret the nature, scope, and magnitude of Mau Mau oathing at different times of the movement.<sup>52</sup> One key piece of data that Kershaw shows based on her research is that although scholars focus a great deal of attention and energy on the second and additional oaths, only twenty men based on her study went beyond the second oath. In other words, most of those that took the oath took only the first oath.<sup>53</sup>

Kershaw also offers an important analysis of the history of oathing in a section entitled, "Late Nineteenth and Twentieth Century Oaths."<sup>54</sup> Interestingly, Kershaw addresses the cursing aspects of oaths and the structures formed by oathing between members of the society. This study ends with Kershaw

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<sup>50</sup> Greet Kershaw, *Mau Mau from Below*, (Ohio: Ohio University Press 1997), 183-201.

<sup>51</sup> Kershaw, *Mau Mau from Below*, 228-229.

<sup>52</sup> Kershaw, *Mau Mau from Below*, 228-229.

<sup>53</sup> Kershaw, *Mau Mau from Below*, 318-319.

<sup>54</sup> Kershaw, *Mau Mau from Below*, 312.

analyzing the legitimate and illegitimate nature of Mau Mau oaths.<sup>55</sup> According to Kershaw,

“All Mau Mau oaths must be seen within a framework which rejects the legitimacy of colonial power and European occupation and in this context allows behaviors which ordinarily would be unacceptable. The dividing line between right and wrong is that what harms Kikuyu land and Kikuyu is wrong...These oaths might be illegal as far as the Europeans were concerned; they were legitimate within Kikuyu ideology.”<sup>56</sup>

This statement shows the varied points of view associated with interpreting the oath. Her work shows the importance of examining the details and specifics of the movement.

Some of the writers of this period utilize the Mau Mau oath to help shape their larger narratives. These authors also situate the oath in a larger social, historical, and cultural context while also looking at specific details such as criminalization, gender, and cursing. Overall, the writers show a desire to better understand the oath while showing that it remains (although in different degrees) a part of the overall Mau Mau story.

### *Oath Perspectives of the 2000s*

Current writings show that Mau Mau in general and Mau Mau oathing in particular are still topics of interest. However, the trend for analysis around specialized Mau Mau histories has continued to shape the direction of the writings. This period begins with two new additions to the Mau Mau conversation, Carolyn Elkins, *Imperial Reckoning*, and David Anderson's

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<sup>55</sup> Kershaw, *Mau Mau from Below*, 317.

<sup>56</sup> Kershaw, *Mau Mau from Below*, 317.

*Histories of the Hanged*, written in 2005. Both books address the entanglements of imperialism, detention, and atrocities of Mau Mau. The books intervene in the overall Mau Mau conversation by revealing the British role in the war which was often overlooked by scholars. In terms of the Mau Mau oath, both Elkins and Anderson begin their limited treatment of oathing as it pertains to the resistance in Olenguruone. For example, Elkins bases her statements on Kanogo's interpretation of the oath origins and states that "at Olenguruone the oath was transformed by the changing political circumstances of British colonialism...This oath united the Kikuyu at Olenguruone in a collective effort to fight the injustices of British rule."<sup>57</sup> Similarly, Anderson mentions a new militant oath created during the mid 1940 uprising at Olenguruone.<sup>58</sup>

Although the Mau Mau oath is not their emphases, Anderson and Elkins offer insight into the topic by shifting the analysis to British atrocities during the war. Anderson uniquely contributes to Mau Mau oathing by providing useful statistical data on the criminalization of oathing by showing how colonial laws against Mau Mau oathing impacted the number of cases taken to court. For example, he states that "at the time these legislative changes were approved, a total of 412 people had already been convicted of offences related to oath administration and membership of Mau Mau, but hundreds more awaited trial."<sup>59</sup> Also, his work charts Mau Mau offenses and convictions, which are useful in understanding the colonial policing strategies against Mau Mau.

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<sup>57</sup> Elkins, *Imperial Reckoning*, 25.

<sup>58</sup> Anderson, *History of the Hanged*, 30.

<sup>59</sup> Anderson, *History of the Hanged*, 53.

At the beginning of her book, Elkins outlines an oathing ceremony and offers additional interpretations of oathing. Elkins writes,

“The oath not only created a new status for the Kikuyu as reborn members of Mau Mau but also served as a moral contract...Forced oathing did not make the pledge less binding, and in fact the bind of the oath often prevented them—even under torture or threat of death—from betraying the movement. Just as a Kikuyu one hundred years earlier believed he could not elude the power of an oath, so many Mau Mau adherents believed in the repercussions of breaking their pledge.”<sup>60</sup>

Elkins confirms that based on her field observations, former Mau Mau members still believe in the oath.<sup>61</sup> She also adds an important statement about her understanding of the oath when she states, “Only after considerable time living in the field did I begin to explore the issue of oathing with former Mau Mau adherents, and even then I only scratched the surface of its history and meaning.”<sup>62</sup> This statement reveals that Elkins was exposed to the complexity around the oath which was most likely confirmed with lingering modern oathing tales and beliefs. Although oathing was not central, Anderson and Elkins in different ways acknowledge the relevance and existence of oathing to their interpretations of Mau Mau.

Although Elkins and Anderson are discussed together for their historical revisionist interest and criticisms of the British role in the Mau Mau war written in 2005, that same year another Mau Mau book by David Smith entitled, *Kenya, The Kikuyu, and Mau Mau* appeared.<sup>63</sup> The book is based on Smith’s personal experience in Kenya while serving as a field intelligence officer during Mau

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<sup>60</sup> Elkins, *Imperial Reckoning*, 26.

<sup>61</sup> Elkins, *Imperial Reckoning*, 27.

<sup>62</sup> Elkins, *Imperial Reckoning*, 27.

<sup>63</sup> David Lovatt Smith, *Kenya, The Kikuyu, and Mau Mau* (Herstmonceux: Mawenzi Books, 2005).

Mau.<sup>64</sup> Therefore, his book offers his perspective while serving in the Kenya Regiment during the war. Smith offers a chapter to his account of the Mau Mau oath which he accomplishes by first going back to pre-colonial oathing by the Kikuyu relying on the early and classic writing of Louis Leakey.<sup>65</sup> Smith attempts to explain the power oathing had on the Kikuyu with the following:

“It is not easy for the Westerners to appreciate the hold oath-taking had on the ordinary Kikuyu man or woman. The effect was very great indeed. It played a significant part in every person’s life, and in bygone days was the single most effective instrument for keeping discipline within the tribe. An oath once taken, was completely binding, even if it was forced upon the taker. So it was inevitable that Mau Mau should make as much use of this tool as possible to carry out their evil campaigns, particularly in the early stages. The first oaths were not powerful enough to entice ordinary Kikuyu into committing murders, so the leaders had to intensify the oaths and make them more shocking and therefore more powerful so that those who took them could be thoroughly relied upon to go out and kill ‘the enemies of the Kikuyu people’...The oaths grew from small beginnings, but as the pseudo oath-administrators grew in confidence and developed even more heinous acts, they violated more and more of the rules governing traditional oathing until it became something so bestial and horrific that it was contrary to all established law and custom.”<sup>66</sup>

Smith’s account of the developments, application, and importance of the oath appears based on his direct experience in Kenya during Mau Mau. Some aspects of his narratives are reminiscent of the writings and language used by the first generation of scholars writing on the Mau Mau oath. The words like “tribe”, “heinous”, “bestial”, “custom” were words frequently used by early European writers on the topic. In addition, Smith offers some valuable insight through his interviews, archived records, and Mau Mau oath photos. He also

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<sup>64</sup> Pascal James Imperato, “Differing Perspectives on Mau Mau,” *African Studies Review*, 48, No. 3 (Dec. 2005), 147-154.

<sup>65</sup> Smith, *Kenya, The Kikuyu, and Mau Mau*, 137-141.

<sup>66</sup> Smith, *Kenya, The Kikuyu, and Mau Mau*, 143.



adds to the discussion by contributing more descriptive details about how the oath was perceived from his unique perspective as an officer in the 1950s.

This chapter ends with the analysis of Daniel Branch's *Defeating Mau Mau, Creating Kenya* written in 2009. Branch's book uniquely analyzes the war from the perspective of the loyalists in efforts to treat a more nuanced understanding of counterinsurgency warfare.<sup>67</sup> Branch offers a new way of conceptualizing the Mau Mau through the lens of the loyalist, but his book goes further by addressing the legacies of Mau Mau.

In terms of the Mau Mau oath, Branch devotes a chapter called, "Vomiting the Oath." This title raises the question of 'were the words disgusting?' The title is engaging but not fully explained. In this chapter Branch criticizes scholars for focusing on oath symbolism which he holds has distracted the discussion from the true point of the use and custom of the oath.<sup>68</sup> He claims that the oath "allowed Mau Mau to cultivate lines of intelligence and silence potential opponents."<sup>69</sup> But Branch attempts to address the challenges of oath unity with the loyalist attacks on the practices of oathers, showing that unity was not completely achieved within the ethnic group.

Another interesting aspect of Branch's work is his application of the words "greedy eating" to oathing through the association of the oathing practices of eating meat during the ceremony.<sup>70</sup> Interestingly, in the field research for this study the verb "eat" surfaced as well, but it was communicated from a much

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<sup>67</sup> Daniel Branch, *Defeating Mau Mau, Creating Kenya* (Cambridge: Cambridge University Press, 2009), opening book page.

<sup>68</sup> Branch, *Defeating Mau Mau, Creating Kenya*, 22.

<sup>69</sup> Branch, *Defeating Mau Mau, Creating Kenya*, 22.

<sup>70</sup> Branch, *Defeating Mau Mau, Creating Kenya*, 23.

different angle. It was not associated with the consumption of meat during the ceremony, but instead linked to internalizing the oathing words.<sup>71</sup> Branch ends his analysis on oathing with a treatment of the oath cleansing. Overall, Branch shows in this study that there is still much more to say on the topic of oathing and Mau Mau as he presents a different version of the history by understanding it from the loyalist point of view.

### **Reflections on the Various Perspectives**

The writings over the years on the Mau Mau oath have provided the field with increasing levels of clarity on oath continuities, origins, types, classifications, and ceremony descriptions. Each generation of scholars wrote based on their perceptions at their particular moment in time, revealing a great deal about relationships between text and the political, social, economic, and cultural influences on historical development. All of the valuable scholarship has provided the foundation for this dissertation. This study has the benefit of pulling all of these different accounts to create a new level of oath understanding.

Over time, scholars have agreed on some aspects about the Mau Mau oath. For example, the theme of unity is a classification that some writers discuss about the oath in efforts to foster movement allegiance and secrecy, although some like Furedi may argue that unity and secrecy are a given for any type of rebellion. However, the interpretations of unity and secrecy really rest on the individual level making this difficult to analyze globally for the movement. The

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<sup>71</sup> Interview, K. Mutunga, June 2009, Kitui, Kenya; Interview, K. Nthuva, June 2009, Kitui, Kenya. Interview, K. Kitavi, June 2009, Kitui, Kenya.

history points to dissention and fragmentation within the movement, but at the same time an organized effort occurred. Secrecy is particularly challenging because those that truly believed did not speak in detail about their oathing experience. With this in mind, it is revealing that Mau Mau fighters like Itote did not elaborate on the oath. He provided very little oathing ceremonial details and descriptions, even though he was an oath administrator. Instead he focused more on the result and meaning of the oath to the movement. Those that keep secrets do not tell, especially if one fears breaking the curse. The analysis of secrecy of any movement is challenging. The best way to understand is to determine if the group was effective in keeping the movement hidden.

Also, scholars like Kanogo and Elkins acknowledge the connections between the Mau Mau oath and the unrest in Olenguruone. This dissertation does not question the existence of the appearance of the Mau Mau oath at this point. But it does seek to widen the lens just as Smith attempts to do in his study aimed at showing oathing links that occurred even prior to Olenguruone in pre-colonial Kenya. However, this work uses different sources than the carefully mined documents of Leakey. It considers pre-colonial practices beyond Kikuyu. Despite some agreements, the nature, the ceremony, the cultural continuities, contribution, and the power of oathing are areas that are still in conversation.

The scholars also show another important aspect about the topic of the Mau Mau oath; it is of interest. Most writings from the beginning of the war discuss some aspects of oathing; although there are exceptions, even these silences are heard. The silence spoke to the mystery of the topic. Also clear

from this analysis is that the Mau Mau oath has been studied randomly and inconsistently with some writers interpreting their own version of the Mau Mau oath story that was minimized to support their overall Mau Mau argument. Some parts of the story were carried through the generations whereas other narratives introduced new terminology, points, and arguments.

The literature on the Mau Mau oath up to this dissertation has consistently treated the oath in the backdrop of dominant narratives tied to British administrators, colonial policies, colonialism, Kenyan independence, Kikuyu, forest fighters, squatters, imperialism, detention camps, loyalists, and so on. Over time we see also that scholars continue to wrestle with defining and understanding the oath. Was the oath a contributor to nationalism, tribalism, or something else? The response to this question varied based on the scholar's perspective. As a result, similar to the definition and categorization challenges raised in chapter one, the Mau Mau oath definition is also complicated because it is a central aspect of Mau Mau. For example, those that identify Mau Mau as a nationalist movement will tend to view the Mau Mau oath practices as acts that lead to nationalism via unity across ethnicity, gender, age, languages, locations, and so on.

## **Conclusion**

The scholars writing on the Mau Mau oath reveal that there are still challenges on how to define, describe, interpret, analyze, and communicate oathing. The works outlined in this chapter provide examples of some of the

issues, themes, debates and discussions around the Mau Mau oath while showing the gaps and problems with categorization. Although scholars have added tremendously to our understanding of the origins, details of oathing ceremonies, nuances of oathing, and different types of oathing, the topic has been flatly studied. This work offers an intervention in the historiography by situating the oath as the center category for analysis. It aims to treat the oath without the limitations, labels, categories, objectives, and classifications that can narrowly define and restrict.

Writers on the oath have not been able to address the complexity of the Mau Mau oath. There was not a single Mau Mau oath; each oath was unique. The oath was a conditional system of many components, variables, structures, relationships, and rules that changed over time.<sup>72</sup> This study aims to simulate and offer a new way to conceptualize the Mau Mau oath that would allow for a clearer interpretation of the oathing experience while providing scholars with a model for understanding and explaining and communicating the layers of descriptions, meanings, and connections. With this in mind, it is important to start at the beginning of the oath story. The oath was a system that was established long before the Mau Mau period and was not confined to Kenya.

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<sup>72</sup> This will be explored in more detail in subsequent chapters of this dissertation.

## Chapter 3 The Oath Across Time and Space

### Introduction

The process of oathing in Kenya is referred to as “*beating the kithitu*” or “*eating the Kithitu*.”<sup>1</sup> Oathing is not a static activity but a continuous process. One of the most vivid accounts of this oathing characteristic was displayed during the Mau Mau revolution in which oathing was only limited by the mind and beliefs of those that engaged in the activity. The oath during this period adhered to ancient oathing practices while also providing a dynamism that responded to the needs of the participants. This chapter explores the paradox of the oath as an object grounded in beliefs of the past but renewed and customized to fit present situations.

Survey data collected for this research shows that 100% of all respondents affirmed familiarity with past ceremonies and rituals.<sup>2</sup> Therefore, many traditional practices are still remembered and have been adapted in various forms to find a place in modern Africa. As in other parts of Africa, Kenyan customs were associated with life cycle ceremonies, such as birth, initiation, marriage, and death but were also noted in times of life crisis, sudden illness, famine, disease, war, and so on. The key question is how these practices were transformed in Kenya after it had adopted new and modern Western systems

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<sup>1</sup>Interviewees often described the oathing process as one in which the *Kithitu* was beaten or eaten; both statements involved the invoking of the power of the oath and eating the oathing statements. Interview, K. Mutunga, June 2009, Kitui, Kenya; Interview, K. Nthuva, June 2009, Kitui, Kenya. Interview, K. Kitavi, June 2009, Kitui, Kenya. Gerhard Lindblom in his 1920 document, *The Akamba in British East Africa An Ethnological Monograph* on page 168 refers to the *kipitu* as *kuna kipitu* (to strike the *kipitu*) or *Kuia kipitu* (to eat *kipitu*) which is the process of binding the oathing men.

<sup>2</sup> See Appendix, Table 2.0, Kenya 2009 Survey Percentage Analysis

that often suppressed and/or contradicted these traditional practices.<sup>3</sup> Colonialism reorganized and restructured Kenya economically, socially, religiously, and politically; all of these forces crashed as Africans stood up to contest grievances. As a result, Kenya during the 1950s was faced with an emergency situation that forever changed history; the Mau Mau revolution was the ultimate life crisis event in the country, and responding to the situation required the ultimate ceremony, the Mau Mau oath. However, oathing was not a new practice. It was a process that had been used throughout time and across geographical locations.

In order to understand the complexity of the Mau Mau oath, this chapter traces oathing across time and geographical boundaries to show the challenges, limitations, wide applications, and continuities associated with the practice. This chapter argues that although oathing is extensively practiced and known in many societies, scholars have overlooked oath intricacies by their failure to analyze the oath's interior structure and meaning. This chapter is broken into two areas designed to treat the complexity and longevity of the oathing system. It begins with the broader historical application of oathing across time and geographical boundaries to show that oathing was well established in various times and places. And the chapter ends focusing on the background of oathing in pre-colonial Kenya to show the threads of oathing continuity and disruptions.

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<sup>3</sup> Hudson-Koster, "Suppressed Rites of Power; Systems of Colonial Criminalization" (Paper presented at the African Studies Association Conference, Chicago, IL, November 2008).

## Oathing across Time and Space

Oathing practices are not unique to Kenya, but are dispersed over time and pervasive worldwide. The practice of oathing did not originate in any one particular society or time period but was a process naturally embedded into civilizations primarily as a mechanism to enforce societal order and control.<sup>4</sup> In a 1951 article, A. Quamie-Kyiamah reviews the practice of customary oaths in the Gold Coast prior to the 1950s.<sup>5</sup> He asserts that oaths were customarily used to “provide the community with a sacred and harmless weapon with which to protect and preserve their person and property from unfair and unnecessary interference or to seal a promise made on their honour.”<sup>6</sup>

In describing the purpose of oaths in the Gold Coast (present-day Ghana), Quamie-Kyiamah could have been describing any society at any given time period. The same purpose could be true of the oaths taken by witnesses in modern-day legal systems in the United States and European countries, as well as, soldiers during the Roman Empire, pilgrims on the Mayflower in 1620 coming to the New World, oaths taken by governmental officials in the United States from the 1700s to the present age, and Gold Coast chiefs in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The general belief was that all oaths were taken with the intention of protecting the state, its inhabitants, its ideals and processes, and its honor. However, these interpretations of oathing are narrow because they restrict the

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<sup>4</sup> Helen Silving, “The Oath: I,” *The Yale Law Journal* vol. 68.7 (1959): 1329-1390.

<sup>5</sup> A. Quamie-Kyiamah, “The Customary Oath in the Gold Coast,” *African Affairs* vol.50, no. 199 (April 1951): 139-147.

<sup>6</sup> Quamie-Kyiamah, “The Customary Oath,” 140.



process of oathing to practices bound by the government, overlooking wider social and cultural applications of oathing.

Helen Silving traces the evolution of the judicial oath in European states and in the United States.<sup>7</sup> Silving argues that current judicial oaths evolved from the pre-religious and pre-animistic period in which oaths were essentially vows made by individuals to bring about any desired result. These oaths were self-cursing because the individual believed that not keeping the vow would result in a curse. Therefore, the oath impacted the person making the vow and the person, thing, or situation the person was seeking to manipulate.

As divine beings began to take prominence, the power of the person taking the vow began to diminish, while deities were believed to take a larger role as conduits of the individual's power. However, the oath was still considered a self-curse. The deity was the source of punishment if the oath was unfulfilled by the person making it. The theme would carry forth into the 20<sup>th</sup> century as oaths were administered in courts of law. In taking the oath, the testifier in the case accepted that divine punishment was the result of providing false testimony.

Over time, however, the oath itself became the source of power rather than the "truth." The accused could take one of two oaths – that he/she was guilty of the charge or that he/she was not. The accused would be charged or exonerated according to the oath taken. In Germanic and English societies, the oathing individual was allowed to produce as many "oath helpers" as allowed by the court. These were not necessarily people who witnessed the supposed

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<sup>7</sup> Silving, "The Oath: I," 1329-1390.

offense. They were people who, as a group, took an oath of solidarity with the accused. Again, it was their oath that resulted in the decision. The oath was the proof. As ideas about “truth” continued to develop, the oath was no longer the proof but was admitted as evidence in the case. The testimonies of those involved became the proof, and all who testified had to take an oath.<sup>8</sup>

Silving shows that in all European societies, the oaths have religious weight, even though not all oath takers have the same religious beliefs or believe in God at all. Naturally, there have been questions as to the validity or credibility of their testimonies if they do not believe that God plays a role in whether they tell the truth or not. But the practice of oathing has remained even though many have argued that it is not necessary for all to believe in the same God. They assert that most people believe in some higher being that responds to moral decisions and behaviors and that their testimonies are subject to such power. As such, oath taking has an influence on individuals. Still others argue that the oaths create a “pestilence of perjury.”<sup>9</sup>

Debates linger as oaths continue to be taken, but it is important to question the role of oathing in a society that does not believe in God. Although Silving provides an important dimension of oathing by focusing on the religious and spiritual nature of oathing, the analysis fails to treat the complexities of oathing by explaining the inner activities and meaning of the practice. For example, what aspects of oathing served to hold individuals morally responsible even if the oath taker was atheist? What did oathing really mean to participants?

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<sup>8</sup> Silving, “The Oath: I,” 1329-1390.

<sup>9</sup> Silving, “The Oath: I,” 1359. The problem and belief is that the practice can create a plague of lying under oath.

What were the cultural or social implications of oathing and perjury? Also, Silving's analysis fails to provide an understanding of the oathing continuities and breaks over time and the rationale behind these changes. Silving's interpretation of oathing was unable to show the inner structures and meaning that lead to its current developed state.

The United States has a long history and practice of taking oaths. Upon the arrival of the *Mayflower* in 1620, the Pilgrims took an oath to pledge their allegiance to King James through the Mayflower Compact. This was not only an oath to the King but to one another as it provided the foundation on which they would live together in this new land. Their constitution provided order to their infant society. Therefore, the practice of taking oaths was brought with them from Europe. Oathing, over time, has maintained a role and place in the United States government.

According to Kenneth Keskel, the very first law enacted in the United States by the founding fathers on June 1, 1789 was "statute 1, chapter 1: an act to regulate the time and manner of administering certain oaths."<sup>10</sup> This law established the need of all government officials of the United States to make an oath of allegiance to the United States Constitution upon taking their new offices and positions. These oaths, though differently worded, remain today. In addition to government officials, oaths are also taken by regular American citizens, including new citizens who take a naturalization oath and school children who make an oath to the United States flag each school day.

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<sup>10</sup> Kenneth Keskel, "The Oath of Office," *Air & Space Power Journal*, (Nov. 2002): 1-14.

Keskel argues that oaths are not taken for mere patriotic reasons. He states, for example, that a military officer's oath is "a call to a higher power, a statement to perform to the best of one's ability, a sense of honor, an acknowledgement of the consequences of failing to live up to one's word."<sup>11</sup> These military oaths can be traced back to ancient Rome where soldiers pledged allegiance to their commanders for as long as the engagements lasted. Therefore, once the engagement ended, soldiers were no longer bound by the oath.<sup>12</sup>

Although this analysis of oathing in the United States provides details on how it is applied in government and in education, it misses an opportunity to explain the oathing experience and to convey what makes oathers feel they "have to live up to one's word."<sup>13</sup> In this case the power of the oath is still predominately locked into a patriotic space, if this was the primary goal, it misses the important social and cultural applications of oathing. Keskel represents one of many perspectives on the topic.

Quamie-Kyamah offers his interpretation of oathing in Africa by showing primarily how it was used by different groups. All chiefs in the Gold Coast possessed oaths, some of which were adopted by the State.<sup>14</sup> Oaths that belonged to chiefs could only be declared by owning chiefs. Anyone found repeating the oaths of chiefs were punished, and the punishment could include death. Oaths were extremely significant. The oaths of chiefs that were adopted

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<sup>11</sup> Keskel "The Oath of Office," 2.

<sup>12</sup> Keskel "The Oath of Office," 1-14.

<sup>13</sup> Keskel "The Oath of Office," 2.

<sup>14</sup> Quamie-Kyamah "The Customary Oath," 139-147.

by the State were generally adopted as a result of the tragedies within the community, whether they were wars, plagues, or other significant occurrences. The adoption of oaths tied communities together that would have normally remained independent of one another.

Beyond the oaths of chiefs, individuals and groups could pronounce oaths for a variety of reasons. People used them to settle disputes, to order a person to do something against his will or accuse him of an offence, to bind people together in agreement, to promise that once a matter was settled it would not be revived again, or to take an unresolved matter to a higher authority for resolution.<sup>15</sup> In this case, there is a wider application of oathing to African life, but the reason for the value of the oath goes unanswered. Why was oathing so important in African life? Oathing in these accounts are not the central object of analysis and is still missing treatment, as an object with its own history and development.

All of these examples demonstrate the varied and timeless application of oathing in different societies. Despite the specific uses, there are commonalities that span time and geographical locales, which include principles of unity, truth, order, honor, and punishment rooted in the culture and beliefs of the society. In this historical research study of oathing, the principles and guidelines covered in this section continue to have relevance. Oathing has been a consistent power mechanism for maintaining societal order and enforcing the values of the society. However, these scholars writing on oathing have not truly explained oathing and all of the entanglements that surround it. Although oathing is represented in

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<sup>15</sup> Quamie-Kyiamah, "The Customary Oath," 139-147.

various settings, it remains narrowly treated by these scholars. However, oathing is an object with its own history and development, as we will see in the analysis of oathing in pre-colonial Kenya.

### **Oathing Rites in Pre-Colonial Kenya**

Similar to other societies, ancient oathing in East Africa was woven into the fabric of life. Prior to colonial rule in Kenya, oathing was integrated into society through various ceremonies. Oathing practices were used by elders primarily to complement existing judicial systems and many of these practices continue today in Kenyan societies. In a 2009 survey, over 95% of Kenyan respondents affirmed that traditional ceremonies were a necessary and vital aspect of African life.<sup>16</sup>

Different oathing types were found throughout Kenya and used for social order and truth. One such oath was consistent and took on a variety of names like, *kithitu*, *kithito*, and *kipitu*. The reference of this oath as the *kithitu* is the more modern representation of the term, but in understanding how it was used in the pre-colonial setting these name differences will emerge. For example, Charles Dundas in 1913 outlined in detail the application of oathing rituals as a means to resolve legal disputes.<sup>17</sup> In his study, he found that elders regularly used the oathing ceremonies like the *kithito* to determine the innocence or guilt of

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<sup>16</sup> See Appendix, Table 2.0, Survey Analysis Results, Question associated with, "I use traditional rituals daily, weekly and or periodically in my life."

<sup>17</sup> Charles Dundas, "History of Kitui," *Journal of the Royal Anthropological Institute of Great Britain and Ireland* 43, (July-December 1913): 510-514.

individuals in questionable judicial matters.<sup>18</sup> The actual application of the *kithito* was a serious undertaking because guilt meant the death of the oather and sometimes the oathers' family. Dundas outlined the oathing process stating that it involved both parties sequentially, swearing before and facing the *kithito* object while standing on two out of seven (to a max of eleven) stones and holding a twig.<sup>19</sup> While explaining the event, the oather taps the *kithito* and completes the oath with three taps and the following statement: "Listen well, if I tell a lie let the *Kithito* eat me."<sup>20</sup> The heart of the power of this oath lies in the vengeance against false oathers. Even today in Kenya the *kithitu* oath is viewed and remembered as a serious matter with deadly consequences.<sup>21</sup>

Similarly, in a District Commissioner Report on September 2, 1910, by James B. Ainsworth, the district commissioners of Kutui, there were documented accounts of the use and application of the *kithito* and the oath.<sup>22</sup> In this report the Commissioner describes the *kithito* as:

"an article about 8 inches long by 2 inches in diameter made up as follows: Part an Wkamba grain bag, one small twig of the Mvuavoi tree, 7 twigs of the Mguguma tree, all kinds of grain food, 2 horns from a goat, cow dung and butter mixed together, the whole of the top is sealed by Hyena dung and two spots of red earth dabbed on. The *Kithito* is bound together by the bark of the Msensili."

Ainsworth's description of the *Kithito* varies from the pictorial account provided by ethnographer Gerhard Lindblom in his work written in 1920. However, the overall components and structure of the *kithitu* appear consistent in both accounts as a

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<sup>18</sup> The *Kithito* is defined as an article with great power, and if a man falsely swears, he can expect death. See Dundas, "History of Kitui," 511-512.

<sup>19</sup> Dundas, "History of Kitui," 511.

<sup>20</sup> Dundas, "History of Kitui," 511.

<sup>21</sup> Interview, P. Matheke, June 2009, Kitui, Kenya.

<sup>22</sup> Report from District Commissioners Office Kutui, written by James B. Ainsworth. KNA Syracuse Collection, Machakos Annual Report, 1909, p. 16.

bounded object with various mixtures from the earth. According to Lindblom, the *kipitu*, as he called it, consisted of the tusk of a warthog or antelope horn and was combined with food, soil, and field-products.<sup>23</sup> In both accounts the contents were hidden adding to the mysterious nature of the object and the oath.

Documents revealing the oathing process also show that there was a degree of variance between how oathing was administered. Despite the differences, there were often shared fundamental principles and characteristics of the process. Ainsworth reports the following on the *kithito* oathing practices as recorded in 1910:

“The *Kithito* is placed on 3 small stones between two twigs of the Mbou tree with the Hyena dung facing due East. The man then taking the Oath stands on his heels on two small stones about three feet away with his back to the sun, holding in his hand a twig of the Mobou tree, and at the time of taking the Oath he touches the *Kithito* with the twig. The man who carries the *Kithito* is not allowed to partake of any food until he has smeared his face, hands and legs with sheep’s fat.”<sup>24</sup>

Ainsworth’s reported descriptions on the use of the *Kithito* oathing show a level of consistency between the oathing accounts documented by Charles Dundas. In both accounts the *kithito* was the center object that was beaten with a twig and the oather was expected to stand on small stones while taking the oath as a means for releasing the power of the oath. Lindblom describes this process as the *kipitu* oathing process. Based on his records, oathers were required to stand on the stones during the oathing ceremony as a method to strengthen the oath

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<sup>23</sup>Lindblom, *The Akamba in British East Africa*, 167.

<sup>24</sup> Report from District Commissioners Office Kutui, report written by James B. Ainsworth. KNA Syracuse Collection, Machakos Annual Report, 1909, Film 2801 Roll 8p. 16.

<sup>24</sup> Report from District Commissioners Office Kutui, report written by James B. Ainsworth. KNA Syracuse Collection, Machakos Annual Report, 1909, Film 2801 Roll 8, p. 16.



with the stones representing stability.<sup>25</sup> In addition, oathers also relied on stones for protecting the *Kithitu* from destroying the earth by placing the object on them during the ceremony. There are varied accounts for the number of stones used during the ceremony. Lindblom mentions that both parties stood on seven stones both facing the *kipitu*. Then each oather used a twig to hit the *kipitu* after the oathing statements. The following testimony from Lindblom is an example of the relationship between the oathing statements and the beating of the *kipitu*. According to Lindblom, the oather testifies by stating:

“You shall give me a cow. If I come again and demand another afterwards, may I be eaten by this!” [he then strikes the *Kipitu*] or “If my man is not quite finished with, may I be eaten by this” [he strikes the *kipitu*] “If I come back later and demand anything else from you, I may be eaten by this!” [he strikes the *kipitu*].

Another important aspect of the oathing was that the power appeared variable with different rules and conditions in using the *kithitu*. This was not the case. Based on interview accounts, some Kenyans noted that the application of the *kithitu* oath meant that for seven days there were certain household constraints.<sup>26</sup> Family members had to make sure women were not menstruating, having an abortion, giving birth, or having sex.<sup>27</sup> These same conditions, with the exception of menstruation, were also noted and confirmed by a ritual specialist in Kitui.

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<sup>25</sup> Lindblom, *The Akamba in British East Africa*, 168-169.

<sup>26</sup> Interview, K. Mutunga, June 2009, Kitui, Kenya and Interview, P. Matheke, June 2009, Kitui, Kenya.

<sup>27</sup> Interview, P. Matheke, June 2009, Kitui, Kenya.

Furthermore, he mentions that the power of the *kithitu* is so strong that it cannot be burned in order to stop the deaths.<sup>28</sup> It was noted, however, that the *kithitu* could be dismantled by moving a small young sheep around the object and jump over the *kithitu* on the seventh time..<sup>29</sup> For example, according to Lindblom, Africans traveled to remote locations in order to secure a famous *kipitu* or a *kipitu* thought to be particularly powerful during the oathing ceremony.<sup>30</sup> This object was considered so potent that it was not to be touched by bare hands. The owner was expected to abstain from sexual intercourse, and he was expected not to eat with the hand carrying the *kipitu*.<sup>31</sup>

Women were not able to own, oath, or have anything to do with the *kipitu* oathing process or object.<sup>32</sup> If there were cases involving women, the men would step in to resolve the issue and to oath on behalf of the women.<sup>33</sup> Hitoshi Ueda also reports on the conditions and power of the *kithitu*. In this document Ueda also mentions that women (and children) were forbidden to approach the *kithitu* as it was dangerous and only for adult males.<sup>34</sup> Also, for those with a “strong” *kithitu*, sons must stay away or run the risk of dying from the contact of the object. In oathing, Ueda states the *kithitu* has the “power to judge the truth” and

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<sup>28</sup> Interview, K. Mutunga, June 2009, Kitui, Kenya. He states that if you try to burn the Kithitu, “it jumps aside and laughs like a human being and goes”.

<sup>29</sup> Interview, K. Mutunga, June 2009, Kitui, Kenya.

<sup>30</sup> Lindblom, *The Akamba in British East Africa*, 170.

<sup>31</sup> Lindblom, *The Akamba in British East Africa*, 170-171.

<sup>32</sup> Although this was the case in the past, today some Kenyan women actually own, possess, and use the Kithitu. My husband is Kenyan, and this is the case in his side of the family. It is an interesting point to explore in more detail in the contemporary application and uses of the Kithitu object and oath.

<sup>33</sup> Lindblom, *The Akamba in British East Africa*, 170-171.

<sup>34</sup> Hitoshi Ueda, “Kithitu among the Kamba of Kenya – The Case Study of Kilonzo’s Kithitu,” *Journal of African Studies, Japanese Association for African Studies*, 16 (March 1977).

the oathing process is all embedded into the larger constructs of African morality, values, and order.<sup>35</sup>

Interestingly, despite the nuances and differences, all of the authors and interview accounts commonly show the power and destructive nature of the *kithitu*<sup>36</sup> and the impact it can have on the guilty, the family of the guilty and on those that make accidental contact with the object. In all reports, the guilty are expected to die often within a month to a year, while the innocent are rewarded with continued life. However, one of the best means for understanding the pre-colonial Kenya oath is to see how it was applied to the very urgent and deadly Mau Mau situation in Kenya for this was a moment in Kenyan history that required Africans to tap into their pre-colonial oathing rites to create a modified oath to secure and invoke African power.

### **A Sophisticated and Elaborate Oath: The Mau Mau Oath 1952-1960**

On May 5, 1960, Government Commissioner Frank D. Corfield provided his detailed Mau Mau report to the British Colonial Administration called, *Historical Survey of the Origins and Growth of the Mau Mau*, with the objective of understanding how the Mau Mau movement was able to rapidly develop without colonial government knowledge.<sup>37</sup> This document attempts to cover the activities that led to and assisted in the development of Mau Mau. Naturally, this treatment includes his analysis of the Mau Mau oath. Corfield describes the Mau Mau oath as, "an oath which, by combing magical forms with unheard of bestialities, has

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<sup>35</sup> Ueda, "Kithitu among the Kamba".

<sup>36</sup> Also called the kithito or kipitu

<sup>37</sup> Corfield, *Historical Survey*, 1.

transformed a human being into a new frame of mind which has rarely, if ever, been witnessed before.”<sup>38</sup> Based on this report, Corfield points out the importance of understanding the oath as a relationship between spiritual beliefs as an essential factor successfully used in the Mau Mau movement.<sup>39</sup> He points out that oathing activities and principles were embedded in the African ability to quickly mobilize, unite, and channel power.<sup>40</sup> Although his accounts specific to the Mau Mau oath were written for the colonial government, his report nevertheless provides important details, some of which have been taken out of context.

Shortly after the release of the Corfield report on June 13, 1960, *Time* magazine published the article, “Kenya: The Oath Takers”, which provided a ghastly spin on the oathing process based on its interpretation of the Corfield report. It stated:

“Corpses & Orgies....Mau Mau leaders deliberately reduced their victims to a state where a man who took the Mau Mau oath was cut off ‘from all hope, outside Mau Mau, in this world or the next.’ To achieve this, the Mau Mau leadership forced its recruits, voluntary or involuntary, to seal their oaths by digging up corpses and eating their putrefied flesh, copulating with sheep, dogs, or adolescent girls, and by drinking the famed ‘Kaberichia cocktail’- a mixture of semen and menstrual blood. And when he was assigned to kill an enemy of the movement, a sworn Mau Mau pledged himself to remove the eyeballs of his victims and drink the liquid from them. Once the blood lust had been aroused to this pitch, the oath taker was easily led to kill his own father or mother, wife, child or master at Mau Mau command. And any local Mau Mau leader devising a fouler ritual was under obligation to pass along his recipe immediately to his less inventive colleagues. Since there were seven basic oaths which could be taken over and over again, Mau Mau ceremonies thus became perpetual orgies.”<sup>41</sup>

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<sup>38</sup> Corfield, *Historical Survey*, 163.

<sup>39</sup> Corfield, *Historical Survey*, 163.

<sup>40</sup> Corfield, *Historical Survey*, 163-170.

<sup>41</sup> “Kenya: The Oath Takers,” *Time*, June 13, 1960, <http://www.time.com/time/magazine/article/0,9171,940578,00.html>.

This article represents the dominant and mostly distorted writings about the Mau Mau oath. It shows how words, imagery, and descriptions in print were able to invent oathing ceremonies and fantasies to shape what has been the long-standing Mau Mau historiography. The Corfield report and other primary documents written during the Mau Mau revolution are important sources and snapshots of the varied historical creations of the time. However, these documents reveal the problems with text, especially those looming in the colonial archives that created a lop-sided position serving colonial interest. Micheal Foucault for example, states that “the questioning of the document” remains a task for scholars. This point is indeed relevant for the archival files pertaining to Mau Mau.<sup>42</sup>

The oath that emerged as a result of the Mau Mau movement was one that was transformed from ancient oathing to twentieth century oathing, most of which was lodged between commitment and cursing oath types. The detailed evolutionary backgrounds of the oaths during the nineteenth and twentieth centuries have been outlined in secondary sources.<sup>43</sup> However, the Mau Mau oaths were viewed as oaths of colonial resistance and their nature permitted new boundaries of oathing norms and behavior. The Mau Mau oath was a reaction to

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<sup>42</sup> Michel Foucault, *The Archaeology of Knowledge* (New York: Pantheon, 1972), 6-7. According to Foucault, “...ever since a discipline of history has existed, documents have been used, questioned, and have given rise to questions; scholars have asked not only what these documents meant, but also whether they were telling the truth, and by what right they could claim to be doing so, whether they were sincere or deliberately misleading, well informed or ignorant, authentic or tampered with. But each of these questions, and all this critical concern, pointed to one and the same end: the reconstitution on the basis of what the documents say...history has altered its position in relation to the document: it has taken as its primary task, not the interpretation of the document, nor the attempt to decide whether it is telling the truth or what is its expressive value, but to work on it from within and to develop it...”.

<sup>43</sup> For example, See Kershaw, *Mau Mau From Below*, 229 and Kanogo, *Squatters and the Roots of Mau Mau*, 116.

the grave and desperate colonial situation in Kenya.<sup>44</sup> This particular form of oath is the subject of this study. The oath will be analyzed from the perspective of the oath model to understand the complex nature of the Mau Mau oathing experience.

## **Conclusion**

Oathing is a pervasive, dynamic, and continuous process. In this chapter we have seen how oathing has been interpreted and examined along fixed categories across time and geographical boundaries. Although their analysis was indeed insightful, the complexity of oathing was suppressed. However, in Kenya through the study of the Mau Mau oath, there is an opportunity to discern oathing sophistication and development over time which is accomplished through examining pre-colonial oathing. The oath during the Mau Mau revolution was reconstituted and only limited by the mind and beliefs of those that engaged in the activity. The oath was a product of both the past and the present. This chapter has argued that although oathing is a widely known and used process, scholars have minimized the oathing by failing to explore the inner structure and meaning. Part of the problem is that up until this study, scholars have lacked the approach and model for analyzing the complexity of the oath. With this, the next chapter examines a model for examining the Mau Mau oath as an approach to discussing this dynamic and involved process.

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<sup>44</sup> The complex factors that led up to the Mau Mau movement have been the topic of many scholars and a full treatment is beyond the scope of this dissertation. Recent accounts on the history include the works of Caroline Elkins, *Imperial Reckoning*, and David Anderson, *History of the Hanged*. However, this study will consider the relationship to African grievances in terms of the embedded meaning of the oathing statements from the perspective of participants.

## Chapter 4 The Mau Mau Oath Model: Meaning, Symbols, Structure, and Relationships

### Introduction

Despite over fifty years of interest on the topic, the Mau Mau oath remains misunderstood and misrepresented. The vagueness and confusion around oathing still makes it a topic of mystery and invention versus a practice full of meaning, symbolism, and structure. Due to the political nature of the Mau Mau war, there has been a failure to systematically treat, analyze, and communicate the phenomenon. As shown in the last chapter, oathing remains a topic that has been narrowly constructed and defined by scholars. What is clear is the need for an approach to analyze and understand the complexity of oathing. Therefore, this chapter presents a Mau Mau oath model as a solution for interpreting and communicating the inner meaning and structure of oathing.

This chapter argues that the Mau Mau oath was an evolved, sophisticated, elaborate, and modern system of meanings, structures, and relationships. The practices were rooted in traditional *kithitu* oathing that was reconstituted to unify, retaliate, and fight for their land and freedom. This chapter is broken into three sections designed to describe the Mau Mau oath model. It begins with a brief overview of the model's methodology. A diagram of the model with the oath as the central category for analysis is presented in the next section. Lastly, the chapter ends with a systematic treatment of each major model component. The objective is to show the continuous, conditional, and dynamic nature of oathing while showing that it also contains structure, varied meaning, and regulations.

The chapter also tells a story of resistance showing how Africans unified, organized, bonded, and tapped into their own power systems to challenge European authority and domination in Kenya.

### **The Model Methodology**

In order to represent the complexity of the Mau Mau oath model, the oath is centered as the *object for analysis with all other structures and relationships* organized around it. This approach provides a center to a dynamic process. Part of the difficulty in communicating complicated systems such as oathing is limited tools available for analysis. Currently, historians are restricted in the ability to present findings because of this limitation, especially for complex historical analysis. It is surprising that this has not surfaced as a field issue, but part of the problem is that history is often treated narrowly along fixed categories, missing the varied interactions and changes that complicate history making.

However, for this treatment of the Mau Mau oath, it is necessary to show how oathing worked together dynamically with other objects and relationships. In other words, there is a need to show the true complexity of the oath experience. For this reason, the software tool *Dezign* is used to manage the model objects, descriptions, rules, and connections. There were a wide variety of graphical design tools that could have been used; however, for the limited functionality of this model, this tool was the most effective. The tool offers flexible visual representations of information that are easily maneuvered to understand the complexity of the existing structures and its connections. The different objects



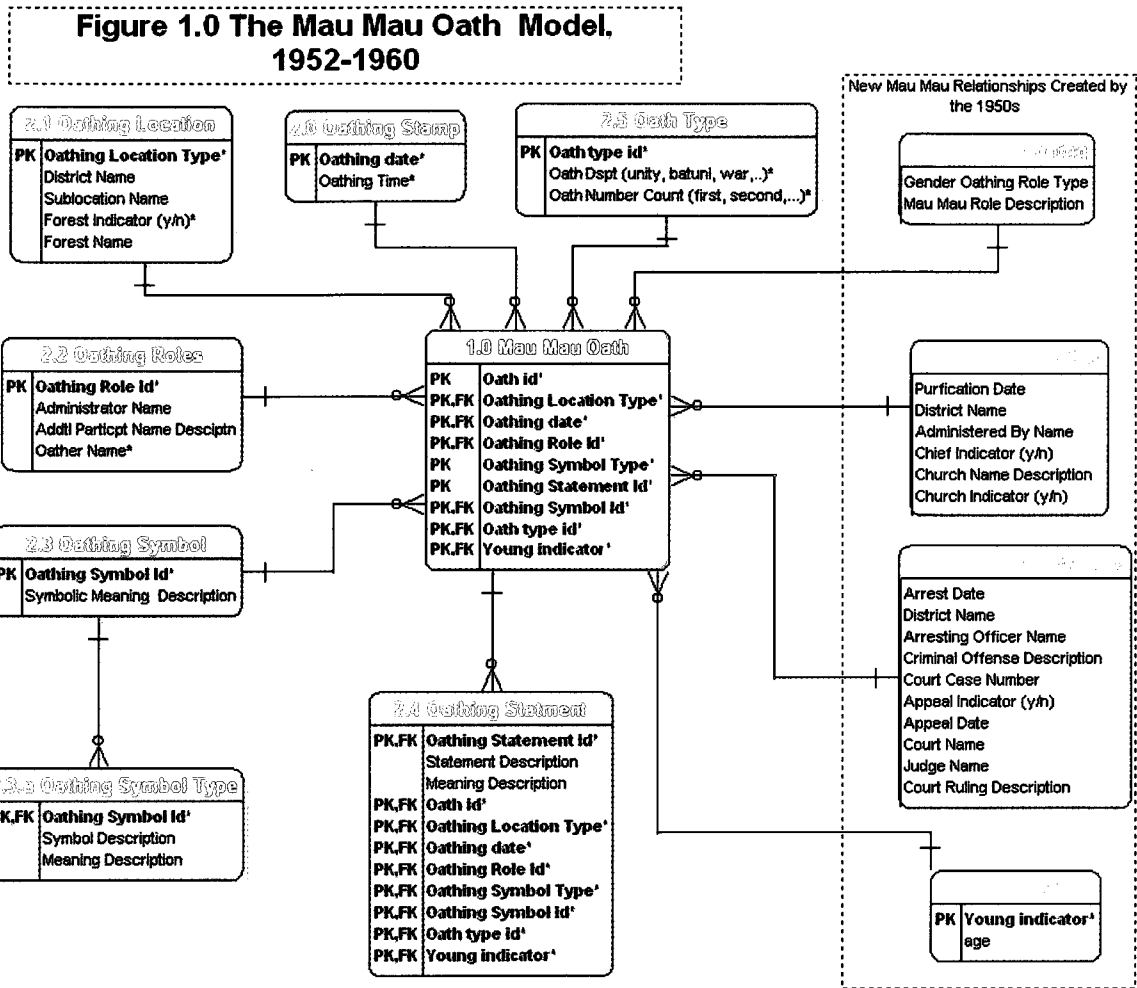
can be reused in different presentations or diagrams, and detailed information can be captured on the object that may contain rules, definitions, history details, and other useful data about the object. This software is normally used by developers of systems to communicate data designs, but for this analysis of the Mau Mau oath, it fits since it too is a complicated system.

The model consists of objects, lines, and descriptions. Each object is represented as a rectangular shape, and it can have attributes that describe the object. The attributes in bold are key to identifying the object. In other words, they are dominant and important characteristics of the object.<sup>1</sup> The objects relate to each other through relationship lines. However, the tool is limited in its visual representation. It is unable to clearly show some of the relationship rules because they are instead embedded in the tool, but the application of color in the diagram has worked to visually represent new objects and relationships. With this background, we can now turn to the Mau Mau oath model as a solution to understanding this dynamic system.

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<sup>1</sup> These dominant attributes have PK (primary key) or FK (foreign key) by the name, but for this historical analysis the key structures are not as important.

## The Mau Mau Oath Model



The Mau Mau oath was a dynamic, elaborate, and sophisticated system of relationships, rules, and structures. Through the depiction of the created “Mau Mau Oath Model”, represented as Figure 1.0, this section aims to walk through the complexity of the oathing by examining the relationship between the oath and other oathing related variables within the scope of this research. Unfortunately, this model is not able to capture every nuance of the oathing experience, but it is designed in a manner that will allow a careful treatment and analysis of the key

objects represented. The objective of the model is to help construct and frame the complex oathing structures in order to analyze the Mau Mau oath.<sup>2</sup>

The Mau Mau Oath Model as depicted shows that each Mau Mau oath was a function of several components that all provided a unique Mau Mau oath occurrence which is displayed mostly through the required relationships to the objects (2.0- 2.5) that make up each oathing experience. In other words, a Mau Mau oath experience was dependent on relationships to different oathing statements, symbols, location details, time details, and the nature. It also shows that there were new optional relationships to objects (3.0-3.2) created during Mau Mau that included oathing to women and to the young.<sup>3</sup> The model also included relationships to new objects: colonial criminalization and oathing purification.<sup>4</sup> These objects represent complex social and political changes that will be treated separately in subsequent chapters.<sup>5</sup> The focus here is on the examination of objects 2.0-2.5 since they provide insight into the core meaning, structure, and interpretation of the Mau Mau oath.<sup>6</sup>

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<sup>2</sup> Another characteristic of the model is that it has been designed to provide the best structure for future research analysis on the topic.

<sup>3</sup> See Figure 3.0 in Appendix for an image of two Mau Mau women oathing.

<sup>4</sup> In traditional society these relationships with oathing did not exist; however the Mau Mau period forged these relationship changes. Colonial criminalization was new because in traditional society the oathing was not viewed as a criminal activity; it actually worked alongside the judicial systems. Similarly, purification was not used in oathing but was a new relationship based on how the oath changed in nature.

<sup>5</sup> However the object “young” as a full blown category for analysis is not treated in detail for this particular study, but the new oathing relationship to this group is being noted for future research efforts.

<sup>6</sup> Note – On the model the references of FK or PK are indicators used to track how the object may be uniquely identified. The technical detail of this is out of scope and useful only in how we conceptualize a unique occurrence of an oathing experience or event.

## *The Oath Type*

Mau Mau oathing was distinct from oaths prior to 1950 because it often involved multiple oaths related to the movement. Object 2.5 represents the type of Mau Mau oath taken. All participants underwent at a minimum the basic oath called the first Mau Mau oath. The Mau Mau oath was a tailored oath of resistance designed as an African response to colonial economic, social, and political injustices. The oath was a blend of the past with the urgency of the present; it encompassed truth, secrecy, and unity. The first oath was vital as it was created “to guarantee the allegiance of its members...it demanded strict secrecy as well as total commitment...”<sup>7</sup> It was also referred to as the “muma wa uigoano” or the oath of the secret movement because of the danger and violence required to challenge British authority.<sup>8</sup>

The first Mau Mau Oath was primarily an oath of truth and an oath of unity.<sup>9</sup> The oath of truth was based on traditional oathing beliefs around the guilt or innocence of involved parties. For example, in 1913, Charles Dundas wrote on this traditional judicial process:

“Facing the *Kithito*, he [the oath taker] then says what he maintains to be the truth; and as he speaks he taps the *Kithito*...[saying]”...if I tell a lie let the *Kithito* eat me.”...if the man dies the decision is thereby arrived at; if not, then nothing can be proved against him.”<sup>10</sup>

This thread of truth continued in the Mau Mau oath, especially the first oath. It was an important dimension to the Mau Mau oathing ceremony that

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<sup>7</sup> Barnett and Njama. *Mau Mau from Within*, 55.

<sup>8</sup> Marshall Clough, *Mau Mau Memoirs*, 97.

<sup>9</sup> Interviews, P. Musuo, J.M Malei, D. M. Mulwa, Machakos District, January 2009. Also, Interview, S.S. Maveke, December 2008

<sup>10</sup> Dundas, “History of Kitui,” 511. In Glossary, note the different names for the “Kithitu.” Dundas referred to it as the Kithito.

established true motives, and dishonesty meant suffering from a curse as divine punishment. To further support this point, Lindblom states, "The breach of this oath was punished by instant death."<sup>11</sup> Like the oath of truth, the Mau Mau Oath was an oath of unity.<sup>12</sup> This is one of the key features of the Mau Mau oath because it involved group harmony and togetherness. The oath process served as a rite of passage that moved individuals from being separate beings to being one in a unified effort. The overall structure and purpose of the Mau Mau oath was to establish a unified body that was in alignment to remove Europeans from Kenya. When questioned about the meaning of Mau Mau, unity was consistently cited. For example, two respondents stated this was the underlying purpose of the oath: "It meant unity in action"<sup>13</sup> and "Mau Mau was a unity."<sup>14</sup>

This cohesiveness and rebirth gave a special power to the Mau Mau oath as a way to cross from one state into another one renewed with a sense of collective purpose. The Mau Mau oath was a dynamic response to create a sacred bond between men and women in the movement. It was a bond that had multiple levels; it was a bond inside and outside of ethnic group categories. Some scholars like Gerald Horne in *Mau Mau in Harlem?* questions the relationship between black liberation efforts on the African continent and with black civil rights struggles in the African Diaspora.<sup>15</sup> Mau Mau was modern in that it spurred the unification of many ethnicities to rally against the colonial

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<sup>11</sup> Lindblom, *The Akamba*, 60.

<sup>12</sup> Barnett and Njama, *Mau Mau From Within*, 59.

<sup>13</sup> Interview, S. Kakie. January 2009, Machakos District.

<sup>14</sup> Interview, J. M. Mutituni, January 2009, Machakos District.

<sup>15</sup> See Gerald Horne, *Mau Mau in Harlem?*, (New York: Palgrave Macmillan, 2009)

oppression. Both truth and unity were fundamental properties of the first Mau Mau oath type, the one that every participant had to endure.

The additional oath types varied in number and nature.<sup>16</sup> For example, secondary literature points to specific warrior oaths called *batuni* and *muma wa ngero* (the oath for killing)<sup>17</sup> that were noted in Kikuyu oathing practices as a second Mau Mau oath type. These second Mau Mau oaths were done after the unity oath but before oathers went to the forest to fight. The second oath was described as oathing based on extreme conditions. These oaths were designed to prepare the select group of fighters to face death and centered on loyalty while vowing to help each other during the fighting. These oathing ceremonies included many more taboos, contact with excrements, and more sexual connections between the participants or objects.<sup>18</sup> As a consequence, they shaped the oathing process by embracing taboos and cultural sexual violations that were never a part of tradition.<sup>19</sup> These acts were misunderstood by many British colonial officers and referred as a return to tribalism and savagery, but the reality was that sexual offenses in the society were carefully watched and frowned upon by African society. The purpose of the warrior dimension of the oath was to strengthen group loyalty and allegiance while fighting.

Very few Mau Mau participants took more than four oaths. The additional oaths were usually conducted to promote the first or to strengthen a particular

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<sup>16</sup> Interview, S.S. Maveke, Machakos District, December 2008.

<sup>17</sup> Clough, *Mau Mau Memoirs*, 109

<sup>18</sup> Interview, P. Musuo, Machakos District, January 2009; Also, see Joram Wamweya, *Freedom Fighter*, (Nairobi: East African Pub. House, 1971), 52-53. See also Clough, *Mau Mau Memoirs*, 109 and Mohamed Mathu, *Urban Guerrilla*, (Richmond, B.C.: LSM Information Center, 1974), 42.

<sup>19</sup> Interview, P. Musuo, Machakos District, January 2009. In the interview, Musuo describes the application of blood and meat in the ritual process along with details on how the female body was used in the ritual ceremony.

aspect of upcoming Mau Mau activities. But the model structure as it stands was designed to show that these subsequent oaths were just as complicated and meaningful as the first Mau Mau oath.

### *The Oath Date*

The Mau Mau oath was also unique based on the time/date of the oath. This object is represented by the entity oathing time stamp (object 2.0) to represent the actual date and time of the oathing activity. The date as a separate category provides visibility to specific events that may have impacted the oathing activities and needs. The distinction shows that for every oath, there was a specific time in which the oathing occurred.<sup>20</sup> Although out of scope for this particular study, a more rigorous analysis of chronological oathing activities based on date could provide an interesting oathing historical narrative in order to trace how oathing accommodated the needs of the Mau Mau movement.

The peak of the Mau Mau movement was between 1948 and 1954. The oath changed during the time period of Mau Mau in response to the needs and conditions of the war. For example, during the later years of the movement there were more secondary oathings, based on the needs of the movement, and the oathing practices grew more intense compared to the previous years.<sup>21</sup>

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<sup>20</sup> Note the specific time was sometimes difficult to pinpoint in the field interviews.

<sup>21</sup> Kershaw, *Mau Mau From Below*, 318.

### *The Oath Location*

Similarly, the Mau Mau oath was distinct based on the oathing location. On the model, this is represented by the object, oathing location (entity 2.1) that shows the physical place of the oathing ceremony. For example, oaths took place in urban or rural settings and were conducted in very specific places. The location is also aimed to capture the oathing locales linked to districts and sub-locations. This is important because for a variety of reasons like secrecy the different oaths did not necessarily occur in the same place. For example, one interviewee, J.M Malei, born in the village of Nduu, the sub-location of Mutituni, reported his Mau Mau activities required taking a total of three oaths between 1952 and 1954.<sup>22</sup> He stated the first oath was taken at Kariobangi in Nairobi in a house. The second oath occurred also in a house setting in the Eastleigh section of Nairobi. The last oath was in Kinangop in a forest near the Sasumua Dam. On average, most participants took only 1-2 Mau Mau oaths, and they varied in location. One interview account reveals an important dynamic aspect of Mau Mau oathing; he states, "It [the oath] could be given anywhere, anytime."<sup>23</sup> This information also helps to define the oath experience.

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<sup>22</sup> Interview, J.M. Malei, January 2009, Machakos, Kenya.

<sup>23</sup> Interview, P. Musuo, January 2009, Machakos District.



**Figure 2.0 A Mau Mau Oath Site - Kiambu, Nairobi<sup>24</sup>**



Figure 2.0 is a picture of an actual Mau Mau arch found by the colonial government on October 23, 1952 in Kiambu, Nairobi. It is an arch like those mentioned in many of the other descriptions, this one with a sacrificed cat at the center. There was a message also written near this site stating, "With effect from today, October 23, any person who continues to work for the whites will be

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<sup>24</sup> KNA, AV files, Mau Mau Ritual Site in Kiambu on October 23, 1952. Photo taken on 2/13/09 from Mau Mau audio visual archive collection.

destroyed by the power of this, the Thenge oath.”<sup>25</sup> This image is an example of one oath site. It also shows how traditional oathing practices were applied during the 1950s to curse British loyalists and supporters. The practice of writing this curse down on a piece of paper next to the scene was a product of the 1950s. The note was written in Kikuyu, clearly intended for other Africans.

Oathing locations were important for other reasons. The sites could carry symbolic meaning. For example, oathing ceremonies in the forest possessed a certain level of intensity and mystery that was different from the oathing ceremonies in houses or in rooms. The forest location contains embedded symbolism as the place of the dead, unknown spirits, and obscurity. The forest is often viewed as a place where evil spirits dwell; as a result, individuals avoid it or enter with caution to avoid the possibility of spirit possession.<sup>26</sup> For Mau Mau participants, the forest represented a place that was beyond contact by Europeans and others because of the fear and myths associated with the forest.<sup>27</sup> Thus, the forests were a sacred refuge space.

However, this space also symbolized a place of isolation, a place of the unknown, danger, evil, and a place of mystical power. In one Kenyan field interview account, the oathing location was referred to as “a secret place set aside to give people the oath to be one thing.” The interviewee continues to describe various oathing sites, “...The oather [oathing] place was at Kavati near Limurui in the caves in a forest. In Ukambani, there was a place called Thinu at

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<sup>25</sup> KNA, witchcraft at Kiambu, dated October, 25, 1952.

<sup>26</sup> Jalobo Jacan Ngomlokojo, *Rituals of Religious Worship Among the Traditional Alur*, (Gulu, Uganda, 1985), 21.

<sup>27</sup> In some societies in Kenya, the forest was the place that the dead were thrown, thus people were hesitant to go into certain areas of the forest. I have heard these stories in my family also.

a place called Masala in a cave.”<sup>28</sup> In another account, the forest was a common location for Mau Mau oathing ceremonies.<sup>29</sup>

The Mau Mau movement is still remembered by its association and attachment with the forest. Even in recent conversations on the topic, there are myths that Mau Mau participants still live and hide there.<sup>30</sup> Historically, forests were the primary locations for traditional initiation and hunting ceremonies. Oathing ceremonies in this setting took on a different experience because of its closeness to the natural and spiritual world. However, it is important to note that based on interview accounts, if the oath was held in a detention camp or house, there was a higher probability that interviewees would state that the location was not symbolic. This differs from the respondents that oathed in the forest.

### *The Oath Roles*

All Mau Mau participants played, at a minimum, one role which is shown by object 2.2., Oathing Roles. In most ceremonies there are distinguishable roles; the oath taker, the oath administrator, and the guard.<sup>31</sup> The oath taker is the dominant character of the ceremony, responsible for repeating dictated words, statements, gestures, and acts. In pre-colonial oathing practices, women and the young were typically excluded from the oathing practices. However, as

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<sup>28</sup> Interview, S. Kakie, January, 2009, Machakos District.

<sup>29</sup> Interview, J.M. Malei, January 2009, Machakos, Kenya.

<sup>30</sup> I found this also to be the case with my Kenyan husband and family who claim that Mau Mau participants still live in the forests. I clearly remember my mother’s statement that, “if you go there, you may see them; they think the war is still happening”. The discussion continued with a description of how they looked. What is revealing is that these new oral accounts on the topic continue to develop and have a place in modern Kenya. This note is here to also suggest the need for more research on the contemporary myths of Mau Mau and how they continue to be imagined and re-imagined.

<sup>31</sup> Interview, P. Musuo, January 2009, Machakos District, Interview. D. M. Mulwa, January 2009, Machakos District.

the model shows new relationships were forged as a result of the critical Mau Mau movement and societal needs (which included young men and women). These changes took on a profound meaning for Kenyans and were embedded in much larger social changes in Kenya.

The oath taker followed the instructions of the oathing administrator who orchestrated all of the oathing activities and ceremony<sup>32</sup> and was typically an old or mature man.<sup>33</sup> There may have been one or multiple individuals that took on this responsibility. The administrator was very keen on the meanings, purpose, and oathing process; he or she aimed to successfully transition the oath taker into being a full Mau Mau fighter who pledged to fight colonial injustice. This leader customized the oathing process based on the materials, artifacts, and resources available at the time. There was not one standard oath process because the administrator decided on the vows, the gestures and symbolic acts to follow, the duration of activities, and all of the other activities.

One of the best ways to understand this role is to compare it to the current role of specialists in Kenya. The specialist was an individual knowledgeable about spiritual energy, traditional culture, and the invoking process. The work of the specialist was extremely focused (i.e. pregnancy/birthing, healing, rain making, prosperity, cleansing, misfortune, death, and so on).<sup>34</sup> The Mau Mau

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<sup>32</sup> KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze

<sup>33</sup> Interview, J.M. Malei, January 2009, Machakos District and interview J.M. Wambua, January 2009, Machakos District. Both describe the oath administer as old/mature men. However, women were also known to have given the oath. These dynamics will be covered in Chapter on “The Mau Mau Oath and Gender, Ethnicity.”

<sup>34</sup> Interview, M.N.S. Munguti, February 2009, Machakos District; Interview L.N. Muli, February 2009, Machakos District.

oathing administrator was a type of specialist based on his role, authority, and knowledge.

The other important role was the guard or the escort guard. This “guarding” role was important and new in Mau Mau oathing activities because of the secrecy and danger from the colonial police and African loyalists. If an oather refused to oath at any point during the oath process, this individual would be killed by one of the guards, who served as protection for all involved in the oathing ceremony which colonial laws proscribed as illegal.<sup>35</sup> The guard was also responsible for finding food and nourishment for all participants. The acknowledgement and understanding of the different roles and participants is important in understanding the dynamics of the oathing process.

### *The Oath Symbol*

In order to analyze and describe the essence of the Mau Mau oath, this section focuses on symbolism used in the ceremony. Symbols are a crucial component in the experience because they express the objectives and values of the ceremony.<sup>36</sup> Mau Mau oathing symbols are represented in the model as 2.3 Oathing Symbol and 2.3.a Oathing Symbol Type. The model structure is designed to show that for each oathing event there could be zero to many different symbols represented.<sup>37</sup> The two objects together capture the multiple

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<sup>35</sup> This criminalization aspect of the Mau Mau oath is the subject of the following chapter exploring Colonial criminalization and the oath.

<sup>36</sup> Jonathan A. Draper, “Ritual Process and Ritual Symbol in “Didache” 7-10,” *Vigiliae Christianae* 54, no. 2 (200): 125.

<sup>37</sup> However, in all of the oathing rituals analyzed during this research, ritual symbols were present in the ceremony.

symbols, types of symbols, and symbolic meaning.<sup>38</sup> Victor Turner defines a symbol as “a thing regarded by general consent as naturally typifying or representing or recalling something by possession of analogous qualities or by association in fact or thought.”<sup>39</sup>

Turner discusses two types of symbols, dominant and instrumental, which are examined as they relate to the Mau Mau Oathing Model. There are several dominant symbols incorporated in the practice that are important in conveying the overall meaning and purpose of the experience. For this analysis, dominant symbols may be viewed as objects like blood, sex/taboo acts, *ng'ondu* mixture, and war weapons. For Turner, dominant symbols are consistent, autonomous, and constant as they can appear throughout the ceremony or only in specific phases. The dominant symbols for the Mau Mau oath “represent not beings but non-empirical powers of kinds of efficacy.”<sup>40</sup>

Instrumental symbols can be analyzed in wider contexts and include numbers and banana leaves. Instrumental symbols are interrelated and also connected to the overall goal of the ceremony.<sup>41</sup> The Mau Mau model aims to show that all oath instances were associated with zero to many symbols - each could represent a particular type and have a specific meaning. To understand this in more detail, six symbols and their use have been selected for discussion.

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<sup>38</sup> The symbolic structures and properties change to respond to social processes and environmental alterations.

<sup>39</sup> Victor Turner, *The Forest Of Symbols*, (Ithaca, London: Cornell University Press, 1967), 19.

<sup>40</sup> Turner, *The Forest Of Symbols*, 31.

<sup>41</sup> Turner, *The Forest Of Symbols*, 32.

## Blood Symbolism

The application of blood in the Mau Mau oath was a common symbolic gesture and took on different meanings and interpretations that were very specific to the entire oath-taking experience. The blood presented in the ceremony represented life and death. Oath-taking participants entered into a new life as they underwent a rebirthing or initiation process represented in the use of blood. The relationships to death are seen on the individual and movement level. On the individual level, death was connected to the pre-oath state of the person.<sup>42</sup> Death was also associated with the individual in the form of a curse for breaking oath-taking vows and revealing the secrets of Mau Mau.

On the Mau Mau organization level, blood was symbolic of the eventual death of the Mau Mau movement resulting in the birth of a new Kenyan nation with the stolen lands being restored.<sup>43</sup> It is important to note that this dominant symbol had meaning in various phases. For example, during the vow phase, the presence of blood referred to death connected to breaking the oath. In later phases of the ceremony, eating bloody meat represented renewal, purification, and life.

In many pre-colonial African societies, blood was the unifier in relationships with others. It was used to unite individuals together as blood-brothers based on a sworn brotherhood established through sucking the blood

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<sup>42</sup> The old individual dies and will no longer exist. This concept is similar to the traditional initiation of young men and women.

<sup>43</sup> Michael Todd Larson, "A Mau Mau oath-taking ceremony administered by General Blood performed on February 2, 1956" Unpublished Ph.D Dissertation, Chapel Hill, 1972.

from each partner to create a new bond.<sup>44</sup> New brotherhood relationships outside of the ethnic group were also permissible through the mutual exchange of blood. However, in this case the blood of the different partner was applied to goat meat and eaten. In both cases the oath swearing process associated with this unity was powerful. The combination of the blood and the oath allowed for the invoking of a power which, if broken, could lead to death. Lindblom stresses this power in saying that, "the ceremony has the same effect as an oath sworn over a strong *kipitu* and the breaking of such an oath brings with it death."<sup>45</sup>

### Sex Symbolism

African traditional law is very clear on sexual offenses and taboos. Although traditionally there was tolerance for sex before marriage through youth night dances, sexuality was generally a very private and regulated sphere. Public sexual intimacy was uncommon and frowned on by society. The code of sexual conduct in the household was often regulated during particular times of the day, around ceremonies, births, initiations, marriages, and so on.<sup>46</sup> With this in mind, it is important to properly place and understand the application of sexual acts in the Mau Mau oath. Why was the oath transformed to engage in offensive sexual activity that was clearly breaking from traditional values and beliefs? The application of these acts was symbolic because they became unified acts of

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<sup>44</sup> Lindblom, *The Akamba*, 140. There were other aspects of the ritual including the exchange of beer and goats that were eaten together by the participants. However, the blood component was highlighted to show its use under various conditions as a unifier.

<sup>45</sup> Lindblom, *The Akamba* 141.

<sup>46</sup> Charles Dundas, "Native Laws of Some Bantu Tribes of East Africa," *Journal of the Royal Anthropological Institute of Great Britain and Ireland* (January-June, 1921): 244-248.



shame, disgrace, dirtiness, and dishonor that provided a psychological shock, madness, disgust, and mystery around the entire movement. It is important to note that they were unified in participating in this experience because it bound them together and remained a memorable and secret moment.

It is difficult to describe the ceremonial practices that involved sexual acts between participants, partly because of the level of secrecy and the bond of the oath. The reality is that there are some things that we will never know that occurred; therefore, we can only pull together scattered pieces. Ceremonies in different parts of Africa involved the practice of copulation; and these acts were not new to some of these traditional ceremonies.<sup>47</sup>

During Mau Mau, there were references to nudity, beating, and sexual gestures with objects while taking the oath.<sup>48</sup> For example, in one recorded statement, an oather explains, "They told us to take off our clothes at the beginning of this oath and later we were beaten."<sup>49</sup> Sexual abuse and beating often work together in forms of humiliation and bodily degradation. Most of these sexual acts were done while saying vows that the oath would kill or destroy if broken. These acts were symbolic because of the vile nature of the acts that helped make the experience for participants more united and secretive because they would not want to discuss these acts and acknowledge the repulsion of the

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<sup>47</sup> Ngomlokojo, *Rituals of Religious Worship Among the Traditional Alur*, 51-55.

<sup>48</sup> KNA MLA 11/93 – CC 204/55 Rex vs. Kabibya p. 2 example of nakedness during oathing ceremony; Interview, P. Musuo, January 2009, Machakos District, discusses various sexual activities associated with body parts and sexual gestures used to invoke the oathing process; also see Clough, *Mau Mau Memoirs*, 109.

<sup>49</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu, 5.

behavior.<sup>50</sup> Nudity was also an important aspect of the oath symbolically for the same reasons above, as some participants mentioned the need to remove all clothes during the ceremony to invoke all of the mentioned feelings and emotions associated with sexual disobedience.

### Ng'onde Symbolism

*Ng'onde* was used in Kenya for purifying and cleansing. This mixture was embraced during Mau Mau oathing ceremonies for the same purposes. During the healing phase, the *ng'onde* was symbolic of the actual act of purifying and unifying and served as medicine for healing. It was a combination of herbs, oils, and sometimes animal parts.<sup>51</sup> One Mau Mau oath taker involved in this process commented that after eating the meat, "We became one."<sup>52</sup> The act of eating the *ng'onde* together created a bond between all participants.

### Weapon Symbolism

Warrior artifacts in the form of a sword, spear, or shield were also dominant symbols in Mau Mau oathing. These instruments were used in the ceremony as a means of contacting the spirits associated with the victim.<sup>53</sup> The weapons were symbolic of the Mau Mau struggle and were often used during the swearing process indicating that they symbolized a gateway to the spiritual world and power so that their utterances could be heard spiritually. One participant

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<sup>50</sup> Barnett and Njama, *Mau Mau From Within*, 126.

<sup>51</sup> Lindblom, *The Akamba*, 295.

<sup>52</sup> Interview, P. Musuo, January 2009, Machakos District.

<sup>53</sup> Interview, Amina, December 2008, Machakos District. Also see notes from Lindblom, *The Akamba*, 258.

stated that, "I was given a sword, to rise up vertically and vow by it, that I will heed to the Mau Mau laws."<sup>54</sup> These artifacts also symbolized the fighting and violence that would be necessary in the Mau Mau struggle.

### Number Symbolism

Numbers are very important in African ceremonial practices. In many Mau Mau oathing ceremonies, the number seven was frequently used to perform particular acts. The number seven was symbolic because it was believed to invoke the act done; therefore seven represented power. For example, in a recorded court testimony, one witness described the application of seven in her statement about the forced oathing ceremony in saying, "We were obliged to go through the arch seven times and to bite a substance of a nature I could not recognize."<sup>55</sup> The use of this number was not coincidental but symbolic, and it was dependent on the specific associated actions. Gerhard Lindblom documented the magic tradition of carrying out actions a specific number of times when performing acts.<sup>56</sup> He stated, "The idea that the number seven has a special importance is, of course, very widespread...it is the most prominent of all the numbers."<sup>57</sup>

In many of the oathing descriptions, specific acts were repeated seven times. For example, accounts included descriptions of oathing participants: going through the banana leaf arches seven times; waving swords seven times while

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<sup>54</sup> Interview, S. Kakie, January 2009, Machakos District.

<sup>55</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandou. P 5.

<sup>56</sup> Lindblom, *The Akamba*, 306-310.

<sup>57</sup> Lindblom, *The Akamba*, 307.

oathing, stirring pots seven times, and licking the sticks while taking the oath in order to enforce the power of the oath, and drinking blood seven times.<sup>58</sup> By repeating these actions seven times, the oath administrators were invoking the symbolic “magic” or power of numbers. Some accounts of traditional *kithitu* invoked the use of seven such as using seven stones while taking the oath. Lindblom states “...in taking the oath on the *kipitu* 7 stones are placed by the side of it; on these stands the man who swears and they probably help to a certain extent to make the breaking of the oath baneful.”<sup>59</sup> Lindblom also references in his work that the number seven was used during prayers and sacrifices when the Kenyans wanted something positive.<sup>60</sup> Therefore, the number seven was symbolic of another power source to enforce the dangerous nature and consequences for breaking the oathing statements. The number seven was found both as a good and evil number leading to good or bad repercussions.<sup>61</sup>

### Banana Leaf Symbolism

The banana leaves were also an instrumental symbol in oathing and remain sacred in different cultures. Banana trees can create large and luscious leaves and are readily available. This is part of the reason for its use in oathing practices. In the case of Mau Mau oathing ceremonies the leaves were used to form an arch symbolic of a gate in which participants went through representing their spiritual transformation. The physical movement through the banana arch

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<sup>58</sup> KNA MLA 11/93 – CC 204/55 Rex vs. Kabibya p. 2; KNA MLA 11/43 – CC 1/1954 Rex vs. M’Miragwi S/O M’Mwithia; KNA MLA 1/986 – CC 103/54 Rex vs. Rueben Mbwika, p. 2.

<sup>59</sup> Lindblom, *The Akamba*, 307

<sup>60</sup> Lindblom, *The Akamba*, 308

<sup>61</sup> Lindblom, *The Akamba*, 307

represented the spiritual newness of the individual. The application of the banana leaves often involved walking through the arch seven times giving it added meaning which is why it is viewed as an instrumental symbol type.

The list covered in this Oath Symbol Type section represents some of the symbols that were used in different Mau Mau oathing ceremonies; this is far from being a complete list. As a result, the model has been designed to treat this as a separate object because the symbols were not fixed. It is questionable if a complete list is even possible based on the dynamic nature of oathing ceremonies. After all oathing administrators had flexibility in the symbols they used. They were trusted to make sure the initiates were accepted into Mau Mau. Therefore, they used whatever they needed to invoke the spirits, and they followed the guidance of the higher power in determining what to use and what it was to represent. They also used what was available at the particular oathing time.

The symbol types presented are displayed and described as examples of the complexity, impromptu nature, and cleverness of the ceremonial acts and embedded gestures in order to create a performance that would impact participants. The symbols were powerful because of their cultural and historical group association. For example, holding a sword and moving it over the head seven times while uttering oathing statements was an act that was designed to invoke the power of the oath.<sup>62</sup> The collection of symbols was assembled for each particular oath instance to create a Mau Mau oath experience that would unify, strengthen, create secrecy, and prepare participants for war.

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<sup>62</sup> KNA MLA 1/986 – CC 103/54 Rex vs. Rueben Mbwika, p. 2

### *The Oath Statements*

Finally the Mau Mau oath model analysis includes the necessity for all oathing ceremonies to have oathing statements, vows, and utterances.<sup>63</sup> Therefore, the model depicts that for every Mau Mau oath, there is an associated relationship between the oath and the oathing statements, object 2.4. The collection of oathing statements includes short phrases, words, affirmations, and even songs that were used to move Mau Mau participants into full Mau Mau members. Oathing could consist of many different oathing statements. The vocal utterances of words, language, and actions were a key component of the oathing ceremony. The *kithitu* oath or spirits heard the words spoken by the oather.

There was not one set oath statement that all Mau Mau participants vowed. Generally the statements were different based on all of the conditions that went into the Mau Mau oath experience. Some oathing statements were brief; some were much longer, some included chants and singing, while others did not. Despite the variability of statements, there were commonalities. However, all oaths did appear to have consistency in the meaning and purpose of the oathing statements - the unification and liberation of Kenyan.

Oathing administrators knew the core elements needed in the statements to ensure unity, secrecy, and allegiance to Mau Mau. However, the oath administrator again had flexibility in selecting the sequence, the accents, and the words as he was guided spiritually to know what would invoke the oath. One of

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<sup>63</sup> To date I have not been able to find any cases of an oathing ceremony conducted without the application of oathing statements or words, because the oath by definition is spoken.

the most important aspects of oathing statements was that they were being heard by the Supreme Being who was witness to the statements. Therefore, the failure to abide by the statements meant severe punishment.

The best way to illustrate the variety of different oathing statements is through actual examples. Some oathing statements focused more on the punishments for breaking the oath in achieving Mau Mau unity. For example, consider the following oathing statement from one oather, J.M Wambua:

*"I will not reveal any secrets to any government officials. If I do, I should die. I will never report Mau Mau to the government. If I do, I should die. I will never take away the property of an African. If I do, I should die."*<sup>64</sup>

Other statements were more concise but also followed the theme of freedom. According to Mutituni interviewee, J.M. Malei, born in 1936, the Mau Mau oath meant "setting ourselves free from colonialism." His oathing statements were, "I will not reveal the oath. If I do so, I should be killed. I will help other members of Mau Mau when hungry or in need. If I do not, I should be killed."<sup>65</sup> He also mentioned oathing Mau Mau songs that were important statements. The following is a documented song in Kikuyu (translated afterwards in English):

*"Nitamukethia inyonthe asyari na arata. Na tusyokerie nagato. Tondu niatuotehisye Kukoro twiamwe. Tukethania na kikenno. Wiathi, wiathi, wiathi, mbururi wa kirinyag. Mbururi wa kikenno, Wikamba no Kikuyu, Kenya ni mbururi wa and uairu. Tukurasha na kwowo na kuthamio. Na mutikatika kuterera wiathi, Kenya ni mbururi wa andu airu. Kenyatta ila wekire kwoko thankdukuni ya kura ndamuthaitha no Kenya woire."*<sup>66</sup>

*English version: "We have greeted all of you parents and friends. Let us thank the Lord, because he has made us to be together to greet each other happily. Independence, independence, independence, the land of Kirinyaga,*

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<sup>64</sup> Interview, J.M. Wambua, January 2009, Machakos District.

<sup>65</sup> Interview, J.M. Malei, January 2009, Machakos District.

<sup>66</sup> Interview, J.M. Malei, January 2009, Machakos District.

*land of happiness of Kambas and Kikuyu. Kenya is a land of the Blacks. When Kenyatta put his hand in the ballot box, he saved Kenya.*<sup>67</sup>

The songs as statements offered group unity in the struggle. In this case, the statements showed the importance and value of the Kenyan land and the need for independence. Also, in January 2009, 87-year old, P. Musuo remembered his oathing statements and the punishment of breaking the oathing principles as:

*"If I am a Mau Mau and I have a fellow Mau Mau hungry and I fail to give him some money to buy food or buy it for him, the oath should kill me. If my family has food and my colleague has no more and I let them sleep hungry, the oath is to kill me. If I have extra clothing and you have none, and I fail to share with you, the oath must kill me."*<sup>68</sup>

His statements are revealing because the oath was central to the basics of existence. His comment on providing food speaks to the survival and desperation felt by many of the Africans during this period. The oath was a matter of life and death; it was a movement of survival. The oath was ultimately responsible for enforcing the unity and togetherness necessary for Kenyan liberation. When questioned what the oath meant, P. Musuo responded that it meant "to be united to rule ourselves."<sup>69</sup>

Other oathing statements were much longer and spoke about specific roles of the participants. For example, some oaths were directed at warriors and designed to strengthen group loyalty and allegiance while fighting. One of the best written testimonies on this topic is from the account of Karari Njama which provides an example of the language and associated warrior principles:

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<sup>67</sup> Interview, J.M. Malei, January 2009, Machakos District.

<sup>68</sup> Interview, P. Musuo, January 2009, Machakos District.

<sup>69</sup> Interview, P. Musuo, January 2009, Machakos District.



(1) *I have today become a soldier of Gikuyu and Mumbi and I will from now onwards fight the real fight for the land and freedom of our country till we get it or till my last drop of blood. Today I have set my first step (steeping over the first line of the goat's small intestine) as a warrior and I will never retreat:*

*May this soil and all its products be a curse upon me!*

(2) *If ever I am called to accompany a raid or bring in the head of an enemy, I shall obey and never give lame excuses. And if I refuse: May this soil and all its products curse upon me!*

(3) *I will never spy or inform on my people, and if ever sent to spy on our enemies I will always report the truth. And if I fail in this: May this soil and all its products curse upon me!*

(4) *I will never reveal a raid or crime committed to any person who has not taken the Ngero Oath (Oath of Violence or Crime) and will steal firearms wherever possible. And if I ever reveal our secrets or fail to use or turn over to our warriors any firearms I acquire: May this soil and all its products curse upon me!*

(5) *I will never leave a member in difficulty without trying to help him. And if I ever abandon a member in trouble: May this soil and all its products be a curse upon me!*

(6) *I will obey the orders of my leaders at all times without any arguments or complaint and will never fail to give them any money or goods taken in a raid and will never hide any pillages or take them for myself. And if I fail in these things: May this soil and all its products curse upon me!*

(7) *I will never sell land to any white man. And if I sell: May this soil and all its product be a curse upon me!*<sup>70</sup>

Many varied practices were associated with Njama's statements. For example, his descriptions included practices such as dropping soil into a gourd after testimonies; inserting his penis into a hole in a goat while biting the goat when stating, "May the *thenge* kill me;" and swinging artifacts like the sword, knife, and needle over his body seven times while the oathing administrator condemned him to death for violations.<sup>71</sup> This statement is revealing as it covers the warrior expectations, oath breaking curse, unity, and the importance of the soil in the struggle. The associated object symbols and gestures also show how these things all move together in one accord in the seriousness of oath making.

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<sup>70</sup> Clough, *Mau Mau Memoirs*, 131-132.

<sup>71</sup> Barnett and Njama, *Mau Mau From Within*, 132-133.

One of the most beneficial aspects of the archived documents is the detailed information provided. For example, in one courtroom drama, M. Ndibo recorded his Mau Mau oathing process and statements about an oathing ceremony on October 27, 1953:

*"I took off my clothes. They then tied goats flesh and grass round my wrists I was given a dish to hold. I was then told to go through a circular thing 7 times – it was an arch with ends stuck into ground. I did so. Then I was told to stand in front of [the] arch and the Accused gave me a piece of meat. I had to push it over my left shoulder. As I was doing this Masika [the accused oath administrator] told me – as I came across a Europeans property I should take it. If I am called during the night by that group I should go out. That I should get ammunition."<sup>72</sup>*

In this same case another testifier, Nzango s/o Muinde also gave his oathing statements as:

*"If I am called out at night by the Mau Mau, even if it is to kill Europeans, Government servant or Chiefs, I must go; if I do not go I must die. If I am called out to do damage to the property of Europeans, Government Servants of Chiefs I must do it or I must die. If I hear of any member of Mau Mau who is in trouble with the Government I must help him or I will be killed. I must not pay money when I go to Church as the money is not for God but for Europeans. If I tell the secret of Mau Mau oath to anyone, I will be killed."<sup>73</sup>*

It is important to note that the statements were given on the same day by the same oath administrator showing how the statements can vary for each individual oather. What is interesting is that the individuals that came forth to testify about the oath in some ways revealed that they did not fear the curse of the oath for revealing its secrets. What is important is that for all statements given, there was associated meaning.

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<sup>72</sup> Testimony of Masau Ndibo, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 1.

<sup>73</sup> Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 1.

The oathing statement meaning can be described on different levels. In several interviews, participants were questioned about the general meaning of oathing compared to ethnic specific reasons for the oath.<sup>74</sup> The results revealed that there were general meanings associated with the oath: to end colonial rule, to liberate people, to self rule, to gain freedom, to unite, to gain back land, and to seek independence.<sup>75</sup> However, for some ethnicities the oath also meant to retrieve their livestock and property, to receive equal wages, to restore their stolen land, to expel the Europeans from Kenya, and to end European beatings.<sup>76</sup> The statements show only slight differences in meaning.

The general and ethnic specific meanings presented show that there were common themes, and the Mau Mau movement was powerful enough through the oath experience that it united many Kenyans under one Mau Mau movement creating the foundation for Kenyan nationalism.<sup>77</sup> In general, the meaning beyond the oathing statements was variable and dynamic, and in some ways the meaning may only really be interpreted by considering the entire oathing experience together. This includes the combination of all elements of the oath components because all of these things worked together as a system.

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<sup>74</sup> See Berman and Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa*, Books One and Two, (Oxford: James Currey, 1992), 316-317, for background on this topic. The deeper meaning was similar to what he states succinctly as the African desire to have their land and civic virtue.

<sup>75</sup> See Interview notes from J.M. Wambua, D.M. Mulwa, S. Kakie, P. Musuo, and J.M. Malei, January 2009, Machakos District.

<sup>76</sup> See Interview notes from J.M. Wambua, D.M. Mulwa, S. Kakie, P. Musuo, and J.M. Malei, January 2009, Machakos District.

<sup>77</sup> Berman and Lonsdale, *Unhappy Valley*, 316. Civic virtue means conducting honorable community and cultural deeds to preserve the self as honorable.

## **Conclusion**

Many African ceremonies were situated in very specific conditions that varied according to the participants, location, resources available, time, specific social conditions, and values at the moment of the ceremony. This was undoubtedly the case for the Mau Mau oath. This oath was a dynamic and sophisticated system of relationships, rules, and structures. It was a very customized and unique experience that involved tailored oathing statements, symbolic gestures, oath participants, oath types, and a specific oath location. The process was complicated even more with: the inclusion of women and young people in ceremonies (both are groups that were previously excluded from political oathing practices in traditional society); colonial criminalization increasing the need for secrecy; and oathing purification/cleansing allowing the re-entry of some Mau Mau oathers back into the villages. There were layers of variables, structures, and relationships that went into the making of the oath and the making of the Mau Mau movement.

The oathing ceremony was a dynamic performance with basic structures, relationships, guidelines, and principles. What is most intriguing about this oathing analysis is that despite the variables, it was the similarity in values, beliefs, objectives, and principles associated with the conflict that created the uniformity of the oathing experience. The ethnic unity and nationalism that resulted from the circumstances that created the Mau Mau movement were natural. There was a common enemy that stole African land and freedom; it became a universal bond for African unity. The ultimate goal of Kenya was unity

above all other factors to fight for Kenyan freedom. The power of the Mau Mau oath and the associated movement was a precursor to many international black liberation movements that also struggled with the enemies of colonialism, imperialism, racism, and injustice.

It is important to note that this treatment of the Mau Mau oath structure is just a foundation for much more analysis on the topic. There is still much more to understand and ask about this dark past. And unfortunately, the historiography on the topic of Mau Mau is still suppressed and harbors ill feelings. The Mau Mau oath and movement was viewed as dark, dangerous, obscure, violent, bloody, and mysterious. Mohamed Mathu in *Urban Guerilla* resented the oath and claimed that many “aspects of the oathing ceremonies were ugly.”<sup>78</sup> He and others held that it was not necessarily a positive experience in itself for participants, but instead a process that was necessary to overthrow British rule. For this reason, the memory of Mau Mau based on interview accounts appear to have suppressed some detailed accounts. It is very possible that over time, they have forged their own account of what was truly important about the oathing practices. As a result, these areas have been given much more attention than the less desirable acts.<sup>79</sup>

However, this silenced aspect and characteristic of Mau Mau oathing is evidence that there is still much more to know and understand about it. It can also suggest that there may still be deep feelings of resentment associated with those that were forced to take the oath, and unresolved issues associated with

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<sup>78</sup> Mathu, *Urban Guerilla*, 10.

<sup>79</sup> This is definitely a future field related question that deserves more attention.

the overall experience of what was done and seen during the process and the Mau Mau fighting. In dissecting and analyzing the Mau Mau oath we are able to understand much more about the heart, nature, and values of the movement and how African oathing power was re-engineered in response to a pivotal and historic moment in Kenya.

## Chapter 5 Colonial Justice: The Criminalization of the Mau Mau Oath

*“Law was central to colonialism in Africa as conceived and implemented by Europeans and as understood, experienced, and used by Africans. Laws and courts, police, and prisons formed essential elements in European efforts to establish and maintain political domination.”<sup>1</sup>*

*Kristin Mann & Richard Roberts*

### Introduction

In Kenya today oathing is viewed as an act of criminality associated with disorderly thugs, hoodlums, and outcasts.<sup>2</sup> Although this criminal perception has been reinforced based on the contemporary oathing activities of the Mungiki movement, it was a view, imbedded in the legal system that was invented and shaped during the hysteria of the 1950s to suppress Mau Mau oathing.<sup>3</sup> Oathing prior to this period was an honorable system that worked in conjunction with the African elders in order to promote truth. However, during the Mau Mau period, the nature and perception of oathing spiraled downhill creating a criminalized oath that is still prevalent.

The colonial administration held the power to invent and reinvent legalities to satisfy colonial economic goals, interests, and African domination. The colonial law practices were not created in a vacuum but were also used by Africans over time to promote desires and to contest colonial maneuvers. Despite these

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<sup>1</sup> Kristin Mann and Richard Roberts, ed., *Law in Colonial Africa*, (Portsmouth: Heinemann Educational Books, Inc., 1991), 3.

<sup>2</sup> Interview, R. Simiyu. Associated with the viewing and discussion, The Emerald Initiative Kenyan Association, January 2010 of Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance”. December 2008. Video tape recording and notes.

<sup>3</sup> Participants were often labeled as “thugs”, “gangsters”, and “terrorist”. See Clough, *Mau Mau Memiors*, 3. Also, this perception has also been shaped by the emergence of practices associated with Mungiki movement using reconstituted Mau Mau oathing for unity and resistance against the Kenyan government.

contentions, colonial justice was a powerful mechanism establishing new societal boundaries, discipline, and order to support primarily metropolitan economic and “civilizing” goals.<sup>4</sup> According to Robert Seidman, there were two mandates of British imperialism, “to benefit England’s economy and to uplift the savage races.”<sup>5</sup>

Therefore, the strict colonial policing of the nearly 8.6 million Africans was designed primarily to control their actions and protect the white settler population of 53,000.<sup>6</sup> Under British rule, Kenya was heavily policed. From the period of 1950 through 1962, over 99% of the jails were filled with Africans.<sup>7</sup> In the domain of the colonial courts, the assessors and ultimately the Judge decided on innocence and guilt; they became the gatekeepers of colonial justice.

Africans that challenged European rule and superiority were labeled, as we saw during Mau Mau, as criminals, terrorists, and uncivilized. Therefore, for the British and the rest of the world who followed the perceived horrifying developments of Mau Mau, the atrocities, barbarism, and savagery of the movement required extreme and immediate colonial control. A colonial solution was to establish laws to regain colonial control over the behavior of the Africans. The criminalization of oath-taking became a major policing campaign against the growing Mau Mau movement because it threatened the colonial paradise and

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<sup>4</sup> See Robert Seidman, “Law and Economic Development in Independent, English-Speaking, Sub-Saharan Africa,” in *Africa and Law*, ed. Thomas Hutchison, 3-74 (Madison: The University of Wisconsin Press, 1968), 15. For example, a mandate of British law was to eradicate slavery and practices of human sacrifices.

<sup>5</sup> Seidman, *Law and Economic Development*, 15.

<sup>6</sup> Anderson, *Histories of the Hanged*, 345. The population facts in 1963 (after Independence) were that there were 53,000 white settlers and 180,000 Asian settlers compared to 8,600,000 indigenous Africans

<sup>7</sup> Statistics based on Kenya National Archives, Syracuse Collection, Annual Reports, Machakos, 1950-1962, Film 2801, Roll 7 & 8.



authority in Kenya. The colonial response enforcing laws to criminalize the Mau Mau oath as a means to stop what appeared at the time as unstoppable and irrational acts of resistance. The criminalization of the oath during the 1950s made an already deadly activity, more dangerous. According to David Anderson, there was a total of 1090 “known” convicted Mau Mau oathers and participants that were executed by the colonial courts between October 1952 and March 1958 to stop “the unlawful society known as the Mau Mau.”<sup>8</sup>

With this background in mind, this chapter argues that the colonial criminalization of the oath served as another battleground for fighting the Mau Mau movement in the courts and in the written texts of the archive files by inventing oath criminality, a connection that did not exist prior to the Mau Mau period. The Mau Mau war was fought one case at a time in the courts and in the archive files with each execution and recorded text. The vast and detailed court documents on Mau Mau cases served as colonial evidence and proof that the Mau Mau movement and oathing were barbaric, irrational, violent, and deplorable.

This chapter is divided into three sections designed to trace the evolution of the oath from a ceremony of honor to one of criminality. This work examines oathing and its relationship to pre-colonial African systems of law and order. The next section turns to colonial systems of law to see how they were invented and negotiated to promote colonial interests and domination under the banner of justice. The last section examines the criminalization of the Mau Mau oath

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<sup>8</sup> Language used in case files notes to describe the nature of the conviction. Execution statistics from Anderson, *Histories of the Hanged*, 353. For a complete breakdown of details statistics and categories of Mau Mau convictions see Anderson, *Histories of the Hanged*, 353-356.

through examples that highlight court room tensions and drama while revealing the problem of justice in Colonial Africa.

### **Pre-Colonial Oathing in African Systems of Law**

The practice of oathing has been a long and dynamic system of facilitating African law and order. Prior to colonialism, oathing was practiced to administer African law. The oath was used to resolve difficult judicial matters and worked to discover the truth in disputes. In these questionable cases, an oath practice such as swearing on the *kithitu* was highly regarded for identifying innocence or guilt.<sup>9</sup> However, the stakes for false oathing were high, including death for the oather and the oather's family.<sup>10</sup>

For this study of colonial criminalization of the Mau Mau oath, the important point is that prior to Mau Mau, oathing was used to support and complement legality and justice especially in pre-colonial Kenya. All oath types like the *kithitu* worked together with the Utui elders to help resolve disputes that were more difficult and required spiritual intervention. Oathing was not unique to Kenya but was an old practice that spanned geographical boundaries, ethnicity, beliefs, and religions.

Allan Christelow, a scholar on Kano, an Islamic city in northern Nigeria, states that "testimony and oath lie at the heart of the legal process."<sup>11</sup> His study

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<sup>9</sup> D.J Penwill, *Notes on Kamba Customary Law*, Syracuse Collection, Machakos District. August, 1950. Film 2804 Roll 9, i-ii. Also Dundas, "History of Kitui", *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* 43(July-December, 1913): 480-589. Citation on 510-514.

<sup>10</sup> Kithitu oathing was discussed in detail for its historical significance in the chapter, "The Oath Across Time and Space."

<sup>11</sup> Mann and Roberts, *Law in Colonial Africa*, 208.

was based on early twentieth century records with oathing a part of the Islamic sharia law, yamin al-qasama. The Accuser was expected to have two witnesses to back up their point, but the accuser's denial was backed up with an oath conducted at the pulpit of a mosque.<sup>12</sup> According to Christelow:

"Oath-taking was a more important matter than merely offering testimony in court, and it lies at the heart of most serious and interesting cases. Oaths sometimes were taken to defend against an accusation when the plaintiff had not been able to produce two valid witnesses. But in such situations, the plaintiff would often abandon the case before administration of the oath...The taking of an oath before Allah imparted a certain kind of finality to a dispute which a frustrated plaintiff might have wanted to avoid."<sup>13</sup>

Oathing in this society was also used to affirm positions involving homicides and theft. In all the cases, the application of oathing was a device or strategy for truth in unusual cases. However, this example shows the complexity of oathing especially when Islamic law is also a factor. The yamin al-qasama oath is still practiced in modern Islamic society. On April 29, 2005, the *Khaleej Times* outlined a 1999 murder story expected to go through a retrial.<sup>14</sup> The case was questionable because the Accuser's husband died when he fell from a fifth floor building in Abu Dhabi; the wife denies the charges that she murdered him. This difficult case resorted to the use of oathing. It was appealed by the Federal Supreme Court by the use of the Yamin Al Qasama oath and by -re-trying the case with different jurors.<sup>15</sup> Oathing was and still is an effective practice in legal

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<sup>12</sup> Mann and Roberts, *Law in Colonial Africa*, 208.

<sup>13</sup> Mann and Roberts, *Law in Colonial Africa*, 208-209.

<sup>14</sup> "Retrial for Women Cleared of Husband's Murder," *Khaleej Times* Online, April 29, 2005. [http://www.khaleejtimes.com/DisplayArticle.asp?xfile=data/theuae/2005/April/theuae\\_April941.xml&section=theuae&col=](http://www.khaleejtimes.com/DisplayArticle.asp?xfile=data/theuae/2005/April/theuae_April941.xml&section=theuae&col=)

<sup>15</sup> "Retrial for Women Cleared of Husband's Murder", *Khaleej Times* Online, April 29, 2005.

administration in some communities. It has prevailed as a strategy for handling difficult and unusual cases.

Among the Gurage in Ethiopia, oathing was also a process used to determine guilt or innocence in cases where there was insufficient evidence. For questionable cases, the defendant can take an oath of innocence. If the defendant is found guilty, illness to the oather and succeeding generations is the consequence.<sup>16</sup> This oath is similar to the *kithitu* because it also unites the actions of the defendant with his family, holding the entire group accountable for the guilt. This process is explained by William Shack:

“Ritual oathing is a double-edged function in the Gurage judicial process of determining guilt or innocence: it makes manifest the moral and economic liability of the oath of ‘the father’s clan’, under which men assume the liability for the misconduct of kinsmen; it limits the possibility of presenting perjured evidence since the threat of supernatural punishment ultimately effects all living clansmen and future descendents as well.”<sup>17</sup>

We see in all of these cases the existence of oathing as a well established process for maintaining societal order. Oathing was not a phenomenon unique to Kenya but was a process for determining truth in many different societies. The application of the oath in court cases and hearings was a spiritual process that worked within the legal structures to determine the innocence or guilt of an individual, and in all cases oath pledges of the guilty had severe death penalties. With this background, it is time to now turn to the colonial political, economic, and social tensions that lead to the transformation of the oath in Kenya from a ceremony of morality to criminality.

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<sup>16</sup> Max Gluckman, *Ideas and Procedures in African Customary Law*, (Oxford: Oxford University Press, 1969), 158-159.

<sup>17</sup> Gluckman, *Ideas and Procedures*, 159.

## **Making Justice: The Invention of the Colonial Law in Kenya**

One of the best ways to understand the invented criminalization of oathing by the colonial administration during the 1950s is to understand the law and justice making practices in colonial Africa. The law in colonial Africa was a part of a much larger colonial effort to transform the society to satisfy colonial interest.<sup>18</sup> In Kenya, the law worked in conjunction with the other social, economic, cultural, and political changes that occurred under colonialism. The law enforced the new structures by providing a system of crime and punishment to address Africans that failed to conform. David Anderson states that power and sustained authority serve as the foundation of the empire discussions on policing, serving as a “visible public symbol of colonial rule...enforcing the codes of law.”<sup>19</sup> All of these systems were integrated to support colonial rule, authority, and domination in Kenya. African law during colonialism was transformed and impacted by constant economic, social, cultural, and political changes. There were many tensions and conflicts with British imposed legal practices compared to African practices and beliefs.

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<sup>18</sup> See Sally Falk Moore in *Law as a Process, An Anthropological Approach*, (London: Routledge & Kegan Paul, 1978), 1. Moore states for example, “...law constitutes the intentionally constructed framework of social order...the practice of law by lawyers is by and large an exercise in the manipulation of ‘the system’.”

<sup>19</sup> David M. Anderson and David Killingray, eds., *Policing the Empire: Government, Authority and Control, 1830-1940*, (New York: Manchester University Press, 1991), 1-2.

### *The Codification of African Law: Customary Laws in Kenya*

As noted in the earlier section on pre-colonial oathing, Africans had their own laws prior to the arrival of the Europeans. However, in most societies these laws were not written but were fluid and situational. These laws were not static constructs but responses that were variable and conditional. Nevertheless, these laws, called customary laws, were codified by the British during colonialism as a means of control, intrusion, and invention.<sup>20</sup> Although the customary laws were designed to provide a colonial snapshot and recording of African law, the laws were influx. Max Gluckman points out that “not only are customary laws changing today but also they were subject to constant change in the pre-colonial past.”<sup>21</sup> The dynamic nature of these laws was also noted by other scholars on the topic. On the history of customary law, Martin Chanock views customary laws during colonialism as “a dialogue between the colonial state and its African subjects.”<sup>22</sup>

Although the process of colonial law in Kenya was more interactive with many in the colonial administration attempting to work within the perceived subordinate African laws, the reality was that the overall process was still a structure under colonial authority and control. The Supreme Court and the Appeal process were all a system of the colonial administration with their own political, social, and economic agendas.<sup>23</sup> Some of these agendas included

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<sup>20</sup> See for example D.J Penwill, *Notes on Kamba Customary Law, Machako District*. August, 1950. Film 2804 Roll 9.

<sup>21</sup> Gluckman, *Ideas and Procedures in Africa*, 9.

<sup>22</sup> Mann and Roberts, *Law in Colonial Africa*, 62.

<sup>23</sup> The legal foundations and application of the British law in Kenya during the colonial period and even decades later is lodged in a complex structure and development that is outside of the scope of this work. Also see Anderson, *Policing the Empire*, 188-189.

removing and replacing aspects of African law practices. For example, African pre-colonial laws involving certain ordeals were considered primitive; these ordeals included practices such as using a hot knife to determine guilt.<sup>24</sup> As a result, there was an effort to phase out these less civilized practices from African law under colonialism.

This treatment of pre-colonial African law raises questions about the role racism played in colonial law making. Various scholars have had interpretations on this dimension. Mahmood Mamdani holds that:

“...Ethnicities were in dire need of being civilized...The colonial state divided the population into two: races and ethnicities. Each lived in a different legal universe. Races were governed through civil law. They were considered as members, actually or potentially, of civil society. Civil society excluded ethnicities. If we understand civil society not as an idealized prescription but as a historical construct, we will recognize that the original sin of civil society under colonialism was racism. Ethnicities were governed through customary laws. While civil law spoke the language of rights, customary law spoke the language of tradition, of authenticity. These were different languages with different effects, even opposite effects...The language of custom, in contrast, did not circumscribe power, for custom was enforced. The language of custom enabled power instead of checking it by drawing boundaries around it.”<sup>25</sup>

Mamdani’s comments add layers of complexity while showing the limitations of the law. African law during colonialism was a battleground for new constructions that involved Europeans, Africans, and also Indians. The legal system, although imposed on the Africans, was a system that they participated in to satisfy their own aspirations. For example, throughout colonial Kenya, gender was contested, reconstructed and negotiated; the body, actions, and movement of women were an area of constant debate. As a result, there were many related laws and court

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<sup>24</sup> Mann and Roberts, *Law in Colonial Africa*, 33. See Lindblom on *The Akamba*, sections on Ordeals.

<sup>25</sup> Mahmood Mamdani, “Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism,” *Comparative Studies in Society and History* 43.4 (2001): 651-664, 655.

cases that tested and reshaped gender boundaries (for example, marriage, divorce, adultery, dowry, childbirth, and inheritance were all new social spaces). The issue of gender during colonialism will be explored in more detail in the next chapter, but it represented a social space that was fought in the colonial courts. Women found new degrees of freedom and individuality and the courts became spaces for protection. At the same time, it was the battleground of men who wanted to negotiate the gender roles and freedoms of women. The issue of gender was one of many social transformations that were periodically contested in the court. Gender is an example of how, as Kristin Mann and Richard Roberts suggests, "Africans and Europeans in colonial Africa used law to compete for resources, labor, power and authority..."<sup>26</sup> The laws established by the 1950s in Kenya were the products of long negotiations, but the fluid notions of justice remained a problem.

### *The Justice Problem*

Justice in colonial Africa was difficult because it was highly interpretive, dynamic, and responsive to the changing social, cultural, political, and economic developments. All legal systems have their own embedded ideologies, motives, and culture, and in Kenya these systems often clashed. Tudor Jackson describes justice as "what the ordinary man in the street believes to be fair."<sup>27</sup> However, ultimately the law under colonialism was a law of domination and authority. Also,

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<sup>26</sup> Mann and Roberts, *Law in Colonial Africa*, 33.

<sup>27</sup> Tudor Jackson, *The Law of Kenya* (Nairobi: East African Literature Bureau, 1992), 2.



as noted earlier, there were clear British mandates in the objectives of the colonial law in Kenya.

The colonial law in Africa supported colonial economic interests and dismantled African traditional practices to provide what was perceived by the Europeans as more “civilized” legal structures. Kamari Maxine Clarke defines justice as a complicated and changing social process that has varied meaning and interpretation; it was challenged even more because it was based on legal pluralism.<sup>28</sup> According to Clarke,

“Justice making, as an effect, represents domains of negotiation, communication, collaboration, cohesion, and domination made manifest through action...Thus, justice is mediated within the domain of politics and is actually an outcome of struggle. This is the space of justice making – political struggles to attain power through which to control the terms of engagement, to mobilize action, and to resignify meaning.”<sup>29</sup>

In effect, justice is a process that is “produced”.

The varied judicial systems were incompatible in their overall meaning and interpretation of justice. The different legal approaches can help us understand the cultural problems and sources of judicial conflict when exploring the colonial criminalization systems. Later we will see how the added fear, threat, and intensity of the Mau Mau movement, specifically as it relates to the criminalization of taking and administering the oath, created even more confusion and problems with justice in Kenya. However, in Kenya justice is a product of the social, cultural, and political moment. In order to understand how justice was

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<sup>28</sup> Kamari Maxine Clarke, *Fictions of Justice, The International Criminal Court and the Challenge of Legal Pluralism in Sub-Sahara Africa*, (Cambridge: Cambridge University Press, 2009), 24.

<sup>29</sup> Clarke, *Fictions of Justice*, 25.

achieved and forged in Kenya, a few examples are explored that relate to death and property offenses.

### *Colonial Justice Related to Death*

Offenses in Kenya related to murder, manslaughter, and accidental deaths were created primarily for the control of Africans and the protection of the settler population. *British structures of crime and punishment were culturally different in treatment and more importantly were grounded and directed towards creating a new social order of Africans under the control and interest of the British.* In pre-colonial Kenya, jails, prisons, detention camps, and even criminal activities as we know them today did not exist. However, prisons and detention camps soared after 1952 with the surge of African resistance primarily associated with Mau Mau. British punishment for death-related crimes was associated with activities that involved the body of the criminal, such as prison sentences, executions, and work in detention camps. The punishment involved physically removing the criminal or accused from society, and there is little or no mention of restoration for the offender or the community. For example, on May 8, 1954 T.P. Kiilu Kasioka was murdered by Mwanthi Ndolo, Mulva Mwinzu, and Kimali Mbua.<sup>30</sup> The Supreme Court heard the case and sentenced these three individuals to death.<sup>31</sup> The reports did not mention any other forms of payment to the family of the deceased or any purification ceremonies as a result of the offense. What is

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<sup>30</sup>Kenya National Archives, Syracuse Collection, Annual Reports,1954, Film 2801, Roll 7 Machakos District, p. 28.

<sup>31</sup> Kenya National Archives, Syracuse Collection, Annual Reports,1954, Film 2801, Roll 7 Machakos District, p. 28.

significant is that one tragic death resulted in three additional deaths and affliction to three additional families.

Under colonialism, the murderer and all associated clan members suffered from death and removal, instead of just the family of the victim. However, from the African perspective, this punishment did not align philosophically with their belief in stabilizing the society that was once highly valued. Furthermore, the act of executing and hanging criminals was traditionally viewed as being under the power of God (Mulungu) and was only applied in very extreme circumstances. A society once rooted in reconciliation and peace as the keys to mending relationships from offenses, did not understand the loss of additional lives and additional family suffering. For many Africans, offenses that threatened the entire community were the most serious.<sup>32</sup> As mentioned earlier, traditional emphasis was placed on payment to the suffering family and ceremonies to purify and cleanse the activity to allow both clans to move forward in peace, but these cultural practices and beliefs were not laws under colonialism and not values of the colonial administration.

### *Colonial Justice Related to Property*

Theft under British law was viewed as criminal behavior. The offense during colonialism was subject to some form of removal of the offender from society or punishment depending upon the specific conditions and magnitude of the theft. On April 7, 1954, several "Africans" as described in the Machakos District report, broke into the duka (store) on dawa Plantations and stole money

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<sup>32</sup> Kivuto Ndeti, *Elements of Akamba Life*, (Nairobi: East Africa Pub. House, 1972), 105.

and property.<sup>33</sup> The report also mentioned that these individuals were all returned to prison. On November 23, 1954, a gang of thieves broke into a couple of Indian shops and stole 4,000 shillings. Two of the thieves were arrested for the theft. On the nights of September 17 and 18, forty-seven cattle were stolen by the Masai. The perpetrators were fined 7,050 shillings as compensation to the victims. There were also other similar raids by the Masai taking up to 100 cattle. In all of these cases the Masai paid fines or were responsible for returning all of the stolen cattle. The desire and ability to control theft in the District was a colonial objective to protect the assets of others. Written between the lines in all of these cases was the fact that a significant majority of all crimes were committed by Africans and that the laws that primarily dealt with offences to whites or Indians appear to receive most attention in the reporting. Africans were often punished for stealing; Europeans were never punished for stealing African land.

The objective of the colonial law practice was to regulate the behaviors of the African population through legalities that covered a wide range of offenses. The law worked with other colonial institutions like Christianity and Western education designed to transform the minds, beliefs, and actions of Kenyans under the banner of uplifting the race.<sup>34</sup>

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<sup>33</sup> Kenya National Archives, Syracuse Collection, Annual Reports, 1954, Film 2801, Roll 7 Machakos District, p. 26.

<sup>34</sup> Reports outline social and educational programming at the district level including the formation of new societies and organizations, new schools for women, and Christian activities in Kenya National Archives, Syracuse Collection, Annual & Monthly Reports, Machakos, 1945-1951 (monthly reports) and 1950-1962 (annual reports), Film 2801, Roll 7 & 8. Also note that the social and political transformation was a slow process especially during the early years of Kenyan colonialism which involved African negotiations along the way (i.e. Circumcision laws).

However, the practice of oathing was treated as a cultural practice and was overlooked initially by colonialists. This changed during the Mau Mau period. Criminalization was a process of making specific practices illegal and punishable which was crafted to support colonial interests. The colonial government used their invented laws to criminalize and control the spread of the Mau Mau movement; the oath was viewed suddenly as a criminal act even though historically it was embedded and accepted in traditional society.

### **The Colonial Criminalization of Mau Mau Oathing, 1952-1960**

“Law does not operate in a vacuum; rather if a legal norm is to command the requisite respectability and hence acceptance and compliance, it must take into account the social ethos of the community it is supposed to regulate...the defendant has committed the offence in the execution of what he honestly believed was his duty to society.”<sup>35</sup>

As previously mentioned, prior to 1952, oathing activities were not considered criminal. Oathing was used in conjunction with lower court systems or by elders as a means to support the overall judicial process. The goal was that by swearing on the oath, guilt or innocence would eventually be revealed. Like many parts of East Africa during the State of Emergency, oathing by Africans became criminal activity that would result in death, not death necessarily from the power of the oath, but instead by the power of the colonial state. As F.D. Corfield proclaimed in his historical survey of Mau Mau, it was the function of the

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<sup>35</sup> Onesmus K. Mutungi, *The Legal Aspects of Witchcraft in East Africa with Particular Reference to Kenya*, (Nairobi: East African Literature Bureau, 1977), 19.

government “to maintain law and order by protecting the individual from the forces of evil”<sup>36</sup> This was achieved at the gallows.

*Criminalizing “the unlawful society commonly known as the Mau Mau”<sup>37</sup>*

On October 20, 1952, the British colonial government declared a state of emergency in Kenya as a result of Mau Mau. The notion of Kenya as a peaceful paradise for Europeans was violently shattered. Recorded documents and reports on the movement reported shocking accounts that one of the objectives of Mau Mau was to “murder Europeans and eliminate European influence in Kenya.”<sup>38</sup> Although the media reported Mau Mau were terrorists, the war was a fearful time for all of those living in Kenya.<sup>39</sup> For instance, not only did Mau Mau oathers fear the repercussions of breaking the oath, they were also threatened with colonial execution for oathing.

The practice of oathing occurred throughout Kenya’s pre-colonial history as a sacred swearing between participants, and during colonialism it was engaged in as a dynamic and complicated response to colonial inequality, racism, and injustice. However, criminalizing the oath was a policy that shifted power to the State in an attempt to control the spread of Mau Mau activities. The death penalty was supposed to be a deterrent from African participation and as a way to show “that the Governments is [was] very much in control.”<sup>40</sup> The

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<sup>36</sup> Corfield, *Historical Survey*, 3.

<sup>37</sup> Language used on Mau Mau emergency cases. For example, the Warrant of Execution of Sentence to Death, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze

<sup>38</sup> Corfield, *Historical Survey*, 72.

<sup>39</sup> See for example, “Kenya: SOS,” *Time*, October 27, 1952.

<sup>40</sup> 1954 Machakos Annual Report p 28, KNA.

detention camps and prisons were built primarily by detainees, many of whom were later executed. As David Anderson showed in his book, death sentences were routinely applied to individuals for Mau Mau participation.<sup>41</sup> Interestingly, the British targeted the power of the oath in controlling Mau Mau. The language used by the Supreme Courts for prosecution was: "being present and consenting to the administration of an oath relating to the unlawful society commonly known as Mau Mau, contrary to section 61B of the Penal Code."<sup>42</sup>

In the subsequent section, oathing cases serve as examples of colonial justice during the emergency period. In the center of all of these court interrogations was the alleged practice of the Mau Mau oath. The objective is to show that during the Mau Mau period a new oathing relationship to criminality was created which prior to 1952 did not exist. The cases provide evidence of this newly formed relationship and the details surrounding the oathing experience captured in the archival records. The cases show evidence of colonial persecution of suspected oathers along with their biases in administering justice during the Mau Mau period.

### *The Oathing Case of Masika S/O Nyanze*<sup>43</sup>

During the emergency period, there were numerous Africans who stood before the colonial courts for their alleged Mau Mau oathing involvement. On June 14, 1954, Masika S/O Nyanze was executed by the Supreme Court of

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<sup>41</sup> Anderson, *Histories of the Hanged*, 353-356.

<sup>42</sup> Verbiage on warrant of execution of sentence to death documents related to cases associated with the Mau Mau oathing used here as an example of the offence from the perspective of the colonial courts. KNA MLA 1/1007/CC 127/1954.

<sup>43</sup> Referenced in Archive files as Case # 36 & #60 (Machakos) - Regina versus Masika S/O Nyanze

Kenya in Nairobi for administering an unlawful oath.<sup>44</sup> Although the accused appealed the conviction, the Court of Appeal dismissed the appeal on May 13, 1954. The unfolding of the case showed the particulars associated with colonial criminalization of oathing and how the law was administered during the Colonial State of Emergency Period. On April 5, 1954, the Supreme Court of Kenya convened to hear the case of Nyanze who was charged on two accounts with administering the Mau Mau oath to Musau Ndibo and Mbubi S/O Nzibe.<sup>45</sup>

The Testimony of Ndibo: "I swore...because I was afraid"<sup>46</sup>

A clear theme in the colonial writings on Mau Mau oathing ceremonies was that the accused were forced to take the oath out of fear. With this frequently underlining premise, the court appeared to habitually lean on the truth of the detailed witness testimonies. For example, on October 27, 1953, Mkamba Masau Ndibo of the Mbitini location in Machakos District attested that Nyanze forced him to take the Mau Mau oath with others present. Ndibo reported the following ceremonial practices and vows to the colonial authorities:

"I took off my clothes. They then tied goats flesh and grass round my wrists. I was given a dish to hold. I was then told to go through a circular thing 7 times – it was an arch with ends stuck into ground. I did so. Then I was told to stand in front of [the] arch and the Accused gave me a piece of meat. I had to push it over my left shoulder. As I was doing this Masika told me – as I came across a Europeans property I should take it. If I am called during the night by that group I should go out. That I should get ammunition. I swore to do these things because I was afraid. They told me that they were K.M.M.C.

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<sup>44</sup> Warrant of Execution of Sentence to Death, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze; He was accused of "adminstrating an oath relating to the unlawful society commonly known as Mau Mau contrary to section 61B of the Penal Code".

<sup>45</sup> Case Information Sheet, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze, p. 1

<sup>46</sup> Testimony of Masau Ndibo, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 1.



which stood for Kenya Mau Mau Corporation. I was then given some meat to eat.”<sup>47</sup>

Interestingly, Ndibo’s testimony given to the local Third Class Magistrate Court at Machakos on December 29, 1953, was a much more descriptive account of the oathing ceremony. These statements included holding a mixture near his stomach and later sawing meat seven times while taking the oath.<sup>48</sup> He was also recalled to repeat the following oath statements:

“If I am called any night by Mau Mau to go and kill Europeans, Government servants or any one or to go and to do damage to any Government servant, I must go or I will be killed...If I revealed the Mau Mau oath to anyone I was told I would be killed.”

However, these details were not mentioned in the Supreme Court hearing, but were notes in the Third Class Magistrate Court at Machakos. One of the most striking parts of the Ndibo testimony is what was left out between the two recorded accounts (the statements captured in the Third Class Magistrate Court versus the Supreme Court statements). The documents show that the initial statements on killing recorded in Machakos included the severity of killing the Europeans, Government servants, and himself if necessary. These statements seemingly would have been hard to erase, surprisingly, they were not included in the Supreme Court testimony. In addition, it is interesting that Ndibo was able to overcome the fear of the oath and testify.

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<sup>47</sup> Testimony of Masau Ndibo, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 1.

<sup>48</sup> Testimony of Masau Ndibo, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 4.

### The Testimony of Mbubi: “The Oath of a Man’s Society”<sup>49</sup>

Mbubi S/O Nzibe from the Mbitini Location provided his account of the evening in question. On this date, October 27, 1953, he went with Kambe S/O Ngoi to the home of Nathan Kiswii. Nzibe claimed that the accused told him that he was called to join a “Men’s Society.”<sup>50</sup> After removing his clothes, the accused was given the oath. Nzibe provides the following details on the oathing activities:

“Accused then told me to enter somewhere – a thing like an arch, I had to go through 7 times. I did so. I was then given a piece of meat and a stick which I had to push over my shoulder 7 times. I had to say if I took European beer I would die. If I am called and I refuse to go I will die, and if I refuse to go with others I would die. I was to kill white men or askaris. I was told this was oath of man’s society. I was not told what the name was. I was then given something like beer to drink, a Mkamba substance. I was then told to go home. Masika [was] there throughout ceremony.”<sup>51</sup>

In his testimony given to the local Third Class Magistrate Court at Machakos on December 29, 1953, Nzibe was clear about the name of the organization of the movement. He states, “The accused then told me that I had been called to join the corporation of Mau Mau.”<sup>52</sup> The cross examination failed to question these inconsistencies between the recorded accounts.

These witness accounts combined with the testimonies of others, raises another problem for the judge and courts. It is not clear if the defense had access to the previous files and testimonies that were being accumulated in the court files surrounding the accused. The statements of Ndibo and Ndize recorded

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<sup>49</sup> Testimony of Mbubi S/O Nzibe, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 3.

<sup>50</sup> Testimony of Mbubi S/O Nzibe, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 3.

<sup>51</sup> Testimony of Mbubi S/O Nzibe, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 3.

<sup>52</sup> Testimony of Mbubi S/O Nzibe, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 6.

in the Third Class Magistrate Court in Machakos were unusually similar. The court reports on the oathing ceremony have the same language, sequence, and structure. In many ways the narrative accounts appear mechanical and rehearsed.<sup>53</sup>

The Testimony of Muinde: "If I tell the secret...I will be killed"<sup>54</sup>

The statement of this witness is important because statements were not included in the final court hearing. Although the accounts of this Muinde show some similarities to the other testimonies against Nyanze, there are many varied ritual practices documented that did not surface during the Supreme Court hearing. Like the others, Muinde provided a testimony to the Third Class Magistrate Court of Machakos about the oathing conducted on October 25, 1953.<sup>55</sup> However, this case was not included in the Supreme Court hearing case against Nyanze. But the details of his testimony provide insight into the situation and perhaps help analyze why this testimony was excluded.

The ritual experience can clearly vary; however, when compared to the other witness accounts, we see both consistent and inconsistent statements. Like many Mau Mau oathing rituals, Muinde reported that the oathing occurred in the

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<sup>53</sup> Both witnesses left these details out in their testimonies on April 5, 1954. The findings of this study show that Mau Mau oathing rituals are dynamic, distinct, and colorful with different individuals interpreting them in different ways. There were aspects that were more provocative and meaningful for one individual compared to another individual. We have seen from the previous chapter on the Mau Mau Oathing model that it is impossible to completely recreate the exact process and the experience, but the testimonies reveal a different story. This is complicated even more with how the ritual is received and processed by the individual. The accounts of the witnesses especially as recorded in their initial testimonies are suspicious because the descriptive details and narrative appear to have been based on some sort of collaborated or dictated account of the Mau Mau ceremony.

<sup>54</sup> Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 1.

<sup>55</sup> Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 2.

evening, in this case about 10 p.m. at the home of Kiswii. Like the other witness' statements, Muinde was instructed to remove his clothes for the oath ceremony. He was also given meat to eat. The specific oathing statements of Muinde were similar in overall content to the other testimonies:

"If I am called out at night by the Mau Mau, even if it is to kill Europeans, Government servant or Chiefs, I must go; if I do not go I must die. If I am called out to do damage to the property of Europeans, Government Servants of Chiefs I must do it or I must die. If I hear of any member of Mau Mau who is in trouble with the Government I must help him or I will be killed. I must not pay money when I go to Church as the money is not for God but for Europeans. If I tell the secret of Mau Mau oath to anyone, I will be killed."<sup>56</sup>

Unlike Nzango's account, the accused clearly identified the oath as Mau Mau. This is inconsistent with the names provided by the other testimonies where it was referred to by Ndibo as "Taking the oath of K.M.M.G. which meant Mau Mau Corporation"<sup>57</sup> and the statement of Nzibe with the accused calling it "Mau Mau Corporation."<sup>58</sup> Also different in the testimony was the application of blood in the ceremony. Muinde's oath consisted of exchanging and tasting blood. This exchange occurred between the accused and the witness. The accused used a needle to take blood from the middle finger of the right hand of Muinde. The accused stated that the exchange of blood united them both together as one.<sup>59</sup> The oathing ritual had specific actions like holding something in his hand and passing through the arch seven times, which were also mentioned in other

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<sup>56</sup> Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 1.

<sup>57</sup> Testimony of Musau Ndibo Testimony on 12/29/53, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 3.

<sup>58</sup> Testimony of Mbubi S/O Nzibe, Testimony on 12/29/53, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 6.

<sup>59</sup> Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 1.

accounts, but other details differed. Muinde explains his experiences as one where:

“...a grass collar was put round my neck, goat skin was put round my wrist and I was given earth to hold to my stomach. The accused then told me that the soil was ours and had been stolen by the Europeans and that we were uniting to get it back. The accused then told me to pass through an arch of grass seven times and this I did. The accused then gave me three pieces of meat to bite. A piece of stick was then put through the hollow bone of a goat’s neck, and this was put on my right shoulder. I then had to perform a sawing motion with the stick...seven times.”<sup>60</sup>

Muinde’s testimony provides much more detail that was not mentioned in the oath statements on October 27, 1953. Symbolic practices like the exchange of blood would have been practiced in the other rituals because of our understanding of its traditional and symbolic meaning. So, there are many questions that are left unanswered. Were these practices overlooked as unnecessary details? If overlooked by both accounts, why? If eliminated, was this done to keep the case details simplified? If this was the case, some decision had to occur to determine the level of detail necessary to convict the accused. Who was the decision maker? These statements are here to here to question the court process of the handling of information collected, analyzed, and documented. This is particularly important in understanding these colonial documents because of the politics and agenda of the period.

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<sup>60</sup> Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 1.

The Testimony of Mkamba: "If I am called out by the Mau Mau...I must go..."<sup>61</sup>

To add to the complexity, Kamba S/O Ngoi Mkamba also delivered a testimony against Nyanze on December 29, 1953 but was not asked to provide his account to the Supreme Court.<sup>62</sup> In his account, the details and descriptions align with the testimony of Muinde. The only major deviance was the fact that the blood exchange was not mentioned. Again, it is difficult to speculate why. Mkamba was told to repeat the following statements by the accused:

"If I am called out at any time by Mau Mau at night even if I am called to go and kill I must go; I must not drink European Beer. If I see any guns or pistols, I must steal them. If I give away the secrets of Mau Mau I will be killed."

Thus, for the most part, this testimony was in agreement with the acts documented. However, what is most revealing about the presence of this testimony is the information revealed in the cross examination section of the documents, which provided more information on how the oath transformed even along age lines. The accused questioned Mkamba about Akamba traditions pertaining to oathing that was traditionally rooted in age boundaries. The witness was obviously older than the accused, so in the cross examination, the accused asked Mkamba, "How can I, a young man give you, an older man an oath, for it is against Kamba custom?"<sup>63</sup> The witness responded with, "It was not a Kamba

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<sup>61</sup> Testimony of William Nzango S/O Muinde, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 1

<sup>62</sup> Testimony of, Kamba S/O Ngoi Mkamba, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 3-4.

<sup>63</sup> Testimony of, Kamba S/O Ngoi Mkamba, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 4.

oath you gave me but a foreign one".<sup>64</sup> In terms of the case, this question by the accused challenged the witness based on the Akamba age traditions. If the accused already understood this difference about the oath, it is questionable why he spent time analyzing this nuisance in the court. However, the fact that he did not follow up left the issue dead. But if he knew more about the oathing ritual he could have followed up with another question such as, "Although it is foreign, doesn't it adhere to some basic Akamba principles like the application of repeating power acts seven times?" In other words, the answer to the question was predictable; therefore, the accused should have used his knowledge on the oathing ritual process to find a breakdown in the witness' argument. However, not knowing the details of the oath worked to his disadvantage because he was unable to successfully show innocence.

This interrogation is revealing because it shows how the oath had evolved into something "foreign" or different from the past. This situation showed how the boundaries of age, like gender, were crossed in the administration of the Mau Mau oath. Yet, as the accused pointed out, it was still viewed by many as an oath of tradition. The reality was that they both were right in their interpretation of the Akamba Mau Mau oath. As was discussed in the previous chapter, it was an oath of the past that transformed to meet the new challenges of the time and that crossed previously fixed lines.

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<sup>64</sup> Testimony of, Kamba S/O Ngoi Mkamba, Third Class Magistrate Court at Machakos, case 60, 1953. KNA MLA 1/791 p. 4.

## The Testimony of the Accused: Nyanze

After hearing the detailed statements of so many others, the accused was finally able to offer his version. He did not have any witnesses to support his claims or even to offer insight into his character. In his testimony he mentioned that he managed his own farm and gardens. In his next statement he boldly stated, "I know nothing about administering any oath. I did not administer any oath. I am not connected with Mau Mau and I have not taken the oath."<sup>65</sup> Finally, he stated he did not know the witnesses. Aside from the few cross examination statements focused on the witnesses and Nyanze's familiarity with the witnesses, we hear nothing more from the accused. It seems the accused would have gone through the necessary actions to create a defense because he would have understood the severity of the punishment - execution. However, the fact is that he did not offer a defense, and we can only speculate why.<sup>66</sup> The testimony of the accused appeared effortless. Under the colonial judicial system, the administration of justice was not in favor of the accused, which was the case for many criminal court trials during this period.

## *The Oathing Case of Ruben Mbwika, Nathan Kiswii, and Nguma Muindi*<sup>67</sup>

The conviction of an accused in one case often served as a launching point for more legal investigations. This case provides another example of the

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<sup>65</sup> Testimony of Masika S/O Nyanze, KNA MLA 1/791 – CC 36/54 Rex vs. Masika S/O Nyanze p. 4.

<sup>66</sup> We are left with only unanswered questions. For example, was he an individual ignorant of the Supreme Court proceedings and perhaps even the seriousness of the crime? Or did he simply submit to the fate that he had already foreseen?

<sup>67</sup> Case #103 Regina versus Ruben Mbwika, Nathan Kiswii, and Nguma Muindi located , KNA MLA 1/986-CC 103/1954



criminalization of oathing during the Mau Mau period and shows the intricate relationships between cases. In some cases the witness testimonies had repercussions for oathing participants allegedly involved in the oathing ceremonies. This proved to be the fact for this case.

This case, connected to the previous case, is based on the alleged unlawful oathing of Musau Ndivo and Nbuni Nzibe on October 27, 1953 by Ruben Mbwika, Nathan Kiswii, and Nguma Muindi in the administration of the Mau Mau oath.<sup>68</sup> On August 3, 1954, Mbwika, Kiswii, and Muindi were convicted for “consenting to the administration of an oath contrary to Section 61B of the Penal Code.”<sup>69</sup> Appeals were sent to the Court of Appeal for Eastern Africa but dismissed on October 6, 1954. In the end, the three accused were executed on October 25, 1954 in Nairobi, Kenya.

Before analyzing the implications of these same witness accounts being used to hang additional participants, there are other judicial practices that are worth exploring. According to the case files, the Crown was responsible for proving the following regarding the accused: “(1) They were present during the administration of the oath; (2) They agreed to administer the oath; and (3) They participated in the oath related to the unlawful society known as the Mau Mau.”<sup>70</sup> It is also important to mention that point three was changed so that the defense bore the burden to prove that the oath was not Mau Mau. Therefore, from the

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<sup>68</sup> Case file notes, KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi.

<sup>69</sup> Official Judgment Document from H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi.

<sup>70</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi.

perspective of the Supreme Court and thus colonial government, all oathing practices during the emergency period were Mau Mau related unless it was government sanctioned, like Mau Mau oath cleansing practices.

### The Defense of the Case – “Trumping up a False Case”<sup>71</sup>

Many Mau Mau court cases reported a prior relationship between the witness and the accused. In this case, one of the major areas for defense was the relationship between the witnesses and the accused. All of the accused stated that the accounts of Ndivo and Nzibe were false and the result of past quarrels. To their defense, the witness’ testimonies support a prior relationship. For example, Ndivo stated that he was “well known to the three accused”<sup>72</sup> and worked for them doing communal work. He also knew them from childhood. The conflict between Mbwika and Ndivo was described as a bad supervisor-employee relationship. Mbwika had problems with Ndivo’s working patterns which were reported to the chiefs and elders.<sup>73</sup> It is not clear why the chief and elders were not called to provide their testimony to this statement, which could have been evidence of possible conflict between the two parties. Did the accused understand that this sort of account from outside individuals could have strengthened his case? Mbwika and Nzibe had conflicts over land and Nzibe

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<sup>71</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 6.

<sup>72</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 4.

<sup>73</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 5.

being prevented from marrying Mbwika's daughter.<sup>74</sup> Again, petitions or documents to the native courts about the land matters or a statement from his daughter could have helped provide credence to these accounts.

The second accused, Nathan Kiswii, also claimed to have a bad pre-existing relationship with the witnesses that were the root of the false testimonies. According to Kiswii, Ndivo was rejected as a suitor for his younger sister because of an insufficient dowry.<sup>75</sup> According to the other witness, the issue between Kiswii and Nzibe was the result of Nzibe being accused of stealing cattle. In addition, Kiswii claimed that the ceremony did not take place in his house because his wife had a baby the same day. Again, all of these accounts and accusations could have been strengthened with witness accounts.

Finally, the accused Nguma Muindi stated that he did not know Ndivo and never met him prior to the court trial. For the other witness account, he stated he had a bad relationship with Nzibe because, "he failed to pay the dowry for his sister to whom his brother was married."<sup>76</sup> There are clear inconsistencies amongst these accounts. Ideally the court system would decide who provided the most compelling argument and why. Otherwise, the charges would be dropped if reasonable doubt prevailed.

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<sup>74</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 5.

<sup>75</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 6.

<sup>76</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 6.

The witnesses attempted to show the existence of false testimonies in all of these cases, so additional interrogation should have taken place. But this did not happen in the hearing. The bottom line was that the life or death of the accused was based on witness identification and supporting oathing details. Unfortunately, the accused may not have understood the laws and conditions that served as the foundation for their crimes, “the administration and being present during the oathing”. With this in mind, the accused should have spent more time providing evidence that they were not present on October 27, 1953 at the oathing ceremony. However, the courts appeared to judge them based on their inability to provide evidence of what they were doing if they were not actually involved in Mau Mau oathing activities. Calendar accounts and tracking are not culturally attended to as they are in Western culture. Therefore, it may have been difficult for the accused to vividly remember what they were actually doing on the day in question if they indeed were not present in the oathing ceremonies. But, this speaks to one of the cultural problems with the judicial system imposed by the colonial government. If justice is the desired outcome, then it can only be achieved by working within the cultural framework of the people to understand how they process and interpret events and how justice was historically rooted in their society.

Cooper's Judgment: "They [the witnesses] Have Been Speaking the Truth"<sup>77</sup>

The courtroom judge was ultimately in control. The degree to which the judge could track all of the intricate details of the cases, comprehend the cultural dimensions, manage the language differences, remain unbiased to the political frustrations and fury, and provide justice was questionable. The heart of this and all judicial matters is uncovering the truth. It is understandable that truth can take on varied meanings based on different perspectives, and this problem is compounded even more when cultural differences are added into the equation. This must be kept in mind as we consider Judge Cooper's assessment of the witnesses' statements as truth. Was he influenced by negative perceptions and fear of Mau Mau or colonial fears of losing Kenya as a colony? Judge Cooper's was based on the "circumstantial accounts of what took place at the oath taking ceremony."<sup>78</sup> Thus, because the witnesses were able to provide details about an oath-taking ceremony, their account was viewed as the "truth" from the perspective of the Judge. This belief was strengthened by the "very clear and unhesitating manner in which the three Assessors who are themselves members of the same tribe as the three accused, returned their unanimous opinion of guilty."<sup>79</sup>

Both of these cases reveal that during the 1950s in the colonial court system, truth was a powerful word that was at the discretion of the court, and the

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<sup>77</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 6.

<sup>78</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 6.

<sup>79</sup> Official Judgment Document from C.A. Cooper, H.M Supreme Court of Kenya on October 14<sup>th</sup>, 1954 on Emergency Trial No. 103 of 1954. KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi. P. 6-7.

arrival of truth was subjective and dependent on the specific case and the judge. Judge Cooper dismissed the defense of the accused as something created “as an afterthought”; however, this quick dismissal failed to address some of the valid points raised by the accused, such as one made by Kiswii that the oath did not take place in his house because of the birth of his child on that day. This statement, had it been properly investigated, could have helped prove whether or not an oath ceremony actually took place. Despite the ambiguities surrounding aspects of the cases, what is clear is that oath-taking during the Mau Mau period was criminalized; those accused were at the mercy of the colonial courts who often had their own standards, biases, judgments, and notions of justice.

*The Oathing Case of Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu*<sup>80</sup>

On August 16, 1954 at the Supreme Court of Kenya in Nairobi, Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu were convicted of unlawful oath-taking.<sup>81</sup> This case represents another example of colonial criminalization associated with Mau Mau oath-taking activities. This case is important because in addition to serving as evidence of oath-taking criminalization during the 1950s, it shows multifaceted sides of the legal proceedings and problems of

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<sup>80</sup> Reference as Case #127 - Regina versus Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu, KNA MLA 1/1007-CC 127/1954.

<sup>81</sup> Warrant of Execution of Sentence of Death, KNA MLA 1/1007-CC 127/1954. Case #127 Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. The law stated “being present at and consenting to the administration of an oath relating to the unlawful society commonly known as Mau Mau, contrary to section 61B of the Penal Code.”

providing justice in a politically charged setting - Kenya in 1954. Thus, in many ways, it questions the nature of the courts and how rationality and judgment were factors rooted in a specific time and locale. In looking back at this particular time, it is clear that the case is full of contradictions and changing judicial rules. Despite issues associated with the delayed time in reporting Mau Mau oathing incidents, the apparent collaboration of witness testimonies and revealed discrepancies, the court decision was clear and concise. On November 4, 1954 in Nairobi, the accused individuals Mutisya, Mwo, and Kandu were executed by hanging for their involvement in the administration of the Mau Mau oath. The finality of the court decision to execute was surprising since there was so much ambiguity in the case. The court trial began on August 6, 1954 in Nairobi. The Court Clerk interpreted all information and material in Kikamba with all of the accused pleading "not guilty" to all counts.<sup>82</sup> In order to examine key aspects of the case, specific details are represented and analyzed. This analysis begins with the perspective of Mutisya.

### The Perspective of the Case Related to Mutisya

Mutisya was charged for giving the Mau Mau oath to Kasina Nguku and to Mutete Manyi. The alleged guilt of Mutisya was based on the testimonies of several individuals. One of the testimonies was from Michael Digby Meehan, the Assistant Superintendent of Police in charge of the branch in Machakos. Meehan testified that on January 30 the accused Mutisya desired to, but did not confess.

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<sup>82</sup>Case file notes, KNA MLA 1/1007-CC 127/1954. Case #127 Rex vs. Harun Waau Mutisya, Philip Nthekeani Mwo, and Sounsza Kandu.

Meehan admitted that he was not able to properly identify the accused in saying, "I think that the man in the middle in the dock is the one. I cannot now recognize in Court the man from whom I took the statement as seven months have elapsed since I took the statement."<sup>83</sup> His written account included his cautionary statement to the accused that "whatever you say will be written down and may be given in evidence against you."<sup>84</sup> Mutisya's statement was collected in Kiswahili, but was written down in English and then read back for verification in Kiswahili. However, in the cross examined statements, Meehan explained that even though the accused was Mkamba, he did not utilize an interpreter because the accused was able to speak Swahili. He stated, "I doubt whether he learned Swahili in a school. I should not say his knowledge of the language was extensive. I had to paraphrase the wording of the caution in simple language in order that he might understand it." Although Mutisya was suspected of participating in oathing, he was never charged with a related offense.<sup>85</sup> Mutisya's confession did not mention administering the oath to Nguku and Manyi.

The testimony of Meehan raises questions about the guilt or innocence of Mutisya. First of all, Meehan was unable to confidently identify the accused. Second, it is not clear if the accused truly understood the legal ramifications of confession or even if he understood that he was confessing at all. It is difficult to really know because of the cultural and language barriers.

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<sup>83</sup> Written Testimony of Michael Digy Meehan, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekeani Mwo, and Sounsza Kandu.

<sup>84</sup> Written Testimony of Michael Digy Meehan, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekeani Mwo, and Sounsza Kandu. P 4-5

<sup>85</sup> Written Testimony of Michael Digy Meehan, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekeani Mwo, and Sounsza Kandu. P. 4-5



## The Testimony of Kasina Nguku

Kasina Nguku was arrested earlier in 1954 for taking the Mau Mau oath.<sup>86</sup> Nguku was returning from Mukuyuni in Kilungu when he and another individual were captured and forced to take the oath by three individuals. He states, "There was an arch made of stick. We stood one behind the other...We were given something to hold in our hands near our stomachs. After that we were beaten so severely that we could not refuse to take the oath."<sup>87</sup> In his account, only three individuals were recognizable; it was the three accused (he pointed them out in the court). "There were many other people present at this oath-taking ceremony. I cannot say how many because it was dark."<sup>88</sup> Nguku affirmed that Mutisya administered the oath while Kandu and Mwo conducted the beating. The oathing activity was not reported immediately because Nguku became ill as a result of the beating. However, the activity was later reported to the police in Nunguni while cleansing the oath.

In the cross examinations, Nguku claims, "I do not act as a police informer. I cannot say in which month or the year an incident occurred...I think the incident took place eight months ago."<sup>89</sup> Despite this apparent fuzziness and ignorance, Nguku later is extremely articulate and acute on the details associated with turning himself into the police. "I did not wait for the police to arrest me. I

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<sup>86</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 5.

<sup>87</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 5.

<sup>88</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 7-8.

<sup>89</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 6.

went myself. I went to the police on the 2<sup>nd</sup> February, 1954.”<sup>90</sup> Nguku also reports that he knew the accused before the oathing activities but was not on speaking and visiting terms with them. After his oathing confession, Nguku was detained for two months. After his oath cleansing, he was penalized by conducting digging work. He also mentions that he was not receiving any reward from the police for helping with the arrest of the accused.

Nguku claims that he did not report the incident earlier to the police because he was ill from the beating and not able to see. Thus he could not go to the police because he could not “see to walk”. He also mentioned that he lived alone, suggesting that no one was available to help. As a result, no one was told to report the incident to the police. However, later in his account in describing his relationship to Muteti, he explained that he was his cousin who, “Since the incident we have stayed together the whole time”; before the incident he was in Mombasa. It is unclear why Muteti, since he was also involved in the oathing, did not go to report the occurrence or walk his cousin to the police station.

In summary, there are many lingering questions regarding the statements collected. For example, Nguku claims that he was not a police informant. But, it is difficult to really know the truth. The application of witness testimonies as sole grounds for prosecution and uncontested evidence is problematic, especially in a desperate and unpredictable environment. Again, a similar theme of accounts is being rehearsed. Another question is regarding the translations with the archival

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<sup>90</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandou. P 6.

court documents written in English by colonial Officials. Records did not mention that translations were verified.

The statement of Nguku clearly makes him appear as a victim of Mau Mau. Unfortunately, it is difficult to discern if he was forced to take his position against the accused. On paper, he did not come across bitter, angry, or resentful for the forced Mau Mau oathing, beating, and for spending two months in detention digging land. It is not clear why his cousin did not walk him to the police station to report the matter. Why did Muteti and Nguku not discuss the incident that occurred in the time they spent together? It would seem natural for the incident to warrant some sort of discussion.

#### The Testimonies of the Accused - Mutisya, Mwo and Kandu

Finally, the accused were called one by one to provide their accounts. It is questionable whether or not their statements really mattered. Was the decision already made based on what seemed to be a long orchestrated performance? Nevertheless, the accused were all given an opportunity to make a sworn statement. The first accused called and sworn for his accounts was Mutisya:

“Around the days in question I was in my house. I did not go anywhere. I was mourning for my wife’s death. The child was giving trouble for losing her mother. That thing called “oath” I do not know it. After my wife’s death I was arrested. I have nothing to say.”<sup>91</sup>

It is unclear why witnesses were not available that could attest to the death of his wife and his mourning to show that he was not in the state of mind to even

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<sup>91</sup> Testimony of Aron Waau Mutisya. Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 16.

administer the oath. Where was his army of supporters and witnesses? Was this a lie? How did the wife die? The story was never fully interrogated. His words were allowed to slowly dissipate in the room without follow-up or analysis of how this may have impacted the accusations of the witnesses. The next accused, Mwo provided his statement:

“I did not go to the Ukamba Reserve in January. I was all the time in Nairobi. In the twelfth month of last year I was detained at the Screening Camp. I left the Screening Camp at Nairobi on the 23<sup>rd</sup> December of last year. I was given a letter to take to my department at the railway and to the Police at the railway. At the railway police I was given another letter and took it to the office in which I worked....While I was working a railway police askari came and arrested me. I was locked up in the railway police station. The next day I was fetched by a European from Nairobi West. From Nairobi West I was taken to Machakos. All that time I was in remand and under arrest. I have nothing else to say.”<sup>92</sup>

Did Mwo know the content of the letters? What was in them? There was no documentation of the letters in the court related files. Why were the letters not provided to the court? Who sent and received these letters? Why was Mwo kept in the dark about the charges until arrested? It is even questionable whether or not they really understood what was happening and the charges against them. Did they have time to adequately prepare? And finally, the accused, Kanduu, provided his statement:

“On the tenth day in question I was working on my shamba. I went home and stayed and later went to bed. The next day people came to call me for communal work. I put on my clothes and went to communal work. I was told not to work and was kept aside from the other people. Later my hands were tied together. I did not know the cause for that. This is all I know.”<sup>93</sup>

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<sup>92</sup> Testimony of Philip Nthekani Mwo. Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kanduu. P 16.

<sup>93</sup> Testimony of Sounsza Kanduu. Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kanduu. P 16-17.

Similarly, Kandu was also kept in the dark on the charges. And again, it is questionable whether or not they understood the judicial process and if they had time to prepare by finding witness accounts. Why was Kandu separated from everyone else? Was this supposed to stop the spreading of Mau Mau oathing, or was it to limit individual accounts that could come forth as a witness to Kandu?

After all of the deliberations commenced, Mr. Oulton, working on behalf of the crown, addressed the court with his remarks that the witness' statements were proof of the crime. He continues, holding that "...this case is particularly strong since there are two witnesses confirming each other."<sup>94</sup> Nguku and Muteti were not arrested because they voluntarily reported being forced to take the Mau Mau oath; they reported this information late because both were sick. Mr. Khanna, for the defense, stated that the witness accounts were not reliable and contained a lot of discrepancies. He also mentioned that "the two statements tally so closely that it looks as if they have put their heads together."<sup>95</sup> He also questioned the oathing ceremony details provided by the police that contradicted what was presented in court. Khanna also questioned how Nguku was able to walk to see his uncle but unable to report the oathing incident.<sup>96</sup>

On August 16, 1954, two assessors were present to provide their verdict on the case. Because on many of the accounts the accused were found not

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<sup>94</sup> Closing Statement of Mr. Oulton. Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 17.

<sup>95</sup> Closing Statement of Mr. Khanna. Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 17.

<sup>96</sup> Testimony of Mr. Khanna . Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 11.

guilty, it was surprising that the final verdict was guilty.<sup>97</sup> The statements of the assessors all indicated doubt and took into consideration the alibi of the accused. But in the end, the colonial notions of justice prevailed.<sup>98</sup> The case then leaves us with another example of how oathing was criminalized and punished during the Mau Mau period.

### *Analysis of the Oathing Cases*

The cases were selected to provide a detailed examination of the courtroom dramas and how the colonial law in Kenya was administered during the Mau Mau war. These court cases show examples of the contestations between Africans and Europeans regarding the Mau Mau oath. The cases were facilitated and judged by colonial referees, but also involved African assessors. The cases provide an opportunity to examine how oathing was imagined, described, understood, and then criminalized while also showing how the evidence, testimonies, and verdicts were subjective and dependent on the political environment. What is most evident in the cases is that colonial power was manifested through an imposed foreign legal system to control African behavior and to protect European interests. Everyone played a role in the drama. Some played well rehearsed parts, as with witness testimonies, while others may not have even known they were on stage until it was too late.

The cases show that witness accounts were often one-sided. There was obvious silence in the files on the defendant side. Was this silence because of

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<sup>97</sup> Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 19.

<sup>98</sup> Justice of the accused is questionable.

the Mau Mau oath curse, or was it associated with a lack of familiarity with the Supreme Court process? Were contestations lost or erased? The alibi statements of the accused were not carefully analyzed and supported via witnesses. Their cases were not thoroughly presented making one question the administration of colonial justice. Sally Falk Moore firmly holds that “the practice of law by lawyers is by and large an exercise in the manipulation of ‘the system’.”<sup>99</sup> Did they truly have legal representation? Was the system being manipulated to convict and execute? It is important to question if the cases were truly a part of a larger colonial policing effort beyond the control of the defendants. Unfortunately, there are many questions that the files refuse to answer. However, history has revealed that the British government went to great lengths to control the image and conversations on Mau Mau and its oathing tactics. The story that unfolded in these case files were an extension of this Western dominated view that is far from ending.

## **Conclusion**

During the hysteria of the Mau Mau period, the administration transformed the oath creating a new criminal relationship that did not exist prior to the 1950s. The laws against the Mau Mau oath were not justifiable based on the long-standing interactions of Kenyans with the practice of oath taking; however, during the Mau Mau war it became a space for establishing colonial authority and dominance in Kenya. This forged and invented relationship by the authorities was an example of how the law was manipulated to support colonial interests. Although the law in

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<sup>99</sup> Moore, *Law as a Process*, 1.

Kenya was a negotiated process over time, colonial jurist were the authorities and the final voices of authority.

In this chapter we have seen that the colonial criminalization of the oath served as a battleground for fighting the Mau Mau movement in the courts and in the written texts of the archive files. Although Africans turned to the courts to unfold their invented or actual narratives of Mau Mau oathing practices, it was also being used as a political space by the colonial administration to document and collect evidence of Mau Mau oath savagery and to show European authority. Thus these convicted individuals suffered a physical and written execution. The lingering trials left in the colonial files were used to justify inhumane executions, disfigurement, torture, detention, and abuse. The court dramas were a part of a much larger colonial-Kenyan power production. The court system was a public space for the colonial government to fight against Mau Mau powers.

The recorded text could be used to justify inhumane behavior and retaliations. The criminalization of the oath allowed the oath takers to carry the criminal and thug labels that also shaped the discussions turning attention away from the grievances associated with the fighters which helped win sympathy and support of some outsiders following the developments of the Mau Mau movement. It also permitted the colonial administrators to focus on the ills of Mau Mau participants instead of questioning how their own acts of violence, abuse, degradation, and bestiality may have shaped the political developments. The criminalization of the Mau Mau oathing was also a strategic governmental maneuver to dismantle



African power associated with the unknown and difficult to explain power of oathing.

In the cases presented in this chapter, one is left questioning the issue of fairness in the courts during this politically charged Mau Mau period. Perhaps a larger question is in order. Was colonialism fair? The cases analyzed all point to the conflicted notions of justice surrounding oath criminalization, but this question *of justice must be answered in light of the hysteria of the Mau Mau revolution and the colonial threat to their colonial paradise.*

Despite the best efforts to be impartial, the fear and fighting unfolding on the streets had to play a role in the colonial notions of justice. In many ways the implementation of justice in the court was circumstantial, with the accused usually coming out on the losing side of the battle. The court dramas and policing of oathing activities also transformed the practice of Mau Mau oathing. The already obscure and guarded oathing practices become even more secretive and mysterious. The criminalization of the Mau Mau oath has had a long lasting impact on the views. Oathing, once only associated with honor, is now mostly remembered as a practice attached to crime, savagery, and terrorism.

## Chapter 6 The Mau Mau Oath and Gender

*“As forest guerillas and as civilian supporters of Mau Mau, women proved to be dedicated and competent, and men were obliged to acknowledge the contribution of women in the liberation struggle.”<sup>1</sup>*

Tabitha Kanogo

### Introduction

In Kenya, pre-colonial politics and especially war were the important business of men; women were relegated to the domestic sphere. All political matters like *kithitu* oathing were handled solely by adult men.<sup>2</sup> Women were not allowed to have anything to do with the dangerous oath; if there were court disputes involving women, men had to oath on their behalf.<sup>3</sup> Through the introduction of new laws, however, colonialism created new gender roles that were well entrenched by the 1950s.

Women seized new political spaces of freedom including their eventual participation in Mau Mau oathing and the war. Interestingly, although the oath was once the sole domain of men, the Mau Mau rebellion –reclaiming African land for Africans against the British colonists – became a moment women embraced to recast gender boundaries and contribute to the politics of the country. Not only did women oath, they also administered the oath to men, women, and children. Women were initially challenged by males who wanted to limit their participation to traditional support roles; however, they rose above

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<sup>1</sup> Sharon Macdonald, Pat Holden and Shirley Ardener. *Images of Women in Peace and War*, Chapter “Kikuyu women and the politics of protest: Mau Mau” by Tabitha Kanogo (London: Macmillan Education LTD, 1987), 95. Quote by Kanogo.

<sup>2</sup> Ueda, “Kithitu among the Kamba”.

<sup>3</sup> Lindblom, *The Akamba in British East Africa*, 170-171.

stereotypes and restrictions to become valuable and respected fighting participants.<sup>4</sup>

Women were major contributors in the Mau Mau freedom fight.<sup>5</sup> The involvement of women in oath ceremonies was a major transformation of the oath. The oath took on a different form with the presence of women, who stood - sometimes naked in the circle - to pledge their allegiance and to seal a “deadly bond of unity.”<sup>6</sup> The inclusion of women in these ceremonies radicalized the oath and represented a transition of women to the center of the liberation struggle. The movement of women from the periphery to the center has played out in different forms, in different times, by different people, and in different places; it was and still is a worldwide phenomenon.<sup>7</sup>

In order to understand the gender dynamics associated with the Mau Mau oath, important questions must be considered. What were the circumstances and forces that led women to take the Mau Mau oath? What were their oathing ideologies, motives, and dreams? How did female participation in traditional male only spaces alter gender roles and relationships in Kenya? How was the oath transformed through the inclusion of women? This chapter aims to explore these questions by essentially examining the new relationship created between women and the Mau Mau oath.

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<sup>4</sup> Macdonald, et al., *Images of Women*, Chapter “Kikuyu women and the politics of protest: Mau Mau” by Tabitha Kanogo 78.

<sup>5</sup> Macdonald, et al., *Images of Women*, Chapter “Kikuyu women and the politics of protest: Mau Mau” by Tabitha Kanogo 95.

<sup>6</sup> D.J. Penwill, “*Notes on Kamba Customary Law in Machakos District.*” August, 1950. KNA Syracuse Collection, Film 2804 Roll 9, section on Kithitu.

<sup>7</sup> The liberation and rights of women has been a world wide movement. For example, women have fought for the right to vote, to earn equal pay, to receive education, and to fight injustice.

One of the best ways to begin to explore these lingering questions is to consider the actual testimonies and experiences of women who took the Mau Mau oath. Their stories will be referenced throughout this chapter to frame the oath-to-women discussion. S. Kakie was a young woman when she oathed to participate in Mau Mau. Kakie recalled her oath words as:

*"I joined the Mau Mau in 1956. I was one of several Wakamba women who participated in the struggle. I remember my oath. I promised I will not reveal the oath to anyone. That was a big secret. If I found a white man's gun, I will steal it and take it to the Mau Mau. I will fear nothing to the extent of death. Even if I die, those who remained back will continue until the common objective was achieved, being free."<sup>8</sup>*

Kakie's testimony was one voice out of many women who bravely broke gender norms and traditional constructs to stand up for her freedom and future.

All Mau Mau participants, women and men, had motives, imaginations, and dreams for participating in the movement. Women joined the Mau Mau movement for the same reasons as men - to fight for Kenyan freedom in the 1950s and to control their economic, social, and political conditions under colonial rule and domination. Kakie's story will be told in detail later in this chapter; however, her words offer a rare window into the forged and collective consciousness of women and men alike as an urgent response to British injustice. Old gender roles were consciously transformed to address the new societal needs where members unified across ethnicity, age, and gender. Kakie's testimony will be used as an example to understand the relationship between the Mau Mau oath and women.

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<sup>8</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

Similar to the preceding chapter on criminalization, this chapter explores the new connections forged as a result of the Mau Mau moment. This chapter argues that the Mau Mau oath was radicalized with the inclusion of women who were generally excluded from the process prior to the 1950s.<sup>9</sup> This new gender transformation in oathing was a major break from tradition, but represented the dynamic nature of the oath to respond to the urgency of the moment. Not only did this transformed oath embrace women, it included other segments of the Kenyan population including different ethnicities. It fostered a new level of togetherness and unity. This wide-ranging embrace or adoption was an important characteristic of the radicalized oath, helping it to secretly spread and making it difficult to categorize; some may even point to the unity associated with Mau Mau as the root of nationalism in Kenya.

This chapter is organized into three sections to highlight the conditions that created the transformation, meaning, and impact of the oath associated with women taking it. The first section is an examination of gender before the Mau Mau period. The objective is to briefly understand the convoluted dynamics of gender on the eve of the Mau Mau revolution. The next section explores the gender to oath relationship dynamics during Mau Mau. The last section analyzes how women were being used by the colonial administration to invent and shape the Mau Mau.

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<sup>9</sup> Political forms of oaths to women was a process started as early as the 1940s; however, the bulk of the oathing activities for women occurred from the 1950s. See Kershaw, *Mau Mau From Below*, 229. Also, for earlier accounts of Mau Mau oath forms, see Kanogo, *Squatters and the Roots of Mau Mau*, 116.

## **The Dynamics of Gender in Kenya Prior to Mau Mau**

Prior to colonialism, women held rigid roles in Kenya and were usually controlled and dominated by men, typically the father or husband. As mentioned above, women were restricted in their ability to engage in the political sphere. They were instead relegated to the domestic arena. Kenyan pre-colonial society was ordered around the reproduction, production, and stability women. Controlling the body and labor of women prior to colonialism was a male privilege.

However, during colonialism, the restructuring and reorganization of Kenya required unleashing new freedoms for women. As a result, women were the center of many debates, usually among African and European men, that contested all aspects of womanhood like initiation, female circumcision, marriage, child birth, divorce, and inheritance. Consequently, gender roles were blurred and re-negotiated over many years.<sup>10</sup> These debates were conducted through Western education, hospitals, the Christian church, in social meetings, colonial policies, laws, and in the courts. All members of the dynamic Kenyan society argued for their own desires, imaginations, and values. African women in particular discovered new degrees of freedom that created societal friction because of the social, cultural, and economic breaks from the pre-colonial past.

In order to understand the gendered dynamics and the types of conversations that took place between groups, it is helpful to consider specific struggles under colonialism. Some men went through extreme measures during

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<sup>10</sup> Tabitha Kanogo, *African Womanhood in Colonial Kenya, 1900-1950* (Athens: Ohio University Press, 2000), 245.

the late colonial period in attempting to control the behaviors and actions of women. The legal case of the Kamba Ngutu wa Munyoki is an example of the complexity of gender in colonial Kenya.

### *The Case of Ngutu wa Munyoki*

On September 11, 1949, Ngutu wa Munyoki was accused of murdering his wife, Mukie. He stated he was provoked because she was “troublesome and disobedient.”<sup>11</sup> Following Akamba tradition, Munyoki inherited Mukie after the death of her first husband. According to the testimony of the accused, the relationship was in good standing for ten years until Mukie began “going with males.”<sup>12</sup> Munyoki stated the following in his court testimony about the incident:

“I warned her. She would not listen to me. She came to Mombasa and I caught her with Karissa s/o Sila...The man paid me 30/- and we settled the matter. I went to live at Kilumbi. There she was going on with one Masimbo and Karisa. I warned her again but she did not listen to me...She said she wanted to live with her son Mutua at her uncle’s house (Kithuku’s).We had a long dispute on that day and Kithuku told her to live with me...Then she left and went to the forest to get vegetables. She came back with them and cooked them. It was 5 p.m. Then she left the house and went to the well to fetch water. I waited till 6.30 p.m. I followed her to the well and told her that the vegetables had burnt in the kitchen. She replied she did not want to speak with a dog like me. I stabbed her and killed her. I do not know why she did not listen to me when I told her not to go with men. I have no more to say.”<sup>13</sup>

A clear fact of this case was that Munyoki felt he had a problem controlling the actions, behaviors, and words of his inherited wife. Mukie challenged the authority of her husband by looking for spaces of freedom. In between cooking vegetables and fetching water, Mukie found a free moment. Unfortunately, it is not certain what her true motives were or what really happened at the well.

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<sup>11</sup> Judgment Document, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 1.

<sup>12</sup> Court file, Plea of the Accused, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 6

<sup>13</sup> Ngutu wa Munyoki Plea of the Accused, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 6

However, the victim's daughter, Mutua Chamba, attested in the stands that, "Mother had no male friends."<sup>14</sup> She also mentioned that abuse occurred prior to the murder. According to the daughter, because of the beatings Mukie planned to move back to the home of her parents. Munyoki was determined not to allow that to happen; he was very upset. The uncle of the victim, Kithuku Masee, also testified that Mukie often complained to him that the accused was beating her.<sup>15</sup>

Despite the allegations, there was no firm evidence of beating or adultery. From the court cross examinations, the accused clearly states that he never found her committing adultery, but she was killed according to his testimony because "she disobeyed my orders and I found her with a man."<sup>16</sup> Munyoki, according to the court files, stabbed his wife fifteen times with a knife.

After deliberation, the court found the accused guilty of murder. One accessor stated, "the accused was wrong to kill his wife. I find him guilty of murder."<sup>17</sup> Munyoki's sentence was severe. On the judgment notes the punishment read, "To be hanged by the neck till you be dead."<sup>18</sup> Prior to colonialism, Munyoki would not have been executed for murdering his wife. The matter would have been resolved through "the full payment of blood money" to the victim's family.<sup>19</sup> However, the Supreme Court followed a different set of negotiated laws based on the British system.

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<sup>14</sup> Witness Testimony of Mutua Chamba, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 2.

<sup>15</sup> Court file, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 4

<sup>16</sup> Statement from Ngutu wa Munyoki, Plea of the Accused, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 6

<sup>17</sup> Court file, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 7.

<sup>18</sup> Judgment Notes, Supreme Court of Kenya, KNA MLA 1/344/226/49 p. 3.

<sup>19</sup> Penwill, "Notes on Kamba Customary Law in Machakos District". August, 1950. KNA Syracuse Collection, Film 2804 Roll 9.



The colonial punishment of this crime against women introduced new laws that impacted the daily behaviors of people. And as seen in the previous chapter, it represented a contested space. The importance of a controlled wife was obviously held in high regard in the Kenyan society. As noted in the previous chapter on criminalization, African law under colonialism was shaped over time through policies, cases, and contestations.<sup>20</sup> Men fought for their control over women but in many instances this was difficult; while women enjoyed more legal protection.

Although we will never completely know Mukie's side of this story, we do know that she was violently murdered by her husband for being disobedient. This fact alone offers insight into the experiences of many women; they were constantly controlled. With this case we can begin to understand the impact of colonial policies and laws that intervened in domestic spaces between men and women. Each of these struggles created new social boundaries in Kenya.

Civil legislation such as the marriage, divorce, and widow laws occupied the attention of the colonial administration. An Ordinance to Regulate the Marriages of Natives, provision 39.1, stated that widowed women:

“...shall not be bound to cohabit with the brother or any other relative of her deceased husband or any other person or be at the disposal of such brother or other relative or other person, but she shall have the same right to support herself and her children of such marriage ...as she would have had if she had not been married as aforesaid.”<sup>21</sup>

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Offenses Against the Person, p. 98 and Quarterly Report from the District Commissioner's Office on February 2, 1910, KNA Kutui District, p. 6-7.

<sup>20</sup> See for example, Mann, Kristin and Richard Roberts, *Law in Colonial Africa*

<sup>21</sup> An Ordinance to Regulate the Marriages of Natives, Registration and Dissolution of Marriages, District Commissioner's Office Report, March 1958. KNA PC/Grassa/14/8 p. 16.

This ordinance was part of a much larger colonial effort that began in the early 1900's with attempts to dismantle the dowry system and to recreate native marriages to mirror British marriages. It is an example of how the colonial laws in Kenya transformed gender roles over time. Some women turned to the colonial administration for assistance. As noted by the District Commissioner, E.E. Jackson, in a District Commissioner memorandum on February 27, 1958: "The African women of Nairobi are coming to me in increasing numbers to protest or enquire about their position in the community."<sup>22</sup> Increasingly, women began to experience more rights, protection, and freedom.

Over time, women grew more and more conscious of economic, social, and political stakes and used the changes of colonialism to redefine their own identity and desires. Women grew into new roles, grasping issues and parameters of modern Kenya along with an understanding of their rights to also contest and select the best solution to fit their specific needs. They accepted some colonial constructs like receiving a Western education, participating in associations, moving from the rural to urban areas without scrutiny, and embracing new legal protection.

Kenyan women also used the clutter and confusion of colonialism to establish new political boundaries.<sup>23</sup> During colonialism women expressed political awareness through labor protests and unrest. Individual women resisted the new wage labor system and working for unpaid government road projects

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<sup>22</sup> Document from the Office of the District Commissioner, titled, "Rights of African Women," on February 27, 1958 KNA PC/Grassa/14/8

<sup>23</sup> Kanogo, *African Womanhood in Colonial Kenya*, 245. This was a time of a lot of social, political, and economic changes in Kenya that were complex and contested.

between 1894 and 1919. After 1930, women began to organize collectively by arranging strikes, demonstrations, and improving pay rates. They used traditional meeting areas, such as the river during washing, the water well, and the market to actively plan and strategize. Educational community programs were another unencumbered space through which women could freely express themselves. For example, the Women's Home Craft Course was so popular that there were often rival exchanges between participants wanting to attend in the 1950s.<sup>24</sup> Women used various spaces to form new alliances, thus slowly increasing the number of secular female organizations. For example, by 1951, the Women's Club in Machakos was described as "continuing to flourish."<sup>25</sup> Women were engaged in political matters and used any and all spaces available to promote their political ideologies. The collective political consciousness and awareness are no different from the collective actions of other women worldwide who eventually fought for suffrage and equal pay.

### **The Mau Mau Oath and Gender**

The oath was the connection between women and Mau Mau. As mentioned, the oath-to-women relationship was new and a construct of the needs of the society during the Mau Mau period. During the Mau Mau period women helped to redefine and reshape the oathing experience. This new relationship forever altered the traditional oath known prior to the Mau Mau movement. Interestingly, although the historiography is full of accounts of women

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<sup>24</sup> Machakos 1951 Annual Report, KNA, Syracuse, Film 2801, roll 7. p. 6.

<sup>25</sup> Machakos 1951 Annual Report, KNA, Syracuse, Film 2801, roll 7. p. 1.

participating in Mau Mau, a comprehensive treatment of oathing including the gender analysis has been slow. Part of the problem is that the voices of many ex-Mau Mau veterans were suppressed for almost fifty years after the movement, and in the process many of the stories and accounts of women have been buried, forgotten, and ignored. However, there are a few works that have provided different aspects of women's experiences with Mau Mau that can shed light on the various issues and challenges faced by women oathing and participating in Mau Mau.

Cora Ann Presley, in her 1992 work, *Kikuyu Women, The Mau Mau Rebellion, and Social Change in Kenya*, argues that from 1880 to 1962 the role of women transformed because of their "politics of protest."<sup>26</sup> Presley shows that female participation in Mau Mau strengthened and enlarged the Mau Mau movement showing that the challenges to the Europeans was much more expansive and deeper than many accounts.<sup>27</sup>

The rarely heard rural voices of Kikuyu women compellingly emerged in *Voices from Mutira, Change in the Lives of Rural Gikuyu Women, 1910-1995* by Jean Davison. Davison traces the lives of seven women from the Mutira Location in the Kirinyaga District of Kenya. These accounts attest to the power of the words of the women themselves to formulize and communicate how they lived and interpreted Kenyan historical developments. The detailed and unique oral accounts of these women all show the varied perspectives and the

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<sup>26</sup> Cora Ann Presley, *Kikuyu Women, The Mau Mau Rebellion, and Social Change in Kenya*, (Boulder: Westview Press, 1992), 1.

<sup>27</sup> Presley holds that "there was a gender gap" with the female importance often being not treated or neglected in the political conversations.

complexity of modern Kenya. This work traces how Mau Mau impacted various women as wives, mothers, members of the community, and participants.<sup>28</sup>

One of the most focused studies on the accounts of women in Mau Mau was published in 1998, *Mau Mau's Daughter: a life history* by Wambui Waiyaki Otieno.<sup>29</sup> The typical Mau Mau oath-taking woman was young. Her youth provided the movement with fervor, and she could use her beauty and sex appeal as an offensive strategy for collecting valuable information from colonial administrators. It was this type of woman who had the most to gain from an Independent Kenya and the least to lose under the existing economic constraints. Otieno shows the complexity of modern Kenya by looking at the intersecting issues of gender, class, and ethnicity. Despite her legal silence based on the 1987 S.M. Otieno burial case, Otieno's narrative reveals the internal thinking of a privileged, Christian, and uncircumcised young woman who joins Mau Mau. Her Mau Mau involvement breaks from the typical image of women involved in the struggle. Although her work provides detailed accounts of her experiences in Mau Mau and detention camps, Otieno is telling a much more complicated narrative of gender through her eventual defeat in her husband's burial case. The book tells the story of a modern problem of Kenya, a story based on gender that also wrestles with the realities of ethnicity and nationalism.<sup>30</sup>

Finally, *Politics of the Womb: Women, Reproduction, and the State in Kenya* by Lynn Thomas also focused on a gendered and political account of

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<sup>28</sup> Jean Davison, *Voices From Mutiza. Change in the Lives of Rural Gikuyu Women, 1910-1995* (Boulder: Lynne Rienner Publishers 1996)

<sup>29</sup> Wambui Otieno, *Mau Mau Daughter: A Life History* (Boulder: Lynne Rienner Publishers 1988)

<sup>30</sup> Otieno, *Mau Mau Daughter*.

modern Kenya. Thomas discusses how Meru women circumcised themselves during Mau Mau in order to make sure they were legitimate women as defined by their tradition.<sup>31</sup> In this study, we see women who seized the moment to reclaim their own bodies and customs as a part of their identity and embracing their own future.

These are just a few examples of studies that show the complex issues of female agency, physicality, movement, labor, and reproduction that often played a role in the social, economic, cultural, and political controversies during the 1950's. The studies also provide insight into the struggles and spaces that women discovered during the Mau Mau period and what it meant to Kenyans.

#### *The Mau Mau Story of S. Kakie*

S. Kakie illustrates the legacy, memory, and importance of women participating in Mau Mau. She was born in 1934 at Nduu in the district of Machakos. Kakie was a forest camp supporter in the Mau Mau movement<sup>32</sup> and was fully aware of the consequences of not participating in Mau Mau.<sup>33</sup> Prior to colonial rule, Kakie and her family enjoyed a comfortable lifestyle. However, a series of colonial land appropriations, forced cattle de-stocking policies, and compulsory agricultural priorities, systematically impoverished Kakie and her family.<sup>34</sup> Her father had homes in Kyanzavi which were burned down by

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<sup>31</sup> Lynn Thomas, in *Politics of the Womb*, also shows the politics associated with the wombs and bodies of women that were contested because of the powerful consequences of policies on the society. The work shows the complexity of colonial politics, morality, and change lodged into the local history of the Meru people while showing how the wombs of women became a contested space.

<sup>32</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>33</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>34</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

King'ethu, which is a nickname for white destroyer.<sup>35</sup> Although an elderly woman now, there are very specific occurrences and events that she recalls surrounding her Mau Mau participation. She claimed that her life purpose was to receive compensation for the vast amount of land and cattle that were taken from her father, like many other Akamba men.

When Kakie took the Mau Mau oath with a sword in her hand, she went through a ritual journey of no return.<sup>36</sup> While blindfolded, she had to answer various questions about her motives for participating in the movement and her overall allegiance. According to Kakie, the oathing administrators asked if participants were circumcised because under their traditional culture, circumcised women were considered real women.<sup>37</sup> Therefore, the ceremony was important in re-establishing this dimension of their culture in the movement. Some women were expected to be circumcised as a condition of taking the oath. Kakie's oathing statements were mentioned at the beginning of this chapter, revealing the important themes of secrecy, allegiance to the movement, support, and commitment to fight even if it meant death.

Kakie did not specify any additional oathing rites as a result of her gender. She, like the other participants, had to drink blood and eat *ndundu* (meat).<sup>38</sup> After a resting period, she went through the banana oath process and was then returned to the larger oathing community for food.<sup>39</sup> Both sexes appear to have

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<sup>35</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>36</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>37</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>38</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>39</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

had the same oathing steps and processes but played different roles in the movement.

However, her presence did change the oathing process. As a female participant in Mau Mau, she helped supply food to Mau Mau in the forest.<sup>40</sup> Men were unable to successfully perform this duty because they would get caught. Cora Ann Presley refers to women in this role as “passive wing” supporters, she states, “Perhaps the most crucial area of women’s involvement in the rebellion was their contributions in the supply lines of the organization.”<sup>41</sup> Initially, during the Mau Mau period, women such as Kakie were overlooked by the colonial police since their gender made them invisible.

This role as a supporter carried the same punishment as those fighting in the forest if caught - death.<sup>42</sup> Kakie indicated that eventually this Mau Mau strategy of women helping with supplies became apparent to the colonial authorities. However, Kakie was fortunate because though she was caught, she lived to discuss the experience and to provide a detailed account of her imprisonment. She and three other women were caught carrying mukimo, boiled arrow roots and porridge, to Mau Mau. The other women were from Kathiani and Nduu. They were all taken to the Kabete police station where they were badly abused. The guards used fencing wire and branches with thorns to beat the

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<sup>40</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>41</sup> Presley, *Kikuyu Women, The Mau Mau Rebellion*, 130.

<sup>42</sup> See Criminal Cases associated with “the illegal activity associated with the Mau Mau”, penal code 61b. For example, Case Trail Notes from Statements on June 2, 1955. KNA MLA 1/1276-CC 64/1955. Rex vs. Mukwate S/O Leti and Njuguna P 10



women. Kakie still has many scars on her legs, thighs, chest, stomach, and buttocks as a result of the beatings.<sup>43</sup>

Kakie did not mention any direct form of sexual abuse in her statements.<sup>44</sup> However, this does not suggest that it did not happen. There is still much more to know about the relationship between culture, women, rape, and war. Often during war like the present day occurrences in the Congo and Sudan, the female body is repeatedly used as the battleground. This abuse has had significant cultural implications for the victims and the shame placed on their families. Kakie was eventually saved because an officer, Mwanzia Kilungu, took Kakie and the other women to his home one night where they stayed for two months. It was mentioned that the two other women had chores to do in the house, but Kakie did not mention any specific work that she had to do. He eventually returned her to her father, and the father gave the officer a bull for saving them from being detained, screened, and sent to the colonial detention camps.<sup>45</sup>

Kakie was very proud of her involvement and service to Mau Mau. This attitude also signals a new story that is emerging on Mau Mau where the fighters are being viewed as courageous leaders. She mentions that she often narrates to her family various stories on how she and the others struggled to liberate their country. She has three daughters and five sons. One of her sons gave Kakie the label of a "freedom fighter" which she stated she wears with pride and honor.

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<sup>43</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>44</sup> Case Trail Notes from Statements on June 2, 1955. , KNA MLA 1/1276-CC 64/1955. Rex vs. Mukwate S/O Leti and Njuguna P 10

<sup>45</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

She ended the interview with the Kikuyu proverb, “Mukaruri tiwe muthamaki” which means, “A confiscator is not God.”<sup>46</sup>

This story is not unique but could be heard throughout Kenya with various forms playing out worldwide. It was not coincidental or haphazard that women took the Mau Mau oath to build a new Kenya. Women fully recognized how their own feminine power could be used to forge a new direction in the war activities and in the new independent society. The involvement of women in the oathing process was revolutionary and symbolic for all who participated. It meant a new place in male-female relations where oathing became inclusive.

#### *Kakie’s Testimony: A Silent Story?*

Kakie’s testimony is powerful in what it includes and also what it excludes. Interestingly, she outright avoids any discussion of the Mau Mau experience that violated her as a woman differently from how men were violated. These are topics that many women do not feel comfortable discussing publicly or even privately. Thus, we should question the statements missing from the testimony. There is a level of self imposed silencing in parts of this gender study. Part of this silencing entailed women often feeling that their personal testimonies or uniqueness were not of value, thereby emphasizing the areas that were believed to be important.

Based on Kakie’s testimony, it is obvious that men and women alike had the same underlying motivations and reasons for participating in Mau Mau and

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<sup>46</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

went through the same oathing ceremonies.<sup>47</sup> The inclusiveness of the ceremony was a novelty because traditionally men and women occupied separate spaces, especially during the day. However, female participation in Mau Mau was based both on personal family struggles and collective needs of liberation. It was clear that after her father's property was destroyed and stolen, Kakie was very bitter. She sought to play a role by taking part in a solution, Mau Mau.<sup>48</sup>

Kakie's story is just one example of many that allow us to see how and why people attempted to manipulate their environment as a result of changing societal norms under colonialism. This story and the many others like it show us the powerful role of gender in the Mau Mau movement. Kakie's story is part of a much broader and complicated gender conversations on women oathing to forge a new society that embraced some values of the past. The power and death threats of the oath may have prevented many men and women from providing elaborate details of the oathing experiences.<sup>49</sup> Many women that participated in Mau Mau showed that it was possible to be silent but active contributors to one of the most significant events in Kenyan history. Women were often silent because they did not have the same channels for communicating their experiences since the war was still being misinterpreted as primarily an African Kikuyu male revolt. On top of this the post-colonial Kenyan government for fifty years after the war had a Mau Mau ban making it difficult for ex-Mau Mau veterans to organize and to widely disseminate their stories. However, women like men, did find ways to pass on their accounts to children, other family members, friends, and others.

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<sup>47</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>48</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>49</sup> Interview, P. Musuo, February 2009, Machakos, Kenya.

Thus, even though women were defined and redefined on paper over time by others and for others, they were not limited by these definitions.

### **The Gender-to-Mau Mau Oath Relationship**

What was the gendered nature of Mau Mau? It was a new connection that permitted and included women in the sacred oath ceremonies, which was a space reserved for men only prior to Mau Mau. How did it impact women? This new relationship impacted women by giving them new freedoms and empowering them to have more control of their future in Kenya. How did it impact men? The new relationship forced men to acknowledge the unique gifts and contributions women could make in the movement. The inclusion of women, symbolized that men had also changed over the years in allowing women to participate in the important movement. These are all important questions that help in understanding the nature of this new relationship. However, the next few sections will focus on the question, how did the relationship to women impact the oath?

The inclusion of women in the oathing ceremony was a new relationship that helped to radicalize the oath. As mentioned in the detailed analysis of the oath model, unity, secrecy, and allegiance were important dimensions to the association. The inclusion of women broadened unity and strengthened bonds across gender lines. Women created a new type of oath by opening up new gendered spaces that were not needed or available in pre-colonial oathing.

However, Mau Mau required a different oathing experience that would create a new level of secrecy, unity, and commitment.

The presence of women in the ceremonies sexualized the oath.<sup>50</sup> Based on pre-colonial traditions, sexual matters were considered private matters with strict codes of conduct based on the time of day, upcoming ceremonies, initiatives, births, and marriages.<sup>51</sup> In pre-colonial Kenya, sexual activity was ordered within the constructs of the society. However, during the Mau Mau oath, sexual taboos were practiced during the ceremonies that were foreign to the traditional oath. Sexual acts and gestures became public as some men and women were expected to symbolically gesture performing acts.<sup>52</sup> Some oathing involved menstrual blood and sexual acts with women during menstruation.<sup>53</sup> The use of this type of blood was taboo.<sup>54</sup>

In some societies outside of Kenya, contact with menstrual blood breaks laws and is considered a taboo.<sup>55</sup> Interestingly, men could not even utilize the *kithitu* in the past if there were menstruating women in the family.<sup>56</sup> And sexual contact was strictly prohibited for seven days.<sup>57</sup> Therefore, the Mau Mau oath with the extension of female participation broke codes long established in the society. The new sexualized aspect of the oath was the result of the inclusion of

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<sup>50</sup> The use of menstrual blood was also a new practice introduced with women involved in the ceremonies.

<sup>51</sup> Dundas, "Native Laws of The Bantu Tribes of East Africa," 244-248.

<sup>52</sup> Interview notes, P. Musuo, date, January 2009, Machakos District.

<sup>53</sup> Interview notes, P. Musuo, date, January 2009, Machakos District. Musuo mentioned the account of meat being placed into the vagina of women participating in the ceremony. Also menstrual blood was considered impure, so the handling of the blood was shocking.

<sup>54</sup> See Rahele R. Wasserfall, *Women and Water, Menstruation in Jewish Life and Law* (Hanover: Brandeis University Press, 1999), 4.

<sup>55</sup> See Wasserfall, *Women and Water*, 4.

<sup>56</sup> Interview, P. Matheke, June 2009, Kitui, Kenya.

<sup>57</sup> Interview, K. Mutunga, June 2009, Kitui, Kenya and Interview, P. Matheke, June 2009, Kitui, Kenya.

women especially in the rare higher oaths which were designed as the extreme forms of the oath experience.<sup>58</sup>

Sexual acts and gestures changed the nature of oathing into a much more secretive and unified ceremony because participants may have been ashamed to reveal what actually happened in detail. It is important to note that other societies in Africa utilized different forms of sexual practices in powerful ceremonies, so this is not completely unique to Kenya. However, the integration of these new acts is representative of how gender dynamics altered the oath. They brought to the oathing ceremonies their female bodies and presence that revolutionized the oathing experience. The objective was not to rape or violate women or men. Instead sexual gestures, menstrual, blood, and the female body were all extensions of resources the administrator used depending on the oath type and situation to conduct a shocking, revered, and powerful ceremony.

The Mau Mau oath also transformed women from their previous state. The presence of women in many ways feminized what was once perceived to be a masculine space. The oath created new roles for women that were typically the domain of men and thus helped to increase and elevate her mobility and status. Women in roles as oath administrators, supporters, scouts, forest camp warriors forged a new identity for women allowing them to be politically conscious, active, and highly valued.<sup>59</sup> The feelings of accomplishment by many women including S. Kakie were widespread and helped shape women who began to understand

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<sup>58</sup> See Macdonald, et al., *Images of Women*, Chapter "Kikuyu women and the politics of protest: Mau Mau" by Tabitha Kanogo 86. An example of a sexualized higher oath ceremony, "The girl stood on one side, the meat and the penis of the ram were then placed in her vagina, who was at that time having her 'monthlies'. It was given back to me and I was made to eat parts of it, including the penis and the testicles."

<sup>59</sup> The various Mau Mau roles for women will be discussed later in this chapter.

their own power defined by themselves. For example, when questioned on this topic, S. Kakie stated:

“I took the oath because of the faith in it. After taking the oath, it became clear to me that nothing was impossible. If one was shot dead, those who were with him were to take soil and eat it. It symbolized that he died fighting for independence and more so the land. That is a very strong law and was followed by all Mau Maus.”<sup>60</sup>

Kakie’s statement reveals a new consciousness and commitment. Women had choices about their conditions, and the Mau Mau oath enabled them to act on their choices. The next section considers the new possibilities that were available once women took the oath.

### **New Spaces for Oathed Women**

Women used spaces in the Mau Mau war as a means to fulfill their aspirations and dreams for themselves and for Kenya. One of the best ways to understand how they used these spaces is through the different roles women embraced during the movement; some were more desirable than others. Some women were able to advance in the movement. For example, Wanjiru Nyarmaratu supported Mau Mau efforts by bringing food and supplies to men; over time she moved into leadership and eventually became a judge in the movement.<sup>61</sup>

The role of women in the Mau Mau movement provides a snapshot of the societal changes and struggles and the ongoing battle for women to control their own destiny, body, and mobility. The varied and new roles played out by women

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<sup>60</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>61</sup> David E. Jones, *Women Warriors, A History*, (Washington: Brassey’s, 1997), 93.

show the complexity and the struggles of many during the Mau Mau period. These oath-taking women were in their own right pioneers, freedom fighters, and warriors willing to die for the Mau Mau cause.

### *Women As Mau Mau Oath Takers*

The first role that all women in Mau Mau played was one of an oath taker. Women courageously oathed to support the Mau Mau struggle.<sup>62</sup> When women took the Mau Mau oath and made their statements of commitment, secrecy, and unity, they unleashed new possibilities. And this was the first step. Just as with the men, women could take multiple oaths depending on the different roles they would later play in the movement. For example, if they became oath administrators or scouts, they took specific oaths in addition to the first one that everyone took.

The number of women who oathed to participate in Mau Mau was only about 5% compared to men, and they were equally as committed as the men.<sup>63</sup> What is important is that women had the opportunity to join, and they did. Women joined for the same reasons as men and fought with the same passion. They crossed over to new spaces in taking the oath to fight. Figure 3.0 is a picture of two Kikuyu women taking the Mau Mau oath. It is one of very few images available that portray showing that women participated in the Mau Mau movement.

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<sup>62</sup> Interview, P. Musuo, January 2009, Machakos, Kenya.

<sup>63</sup> See Kershaw, *Mau Mau from Below*.



Figure 3.0 - Mau Mau Oathing of Two Women<sup>64</sup>



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<sup>64</sup> Image from: <http://www.bluegecko.org/kenya/> on November 6, 2009. This photo is described as "Two elderly Kikuyu women taking a Mau Mau oath in the 1950s. In this case, the oath was administered by their licking twigs that had been dipped in the blood of a sacrificial goat." (From website - Credit: photo scanned from the newspaper article "Ein Seltsames Paar - Jomo Kenyatta, Louis Leakey und die Mau-Mau-Rebellion in Kenia", by Andreas Eckert, in the *Frankfurter Allgemeine Zeitung* (Germany), 23 October 2002. The photo is credited only as "Archive.")

### *Women as Oathing Administrators*

The role of women as oathing administrators was the ultimate break of the traditional oath practice. The role change was symbolic, showing that not only were women able to take the oath which was forbidden in traditional society, but they were also promoted to deliver the oath to men and other women. The leadership change in the oathing practice was pivotal and represents the inclusive evolution of the oath to accommodate the changes spreading throughout Kenya. Women taking the lead as oath administrators required men to accept women in this status which was a break from the normal subordinate roles.<sup>65</sup> These women were conscious of new possibilities of women not just being a part of oathing but being one of the leaders in the entire process. This position signified a level of understanding and consciousness of traditions, how to invoke the spirits, and a clear understanding of the oathing ceremonies. It is not clear how these specific oathing women were selected and why. However, the role was one of leadership showing that the passion of the unified movement was much more important than the issue of gender.

### *“Passive Wing” Supporter<sup>66</sup>*

When asked about the role of women in Mau Mau, most interviewees focused on the role of Mau Mau women as supporters. The role supports their desired image of female participants; it is by far easier to accept women wanting

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<sup>65</sup> Letter on Rights of African Women, April 17, 1958, states the traditional status of women as “second place to men” and how these customs are being replaced by British law. KNA PC/Grassa/14/8 Document 15.

<sup>66</sup> This term is again based on Cora Ann Presley. See Presley, *Kikuyu Women, The Mau Mau Rebellion*, 130.

to be caregivers to the men fighting in the forest by bringing food to them. Many stated that the women wanted to support the efforts of the men. When asked about the role of women in Mau Mau, the Mau Mau fighter King'oo Nthenge firmly stated, "They helped us very much by bringing food to the forest and bringing weapons from the British."<sup>67</sup>

Women creatively used their position in the society as transporters of household items to and from the forest to supply Mau Mau fighters. According to the Mau Mau fighter, Kavata Wa Muli Kitavi in the village of Matundu, "Women took food to Mau Mau using techniques."<sup>68</sup> These techniques included hiding food in baskets that women often carried. In the statements from Kakie, the mothers in the village did the cooking for Mau Mau, while Kakie and other women were responsible for taking the food to the Mau Mau men. This was achieved by concealing the food in large baskets and using shrubs to rub out their footsteps from where they passed.<sup>69</sup>

The "Passive Wing" network of women was labeled passive because of the type of support it gave to the militant wing of the movement.<sup>70</sup> However, it does mask or minimize their activism, their heroism, significance, and the conscious decisions they made to risk their lives in order to save the lives of others. Women were the primary sources of food, intelligence about the colonial

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<sup>67</sup> Interview, K. Nthenge, June 2009, Machakos District, Village Kaloleni.

<sup>68</sup> Interview, Kavata Wa Muli Kitavi, June 2009, Village Matundu, Kitui District.

<sup>69</sup> Interview, S. Kakie, January 2009, Machakos, Kenya.

<sup>70</sup> Marina E. Santoru, "The Colonial Idea of Women and Direct Intervention." *African Affairs* 95 no 379 (1996): 253-268.

administration, guns, medicine, medical care, money, and encouragement from the towns and Reserves to the forests.<sup>71</sup>

Because of their superior organizational skills, many women were able to provide a much needed network to the forest fighters. According to Presley, the network was well planned with a woman in each district being responsible for securing supplies, establishing hiding places in her area, coordinating the activities of the other women, and serving as the contact person for communication.<sup>72</sup> This individual made sure her district had what was needed to keep the movement going. All interviewed provided testimonies of the commitment and involvement of women, and they all mentioned the violence, punishment, and danger associated with their participation. So although these women were labeled “passive” in their activity, they were clearly integrated in the movement as important players and were fully aware of the fatal risks associated with their support.

### *The Female Mau Mau Scout*

The role of a scout was typically performed by educated, young, and often urban women. One of the most detailed accounts of this role is from Otieno's *Mau Mau's Daughter*. Otieno took multiple oaths to become a scout; the first occurred in 1952 before the State of Emergency was declared; the second oath was taken in 1954. The first two represented an allegiance to the movement where she declared to: fight for the recovery of the land stolen by the whites;

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<sup>71</sup> Presley, *Kikuyu Women, The Mau Mau Rebellion*, 130.

<sup>72</sup> Presley, *Kikuyu Women, The Mau Mau Rebellion*, 131.

collect assets like money and guns to support the movement; kill all individuals against Mau Mau efforts; and maintain the secrets and details of the movement or suffer the consequences.<sup>73</sup> According to Otieno, the third oath was called “Nyina wa Andu” translated into English as the oath of “Mother of the People;” it was designed to reinforce and recommit members to the movement.<sup>74</sup> The remaining oaths were done to strengthen her commitment to scouting activities that entailed collecting valuable movement intelligence, firearms, and money.

Otieno states that the typical scout was a woman because she was often invisible, was not viewed as a threat, and had access to spaces closed to African men. Her involvement as a leader in scouting activities required precision, tact, and careful planning. Otieno reflected on her particular approaches to utilizing women in the scouting activities based on the perceived weaknesses of the British soldiers:

“I decided to use a little psychology in my endeavors. I had seen the British soldiers and knew they were like small boys who could not be kept in the barracks for any length of time. They were easy prey for attractive girls. I stationed these girls at strategic points, mainly nightclubs, which the soldiers frequented.”<sup>75</sup>

These female scouts walked a fine line and were in very dangerous situations being secluded with the British soldiers and vulnerable to many forms of abuse in the absence and protection of others. Many women like Otieno were raped while scouting, fighting, and serving time in detention camps. Therefore, her torture and abuse in Mau Mau took on a different form, usually involving some sort of sexual exploitation.

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<sup>73</sup> Otieno, *Mau Mau's Daughter*, 34.

<sup>74</sup> Otieno, *Mau Mau's Daughter*, 35.

<sup>75</sup> Otieno, *Mau Mau's Daughter*, 39.

It is important to note that in the eyes of the British, the African female body was an object of sexuality, abuse, and degradation. Female sexuality in the military is a contested space because of the violence of war. Women as civilians and as soldiers found themselves victims of sexual abuse.<sup>76</sup> The image of female participants in Mau Mau was often that of being sinners and “unattached women.”<sup>77</sup> Otieno is quick to point out the difficulty of the scouting involvement in saying, “...it was an occupation full of unpredictable pitfalls with danger lurking in every corner...one wrong move could mean death.”<sup>78</sup>

### *Forest Camp Warrior*

Women had two major roles in the guerilla camps in the forests. They were caretakers of the community and soldiers and also fighters. The forest camps consisted of men, women, and children. Some of the women in the camps were helping to raise the children and provide support for their husbands who were in the forests. These women cooked, cleaned, and washed clothes. Some women were actual warriors along with the men; they killed and fought like men. According to Macdonald, women made up 5% of the guerilla fighters.<sup>79</sup> They did not worry about doing the cooking. According to Presley, “The work of killing people...was the work of women and girls. Women were doing a lot of work.”<sup>80</sup>

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<sup>76</sup>BBC On-line News, “Kenya Mau Mau Veterans to Sue UK,” <http://news.bbc.co.uk/2/hi/8043442.stm> and Ray, “The Empire’s Ghost Returns,” 18-22.

<sup>77</sup> Letter on Rights of African Women by L.C. Mortimer, March 28, 1958 KNA PC/Grassa/14/8 Document 17. Unattached women were viewed as a problem in Colonial Kenya because they were difficult to control.

<sup>78</sup> Otieno, *Mau Mau Daughter*, 43.

<sup>79</sup> Macdonald, et al., *Images of Women*, Chapter “Kikuyu women and the politics of protest: Mau Mau” by Tabitha Kanogo 95.

<sup>80</sup> Presley, *Kikuyu Women, The Mau Mau Rebellion*, 136.

It is difficult to know precisely how many participated in the rebellion based on the available data, but they had a significant presence.<sup>81</sup> Colonial reports indicated there were random women involved; however, this appears to contradict the testimonies of the forest fighters that suggest greater female participation. Women's involvement in the forests shows they were not simply on the sidelines; rather, they were willing to uproot their homes in the towns or reserves to support the efforts of Mau Mau by providing domestic service and care for children and husbands and picking up guns for combat.

#### *A Condition of Various War Roles for Women: Prisoner & Detainee*

The Mau Mau oath and related activities were criminalized by the colonial authorities as a means to regain control over Kenya. Women were arrested, interrogated, beaten, raped, imprisoned, detained, and punished for their involvement in the Mau Mau rebellion.<sup>82</sup> The peak imprisonment period for women was in 1955 with 13,265 women arrested. Out of this number 11,467 women were sentenced to prison.<sup>83</sup> Between 1952 and 1958 a total of 34,147 women were sentenced to prison for Mau Mau related violations.<sup>84</sup> However, according to Elkins the number was higher, she states,

“The question of what to do with the hundreds of thousands of women who took the Mau Mau oath plagued the colonial government from the Emergency's inception. Colonial officials would eventually detain the vast

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<sup>81</sup> Elkins, *Imperial Reckoning*, 219.

<sup>82</sup> Elkins, *Imperial Reckoning*, 219-232. BBC On-line News, “Kenya Mau Mau Veterans to Sue UK,” <http://news.bbc.co.uk/2/hi/8043442.stm>; in the article the women in the case were subjected to “heinous sexual violence”.

<sup>83</sup> Presley, *Kikuyu Women, The Mau Mau Rebellion*, 137.

<sup>84</sup> Presley, *Kikuyu Women, The Mau Mau Rebellion*, 504.

majority of them in some eight hundred Emergency villages scattered throughout the Kikuyu countryside.”<sup>85</sup>

The number of female prisoners required the colonial government to establish and build facilities to accommodate them. Women in prison or detention camps were punished for several months, even though most of the women were first time offenders.

The prisons and detention camps were spaces being used to institute rehabilitation in the eyes of the colonial authorities. This process often involved the process of Mau Mau oath cleansing. The women were expected to renounce Mau Mau as a part of rehabilitation and acknowledgement of wrong doing. In addition, women participated in classes on various topics including domestic work, agriculture, and healthcare. The goal was to provide African women with Western education and ideas, after all most were already very educated in these areas. It is unclear how these classes were interpreted by the women and what they meant to them. The missionaries were also involved in this rehabilitation process by conducting services and counseling women prisoners. As Santoru suggests, rehabilitation was a two step process involving: 1) the destruction of the ways of Mau Mau; and 2) the construction of colonial fashioned gender roles that were being diffused through the classes, the reward system in prison, and missionary activity.<sup>86</sup> While in prison, women gave birth, were sentenced to solitude, and some died from conditions of exhaustion, beatings, and malnutrition. In prison women had such duties as transporting stones, digging,

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<sup>85</sup> Elkins, *Imperial Reckoning*, 219.

<sup>86</sup> Santoru, *The Colonial Idea of Women*. Also, Elkins, *Imperial Reckoning*, 229-232.



and food cultivation. The unique experience of women was based on a combination of forced labor, physical abuse, sexual abuse, harassment, manipulated food allocations, and inadequate clothing.

The treatment of young Mau Mau women created a great deal of controversy. Many girls were convicted of life imprisonment when they were under age. The colonial office was investigated but records were altered and sentences concealed. The issues of the prison system and treatment of imprisoned women are connected to a much larger conversation related to British criminalization, imperialism, and gender. The prisons were an instrument of the colonial power to break down women (through “mind bending” and systematic anti-Mau Mau propogandas) and to culturally transform and cleanse them so they could become functional and obedient members of the colonial society.<sup>87</sup>

### **Gender in the Invention of the Mau Mau**

As noted above, women participated in Mau Mau on all battlegrounds available. Cora Ann Presley states that “from the standpoint of both the British and the nationalists, wooing women’s loyalty was an essential ingredient in winning the war.”<sup>88</sup> Yet, female involvement in Mau Mau presented perplexing issues for the British. The “dirty war” that David Anderson is known for was a war also played out in paper.<sup>89</sup> The British used tactics like propaganda, images, text, pictures, and language in their fight against Mau Mau. A major component of this was to paint the movement as a savage, irrational, and tribal conflict of men that

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<sup>87</sup> Elkins, *Imperial Reckoning*, 229-232.

<sup>88</sup> Presley, *Kikuyu Women, The Mau Mau Rebellion*, 504.

<sup>89</sup> See Anderson, *History of the Hanged* The Mau Mau War called the “dirty war.”

went mad in their attempts to deal with modernity. Thus, the British attempted to utilize the violence against themselves, settlers, loyalists, and even women to help paint the savagery of the conflict.

Although many African women embraced the movement, women were portrayed as victims of Mau Mau. The official British records indicated the numerous attacks on Loyalist women which created the illusion that women were the principal sufferers of Mau Mau. This was done to help make the movement appear more irrational. Similarly, the description of the females involved in Mau Mau as prostitutes connected them to the movement and criminalized their association. They were not normal women, according to Elkins they were labeled by the colonial government as “hard core”.<sup>90</sup> In the minds of the colonial officers, African women were stereotyped as “intellectually weak” joining Mau Mau because of male influences.<sup>91</sup> As a result, their participation in Mau Mau contradicted the British images of African womanhood.<sup>92</sup>

The British creations of African women failed to provide the truth about their involvement in Mau Mau. This was done purposely to undermine the extent of the Kenyan economic and political grievances raised by the movement, which clearly cut across gender. As a result, the political consciousness of the women in the struggle and the unity that they had with their male counterparts in overthrowing the colonial oppression was erased in the records.

The reality was that many women were consciously engaged in the fight on all available fronts even though this contradicted the British’s notions of

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<sup>90</sup> Elkins, *Imperial Reckoning*, 219.

<sup>91</sup> Elkins, *Imperial Reckoning*, 221-222.

<sup>92</sup> Elkins, *Imperial Reckoning*, 221-222.

Kenyan women.<sup>93</sup> Although there has been a great deal written on this topic to show pro-Britian accounts, the actual testimonies and memories of those that participated still carry a great deal of weight in telling the Mau Mau story. The gendered unity along with connections across ethnicities, religion, regions, and class showed that Mau Mau was a nationalistic movement, full of force and with a conviction where members were willing to die.

## **Conclusion**

The Colonial situation and the emergence of Mau Mau required a new and sophisticated type of oath rooted in the past. This new oath was inclusive as women and men understood that all were needed to unite and fight the colonial regime. The growing grievances leading up to the Mau Mau war created an urgent situation. Women understood the stakes of not participating and many embraced the opportunity to create a new reality in Kenya. Women, like men, wanted freedom, land, respect, and stability. The women that took the oath to join the movement decided not to settle for the old gender constructs that kept women out of the business of politics. Instead they organized through associations, clubs, and in markets. This chapter has argued that the Mau Mau oath was radicalized with the inclusion of women; it was a relationship that did not exist prior to the 1950s. Before Mau Mau, women were forbidden from being present or even coming near the traditional *kithitu* oathing object. Therefore, this gender transformation in oathing was a major discontinuity from traditional oathing practices.

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<sup>93</sup> Elkins, *Imperial Reckoning*, 219.

In concluding this chapter, there were questions raised earlier that deserve attention. What were the circumstances and forces that led women to take the Mau Mau oath? What were the oathing ideologies, motives, and dreams of women? How did female participation in traditional male only spaces alter gender roles and relationships in Kenya? And how was the oath transformed through the inclusion of women? What we have seen in this chapter is that like the new relationship to criminalization, colonialism opened up new spaces for women by the 1950s which was one of many circumstances that cracked the door of female participation in political matters. The major forces experienced by women that led them to join the movement were the economic and social conditions that lacked a proper colonial process for voicing political concerns. And lastly, Mau Mau needed women to fulfill distinct roles that eventually lead to Kenya's independence.

Women wanted to reclaim their lives as they knew them prior to colonial rule. This meant reclaiming their stolen assets, livestock, and land from the Europeans. Women also wanted fair treatment and respect. In this regard, women and men shared similar aspirations, ideologies, and motives.<sup>94</sup> The collective reasons for women and men participating in oathing was to defeat colonial rule; to rule themselves; to gain past freedoms; to unite; to retrieve their land; to be independent; to be treated with respect; and to put an end to physical abuse by the colonists.<sup>95</sup>

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<sup>94</sup> Field Interviews, January 2009, Machakos.

<sup>95</sup> Field Interviews, January 2009, Machakos.

The new relationship created by including women into the oathing process required men to embrace women in new roles. This change was certainly an initial struggle, since men were forced to share the stage with women in Mau Mau. However, over time women showed those watching that they could be major war contributors and were politically savvy in moving through doors normally locked to men. Finally, in this chapter, we have seen examples of practices that were utilized in the ceremonies involving women that were not a part of traditional oathing ceremonies. Therefore, the oath was dramatically changed as a result of the inclusion of women into the process that forever changed the oathing experience as it was once known in Kenya.

In addition, there are a few elements about the oath that this chapter reveals. First of all, it is important to recall that the inclusion aspect of the oath was also extended to other segments of the Kenyan populations including the young and different ethnicities. The impact was a new level of togetherness and unity under the common interest of regaining land, dignity, and freedom. Secondly, unlike the new relationship created in the previous chapter related to the criminalization of the oath by the colonial administration, the oath-to-women relationship was African driven. Therefore, it shows an internal response to the Mau Mau period and a new consciousness of the importance to unify regardless of sex, ethnicity, and age. This perspective speaks to the complex social and political structures that were at work at this particular moment in history. Gender role changes -and the stories that surround the study- are dynamic and a function of the changed political and social landscape; not only do the changes

speak to the developments of the society, but they also offer insight into the forged identity based on changing levels of awareness.

This study of the new women-to-oath relationship provides another example of the modern, responsiveness, and sophistication of the oath. Through the lens of gender, we have been able to uncover new aspects of gender struggles and transformations that were the result of years of colonial rule. We have seen *specific examples of how female involvement in oathing changed the oath and how the oath changed women*. The modern need was for women to join the war, and the oath adapted which was evidenced by the new sexualized nature of the ceremonies; this change was an aspect of the oath that drastically altered it from the oath prior to Mau Mau. This new relationship reveals the dynamics of gender in Kenya and the complexities of oathing during Mau Mau.

## Chapter 7 Managing the Environment: Mau Mau Oath Purification

### Introduction

Similar to oathing, purification has historical roots in the pre-colonial past but has adapted over time. In Kenya, the process of purification is associated with long-standing African knowledge of managing the fragile yet resilient environment. Based on 2008 Kenyan field surveys, these practices are still highly regarded with over 91% of respondents attesting that the knowledge of old practices were important.<sup>1</sup> Purification means cleansing evil forces. By definition purification implies the presence of dirt or pollution that can pose a danger.<sup>2</sup> The purification process responded to the time, space, and situational boundaries of the community. Protection of a society always required a keen understanding of potential threats and having procedures in place to combat these dangerous forces.

The Mau Mau oath was a new environmental threat and danger to Kenyans. Prior to the 1950s, oathing never required purification because historically it was not associated with impurity.<sup>3</sup> However, the Mau Mau oath and associated acts of Mau Mau created a societal need that required purification from violence, indecencies, sexual acts, taboos, and violations.

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<sup>1</sup> Appendix, Table 2.0, Kenya 2009 Survey Percentage Analysis

<sup>2</sup> See Mary Douglas, *Purity and Danger, "An Analysis of the Concepts of Pollution and Taboo,"* (London: New York: Ark Paperbacks 1966).for more background on this concept.

<sup>3</sup> Oathing actually once worked with purification as a reinforcement of the cleansing. Also, this relationship should not be confused with noted cleansing traditions that included oath statements during the purification process. In the case of the Meru, Jeffrey A. Fadiman states that the unclean or accused were able to take "a cleansing oath to proclaim that any return to antisocial practices would result in their death." *From When We Began*, 319.

This chapter examines the intersection of purification and oathing as two dynamic and long-standing practices in Kenya. It aims to show that like oathing, purification was also a distinct system in Kenya full of historical significance, ceremonies, symbolism, structure, and meaning. The chapter argues that Mau Mau forced the creation of a new oath-purification relationship designed to protect community members and showing the adaptability and flexibility of the oath to *integrate into existing structures as needed while also showing the complexity of the purification system*. Thus this chapter also shows that similar to oathing, purification was also a dynamic and adaptive system with connections that evolved over time. It shows how purification was altered in the new Mau Mau oath.

The first section generally defines purification in Kenya by examining the broad components, structure, and process as background for the chapter. The analysis is then broadened to include how others have defined, imagined, and conceptualized purification. The second section focuses on purification across time and space in Kenya by examining how it was used during the pre-colonial and colonial periods. This section closely examines how the Mau Mau emergency created the need for Mau Mau oath purification which played out in different forms and was a function of environmental management. The third area examines the historical application of purification based on specific life stages and committed offenses. And finally, the last section focuses on the dynamic Mau Mau oath purification process.



## **Definition of Purification in Kenya**

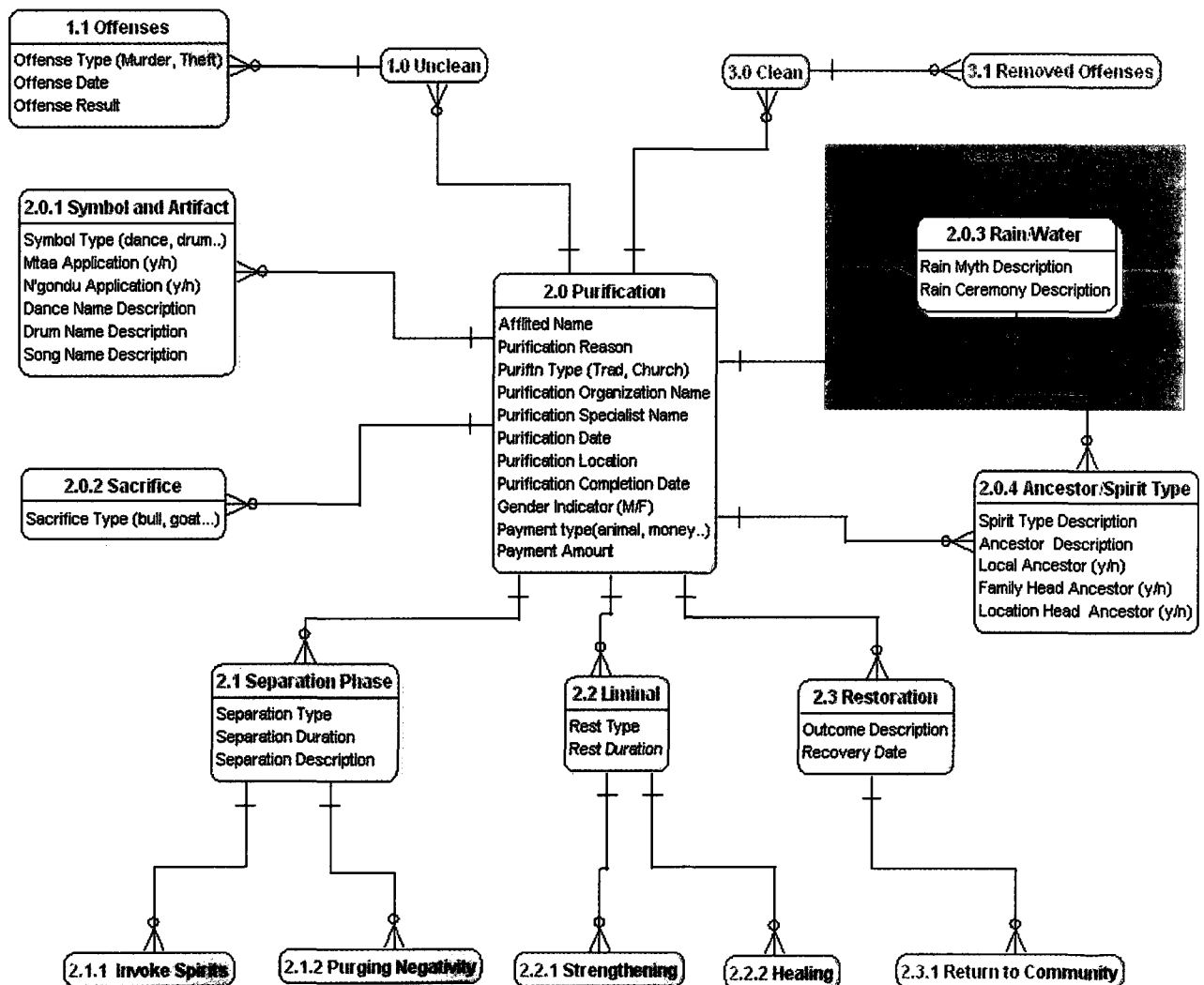
Purification ceremonies in Kenya are designed to cleanse an individual and/or community from impurities, sins, taboos, and other acts that violated societal boundaries. Purification ceremonies, like the Mau Mau oath ceremonies, varied in its structure, form, and meaning, but knowledge of the outcome from the ceremony was most important. In the case of purification, the goal was to transition an individual or community from an unclean to a clean state. An unclean condition was the result of offenses attributed to illness, contact with evilness, association with murder, or indecency. The reason for purification was to clean the community from offenses committed against it. There were a variety of offenses and the list of offenses changed over time.

There are two fundamental aspects of offenses and how they were perceived in the society. First of all, it was natural for periodic misbehaviors or mishaps to occur in the society, and these practices had to be addressed. This leads to the second element; it was necessary to provide redemption and to reinstate the individual into society. The ultimate goal of cleansing related to offenses was to restore the individual and community back to harmony from death or other disorderly conduct. This meant allowing the individual to once again function as an individual in the community and also allow everyone else to move past the offense.

Purification oathing is its own complicated and dynamic system. It is necessary to understand purification at a high level to understand its relationship to the Mau Mau oath even though the small details of the process are beyond the

capacity of this chapter. Figure 2.0 is a general purification diagram (covering objects 1.0-3.1) which at a high level illustrates the purification process from an unclean (object 1.0) to clean (object 3.0) state.

**Figure 3.0 – Purification Model, 1952-1960<sup>4</sup>**



<sup>4</sup>Figure 3.0 Represents my interpretation of the purification process

The purification object (2.0) on the model displays characteristic data and relationships associated with purification ceremonies; however, they are not all required since the specific ceremony may or may not involve the attribute or relationship. The purification process is triggered by the presence of an unclean individual or community (1.0). The unclean may have a variety of reasons for being in this polluting state. The object offense (1.1) is designed to capture the offenses associated with the unclean that caused the need for purification.<sup>5</sup> The various offenses in Kenya were discussed earlier, but it is captured in the model for its relationship to an unclean person or group. There are specific data points associated with the purification object as shown on the model. This includes the name of the afflicted, the problem, purification reason, type of purification which could consist of traditional and/or church ceremonies, a specialist, a location, and date information.<sup>6</sup> In the purification process there are combinations of different practices used in moving the afflicted to a clean state (3.0) and the eventual removal of the offenses (3.1).

The purification process has various relationships. Most purification ceremonies involve a relationship with the supernatural and require this intervention; they may take the form of different spirits/deities. The supernatural may consist of ancestor spirits, supreme deities, and water spirits to assist in the spiritual and physical cleansing (2.0.4). The ceremony also uses varied environmental forces like rain and water (2.0.3) which the purification specialist

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<sup>5</sup> On the Offense object there is an attribute called offense type. The offense type of “Mau Mau oath” would represent the connection of the oath to the purification process.

<sup>6</sup> The purification reasons and types of purification ceremonies will be described in more detail in this chapter.

or healer engages for the cleansing process. Some purification ceremonies involved the sacrifice of different animals like a bull or goat in order to provide offerings to the spirits (2.0.2). The purification process also utilizes different symbols (2.0.1) like *n'gondu* medicines and *mtaa* to represent healing and cleansing.<sup>7</sup> Also represented by this object are artifacts like the musical bow, singing, dancing, and drumming used to move the afflicted through purification states.<sup>8</sup> The application of the different symbols and artifacts are dependent on the purification specialist/healer who has been trusted by the community to have divine knowledge and contact in order to know what to use.

There are several purification phase relationships that may exist during cleansing and healing ceremonies. These phases are represented as separation, liminal, and restoration (objects 2.1, 2.2, and 2.3, respectively).<sup>9</sup> These phases move the individual and/or community through various states from being isolated so that the negativity/illness can be understood and removed, to a rebuilding,

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<sup>7</sup> These specific applications will be described in more detail under the pre-colonial purification process.

<sup>8</sup> The drumming, chanting, and dancing were all associated with the purification process. Wendo Wa Kavete. Kibwezi District. "Purification Ritual Performance". December 2008. Video tape recording and notes. Also the musical bow was used to invoke the spirits; it was a medium to connect to the supernatural. A.N.M. Matingo. Machakos District. "Mau Mau Purification/Cleansing Performance". December 2008. Video tape recording and notes.

<sup>9</sup> This language has been used following the theoretical models of Victor Turner, *The Ritual Process* and *The Forest of Symbols* and Jean Comaroff, study of the Tshidi in South Africa in *Body of Power, Spirit of Resistance* which provide a framework for understanding the key phases and structures of various African ceremonies. For example, according to Turner there are three phases in ceremonies: (1) Separation; (2) Liminal; and (3) Aggregation, but in the above model aggregation is replaced with Restoration. The separation, liminal, and aggregation steps identified by Turner were also noted in a 1960 study, *The Rites of Passage*, by Arnold van Gennep, but he classified the phases as separation, transition, and incorporation. For more background see Comaroff, *Body of Power, Spirit of Resistance, The Culture and History of a South African People* (Chicago: University of Chicago Press, 1985), 207, and Turner, *The Ritual Process: Structure and Anti-structure*. (Walter De Gruyter Inc., 1969). The Turner and Comaroff theories complement each other because they focus on different levels of the ritual experience. See Purification model, objects 2.1-2.3, compared to objects 2.1.1-2.3.1 for an example of the levels.

state of cleanliness.<sup>10</sup> The separation phase is a physical and/or spiritual removal of the afflicted (2.1). This phase consists of invoking spirits (2.1.1) and purging negativity (2.1.2) associated with the afflicted. The next phase is liminal (2.2) and represents an in-between state of the afflicted in which he or she is rebuilding through rest or meditation.<sup>11</sup> During this phase the individual is going through the process of strengthening (2.2.1) and healing (2.2.2). The next phase of the process is restoration (2.3) which is the awakening, renewal, and reunification of the afflicted. This phase ends with the reunion of the now clean member(s) to the community (2.3.1).

These phases are potential states observed in field analysis reenactments and in secondary literature on healing that show the unclean going through various states of cleansing.<sup>12</sup> However, similar to the oathing ceremonies, the cleanser or specialists are responsible for directing the practices and determining the sequence of events, the artifacts or symbols to use, and the spirits to invoke. But their activities are directed through spiritual as well as traditional medicinal practices. For example, one 89 year old specialist, M.N.S. Munguti, claimed the following about her ability to conduct this work and knowing how to perform cleansing: "It's a God given gift. The spirit visits me and shows and tells me what

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<sup>10</sup> Different phases observed in the cleansing re-enactment although not called these different phases. Interview, A.N. M. Matingo. Machakos, December 2008. Also from Field analysis, "Purification and Rainmaking Ceremony." Kangundo District. December 2008. Video tape recording and notes.

<sup>11</sup> See Turner, *Forest of Symbols*, 93-111.

<sup>12</sup> Observed from Field analysis. Wendo Wa Kavete. Kibwezi District. "Purification Ritual Performance." December 2008. Video tape recording and notes, and "Purification and Rainmaking Ceremony." Kangundo District. December 2008. Video tape recording and notes and Interview, A.N. M. Matingo. Machakos, December 2008. Also from Field analysis, "Purification and Rainmaking Ceremony." Kangundo District. December 2008. Video tape recording and notes.

to do.”<sup>13</sup> Munguti is not alone. All of the specialists interviewed were spiritually “called” into the profession in some form and are spiritually guided when working.<sup>14</sup> Therefore, the phases and processes are examples of the general possibilities and states that the unclean move through during the process of getting clean.

Although the model provides a broad stroke of the varied dimensions of purification, there are additional elements that are useful to consider in defining purification. These elements involve the relationship between purification and the natural world; purification and water; and purification and women.

#### *Purification Relationship to the Natural World and Environment*

Purification is a process aimed to restore balance and order to the natural world. It is conducted to acknowledge a disorder or an unnatural state in the environment that requires spiritual intervention. The relationship between the Kenyan environment, purification, and power reveals the integrated belief system of the people. The purification process has an important relationship to the natural world. This is represented in the model as the space around the object rain/water (2.0.3); there are many elements that make up the natural world and the environment. These elements also have a direct relationship with Spirits and Deities (object 2.0.4).

During fieldwork for this study, purification was explained as a part of a much larger societal order that involved a relationship between the natural and

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<sup>13</sup> Interview, M.N.S. Munguti, February 2009, Machakos District

<sup>14</sup> Examples include interviews from: K. Mulwa, January 2009, Machakos District and M.K.M. Kimongo, February 2009, Machakos District.

spiritual world.<sup>15</sup> It was interpreted as a blessing that first involved prayer, sacrifice, and communion with the spiritual world and God.<sup>16</sup> In an annual 1909 report, this important aspect of African cosmology was captured in the statement, “God we bring you food, we pray for rain. We pray for food.”<sup>17</sup> The reciprocal relationship between prayers, sacrifices, and blessings has been a long embedded practice for living in peace and is still relevant in managing limited resources.<sup>18</sup> The ceremonies and offerings to spirits resulted in the Aimu (Ancestors), Mulungga,<sup>19</sup> and other spirits blessing Kenyan societies with stability and gifts (i.e. rain, food, fertility, prosperity). The ability to live in peace and in balance with the environment over long sweeps of time is evidence of a civilized and harmonious society. Kivuto Ndeti pointed out that this concept of African environmental management was demonstrated long ago:

“One thing that always puzzled me was how one could account, without traditions, for the existence of 300 million Blacks in a continent of about 12 million square miles. Obviously, these people must have traditions as old as any area and perhaps older than most. They must have mastered their environment; otherwise they would be extinct. The sheer weight of numbers on the continent is an indication of the Africans’ successful adaptation to their environment.”<sup>20</sup>

This statement reminds us that purification in Kenya is not an act conducted in isolation but a process connected to one’s social and cosmic relationships.

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<sup>15</sup> Field analysis from Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance.” December 2008. Video tape recording and notes, and “Purification and Rainmaking Ceremony.” Kangundo District. December 2008. Video tape recording and notes.

<sup>16</sup> Field analysis from Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance.” December 2008. Video tape recording and notes, and “Purification and Rainmaking Ceremony.” Kangundo District. December 2008. Video tape recording and notes.

<sup>17</sup> Report from District Commissioners Office Kutui, James B. Ainsworth, KNA Machakos Annual Report, 1909, p. 15.

<sup>18</sup> This was a clear point observed during field analysis, “Purification and Rainmaking Ceremony.” Kangundo District. December 2008. Video tape recording and notes.

<sup>19</sup> The High Spirit

<sup>20</sup> Ndeti, *Elements of Akamba Life*, viii.

### *Water and Purification*

In Kenya, the land, including water, is viewed as a sacred trust from the ancestors. Therefore, activities that deviate from the intended use of the land are a pollutant of the land. And we will see later in this chapter that Mau Mau was associated with polluting activities. Although there are many factors that make up the complexity of the current land, water, and other environmental issues in Kenya, one could question if modern environmental issues are also the result of the movement from these older practices that colonialism replaced and/or undermined.<sup>21</sup> However, purification is an important force in Kenya for stabilizing and protecting the community and this is achieved by understanding the interconnectedness of purification and water.<sup>22</sup> The two are needed for cleansing and healing practices.

The purification specialists started ritual process by praying to the Gods for rain for during times of drought. Drought and famine have always been a part of Kenya's history. The problem over time has been the inability to predict rainfall. This is very important since insufficient amounts of rainfall can stifle the growth of certain crops, and if there are too many heavy rains, the rain will not be absorbed properly causing soil erosion.

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<sup>21</sup> Sabine Jell-Bahlsen in *The Water Goddess in Igbo Cosmology* (Africa World Press, 2008) mentions, "The West will never come to grips with its environmental problems-unless you recognize nature as divine." see p. 65 based on a personal conversation with Catherine Acholonu.

<sup>22</sup> This appears to be a universal occurrence in that water purification appears throughout the bible. See *Perspectives on Purity and Purification in the Bible* for more comprehensive study. Other examples are found in the Bible under baptism as the process of "washing away sins" (Acts 22:16) and cleansing of the ritually unclean occurs through water purification (Leviticus 15-16 and 17:15).



Marilyn Silberfein discusses rain performances conducted to manage drought directed to N'gai, the Creator and Supreme Being, and Aimu, the spirits of the departed.<sup>23</sup> These spirits were invoked because of their powers to control and predict rainfall levels. The purification and related rainfall ceremonies centered on knowing when to expect rain. The presence of rain symbolically implied purification because water represented the ability to wash and cleanse.

In other cases, this relationship comes from old myths. Paul Kavyu shares his research on the rain prophets prior to the widespread redirection of rain forecasting to the Ministry of Health.<sup>24</sup> In Paul Kavyu's study, participants communicated with the power of "Mwathani" and higher spirits but never really knew if the prayers would be answered.<sup>25</sup> For this reason, rain prophets, called Athani,<sup>26</sup> were sought to conduct rain ceremonies and sacrifices.

"Two sacrifices are made for rain...When Mutitu Hill is heard roaring late at night, or early morning hours, the already dead prophets are asking for a sacrifice for their friends who give them the prophet's power. This request is made to the living Mwathani or the person concerned. After weeks after the roaring, the person living who is concerned has to give some one alive for the request.... The second sacrifice is made in all Mathembo in the country, to the spirit who lives in two pools in Mutiti Hill...This has been in [the] form [of] crops, a bull, or a goat (preferably black in colour) and ghee."<sup>27</sup>

These accounts are presented primarily to show the complexity and interconnectedness of purification ceremonies in Kenya and even beyond. Not only did the act purify the individual, it also cleansed the community and environment. It was also a process that involved communication with the spiritual

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<sup>23</sup> Marilyn Silberfein, *Rural Change in Machakos, Kenya: A Historical Geography Perspective*, (Lanham University Press of America: Temple University 1989), 33-34.

<sup>24</sup> Paul Kavyu, "Rain Making and Prophecy in Kamba People" (Seminar Paper #52, Institute of African Studies, December, 1973), 2. The Ministry of Health representing the new society structure for predicting rain, but of course not all follow the "magic" of these predictions.

<sup>25</sup> Kavyu, *Rain Making and Prophecy*, 2.

<sup>26</sup> According to Kavyu in 1973 the Athani were only practiced in the villages.

<sup>27</sup> Kavyu, *Rain Making and Prophecy*, 3.

and natural world in order to move the society and its members back to normalcy.<sup>28</sup> In Sabine Jell-Bahlsen's study, *The Water Goddess in Igbo Cosmology*, ritual connections to water deities are highly valued because they are associated with complex structures that ensure balance. Although this analysis focuses on water spirits in West Africa, it does reveal an important connection and possible application that could have existed in Kenya. Jell-Bahlsen states, "...[These rituals] ensure the proper timing of planting and play, continued procreation, supply of food, and prosperity, while also reaffirming peoples' identity and position in time, space, and society."<sup>29</sup> Purification is one of many potential blessings from God for the individual, community, and environment; they are all interrelated.<sup>30</sup> Purification requires simultaneous engagement with environmental resources; however, water is the most symbolic for cleaning in Kenya.

### *Women and Purification*

Although Mau Mau purification often affected mostly men as fighters (as they were the majority), it is also the case that women are most affected by purification because they bear the brunt of suffering. They are closely connected to fertility, raising the children, and taking care of the sick and elderly. As a result, they are very dependent on the purification process for stability. Women are often the first to witness and suffer from degradation problems associated

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<sup>28</sup> Interview, A.N. M. Matingo. Machakos, December 2008. Also from Field analysis, "Purification and Rainmaking Ceremony." Kangundo District. December 2008. Video tape recording and notes.

<sup>29</sup> Jell-Bahlsen, *The Water Goddess*, 65.

<sup>30</sup> Field analysis, "Purification and Rainmaking Ceremony." Kangundo District. December 2008.

with a mismanaged and imbalanced environment. According to Shanyisa Khasiani, "The first causalities of environmental degradation are women whose tasks involve them in continuous interaction with natural resources."<sup>31</sup>

However, her ability to control the utilization of resources was consistently interrupted during the colonial period. The colonist had their own economic strategies and interests. But women especially possessed the knowledge of managing the land based on traditional systems:

"Women in precolonial Kenya possessed an intricate and scientifically sound knowledge to manage their environment competently. Within the limits of their defined rights of access and utilization, women managed to maintain a workable balance between drawing sustenance from the land and allowing for the regeneration of it. Neither cultivation nor grazing was haphazard. Soil types, crop suitability and climatic regimes were all carefully balanced toward possible maximization of production and maintenance of the ecological system."<sup>32</sup>

Like many highly regarded events prior to colonialism, it was primarily the role of men to perform the purification ceremonies in the society; it was usually invoked by male elders. However, the shift of women into the role of purification during the colonial period after WWII was natural based on their extensive understanding of the fragile environment and traditions. Some records suggest that purification has a gendered nature as it relates to water and rainfall. Kavyu provides a story of rain spirits called, Lala and Kathambi.<sup>33</sup> The spirits are given female names and take on feminine forms:

"According to traditions Mwiitu wa lala was a woman who had migrated from an unknown place with prophetic power, which made people think that she could have got her power from lala...It is believed that from his home spirit

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<sup>31</sup> Shanyisa Anota Khasiani, *Groundwork, African Women as Environmental Managers*, (Nairobi: ACTS Press, 1992), 1.

<sup>32</sup> Khasiani, *Groundwork, African Women*, 8

<sup>33</sup> Kavyu, *Rain Making and Prophecy*, 3. Other names include Mwiitu wa lala (Lala's Daughter) Mwiitu wa kuu kumwe (one legged woman) or Ngai ya Mubua (god of rain).

lala travels all over Ukambani and possesses people...Traditionally the [rain] ceremony lasts for seven days, with the last day all the people of the nearby villages coming to Ithembo for the sacrifice and cleansing and also to be told the things to observe during the season."<sup>34</sup>

The female name of this rain spirit was an indication of the close association of women with the power of rainfall and purification in their traditional stories. As we will examine, there are many varied possibilities for this relationship, one being the close bond between women and their crops for family survival. Also in this passage, we can see that there are clear ties between rain ceremonies, sacrifices, and cleansing practices.

### **Purification as Defined By Others**

In some African communities people see misfortunes and illnesses as signs of angry and revengeful spirits.<sup>35</sup> For instance, in some communities if a person commits suicide, people will be purified because they believe the suicide can bring danger to the entire community. On this topic of pollutions and cosmic order, Emefie Ikeng-Metuh states:

“...God created vast numbers of other spiritual beings called alusi (spiritual-forces). These have supernatural powers which can mean good or evil for men, depending on how they are handled. The alusi are metaphysical forces in the universe which can be manipulated to bring good fortunes, but if abused, even inadvertently, can spell disaster. So, understandably, they are hedged around with many prohibitions.”<sup>36</sup>

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<sup>34</sup> Kavyu, *Rain Making and Prophecy*, 4

<sup>35</sup> Lindblom, *The Akamba*, 269.

<sup>36</sup> Emefie Ikenga-Metuh. “Ritual Dirt and Purification Rites among the Igbo,” *Journal of Religion in Africa* 15, Fasc. 1 (1985): 2-24, 6

### *Purification Beyond Kenya: The Bambwela Purification Process*

The application of purification is embedded in traditional systems in other African communities. In the early 1930's the North Rhodesia Native Commissioner, Vernon Brelsford observed a purification ceremony of the Bambwela ethnic group. The ceremonial purification was called *mankunamwa*. The name *mankunamwa* was given to babies that cut their top teeth before the bottom; they were believed to carry an evil spirit.<sup>37</sup> In many African societies the living were visited by spiritual beings that may be good or evil and specialists who combated evil forces and healed.<sup>38</sup> A clear understanding of signs and cosmological order allow for the management of the various spirits.<sup>39</sup>

The visitation of evil spirits was treated with care because their presence carried misfortune and death. The appearance of the top teeth first was a sign of a restless and revengeful ancestral spirit. Therefore, according to the Bambwela, babies fitting this description threatened the society and, "...it was forbidden by tribal custom for the child to continue to live."<sup>40</sup> As a result, the mother or the maternal grandmother of the child was expected to purify the situation by drowning the child in a nearby river or suffocating the baby in the forest.<sup>41</sup> The case of the Bambwela purification is an example of the seriousness of protecting the community.

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<sup>37</sup> Vernon Brelsford, "A Bambwela Purification Rite," *Man* 35 (April 1935): 52-53.

<sup>38</sup> Interview, Notes describe Kimongo's occupation as specialist responsible for healing and fighting evil spirits. V.M.K.Kimongo, Machakos, January 2009.

<sup>39</sup> Ikenga-Metuh, "Ritual Dirt and Purification Rites," 7.

<sup>40</sup> Brelsford, "A Bambwela Purification Rite," 52.

<sup>41</sup> Brelsford, "A Bambwela Purification Rite," 52-53.

This Bambwela example, similar to purification in Kenya, shows a core evil spirit, curse, affliction, or force that required spiritual cleansing in order for the individual and community to move forward. These practices are evidence of fears and beliefs culturally rooted and disseminated throughout their respective societies. The Bambwela viewed the appearance of the “mankunamwa” as a distinct evil energy that required immediate treatment. Otherwise, the society would fall into misfortune.

Over time and with the spread and acceptance of Christianity, purification ceremonies changed. The Bambwela purification process eliminated the killing of the baby to adjust to Christianity and colonial laws that criminalized this behavior as murder. By 1935, Vernon Brelsford noticed that instead of murdering the child, the ceremony was transformed to engage in symbolic purification through the use of pots. The pots were used to harbor the evil spirit. The spirit was carried from pot to pot and eventually thrown out to the bush. The purification ended with community feasts and abstinence from sex for the evening.

These induced colonial changes are significant on several levels. First of all, it shows that despite colonialism, the Bambwela continued to believe in the presence of evil forces in society. On the surface, it appeared that the practice stopped because the baby killing ceased. However, a deeper analysis shows that the value and belief in evil forces lingered and was simply modified. Second, the Bambwela restructured the purification process to symbolically purge the negative force allowing them to continue to have agency in protecting their

environment. Finally, the changes show that key cultural values deeply rooted in a society will find a new modern path to exist.

Brelsford summarized the purification changes as a phenomenon where:

“...old customs die out or are forbidden by English administration, but the old beliefs persist, and a new set of customs cluster around them, customs whose outlines are moulded [molded] by the presence of European civilization.”<sup>42</sup>

He points out the continuity of cultural beliefs even though the specific processes are suppressed. In other words, these beliefs were still embedded into the people as important concerns. European civilization could not erase the inner beliefs; they resurfaced in new ways when appropriate.

### **Purification Continuity**

Purification is an old process that is still embedded into many African societies. Purification and cleansing knowledge is still being used to stabilize many of the modern environmental challenges such as poor rainfall, drought, disease, famine, and poverty as discovered during field work in Talla in the Kangundo district in Kenya.<sup>43</sup> The field work took place during a very harsh period in Kenya, the 2008-2009 droughts. The request to perform a purification reenactment became an opportunity for an actual ceremony to address the drought problems. The ceremony consisted of libations (beer drinking) and prayers to the ancestors and was followed by singing, drumming, dancing, and

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<sup>42</sup> Brelsford, “A Bambwela Purification Rite,” 52.

<sup>43</sup> Talla. Kangundo District. “Purification and Rainmaking Ceremony.” December 2008. Video tape recording and notes. The ceremony consisted of an actual rainmaking ceremony responding to the drought in 2008; the ceremony continued on till late in the evening.

chanting. The purification and rain ceremony was not directed to one person but conducted for the entire community.<sup>44</sup>

Joseph Muthiani explains cleansing as a process engraved into society as a means to maintain balance:

“...purification concerned incidents in everyday life, personal or public. Public incidents resulting in such observations were usually failures to observe certain customs and traditions. Such failures were charged with the responsibility of causing public disasters like a great famine, a bad epidemic disease, and the like.”<sup>45</sup>

Purification ceremonies persist in some communities as a strategy for managing the environment.<sup>46</sup> Purification is also used broadly to combat other unseen forces that could endanger the community or individual. With this background it is now helpful to consider how purification was understood across time.

### **Pre-Colonial Purification in Kenya**

Purification ceremonies were pervasive in pre-colonial Kenya as a strategy to maintain protection and environmental harmony. Although some of the first written works on purification ceremonies surfaced increasingly after 1890 with European contact, oral tradition accounts suggest that these practices were just as old as traditions associated with initiation, death, and birth. Gerhard Lindblom provided one of the most detailed accounts on the purification process

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<sup>44</sup> Talla. Kangundo District. “Purification and Rainmaking Ceremony.” December 2008. Video tape recording and notes. The ceremony consisted of an actual rainmaking ceremony responding to the drought in 2008.

<sup>45</sup> Joseph Muthiani, *Akamba From Within: Egalitarianism in Social Relations*, (New York: Exposition Press. 1973), 101.

<sup>46</sup> Talla. Kangundo District. “Purification and Rainmaking Ceremony.” December 2008. Video tape recording and notes.



in the 1920s by documenting the relationship between purification and basic African societal needs.<sup>47</sup>

In pre-colonial purification ceremonies, medicines were important. According to Victor Turner, medicines, drugs, and ritual symbols are difficult to distinguish because they all hold power.<sup>48</sup> Turner's position is that it is ultimately the role of the specialist or healer to determine the best application based on specific occasions. However, in Kenya most purification ceremonies included medicines that were a special mixture used to cleanse. This cleansing material was a mixture of plant roots and water crushed together in a calabash with part of the mixture consumed by a sacrificial goat and the other part of the mixture set aside. After sacrificing the goat, the intestines were taken and combined with the remaining mixture. Lindblom referred to this solution as *gundu*.<sup>49</sup> According to Lindblom this mixture was used "to sprinkle one" during the purification process.<sup>50</sup> This solution is sprayed over the impure individual, his/her living area, and surrounding areas.<sup>51</sup> But *gundu* was also used widely, and defined by Lindblom as, "a purifier, used for religious or magic purpose to clean people, cattle, fields, huts, articles of clothing,...objects of every conceivable kind."<sup>52</sup> The true application of the mixture relates to the specific purification needs. During pre-colonial Kenya, there were several important moments that required cleansing.

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<sup>47</sup> Lindblom, *The Akamba*, 296.

<sup>48</sup> Turner, *The Forest of Symbols*, 335.

<sup>49</sup> This solution is also called *n'gundu* or also referred to as *ng'ondu*, this was the name used during Mau Mau oath ceremonies.

<sup>50</sup> Lindblom, *The Akamba*, 296.

<sup>51</sup> Lindblom, *The Akamba*, 296

<sup>52</sup> Lindblom, *The Akamba*, 295.

### Life Stages

Purification was used in ceremonies to mark specific life events such as birth, initiation, and death. For example, Joseph Muthiani mentions two specific purification practices associated with births. One was used at birth to purify sexual offenses committed by the family; however, the more involved rite was called "seeing the baby."<sup>53</sup> This rite consisted of cutting the stomachs out of two goats to make a root and herb medicine, *ngondu*, and stirred with a *mutaa*<sup>54</sup> herb which was applied to the eyelids of those involved in the ceremony to see the baby. The ritual specialist held the hand of the baby, the left hand for girls and the right hand for boys, and placed the baby's hand on each member. One by one the medicine man guided each participant to open their eyes to see the baby as the baby's hand touched each family member.<sup>55</sup>

Puberty and adolescence was another important life stage for purification. It was applied during puberty in circumcision ceremonies, at marriage by sexual abstinence for the first two days of marriage, and at death related to violations on the handling of the dead body. At death, the entire society was viewed as unclean until purification rites were conducted to cleanse the village, which occurred the third day after the death.<sup>56</sup> The use of purification rites at various points in life provided rules for restoring the society to an ordered state. The act

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<sup>53</sup> Muthiani, *Akamba From Within*, 51.

<sup>54</sup> Also referred to as Mataa or Mtaa

<sup>55</sup> Muthiani, *Akamba From Within*, 52. Interviews also discussed these mixtures in detail (can place pictures of the images or save for under the ritual details)

<sup>56</sup> Muthiani, *Akamba From Within*, 104.

of purification was a natural, embedded, and significant aspect of pre-colonial Kenyan life.

### Offenses

In Pre-colonial Kenya, purification ceremonies were also required in the case of murder, manslaughter, or accidental death. Elders of the affected clans settled murder through payment of a “blood price” for the deceased person and any other deaths that may have been linked to the initial murder. The purification ceremony was designed to neutralize negativity that resulted in the offense. The process also was aimed to stop all omens, bad spirits, illnesses associated with the offense while also redeeming the offender and the offender’s family. The purification of offenses was a process that allowed for the neutralizing of these ills. These pre-colonial ceremonies normally involved the sacrificial offering of a goat or bull and the *n’gondu*.<sup>57</sup>

In addition, certain types of disorderly behavior required purification. Adultery and forbidden relationships required compensation and cleansing. In the case of adultery, the elders and the Utui elders gathered to hear the circumstances. The man committing adultery paid a bull, and a goat was offered at the home of the husband.<sup>58</sup> If there was a pregnancy from the encounter, the husband claimed the children. Likewise, forbidden relationships with family and minors resulted in payment of a goat and bull. In all of these cases, order was restored by purification and compensation.

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<sup>57</sup> Lindblom, *The Akamba*, 295.

<sup>58</sup> Dundas, *Native Laws of Some Bantu Tribes*, 248. Also see Penwill, *Customary Law*, 73.

Also in pre-colonial history, Kenyans treated the return of individuals like hunters, soldiers, and fighters in the same fashion. They had to go through purification processes to properly reintegrate back into the society. This was a practice that even carried into the colonial years. The askaris (African) soldiers were purified when they returned home from WWII. These soldiers returned to the villages with venereal diseases, sicknesses, and trauma - conditions associated with risky behaviors and exposures. The state did not have any programs or facilities to treat these types of problems, leaving soldiers to rely on traditional healing practices like purification as the solution.

### **The Mau Mau Oath Purification**

During the Mau Mau period, the practice of purification was extended to treat Mau Mau fighters returning to their homes, also referred to as oath cleansing. The new Mau Mau oath purification relationship was a product of the Mau Mau period in which the oath took on pollutants that did not previously exist. Mau Mau fighters threatened the village because they were contaminated with offensive and taboo-breaking Mau Mau oathing practices.<sup>59</sup> It is important to remember that Mau Mau fighters took oaths to kill Europeans and oaths that attempted to impede the progress of the Mau Mau movement. Their acts were seen by some as polluting acts requiring purification. Therefore, specialists or priests were sent to many communities across Kenya for cleansing as a result of Mau Mau soldiers returning. The rationale was as Baruch Schwartz and David

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<sup>59</sup> These new oathing taboos vary from the engagement with blood, sexual behaviors, and death.

Wright state, “Impurity not only pollutes, it also endangers...”<sup>60</sup> Although there was variability, the consistent Mau Mau oath purification theme was to cleanse, restore, and reunite.

When Mau Mau oathers returned back to their homes, many were not initially welcomed. Mary Douglas states that “a polluting person is always in the wrong. He has developed some wrong condition or simply crossed some line which should not have been crossed and this displacement unleashes danger...”<sup>61</sup> The murders committed, witnessed, and other horrible acts poisoned these fighters. But, it was the acts associated with Mau Mau oathing ceremonies that were particularly harmful because they violated boundaries of the body by engaging in sexual taboos and blood pollution.<sup>62</sup> Douglas claims that one of the most dangerous pollutants is the re-entry of anything that was once expelled from the body, so contact with feces and blood in oathing ceremonies was problematic.<sup>63</sup> Mau Mau fighters had the potential to infect the homestead and were viewed as a serious threat.

Similarly, Kenyans understood the power of the invisible and the importance of reestablishing order. Purification was not restricted to people returning home after going to battle; even those at home could have experienced contamination by the acts of other people. Mau Mau purification was different because of the nature of the oaths, the places and community into which the

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<sup>60</sup> David Wright, et al., *Perspectives on Purity and Purification in the Bible*, 28.

<sup>61</sup> Douglas, *Purity and Danger*, 113.

<sup>62</sup> Interview, P. Musuo, Machakos District, January 2009. For example, public sexual contact and menstrual blood contact were viewed as violations to the society. For more on “boundaries of the body” see Douglas, *Purity and Danger*, 122.

<sup>63</sup> Douglas, *Purity and Danger*, 123.

induction occurred. Mau Mau required a type of cleansing that created disruptions of cosmic proportions and reintegration in the community required ceremonial intervention. Thus, it was imperative for many villagers to solicit the services of purifiers to cleanse the oathing fighters and allow for their social reintegration into the community. For example, the Mau Mau veteran D.M. Mulwa stated that before his return to the homestead his mother searched for an oath cleanser.<sup>64</sup> The acts associated with the oath and the oath itself posed a danger to the society.

During the Mau Mau war, purification ceremonies were extended to cleanse from the oathing activities, a practice that prior to the 1950s did not exist. During the Mau Mau period, the traditional oath changed, incorporating taboos and acts that were never part of traditional oaths like the *kithitu*. As shown in earlier chapters, the oath adapted to the Mau Mau moment. Not only did it become criminalized and a practice that included women, it also changed in character becoming a process that suddenly engaged in offenses and taboos that were never previously associated with oathing. As a result of this radicalization, oath purification became associated with the returning ex-Mau Mau soldiers. In some ways, it signaled the end of the oathing process, allowing soldiers to cleanse from the oath and related activities. Oath purification restored the individual and society back to a place of order, good health, balance, harmony, and cleanliness. The Mau Mau war forged a new relationship between two very old practices in Kenya. Based on field reenactments and notes, The

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<sup>64</sup> Interview, D.M. Mulwa, Machakos District, January 2009.

Mau Mau purification process appeared very similar in meaning, structure, and symbolism to purification practices in the pre-1950 environment.<sup>65</sup>

D. M. Mulwa was born in Yumbani, Kisekini, a village in Machakos, and he was one of many Mau Mau oathers that went through the Mau Mau purification rite. He stated this was required before he was able to return to the village/homestead after Mau Mau activities. He states, "I had to spend the first night at a fellow Mau Mau's home before I was cleansed."<sup>66</sup> Those that participated in the cleansing process for Mulwa applied the *ng'ondu* mixture as described by Lindblom. This mixture was applied using the *mataa* plant and was splashed all over the body.<sup>67</sup>

Like traditional purification, the Mau Mau oath purification process was full of symbolism. The dominant symbols, according to Victor Turner, refer to values of purpose to the representation of non-empirical beings and powers.<sup>68</sup> Similar to Turner's dominant symbol of the milk tree in his analysis of the Ndembu, the dominant symbol of the purification practices is the *Mtaa* plant.<sup>69</sup> This plant is sprayed over the victim(s), and the motion of its application is symbolic to the washing away of the negativity or the cleansing needed to overcome the affliction. The medicine mixture, *ng'ondu*, which Mulwa experienced, is symbolic

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<sup>65</sup> The field work includes: Kangundo District. "Purification and Rainmaking Ceremony." December 2008. Video tape recording and notes and A.N.M. Matingo. Machakos District. "Mau Mau Purification/Cleansing Performance." December 2008. Video tape recording and notes and Wendo Wa Kavete. Kibwezi District. "Purification Ritual Performance." December 2008. Video tape recording and notes.

<sup>66</sup> Interview, D. M. Mulwa, January 2009, Machakos.

<sup>67</sup> Collection of Interview notes, 12/08-1/09.

<sup>68</sup> Turner, *The Forest Of Symbols*, 30-32.

<sup>69</sup> Also one of the plants used in the Mau Mau Purification/Cleansing Performance by A.N.M. Matingo. A.N.M. Matingo. Machakos District. "Mau Mau Purification/Cleansing Performance." December 2008. Video tape recording and notes.

to the healing that is a combination of herbs, oils, and sometimes animal intestines.<sup>70</sup> The *ng'ondu* is symbolic to the actual act of healing, and the relevant dances are associated with purging the poison from the afflicted.<sup>71</sup> In other ceremonies the musical bow is the way of getting in contact with the spirits associated with the victim.<sup>72</sup> This instrument is particularly important because it is played in close proximity to the victim so that the purifier is close enough to listen to the spirits.<sup>73</sup>

In other accounts, purification was conducted after being caught by the colonial government. Mau Mau fighter, P. Musuo was sent to Chief Mitamboni in Machakos after his service in a detention camp in Lukeria.<sup>74</sup> The chief had a counter oathing purification ceremony organized to cleanse him from his Mau Mau oath and activities. The purification included the application of the *Mtaa* and the medicine, *ng'ondu*. When asked about his cleansing experience, P. Musuo. stated:

"I was taken to Kathonzweni to the D.C. Machakos. Lastly, I was taken to chief Mitamboni. There, the oath cleanser cleaned me of the Mau Mau oath counter-oathing. A *Ng'ondu* of Waithu was crushed into powder and put in a half calabash and mixed with a little water. It was passed over the head down to the sole of the feet using the *Mutaa* plant. Enchantments were made by the cleanser that he has removed all the evil things of the Mau Mau."<sup>75</sup>

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<sup>70</sup> Lindblom, *The Akamba*, 295.

<sup>71</sup> Wendo Wa Kavete. Kibwezi District. "Purification Ritual Performance." December 2008. Video tape recording and notes and "Purification and Rainmaking Ceremony." Kangundo District. December 2008. Video tape recording and notes.

<sup>72</sup> A.N.M. Matingo. Machakos District. "Mau Mau Purification/Cleansing Performance." December 2008. Video tape recording and notes.

<sup>73</sup> Interview notes Dr. Amina reenactment 12-06-08 and also noted in Lindblom, *The Akamba*, 258.

<sup>74</sup> Interview, P. Musuo, January 2009, Machakos District.

<sup>75</sup> Interview, P. Musuo, January 2009, Machakos District.



His accounts revealed the application of the *ng'ondu* and *mtaa* plant that were used in many other purification ceremonies while again showing the symbolic act of removing negativity and evilness. In many ways the colonial administration adapted structures to incorporate African beliefs, especially in cases related to oathing since it carried a great deal of power and meaning to the society. In this particular instance, the colonial office created an alliance with the local chief to assist in the cleansing.

It is questionable if some oathers participated in the oath cleansing practice for political acceptance or whether those that participated in oathing were forced to go through an oath cleansing process. In the colonial courts, there were those that appeared proud to announce that they engaged in Mau Mau oath cleansing. For example, Musau Ndivo testified in a Supreme Court Trial that he was forced to take the Mau Mau oath and stated that a month later he “took a cleansing oath”.<sup>76</sup> Similarly, Kasina Nguku testified that he was forced to take a Mau Mau oath and was later cleansed.<sup>77</sup> Although the cases show evidence of the forced Mau Mau oath, documentation for these cases did not suggest that oath cleansing was forced or mandatory. However, from the colonial perspective knowing that these individuals cleansed from the Mau Mau oath showed that these participants acknowledged the ills of the oath and sought rehabilitation.

Even with written and oral testimonies, it is difficult to understand the rationale behind some acts. This actually makes purification complex and

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<sup>76</sup> Testimony notes of Musau Ndivo, KNA MLA 1/986-CC 103/1954. Case #103 Rex vs. Ruben Mbwika, Nathan Kiswii, and Nguma Muindi

<sup>77</sup> Testimony of Kasina Nguku, Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waa Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 5.

interesting. Similar to the variety and variability of specific oathing experiences, the Mau Mau oath purification process was also a system of many parts. The roles consisted of an administrator who served as a spiritual guide responsible for conducting the ceremony, and of course, the participant. The true meaning and interpretation of the process and the experience is dependent on many factors. Although cleansing became a part of the post Mau Mau oath experiences, some Mau Mau oathers did not participate in oath cleansing.<sup>78</sup> These individuals fell into different categories: believers who felt that the *kithitu* aspect of the oath could not be cleansed and those that preferred to turn to the Christian church for purification activities. Present day thoughts on the topic revealed the belief that those that took the Mau Mau oath did not need cleansing because they did not do anything wrong.<sup>79</sup> They were freedom fighters.<sup>80</sup>

### **Colonial Cleansing During the Mau Mau Period, 1952-1962**

In efforts to regain control of what appeared uncontrollable, the colonial government during the mid-1950s instituted a purification or “cleansing” policy as a part of the colonial government Mau Mau rehabilitation program. This government acknowledgement legalized and sanctioned oath cleansing. According to Greet Kershaw, the government adhered to the position that it was “strongly recommended that those guilty of oaths submit to a purification or

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<sup>78</sup> Interview, J.M. Wambua, January 2009, Machakos District, The Mau Mau oath could not be cleansed and that they fought for freedom and therefore did not require cleansing. However, many accounts show that the cleansing occurred although it is difficult to discern the numbers.

<sup>79</sup> Viewing and discussion, The Emerald Initiative Kenyan Association, January 2010 of Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance”. December 2008.

<sup>80</sup> Viewing and discussion, The Emerald Initiative Kenyan Association, January 2010 of Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance”. December 2008.

cleansing ritual; it hoped that this would prevent them from retaking oaths.”<sup>81</sup> During the Mau Mau period the colonial government’s incorporation of purification rites into the rehabilitation programs was significant on several levels.

First of all, this strategy for rehabilitation and emergency stabilization to prevent subsequent oaths also inadvertently showed the colonial inability to combat the notions of African power in supernatural beliefs. Thus, this purification inclusion in many ways strengthened the perception of the power associated with African supernatural beliefs and customs. This was a major shift in the historiography in which the colonial government was often viewed as denouncing many of these beliefs.<sup>82</sup> Administrators like John Nottingham recalls “public witchcraft”<sup>83</sup> artifact burning ceremonies designed to move the Africans from the practices associated with witchcraft and the supernatural.<sup>84</sup> However, the evidence of colonial officials adhering to purification ceremonies was an example of the colonial administration in Kenya adapting to the powerful African belief system.

And finally, the colonial government’s involvement in purification also required working with the Christian church. Some may argue that this collaboration already existed to a certain degree with the local court systems that handled judicial matters and the Supreme Court that handled severe criminal cases. Prior to the emergency period, policies associated with supernatural

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<sup>81</sup> Kershaw, *Mau Mau From Below*, 328.

<sup>82</sup> Interview, J. Nottingham, Nairobi. February 2009. Also see KNA files of the Attorney General’s Office – Criminal Jurisdiction: witchcraft cases, File 100, date range of files from 1925-1951.

<sup>83</sup> The label witchcraft was attached to the Mau Mau movement to offer an explanation for situation by some Colonial officials.

<sup>84</sup> Interview, J. Nottingham, February 2009, Nairobi.

beliefs were largely directed towards monitoring, criminalizing, and suppressing traditional practices.<sup>85</sup> But, Mau Mau was large scale evidence that the government was not in control and that there were supernatural forces and powers at work that were clearly beyond the control of the British Administration. The willingness for Africans to die in the fight, and the unpredictable violent nature of the movement took the British officials by surprise, and they scrambled to take control of the situation.<sup>86</sup>

The implementation of the colonial purification policy was disseminated throughout various regions surrounding Nairobi in varying fashions. The colonial government intervened by forcing those that took the oath to undergo governmental sanctioned cleansings. For example, Muteti Manyi surrendered himself to the police after being forced to take the Mau Mau oath. He states in his written account of the episode, "The police then took us to Kikoko...there we stayed until we swore the cleansing oath. We were put in a barbed-wire enclosure guarded by the police until we swore the cleansing oath."<sup>87</sup> The purification process for Mau Mau participants through the local chiefs meant the chiefs used local specialists to conduct the ceremony in the village. In a testimony of cleansing activity, Chief Patrais Mulumba of the Kilungu location states:

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<sup>85</sup> KNA files of the Attorney General's Office – Criminal Jurisdiction: witchcraft cases, File 100, date range of files from 1925-1951. Activity started with the Colonial Witchcraft Ordinance of 1925. Mau Mau oathing was believed by some in the colonial government as practicing "witchcraft" as a strategy for anti-colonial resistance.

<sup>86</sup> For the severity of the Mau Mau, See Anderson, *Histories of the Hanged* and Elkins, *Imperial Reckoning*.

<sup>87</sup> Testimony of Muteti Manyi. Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandu. P 10.

“Very many other people took the cleansing oath: they were not allowed to leave the camp before they had. If people had take the oath willingly they were sent to the CID: if they were brought back to us we gave them the cleansing.”<sup>88</sup> Which for the most part followed along the identified process for purification using *ng'ondu* and the Mutaa solution.<sup>89</sup>

The major difference was that the participants were sent directly from the colonial government to Nairobi or nearby detention and rehabilitation facilities.

However, in the case of government sanctioned Mau Mau purification through the church, the ceremony naturally took on a different form. The traditional specialist was replaced by the ordained clergy in the church that offered a Mau Mau oathing purification solution within the parameters of the Christian faith. Christian church cleansing focused on the individual's sin as the negative energy, whereas the traditional purification views the evil force as separate from the individual. The sinner stands alone carrying this burden in a request for purification. This differs from the African perspective that viewed the unclean state as a result of a condition that came from outside of the individual and that the individual was not alone but represented the entire community that also shared in the affliction.

The Reverend Kenneth N. Phillips in from the Africa Inland Mission reveals the relationship between Mau Mau and church in his primary text, *From Mau Mau to Christ*.<sup>90</sup> This 1958 document to shows the experiences and accounts of Christian converts in the midst of Mau Mau struggles, some even dying following their Christian conviction. The relationship between God and

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<sup>88</sup> Testimony of Chief Patrais Mulumba. Case file 127 notes, KNA MLA 1/1007-CC 127/1954. Rex vs. Harun Waau Mutisya, Philip Nthekani Mwo, and Sounsza Kandou. P 14.

<sup>89</sup> Paul Musuo interview, January 2009. This process was examined in detail earlier in the chapter.

<sup>90</sup> Kenneth N. Phillips, *From Mau Mau to Christ*, (Nairobi: Africa Inland Mission, 1958).

Mau Mau was a relationship studied carefully by churches like the Africa Inland Mission in order to help the Christian Church determine how it should position itself during the war and in the detention camps.<sup>91</sup> The Christian Church seized the emergency to offer salvation for Kenyans who were the primary target of their conversion efforts. The book outlines personal accounts of Mau Mau oathers and those that eventually turned to Christianity. The book, *From Mau Mau to Christ*, views the oath as being as Reverend Phillips describes, as “the very heart and centre of the Mau Mau itself, giving its members barbarous strength to carry out their evil designs.”<sup>92</sup> In the chapter called, “The Vessels of the Marred,”<sup>93</sup> one Mau Mau participant describes his oath:

“I have become one of the company of killers. If I fail to do so, may this oath kill me.

I must steal European firearms. If I fail to do so, may this oath kill me.

I must cut the telephone wires when we fight with the Europeans. If I fail to do so, may this oath kill me.

I must break up the railway. If I fail to do so, may this oath kill me.

I must help drive out the Europeans from Kenya. If I fail to do so, may this oath kill me.

I must always carry a piece of rope with me for hanging people. If I fail to do so, may this oath kill me.

I must burn the wheat and damage the property of Europeans. If I fail to do so, may this oath kill me.”<sup>94</sup>

The church had a responsibility for delivering those that were spiritually lost during Mau Mau. This oath account is consistent with other statements documented. However, what is particularly interesting is the first statement in which the oather states that he or she is now in the “company” of killers. The

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<sup>91</sup> Phillips, *From Mau Mau to Christ*, 3.

<sup>92</sup> Phillips, *From Mau Mau to Christ*, 14.

<sup>93</sup> Phillips, *From Mau Mau to Christ*, 14.

<sup>94</sup> Phillips, *From Mau Mau to Christ*, 14.

statement implies that this oather may have been forced to engage in this activity which was a complaint for some in the court systems as previous noted and even in detention camps. However, according to Reverend Phillips, the church was to save the lives of the men in the camps who at one point joined Mau Mau.<sup>95</sup> Although the study focuses on the testimonies of individuals that discovered Christianity primarily through the detention camps, it also explores the transformations and healing that took place from within the Church as a result of Mau Mau. Consider the statement from D.M. Miller the former General Secretary of the Africa Inland Mission in London:

“Little did some of us realize when we prayed for the revival of the Church in Kenya that God would cause the wrath of men to praise Him and bring about, through the emergency itself, the cleansing and purifying of the Church.”<sup>96</sup>

While the Africa Inland Mission church was “cleansing and purifying” in 1958, the Christian church also began a wider purification process aimed at rehabilitating and washing Mau Mau sins away of those that oathed. In *Mau Mau from Below*, Kershaw provides an overview of a ceremony taken from published notes on the topic, *Notes for the Guidance of Clergy and others on Cleansing Ceremonies for ex-Mau Mau*.<sup>97</sup> Below is the list of questions posed by the clergy to the individual being purified:

Do you confess that you have taken the Mau Mau oath(s)?

Do you truly repent of this (these) sin(s)?

Do you renounce these oaths and put them from you forever?

Do you seek forgiveness through the blood of Christ our Saviour?

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<sup>95</sup> Phillips, *From Mau Mau to Christ*, 82.

<sup>96</sup> Phillips, *From Mau Mau to Christ*, 3.

<sup>97</sup> Kershaw, *Mau Mau From Below*, 328.

Will you now stand firm with the people of Christ in worship and witness?  
Do you affirm that, by the help and grace of God, you will confess the faith of  
Christ, and fight against the world, the flesh and the devil?  
Do you promise to attend regularly further instruction in the Christian faith?

After this question and answer period, the one being cleansed is forgiven and blessed. For Christian believers, this strategy offered a solution for being accepted back to the community via the church. However, for many, these statements did not carry the meaning and tradition of their inherent purification process based on a “serious oath”<sup>98</sup> that if broken would result in death. Therefore, the church option was an approach for a limited number of participants, with the bulk seeking purification through their traditional practices led by the specialist under the watchful eye of their elders.

### **My Interpretation of Purification**

On January 9, 2010, the Emerald Initiative, an association consisting primarily of Kenyans from the Kikuyu, ended their meeting located in Katy, Texas, in a discussion on the Mau Mau oath and oath purification. This meeting was organized by the members of the Christian based organization to promote economic, educational, and social support for Africans in the African Diaspora. Most of the members grew up in Africa before moving to the United States and still maintain strong ties with their families on the African continent. The oathing discussion was prompted by a viewing of an oath cleansing reenactment

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<sup>98</sup> The Kithitu was considered serious. For the Kikuyu it was the gutahiko based on Kershaw, *Mau Mau from Below*, p. 329.



conducted and taped during field work for this dissertation in December 2008.<sup>99</sup> Eight members of this association participated in the viewing and discussion. The tape was a video of “purifying the impure”, a cleansing reenactment by a cultural group called, Wendo wa Kavete in the Kibwezi District.<sup>100</sup>

The objective of the re-enactment was to show the purification process in Kenya. It was a performance that included singing, dancing, drumming, chants, and prayers. The ceremony included going through the process of purification using artifacts and gestures. The reenactment provided an opportunity to experience a simulated purification. The exercise, although limited, was valuable in understanding how cleansing was conducted in the past. Although the performance was effective in providing a glance back at purification that was done during the 1950s, it also spoke in the present. From the modern dress of the participants, to the obvious presence of the videotape equipment, there were constant reminders of the realities of the present. To this point, it helps to remember what Jan Vansina states, “Traditions must always be understood as reflecting both past and present in a single breath.”<sup>101</sup>

The viewing was followed by a group discussion. The most striking aspect of the conversation was the consensus that the Emerald Initiative participants felt that the reenactment “was consistent with what they knew about healing and

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<sup>99</sup> Viewing and discussion, The Emerald Initiative Kenyan Association, January 2010 of Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance.” December 2008. Video tape recording and notes.

<sup>100</sup> Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance.” December 2008. Video tape recording and notes.

<sup>101</sup> Vansina, *Oral Tradition As History*, xii. The fact that was giving in the present makes it a product of the present; it is the present view of the traditional past which some question if this is reality or an invention of tradition.

cleansing”.<sup>102</sup> The performance represented what they remembered personally or heard from stories of others about the purification process. The group continued discussing their own individual experiences or stories they heard about cleansing in the rural areas. The Emerald Initiative Association members, along with the cleansing information collected in Machakos and Kangundo districts, confirmed that purification was a process that, even before Mau Mau cleansing, had a long and vibrant history.<sup>103</sup> It was also clear that purification as healing and cleansing is still a modern practice. The 2008 Kenya survey analysis confirms this statement with 87.5% of respondents noting the continued use of traditional forms of medicine, healing, and cleansing.<sup>104</sup> This is important because it shows purification is one of many traditional systems that have evolved and adapted in Kenya.

It is also my view that purification is a social, economic, and legal practice. Socially, purification is ceremony or practice that when conducted pulls together many members of the community. Children, men, and women gather outside doors, under trees, and near the ceremonial site to witness the cleansing activities. The performance of the specialist continues to fascinate all those that watch. This was evident even watching the reaction from members of the Emerald Initiative Association. The acts, the prayers, the chants, the drumming, the dancing, the playing of the musical bow, and the spraying of the *mtaa* plant at

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<sup>102</sup> Viewing and discussion, The Emerald Initiative Kenyan Association, January 2010 of Wendo Wa Kavete. Kibwezi District. “Purification Ritual Performance”. December 2008. Video tape recording and notes. Statements in quote, taken from interview comments from R. Nsiku.

<sup>103</sup> Purification noted as apart of the traditional rites, but this knowledge is still used. The field work includes: Kangundo District. “Purification and Rainmaking Ceremony”. December 2008. Video tape recording and notes and A.N.M. Matingo. Machakos District. “Mau Mau Purification/Cleansing Performance”. December 2008. Video tape recording and notes.

<sup>104</sup> See Appendix, Table 2.0, Kenya 2009 Survey Percentage Analysis

various stages during the cleansing worked together as presentation that reminded spectators of the power of traditional ways. Purification was a ceremony that strengthened the community, and the healing of the afflicted was celebrated by those that witnessed the performance.

Economically, purification is a process that has enabled the continuity of healers, specialists, and cleansers as professionals in Kenya.<sup>105</sup> Purification requires the hiring of specialists who have been acknowledged by the community for their ability to successfully conduct the ceremony. These professionals receive payment of varied amounts based on their services. Some purification ceremonies involve many community members and last for days. Therefore, payment is dependent on the nature and scope of the affliction.

Purification also results in the restoration of rain to the villagers so that crops can once again grow. This has an obvious economic impact on the community. And as previously discussed, purification involves the restoration of the individual and or community to back to neutral. The associated cost of disorder is difficult to measure but certainly understood by those involved in the practices.

Finally, there is a legal dimension of purification. These ceremonies are embedded into the judicial practice of Kenyan society as a means of allowing those that conducted offenses and ill behaviors to have an opportunity for redemption and reintegration into the society. This is a powerful phenomenon

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<sup>105</sup> The specialists interviewed during Field analysis view their work as a job or services that they can offer the community. Accounts based on interviews. Examples include, Interview from: M.N.S. Munguti, February 2009, Machakos District. K. Mulwa, January 2009, Machakos District and M.K.M. Kimongo, February 2009, Machakos District.

that has been a long practice of traditional laws in Kenya, where the ultimate goal from any crime, wrong-doing, and evil is to allow the offender deliverance from their deeds.

In reviewing criminal offenses of pre-colonial Kenya, purification was often referred as part of the legal process. For example, one of the key findings of this research is that African traditional systems of law and order provided a place for healing for offenses that cause death, understanding the importance for the two clans impacted to move passed the tragedy.<sup>106</sup> In these cases, purification played an important role in the process of restoring order to the society. The purification ceremony was a rite invoking God to cleanse and neutralize negativity that resulted in the offense. The goat and the bull were sacrificed and used for the purification practices. Afterwards the bull was eaten by the clan and *utui* elders who were the legal administrators of pre-colonial judicial matters. During the Mau Mau war, as shown in this chapter, the colonial government also engaged in purification ceremonies as a legal activity designed to allow ex-Mau Mau oathers an opportunity to rehabilitate themselves from the oath and related activities. From a legal perspective, purification has been a powerful practice in Kenya to sustain societal order.

Purification as a social, economic, and legal practice shows the complexity, the importance, and its sustained continuity in Kenya. Like oathing, it is a ceremony that has adapted over time to serve those that seek it. In understanding the dynamics of purification socially, economically, and legally, it

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<sup>106</sup> Penwill, *Notes on Customary Law*, August, 1950. Film 2804 Roll 9, 82.

is clear that it is a practice that goes far beyond religion and is tightly woven into the fabric of Kenyan society.

## **Conclusion**

The Mau Mau oath created a different type of offense in Kenya that was viewed as violent, unnatural, sexual, and even criminal which required purification, a process that was unnecessary prior to the 1950s. In pre-colonial Kenya oathing was never viewed as an offensive or unclean act. Actually, vows were sometimes used in purification ceremonies to strengthen the power of the cleansing acts. However, the years of colonialism created a frustration in the 1950s that forced radical changes throughout Kenyan society with old traditions transforming to accommodate the modern moment. The Mau Mau oath was a product of the violence of the 1950s; it was an oath that was highly secretive, offensive, and reactionary. This changed oath involved practices that crossed boundaries and engaged in societal taboos unknown to oaths of the past. As a result, purification became an important practice in rehabilitating those that took the oath. The purification process of the 1950's resembled the ceremonies of the past in their meaning, complexity, and significance. However, purification was also an example of a tradition that adapted over time as seen in its integration in the colonial government's practices and those of the Christian church. Purification represents the end of the Mau Mau oath process by allowing the oathers an opportunity to spiritually recover from what they experienced during

the oathing ceremony and during the activities in combat. It allows for the reintegration of the oather into society while also protecting their environment.

This chapter has shown that the intersection of purification and oathing systems is also an example of the complicated systems that work together to sustain the society. What is clear from both oathing and purification systems is that many Kenyan traditions were not destroyed by colonialism, but instead found modern ways to emerge and to adapt to the environment. In all of this we see African power and knowledge being continuously applied to control and manage aspects of their environment, showing a consistent reliance, consciousness, and reconstitution of old, valued traditions to accommodate modern societal needs.<sup>107</sup>

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<sup>107</sup> Question posed with 75% of respondents affirming “old rituals changed over time with values.” See Appendix, Table 2.0, Kenya 2009 Survey Percentage Analysis.

## Chapter 8 Conclusion

*"After climbing a great hill, one only finds that there are many more hills to climb."*<sup>1</sup>

*Nelson Mandela*

### Introduction

Similar to the many hills noted by Nelson Mandela, this study has revealed the need for more scholarly work to unfold the complexity of Mau Mau. The movement was by far much more involved, integrated, and meaningful than it appeared on the surface. As a result, it requires an extensive, systematic, and careful treatment of the various dimensions of Mau Mau and the complexity. This type of study is challenging because of the availability of the sources, unfortunately many Mau Mau participants are no longer available for their first hand accounts and the subject is still a very sensitive and opinionated topic. This dissertation is only the beginning of such a treatment. It is an contribution to the Mau Mau historiography through centering the conversation on the Mau Mau oath. This is the first study that has methodically investigated the true making of Mau Mau as presented in the power of the oath.

Centering the oath as the object for historical analysis allows an examination of how it has been used and reused throughout history to shape issues. In pre-colonial Kenya, the oath was the decision maker in difficult judicial matters. During Mau Mau the oath became the cornerstone activity of the movements' membership and allegiance, as well as the primary target of the

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<sup>1</sup> Nelson Mandela Quote, "I'll Call You-Nelson Mandela," March 1, 2009.  
<http://www.southafrica.info/mandela/mandela-retirement.htm>.

colonial police through criminalization. Today, oathing is still a vibrant source of power in Kenya with groups like the Mungiki turning once again to the power of the oath to forge unity and secrecy against economic inequality; they refer to themselves as the descendents of Mau Mau.<sup>2</sup> The oath has consistently been a source of power by many Kenyans, as displayed during the Mau Mau war and also today.

The Mau Mau war is an example of a time in which the desire for freedom required Africans to use their power, in the form of the oath, to create a new reality. The British were using their power to suppress African freedom in Kenya; old structures and systems were redirected to support colonial economic, political, social, and religious interests that reorganized and suppressed Kenyan traditions. But power must be fought with power, and the key is uprooting, mobilizing, and manifesting it. The Mau Mau oath was a part of a very powerful oathing system in Kenya that was reconstituted to fight an inevitable war.<sup>3</sup> As some Kenyans turned to the secrecy and unity of the oath, the British also turned to their sources of power. These colonial sources were beyond military weaponry and included shaping the discussions of Mau Mau as a violent, evil, and barbaric revolt. As a result, Kenyan power was minimized in the texts as tribal, savage, and irrational instead of treating it as a reaction to colonial injustice and inequality.

However, this study discovered that contrary to the prevalent notions and images, the Mau Mau oath was actually a sophisticated, elaborate, rational, and

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<sup>2</sup> See Harris, "Mau Mau returns to Kenya". Mwai, "What Makes Mungiki Tick."

<sup>3</sup> Anderson, *Histories of the Hanged*, war referred to as Britain's Dirty War.



modern response to African grievances, discrimination, and victimization. The oath was the true power behind the Mau Mau movement and was rooted in a system of oathing long used by Kenyans as a response to social, environmental, and economic threats. This research uncovers the historical significance of the oath, reveals the inner workings of the oath, and highlights its ability to find its way back into modern Kenya.

The study commences in Chapter two by analyzing the Mau Mau oath historiography. This chapter places the oath in the middle of contested literatures on Mau Mau. The key finding is that studies on the Mau Mau oath movement have failed to treat the complexity of the Mau Mau oath. The chapter reveals that scholars have not been able to effectively address the varied Mau Mau oath meanings and interpretations. This is also the case in studies of Mau Mau in general. A focused study on oathing has not been conducted even though it has always been associated with Mau Mau conversations. The most significant observation from this chapter is the power in how print is used to make and shape what is known or unknown about the past. As a result of the invented discussions on Mau Mau, it was important to look beyond the scant archive files and literature and investigate the inner structures and meaning of the Mau Mau oath as a window into this powerful movement.

Chapter three argues that although oathing, in general, is a practice that has existed throughout time and space, scholars have failed to truly understand its complexity, cultural implications, and continuous nature as a result of not investigating its structure and symbolic meaning, which is the purpose of this

research. The first part of the chapter outlines oathing across time and geographical boundaries to show the existing opportunities in understanding oathing and how previous scholars were challenged by the concept. This demonstrates that the oath is a product of time, location, and meaning. However, the second half of the chapter complicates this perspective by focusing on oathing in Kenya from the pre-colonial to the colonial period. The study traces the detailed historical, cultural, and political nuances associated with *kithitu* oathing in the society, showing how the oath was used traditionally to support judicial order and how it evolved during the Mau Mau period. The key finding that this chapter reveals is the importance of understanding historical origins of oathing in Kenya in order to truly understand what changed during the Mau Mau period and why. This analysis is key because it provides an opportunity to truly investigate the behaviors and beliefs of the society.

Chapter four presents a Mau Mau oath model as a solution for analyzing the inner structures and meaning of oathing. The key finding in this chapter is that the oath is not a static, random, or simple practice; instead the oath is a complex system grounded in beliefs of the past but renewed and customized to fit present situations. By closely utilizing a combination of field oral interviews, field survey data, archival data, court files, ethnographical accounts, and secondary literature, this chapter shows that the Mau Mau oath is an evolved, sophisticated, elaborate, and modern system of relationships and structures. This chapter is the heart of the entire dissertation because it provides the model needed to truly understand the Mau Mau oath; the remaining chapters highlight

relationships to the Mau Mau oath and present more supporting details on the complexity of the oath and the sensitivity of oathing to the modern situation.

Beginning with Chapter five, the next three chapters are examples of unique new relationships created based on the reconstituted Mau Mau oath. Chapter five focuses on how the oath was criminalized during the Mau Mau war by the colonial administration. The chapter questions the notions of justice in colonial Kenya. Law making during this period in Kenya was a process usually designed to support colonial interests and domination. Although oathing was never a criminal activity prior to the 1950's, Mau Mau oath suspects were executed by hanging for their association with Mau Mau oathing. This was the colonial response to curbing such activities and halting the spread of the Mau Mau movement. Criminal court cases are examined to show the details of how the oath was criminalized and the issues with colonial justice during the Mau Mau frenzy. The colonial Mau Mau fight took place in the courts with each execution leaving stacks of papers as evidence of the evil and wrong doing of Mau Mau oathers. Mau Mau files contained colonial "proof" that the movement and oathing practices were barbaric, irrational, violent, and deplorable. Therefore, in the eyes of the colonial jurist the harsh and brutal executions of convicted oathers were justified.

Chapter six considers a different type of oath relationship created during the Mau Mau period that was, this time, initiated by Kenyans. This chapter examines the relationship between gender and the Mau Mau oath. Although pre-colonial oathing was traditionally the business of men, during the 1950s women

took and gave the oath, forming a new relationship. This chapter shows how the oath responded to a recasting of gender roles during Mau Mau by including women into the oathing ceremonies.

Women were needed in the movement to play roles and occupy spaces that men could not. For example, it was easier for women to carry food in baskets through the forest to soldiers, and they were able to collect vital information because of their ability to get closer to the enemy. The key finding of this chapter is that although often overlooked, women played an important role in the freedom fight, and the presence of women in oath practices created a different oath experience that was much more sexual than the traditional *kithitu* oaths. This chapter continues the treatment of the Mau Mau oath by showing again how the oath was sophisticated and even modern in its adaptation to include women into the movement because like men, women also had notions of freedom and the desire to fight for it.

The complexity of oath relationships is concluded with chapter seven through the new oath-to-purification relationship created during the Mau Mau period. Like criminalization and gender, it was a relationship that prior to the 1950s did not exist in Kenya. However, this relationship is different because it represents the last phase in the oathing process where the oather must reintegrate back into the community through the purification process. This new relationship speaks to the inherent pollution associated with oathing that was not characteristic of the traditional oath. The Mau Mau oath was treated as a new type of offense that required purification. This relationship also took on new

forms with the intervention of the colonial government and through the Christian church that also encouraged the purification of Mau Mau oathers as a means of rehabilitation.

The key finding of this chapter is that things of value in the past do not vanish; instead they accommodate and respond to the new environment. Like the oath, purification was revealed also as a complex, historical, and highly structured system integrated into Kenyan society with connections to the environment and natural world. Oathing and purification were systems that intersected during the Mau Mau period as a reaction to the pollution, violence, and offenses associated with the oathing activities and war exposures. This intersection speaks to the sophistication of the Mau Mau oath as a system that sought to be purified and restored.

These three chapters cover the Mau Mau oathing relationships. They emphasize the dynamic and responsive nature of the oath and raise the questions of how these new oath relationships to crime, women, and purification alter and explain the oath itself. These relationships shaped the oath by making it much more dangerous, more inclusive of other groups, and defiling unlike oathing prior to the 1950s. Although other new oathing relationships were established during this period including those to the young, these three (crime, women, and purification) connections reflect the wide ranging social, cultural, and political impact of oathing.

## **The Research Questions**

There are several important research questions that this study aims to answer. It asks: Why is Mau Mau difficult to define?; Why is the historiography so contested?; How has the oath been understood over time and across geographical boundaries?; and What was the Mau Mau oath?. All of these questions are addressed to provide a clearer understanding of the Mau Mau movement and oath.

However, there are still questions of the relationship between power, the oath, and Mau Mau that must be addressed. This dissertation started questioning the role and importance of the oath in the making of Mau Mau. The oath made Mau Mau, but at the same time the Mau Mau situation made the oath. The oath enforced and sealed the Mau Mau culture of danger, violence, secrecy, unity, and freedom from the British. The oath was the power behind the Mau Mau movement.

This leads to the next question of how the Mau Mau oath became a source of African power. The answer is that traditionally oathing has always been a source of power in Kenya as in other societies, and the Mau Mau oath was rooted in traditional oath. This power bound oathers together in brotherhood and sisterhood, and if broken, the curse of the oath was believed to kill violators and their family members. The belief in the oath and the oathing statements served as a powerful force in the making of Mau Mau because members understood the fatal consequences of not following through with their pledges. The Mau Mau oath represents the power individuals have when they truly believe

in something. For this reason, the oath was far from being a haphazard, irrational, and barbaric act.

### **Reflections - The Mau Mau Historiography**

This study heightens our knowledge and understanding of the Mau Mau movement by deepening the interrogation of its history. It is an intervention in the historiography by examining the Mau Mau war from the angle of the African oath. It shows an oath that contradicts the savage and wholly evil acts normally associated with the war by showing it to be a sophisticated, elaborate, and structured process that was ordered around symbols, gestures, and words that had long standing ethnic meaning and power. It enabled Africans to define their relationship to the world. Mau Mau fighters had their own imaginations, dreams, and objectives associated with the movement that included a free and independent Kenya. A much more complex narrative is revealed here compared to previous studies of Mau Mau.

One key theme raised here is the importance of questioning history making and how we know what we know. African historiography is still embedded in conversations of invention. The field wrestles with who should be the authority on particular topics and why, including whether inside or outside perspectives are more meaningful. The question of authority forces us to question if we have truly interrogated what it means for individuals to invent and reinvent the history of others. What history are we sacrificing by accepting the created classifications, categories, labels, and definitions of others?

As this study shows, for over fifty years writers on the Mau Mau oath have wrestled with defining, describing, labeling, and categorizing it. Initially oathing was invented, distorted, and minimized by those able to control the discussions mostly in print. The fictitious descriptions, images, and stories of Mau Mau and the Mau Mau oath hid the inner meaning, structure, modernity, and importance. Although recent historiography has begun questioning these initial accounts, the impressions are difficult to erase. Unfortunately, these inventions also stole the truth of the varied interpretations of Mau Mau history by dominating the conversation. Mau Mau is a history that will continue to re-emerge until every historian has had an opportunity to give proper treatment. However, the initial colonial writings have unfortunately left a lopsided history that will take time to restore.

This interrogation forces us to question how African knowledge and history has been made and remade and reveals the challenges and opportunities related to written sources. As in the Mau Mau court cases presented, the absence of information was just as powerful as the presence of information. Why did the accused only say “not guilty” instead of providing a detailed version of their story on the stand? Was this an option? Were the statements removed? Was this all they really had to add? Or were they silenced because of the threats of the oath? There may be many reasons, but based on what we know about how this history has been treated, it is important to consider different possibilities and implications. Similarly, Carolyn Elkins questions the absence of the detailed Mau



Mau files, especially since the colonial administration was known for their detailed notes.

Due to the complexity of Mau Mau, it is important to use a variety of sources and analyze old sources from different perspectives. The solution is really an opportunity for the scholar to return to what is known and what is unknown. This has been the approach taken here in first focusing on the rarely studied Mau Mau oath and then using a combination of archived data and oral accounts in order to understand its fragmented history. Another plus is that because of the battles in print, we now know much more about how African and Kenyan knowledge has been produced. These battles permit a new type of history making that challenges the status quo to ask even more about the past.

### **Research Opportunities & Challenges**

Although the surviving Mau Mau war veterans are elderly, the stories and memories have been passed down and are lodged in the oral history of Kenya. It is impossible for approximately 100,000 Africans to be killed and there not be a lasting impact on all of those associated with the movement. From the very beginning of the war in October 1952, the facts were suppressed and distorted. From the war onset, fears and images of African savagery spread among British populations in the colony and in Britain. The white paradise in Kenya was shattered because Mau Mau oathers collectively resisted the British establishment and occupation. They wanted their land and freedom restored. But this perspective was not the mainstream image projected. Instead Mau Mau

fighters were presented as gangsters, thugs, and criminals from the start of the movement. Unfortunately, the emotion, passion, racism, and politics associated with the movement have made it a challenging topic to study.

Despite the fresh perspective the dissertation offers, the field remains conflicted and polarized because of the politics and nature of this particular war. This dissertation was an attempt to take the focus off of the atrocities of the war practices and instead to understand it from the perspective of the oath which was the centralized power point for the Africans and an object of attack by the British.

The political nature of Mau Mau has resulted in silence. Unfortunately, many Mau Mau oathers refuse to publicly share their experiences for varied political, social, and even cultural reasons. Nevertheless, it is still important for scholars to continue seeking the truth associated with their history. The good news is that the ban on Mau Mau, a shifting conversation on the topic (viewing Mau Mau as a freedom war), and Mau Mau veterans feeling more comfortable discussing the war abuses may all work together to open new possibilities on the topic. There is an opportunity to still collect many narratives of Mau Mau veterans to document their personal narratives in detail. The process can be long, as identifying these individuals requires the work of skilled researchers, a great deal of advance planning, and time. However, this oath analysis offers a framework for asking new questions about war experiences. This is especially important for testimonies of women like S. Kakie who offered a unique war point of view. Similarly, the young and non-Kikuyu ethnicities that joined Mau Mau have valuable stories that will offer even more perspectives on the war resulting in a

more in-depth study than this one. Exploration of non-Kikuyu court files and cases in the archives may also be a fruitful approach to finding stories and experiences. There is an opportunity to know much more about the past through these varied accounts.

Only close historical and anthropological analyses can explain the inner meanings and beliefs of structures like the oath. There is a growing need to seek a history that allows even more interdisciplinary and collaborative approaches. The themes of power, war, ethnicity, change, environment, gender and criminalization will continue to occupy the attention of scholars. However, the field seeks and is ready for a history that is inclusive of all the complicated structures that truly define a society. Therefore, the challenge for scholars is to become more comfortable weaving in diverse sources and methodologies in order to better understand the complexity of the past. This approach is rewarding as it enables us to understand complex structures like oathing.

### **The Relevance of This Study**

In 2003 after almost fifty years of silencing from the Kenyatta and Moi administrations, the Mau Mau ban was lifted after the election of President Mwai Kibaki. Prior to this point, Mau Mau veterans who risked their lives to oath for freedom and land were outlawed and prevented from organizing in Kenya. The removal of this ban represents a new era in the Mau Mau conversation. For decades, these veterans suffered silently with the legacies of a war that left them injured, lame, castrated, emotionally scarred, and impoverished. Now, the ex-

Mau Mau oathers can openly tell their versions of the unforgettable war, and in so doing, they can heal.

The remaining Mau Mau veterans yearn for retribution. On June 23, 2009, five elderly and fragile Mau Mau veterans entered the British Courts to sue the British government for the atrocities committed against them during the Mau Mau period. A similar legal attempt was lodged years ago but was not successful. However, in this recent case the lawyers of Leigh Day and Company were prepared with forty cases of torture, sexual abuse, unlawful detention, and a new global audience.<sup>4</sup> The claimants, Ndiku Mutua, Paulo Nzili, Wambugu Wa Nyingi and two women, Jane Muthoni Mara and Susan Ngondi, all filed for compensation and an apology for inhumane treatment, abuse, and injuries during the Mau Mau war.<sup>5</sup> Their severe injuries were life-long and inhumane. For example, two of the male claimants, Mutua and Nzili, were both castrated with pliers, and the women, Mara and Ngodi, were subjected to heinous sexual violence. However, it is questionable how long the court battles can last since the claimants are now in their seventies and eighties.<sup>6</sup> This drive and desire for justice on behalf of Mau Mau veterans shows that the conviction, memory, legacies, and restlessness of the war continue to have a relevant place in contemporary Kenyan society. The remnants of Mau Mau war experiences

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<sup>4</sup> *BBC On-line News*, "Kenya Mau Mau Veterans to Sue UK," May 11, 2009, <http://news.bbc.co.uk/2/hi/8043442.stm>.

<sup>5</sup> Ray, "The Empire's Ghost Returns," 18-22.

<sup>6</sup> Ray, "The Empire's Ghost Returns," 18-22. Also note, some attest that the strategy has been to continue to push the court trials out over time with the expectation of continued frustration and/or death of Mau Mau veterans.

remain forever embedded into the society and into the mind of the soldier who consciously decided to fight for a better future.

Although Kenya seized independence in 1963, the battle for freedom is far from over. As Nelson Mandela pointed out at the onset of this chapter, only when climbing one high mountain are the other obstacles revealed. The Mau Mau struggle was the beginning of a long road to freedom in Kenya. Britain has maintained economic and geopolitical interests in the country. Despite the success of driving out the British, the vast majority of the people remain destitute, disenfranchised, and ignored. The war notions and imaginations of freedom, equality, and justice were never realized for most Kenyans.

Out of all of the people to suffer, Mau Mau veterans have undoubtedly borne the brunt of this hardship. Mau Mau veterans are viewed by some as heroes and freedom fighters while others consider them to be outcasts. They represent the ghosts of an unforgettable and cruel time. Even in the absence of missing or destroyed British war files, Mau Mau stories remain etched in the memories and souls of those impacted. The Mau Mau discussions are far from ending. The truth of the war will continue to surface over time, file by file, and testimony by testimony.

Since the election of President Mwai Kibaki, many Kenyans have begun to reshape their own memories and legacies of Mau Mau. Mau Mau history has become a way for Kenyans to remember who they are through the imaginations and stories associated with the war. The conversation on the topic is changing from the view of Mau Mau ex-soldiers being thugs and gangsters committing

hideous murders, and madmen conducting irrational killing to that of Mau Mau veterans being freedom fighters, liberators, and heroes.<sup>7</sup> This shift has come in a variety of forms.

In 2004, A Hot Sun Film movie entitled, *The Oath, A Story of the Mau Mau* directed by Nathan Collett, was released. This movie is essentially the retelling of the Mau Mau war by showing the tensions and conflicts that occurred between and within the races in efforts to recast a new Kenya. The story starts with an ex-Mau Mau veteran talking to school age children about a story called Mau Mau and the struggle for Kenyan independence. Like the old Kenyan folklore stories told by night fires, the children all listened acutely to the details of how Mau Mau won independence for Kenya. However, it was the accompanying film documentary that contextualized the movie and the historical relevance of Mau Mau. The director and some of the cast provide their interpretation and meaning of the movie and the history. The cast are all Kenyan, making the film particularly relevant and personal, which came out in their descriptive testimonies. Like this study, the movie is an intervention; it provides a Kenyan view of Mau Mau as freedom fighters, highlighting the importance of this bloody but honorable past. In addition, the presentation of the movie in English also suggests that it is consciously targeting a global audience.

This is an example of the new spaces some have created to provide a new perspective on the war. Mau Mau is intriguing because of the varied meaning. There are still divisions, impressions, interpretations, and too many

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<sup>7</sup> Viewing and discussion, The Emerald Initiative Kenyan Association, January 2010 of Wendo Wa Kavete. Kibwezi District. "Purification Ritual Performance". December 2008. Video tape recording and notes. Descriptions taken from interview comments.

unanswered questions around this topic for it to disappear. The desire to understand this past will continue to push scholars to find new ways to examine what is known and unknown on the topic. This study of the power of the oath in the making of Mau Mau is one of many more interventions to come, designed to push us closer to understanding this complex war. With this it helps to remember as stated at the beginning of this chapter by Nelson Mandela, "...there are still many more hills to climb".

## Appendix

### RESEARCH FIELD NOTES

The bulk of all oral interviews, surveys, and re-enactments occurred between late 2008 and spring 2009. The fieldwork was accomplished through the hired services of two Kenyan research assistants, M. Musyimi and E.K. Kioko, although all activities were also facilitated with the help of family contacts. Through the assistance of Musyimi and Kioko, interviewees were identified and scheduled and information was translated and documented. During this fieldwork, oral information was collected that spanned the districts of Nairobi, Machakos, Kitui, Makueni, and Kangundo with most participants residing in the districts of Machakos, Kangundo, and Makweni. The resulting research sources consisted of approximately thirty to forty interviews, twenty-four detailed surveys, numerous photographs, and video images where permitted.

The fieldwork began with an emphasis on rituals and daily practices examining the Akamba of South Central, Kenya. As a result, survey analyses were conducted based on this broader foundation and context. There were twenty-four participants in the survey who were selected based on their exposure and knowledge on the subject of African practices and knowledge. The survey was designed to focus on the population over 60 years old. The mean age of survey participants was 72.5. This was particularly important in order to capture the population that was able to truly experience African life prior to colonialism. Furthermore, the survey captures the beliefs of men and women equally. All the surveys were conducted orally and in Kikamba and the responses were written in the same language. The responses were then translated into English. Due to cultural nuances of language, the survey was modified for clarification. The process also generated a great deal of unsolicited information and notes.

In order to compare and contrast testimonies, most of the Mau Mau interviews followed a similar format of questioning. The interviews were loaded with many personal histories of Mau Mau, specific oathing details, and accounts of what Mau Mau meant, and the legacy remaining. Other interviews included specialist in healing and purification, providing their unique experiences on healing and cleansing. These rich accounts provided valuable insight on the varied possibilities of the Mau Mau oath ceremonies because in all cases participants sought power.

The final fieldwork included three live ceremonies or re-enactments that were recorded on video. One included a cleansing and purification/rainmaking ceremony to address the drought in the Kangundo district. The other two were re-enactments. One was performed by the group, Wendo wa Kavete in the Kibwezi District. The other cleansing re-enactment was conducted by A.N.M. Matingo in the Machakos district. The performances and actual ceremony



provided a great deal of material. It was clear that purification like oathing was a very complex topic. Their participation allowed for these re-enactments to be shared with others like the Emerald Initiative Association who could reflect on what the practices meant to them as well as validate the ceremonies based on their memories or stories.

## INTERVIEWS

### *Nairobi*

J.C. Nottingham. Interviewed by the author. Nairobi. City Center. February 2009.

### *Machakos District*

A. N. M. Matingo. Born 1935. Interviewed by M. Musyimi. Tape recording, notes, and video. Kikumbulyu. December 2008.

K. Mulwa. Born 1934. Interviewed by M. Musyimi. Tape recording and notes. Mutituni. January 2009.

J.M. Malei. Born 1936. Interviewed by M. Musyimi. Tape recording and notes. Mutituni. February 2009.

S. Kakie. Born 1934. Interviewed by M. Musyimi. Tape recording and notes. Mutituni. February 2009.

P. Musuo. Born 1922. Interviewed by M. Musyimi. Tape recording and notes. Mutituni. February 2009.

L.N. Muli. Born 1940. Interviewed by M. Musyimi. Tape recording and notes. Mutituni. February 2009.

V. M. K. M. Kimongo. Born 1924. Interviewed by M. Musyimi. Tape recording and notes. Mutituni. February 2009.

M. N. S. Munguti. Born 1921. Interviewed by M. Musyimi. Tape recording and notes. Mutituni. February 2009.

K. Nthenge. Birth date unknown. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Mutituni. June 2009.

N. M. Nyaa. Birth date unknown. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Mutituni. June 2009.

C. M. Maweu. Birth date unknown. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Mutituni. June 2009.

G. Muthoki. Born 1914. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Mutituni. June 2009.

R. N. Mutuma. Birth date unknown. Interviewed by K. Kioko. Tape recording and notes. Mutituni. June 2009.

K. Nthenge. Born 1929. Interviewed by K. Kioko. Tape recording and notes. Mutituni. June 2009.

K. Makau. Born 1912. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Kikumbulyu. June 2009.

### *Kitui District*

- P. Matheke. Born 1983. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Kawelu. June 2009.
- K. Nthuva. Birth date unknown. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Voo. June 2009.
- K. Mutunga. Birth date unknown. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Kyamatu. June 2009.
- K. W. M. Kitavi. Born 1929. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Muthungue. June 2009.

### *Makueni District*

- P. Nyamai. Birth date unknown. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Ndetani Sub. July 2009.

### *Kangundo District (\*The interviewees also completed surveys.)*

- S. S. Maveke. Born 1920. Interviewed by M. Musyimi. Tape recording and notes. Kikumbulyu. December 2008. – *check district*
- \*N. Nzioka. Born 1914. Interviewed by M. Musyimi. Tape recording and notes. Matungulu. December 2008.
- \*A.M.M. Kimoingo. Born circa 1930. Interviewed by M. Musyimi. Tape recording and notes. December 2008.
- \*J.M. Muno. Born 1930. Interviewed by M. Musyimi. Tape recording and notes. December 2008.
- \*K. Kiuwa. Born 1904. Interviewed by M. Musyimi. Tape recording and notes. Talla. December 2008.
- \*M. Musungu. Born 1923. Interviewed by M. Musyimi. Tape recording and notes. Talla. December 2008.
- \*N. K. J. Kitonya. Born 1931. Interviewed by M. Musyimi. Tape recording and notes. Talla. December 2008.
- N. Mbaya. Birth date unknown. Interviewed and Translated by E. K. Kioko. Tape recording and notes. Kikumbulyu. June 2009.

### FIELD AUDIO/VISUAL RITUAL OBSERVATION

Talla. Kangundo District. "Purification and Rainmaking Ceremony". December 2008.

### FIELD VISUAL REENACTMENTS

Wendo Wa Kavete. Kibwezi District. "Purification Ritual Performance". December 2008.

A.N.M. Matingo. Machakos District. "Mau Mau Cleansing/Healing Performance". December 2008.

## SPECIAL VIEWINGS & INTERVIEWS

Viewing & discussion held with subset of members of the Emerald Initiative Kenyan Association. Katy, Texas, United States. Members viewed video reenactment of Wendo Wa Kavete "Purification Ritual Performance". December 2008. Individual and Collective interviews conducted with the following participants:

- L. Nsiku. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- R. Nsiku. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- F. Murene. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- H. Mwangi. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- R. Simiyu. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- S. Kiragu. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- H. Mwangi. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- L. Wango. Interviewed by Mickie Hudson-Koster. Notes. January 2010.
- A. Waweru. Interviewed by Mickie Hudson-Koster. Notes. January 2010.

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Table 1. Socio-demographic Characteristics of Survey Participants  
(December 2008)

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Gender	
• Male	12/24 (50.0%)
• Female	12/24 (50.0%)

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District in Kenya	
• Machakos	10/24 (41.7%)
• Kangundo	10/24 (41.7%)
• Makweni	1/24 (4.2%)
• No District Recorded	3/24 (12.5%)

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Age	
• Mean	72.5 years
• Range	25-104 years

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Table 2. Kenyan Participant Survey Results – December 2008

QUESTIONS	TRUE		FALSE		NO RESPONSE	
Akamba culture important	24/24	100.0%	0/24	0.0%	0/24	0.0%
Familiar w/old rituals	24/24	100.0%	0/24	0.0%	0/24	0.0%
Knowledge of old important	22/24	91.7%	0/24	0.0%	2/24	8.3%
Everyone engages	18/24	75.0%	0/24	0.0%	6/24	25.0%
Don't care about rituals	0/24	0.0%	23/24	95.8%	1/24	4.2%
Share Knowledge	23/24	95.8%	1/24	4.2%	0/24	0.0%
Rituals important	23/24	95.8%	0/24	0.0%	1/24	4.2%
Knowledge is power	19/24	79.2%	0/24	0.0%	5/24	20.8%
Use trad rituals regularly	23/24	95.8%	1/24	4.2%	0/24	0.0%
Modern rituals used daily	17/24	70.8%	5/24	20.8%	2/24	8.3%
African systems superior	21/24	87.5%	2/24	8.3%	1/24	4.2%
Use trad medicine	21/24	87.5%	1/24	4.2%	2/24	8.3%
Heal comm w/rituals	17/24	70.8%	3/24	12.5%	4/24	16.7%
Old rituals changed w/values	18/24	75.0%	0/24	0.0%	6/24	25.0%
Follow trad naming	19/24	79.2%	0/24	0.0%	5/24	20.8%
Ritual practice is power	2/24	8.3%	0/24	0.0%	22/24	91.7%
Criminalization of rituals	5/24	20.8%	6/24	25.0%	13/24	54.2%
Knowledge restores	24/24	100.0%	0/24	0.0%	0/24	0.0%
Contemporary rituals reflect past	1/24	4.2%	0/24	0.0%	23/24	95.8%



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